bill S. 2226, supra; which was ordered to lie on the table.

SA 763. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 764. Mr. BROWN (for himself and Ms. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 765. Mr. BROWN (for himself, Mr. GRASSLEY, and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 766. Mr. BROWN (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 767. Mr. ROMNEY (for himself, Mr. VAN HOLLEN, Mr. SULLIVAN, Mr. CORNYN, Mr. SCOTT of South Carolina, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 768. Mr. BRAUN (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 769. Mr. HEINRICH (for himself, Mr. SCHUMER, Mr. YOUNG, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 770. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 771. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 772. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 773. Ms. STABENOW (for herself, Mr. GRASSLEY, Mr. TESTER, and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 774. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 775. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 776. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 777. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 778. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 779. Mr. MENENDEZ (for himself, Mr. KAINE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 780. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 781. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 782. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 783. Mr. KELLY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 784. Mr. KELLY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 785. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 786. Mr. MERKLEY (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 787. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 788. Ms. KLOBUCHAR (for herself and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 789. Ms. KLOBUCHAR (for herself and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 790. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 791. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 792. Ms. ROSEN submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 793. Ms. ROSEN (for herself and Mrs. BLACKBURN) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 794. Ms. ROSEN submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 795. Mr. OSSOFF (for Mrs. BLACKBURN (for herself, Mr. OSSOFF, and Mr. LEE)) submitted an amendment intended to be proposed by Mr. Ossoff to the bill S. 2226, supra; which was ordered to lie on the table.

SA 796. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 797. Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. RUBIO, Mrs. GILLIBRAND, Mr. YOUNG, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 798. Mr. OSSOFF (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 799. Mr. OSSOFF submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 800. Ms. CORTEZ MASTO (for herself, Mr. DAINES, Ms. ROSEN, and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 801. Ms. CORTEZ MASTO (for herself and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 802. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 803. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 804. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 805. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 806. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 282. Mr. SCOTT of South Carolina (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—FEND OFF FENTANYL ACT

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Fentanyl Eradication and Narcotics Deterrence Off Fentanyl Act'' or the ''FEND Off Fentanyl Act''.

SEC. 1802. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proliferation of fentanyl is causing an unprecedented surge in overdose deaths in the United States, fracturing families and communities, and necessitating a comprehensive policy response to combat its lethal flow and to mitigate the drug's devastating consequences;

(2) the trafficking of fentanyl into the United States is a national security threat that has killed hundreds of thousands of United States citizens;

(3) transnational criminal organizations, including cartels primarily based in Mexico, are the main purveyors of fentanyl into the United States and must be held accountable;

(4) precursor chemicals sourced from the People's Republic of China are—

(A) shipped from the People's Republic of China by legitimate and illegitimate means;

(B) transformed through various synthetic processes to produce different forms of fentanyl; and

(C) crucial to the production of illicit fentanyl by transnational criminal organizations, contributing to the ongoing opioid crisis;

(5) the United States Government must remain vigilant to address all new forms of fentanyl precursors and drugs used in combination with fentanyl, such as Xylazine, which attribute to overdose deaths of people in the United States;

(6) to increase the cost of fentanyl trafficking, the United States Government should work collaboratively across agencies and should surge analytic capability to impose sanctions and other remedies with respect to transnational criminal organizations (including cartels), including foreign nationals who facilitate the trade in illicit fentanyl and its precursors from the People's Republic of China; and

(7) the Department of the Treasury should focus on fentanyl trafficking and its

facilitators as one of the top national security priorities for the Department.

SEC. 1803. DEFINITIONS.

In this title:

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

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(2) FOREIGN PERSON.—The term ''foreign person''—

(A) means—

(i) any citizen or national of a foreign country; or

(ii) any entity not organized under the laws of the United States or a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(3) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) TRAFFICKING.—The term ''trafficking'', with respect to fentanyl, fentanyl precursors, or other related opioids, has the meaning given the term ''opioid trafficking'' in section 7203 of the Fentanyl Sanctions Act (21 U.S.C. 2302).

(5) TRANSNATIONAL CRIMINAL ORGANIZATION.—The term ''transnational criminal organization'' includes—

(A) any organization designated as a significant transnational criminal organization under part 590 of title 31, Code of Federal Regulations;

(B) any of the organizations known as—

(i) the Sinaloa Cartel;

(ii) the Jalisco New Generation Cartel;

(iii) the Gulf Cartel;

(iv) the Los Zetas Cartel;

(v) the Juarez Cartel;

(vi) the Tijuana Cartel;

(vii) the Beltran-Leyva Cartel; or

(viii) La Familia Michoacana; or

(C) any other organization that the President determines is a transnational criminal organization; or

(D) any successor organization to an organization described in subparagraph (B) or as otherwise determined by the President.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

Subtitle A—Sanctions Matters

PART I—SANCTIONS IN RESPONSE TO NATIONAL EMERGENCY RELATING TO FENTANYL TRAFFICKING

SEC. 1811. FINDING; POLICY.

(a) FINDING.—Congress finds that international trafficking of fentanyl, fentanyl precursors, or other related opioids constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and is a national emergency.

(b) POLICY.—It shall be the policy of the United States to apply economic and other financial sanctions to those who engage in the international trafficking of fentanyl, fentanyl precursors, or other related opioids to protect the national security, foreign policy, and economy of the United States.

SEC. 1812. USE OF NATIONAL EMERGENCY AUTHORITIES; REPORTING.

(a) IN GENERAL.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this part.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch pursuant to this part and any national emergency declared with respect to the trafficking of fentanyl and trade in other illicit drugs, including—

(A) the issuance of any new or revised regulations, policies, or guidance;

(B) the imposition of sanctions;

(C) the collection of relevant information from outside parties;

(D) the issuance or closure of general licenses, specific licenses, and statements of licensing policy by the Office of Foreign Assets Control;

(E) a description of any pending enforcement cases; or

(F) the implementation of mitigation procedures.

(2) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include the matters required by subparagraphs (C), (D), (E), and (F) of that paragraph in a classified annex.

SEC. 1813. CODIFICATION OF EXECUTIVE ORDER IMPOSING SANCTIONS WITH RESPECT TO FOREIGN PERSONS INVOLVED IN GLOBAL ILLICIT DRUG TRADE.

United States sanctions provided for in Executive Order 14059 (50 U.S.C. 1701 note; relating to imposing sanctions on foreign persons involved in the global illicit drug trade), and any amendments to or directives issued pursuant to such Executive order before the date of the enactment of this Act, shall remain in effect.

SEC. 1814. IMPOSITION OF SANCTIONS WITH RESPECT TO FENTANYL TRAFFICKING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to any foreign person the President determines—

(1) is knowingly involved in the significant trafficking of fentanyl, fentanyl precursors, or other related opioids, including such trafficking by a transnational criminal organization; or

(2) otherwise is knowingly involved in significant activities of a transnational criminal organization relating to the trafficking of fentanyl, fentanyl precursors, or other related opioids.

(b) SANCTIONS DESCRIBED.—The President may, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch with respect to the foreign persons identified under subsection (a).

SEC. 1815. PENALTIES; WAIVERS; EXCEPTIONS.

(a) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this part or any regulation, license, or order issued to carry out this part shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(b) NATIONAL SECURITY WAIVER.—The President may waive the application of sanctions under this part with respect to a foreign person if the President determines that the waiver is in the national security interest of the United States.

(c) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This part shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION FOR COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this part shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

(B) to carry out or assist law enforcement activity of the United States.

(3) HUMANITARIAN EXEMPTION.—The President may not impose sanctions under this part with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to block and prohibit all transactions in all property and interests in property under this part shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 1816. TREATMENT OF FORFEITED PROPERTY OF TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) TRANSFER OF FORFEITED PROPERTY TO FORFEITURE FUNDS.—

(1) IN GENERAL.—Any covered forfeited property shall be deposited into the Department of the Treasury Forfeiture Fund established under section 9705 of title 31, United States Code, or the Department of Justice Assets Forfeiture Fund established under section 524(c) of title 28, United States Code.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on any deposits made under paragraph (1) during the 180-day period preceding submission of the report.

(3) COVERED FORFEITED PROPERTY DEFINED.—In this subsection, the term ''covered forfeited property'' means property—

(A) forfeited to the United States under chapter 46 or section 1963 of title 18, United States Code; and

(B) that belonged to or was possessed by an individual affiliated with or connected to a transnational criminal organization subject to sanctions under—

(i) this part;

(ii) the Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.); or

(iii) Executive Order 14059 (50 U.S.C. 1701 note; relating to imposing sanctions on foreign persons involved in the global illicit drug trade).

(b) BLOCKED ASSETS UNDER TERRORISM RISK INSURANCE ACT OF 2002.—Nothing in this part affects the treatment of blocked assets of a terrorist party described in subsection (a) of section 201 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

PART II—OTHER MATTERS

SEC. 1821. TEN-YEAR STATUTE OF LIMITATIONS FOR VIOLATIONS OF SANCTIONS.

(a) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended by adding at the end the following:

''(d) STATUTE OF LIMITATIONS.—

''(1) TIME FOR COMMENCING PROCEEDINGS.—

''(A) IN GENERAL.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, under this section shall not be entertained unless commenced within ten years after the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.

''(B) COMMENCEMENT.—For purposes of this paragraph, the commencement of an action, suit, or proceeding includes the issuance of a pre-penalty notice or finding of violation.

''(2) TIME FOR INDICTMENT.—No person shall be prosecuted, tried, or punished for any offense under subsection (c) unless the indictment is found or the information is instituted within ten years after the latest date of the violation upon which the indictment or information is based.''.

(b) TRADING WITH THE ENEMY ACT.—Section 16 of the Trading with the Enemy Act (50 U.S.C. 4315) is amended by adding at the end the following:

''(d) STATUTE OF LIMITATIONS.—

''(1) TIME FOR COMMENCING PROCEEDINGS.—

''(A) IN GENERAL.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, under this section shall not be entertained unless commenced within ten years after the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.

''(B) COMMENCEMENT.—For purposes of this paragraph, the commencement of an action, suit, or proceeding includes the issuance of a pre-penalty notice or finding of violation.

''(2) TIME FOR INDICTMENT.—No person shall be prosecuted, tried, or punished for any offense under subsection (a) unless the indictment is found or the information is instituted within ten years after the latest date of the violation upon which the indictment or information is based.''.

SEC. 1822. CLASSIFIED REPORT AND BRIEFING ON STAFFING OF OFFICE OF FOREIGN ASSETS CONTROL.

Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Foreign Assets Control shall provide to the appropriate congressional committees a classified report and briefing on the staffing of the Office of Foreign Assets Control, disaggregated by staffing dedicated to each sanctions program and each country or issue.

SEC. 1823. REPORT ON DRUG TRANSPORTATION ROUTES AND USE OF VESSELS WITH MISLABELED CARGO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in conjunction with the heads of other relevant Federal agencies, shall provide to the appropriate congressional committees a classified report and briefing on efforts to target drug transportation routes and modalities, including an assessment of the prevalence of false cargo labeling and shipment of precursor chemicals without accurate tracking of the customers purchasing the chemicals.

SEC. 1824. REPORT ON ACTIONS OF PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO PERSONS INVOLVED IN FENTANYL SUPPLY CHAIN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in conjunction with the heads of other relevant Federal agencies, shall provide to the appropriate congressional committees a classified report and briefing on actions taken by the Government of the People's Republic of China with respect to persons involved in the shipment of fentanyl, fentanyl analogues, fentanyl precursors, precursors for fentanyl analogues, and equipment for the manufacturing of fentanyl and fentanyl-laced counterfeit pills.

Subtitle B—Anti-Money Laundering Matters

SEC. 1831. DESIGNATION OF ILLICIT FENTANYL TRANSACTIONS OF SANCTIONED PERSONS AS OF PRIMARY MONEY LAUNDERING CONCERN.

Subtitle A of the Fentanyl Sanctions Act (21 U.S.C. 2311 et seq.) is amended by inserting after section 7213 the following:

''SEC. 7213A. DESIGNATION OF TRANSACTIONS OF SANCTIONED PERSONS AS OF PRIMARY MONEY LAUNDERING CONCERN.

''(a) IN GENERAL.—If the Secretary of the Treasury determines that reasonable grounds exist for concluding that one or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts within, or involving, a jurisdiction outside of the United States, is of primary money laundering concern in connection with illicit opioid trafficking, the Secretary of the Treasury may, by order, regulation, or otherwise as permitted by law—

''(1) require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures provided for in section 9714(a)(1) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note); or

''(2) prohibit, or impose conditions upon, certain transmittals of funds (to be defined by the Secretary) by any domestic financial institution or domestic financial agency, if such transmittal of funds involves any such institution, class of transaction, or type of accounts.

''(b) CLASSIFIED INFORMATION.—In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.

''(c) AVAILABILITY OF INFORMATION.—The exemptions from, and prohibitions on, search and disclosure referred to in section 9714(c) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note) shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a). For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

''(d) PENALTIES.—The penalties referred to in section 9714(d) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note) shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a), in the same manner and to the same extent as described in such section 9714(d).

''(e) INJUNCTIONS.—The Secretary of the Treasury may bring a civil action to enjoin a violation of any order, regulation, special measure, or other requirement imposed under subsection (a) in the same manner and to the same extent as described in section 9714(e) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note).''.

SEC. 1832. TREATMENT OF TRANSNATIONAL CRIMINAL ORGANIZATIONS IN SUSPICIOUS TRANSACTIONS REPORTS OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) FILING INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Director of the Financial Crimes Enforcement Network shall issue guidance or instructions to United States financial institutions for filing reports on suspicious transactions required by section 1010.320 of title 31, Code of Federal Regulations, related to suspected fentanyl trafficking by transnational criminal organizations.

(b) PRIORITIZATION OF REPORTS RELATING TO FENTANYL TRAFFICKING OR TRANSNATIONAL CRIMINAL ORGANIZATIONS.—The Director shall prioritize research into reports described in subsection (a) that indicate a connection to trafficking of fentanyl or related synthetic opioids or financing of suspected transnational criminal organizations.

SEC. 1833. REPORT ON TRADE-BASED MONEY LAUNDERING IN TRADE WITH MEXICO, THE PEOPLE'S REPUBLIC OF CHINA, AND BURMA.

(a) IN GENERAL.—In the first update to the national strategy for combating the financing of terrorism and related forms of illicit finance submitted to Congress after the date of the enactment of this Act, the Secretary of the Treasury shall include a report on trade-based money laundering originating in Mexico or the People's Republic of China and involving Burma.

(b) DEFINITION.—In this section, the term ''national strategy for combating the financing of terrorism and related forms of illicit finance'' means the national strategy for combating the financing of terrorism and related forms of illicit finance required by section 261 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 934), as amended by section 6506 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2428).

SA 283. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. PROTECT CAMP LEJEUNE VETS ACT.

(a) SHORT TITLE.—This section may be cited as the ''Protect Camp Lejeune Victims Ensnared by Trial-lawyer's Scams Act'' or the ''Protect Camp Lejeune VETS Act''.

(b) ATTORNEYS FEES IN FEDERAL CAUSE OF ACTION RELATING TO WATER AT CAMP LEJEUNE, NORTH CAROLINA.—The Camp Lejeune Justice Act of 2022 (28 U.S.C. 2671 note prec.) is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (j), (k), and (l), respectively; and

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

''(h) ATTORNEYS FEES.—

''(1) LIMITATIONS.—

''(A) GENERAL RULE.—Notwithstanding any contract, an attorney filing an action under subsection (b) or an administrative action relating to such an action (as described in section 2675 of title 28, United States Code) (in this section referred to as an 'administrative claim') may not receive, for services rendered in connection with the action, more than—

''(i) 12 percent of the payment made in the action for an administrative claim (including a resubmission of an administrative claim after the denial of an initial administrative claim); or

''(ii) 17 percent of the payment made in the action for a judgment rendered or settlement entered in an action filed under subsection (b).

''(B) AMOUNT OF PAYMENT DETERMINED AFTER OFFSET.—For purposes of this subsection, the amount of the payment made in an action shall be the amount of the payment after any offsetting reduction under subsection (e)(2) is made.

''(C) PROHIBITION ON ANCILLARY FEES AND COSTS.—Attorneys fees paid in accordance with this subsection may not include any ancillary fees or costs.

''(2) PENALTY.—Any attorney who violates paragraph (1) shall be fined not more than $5,000.

''(3) CERTIFICATION OF FEES.—An attorney that receives payment for services rendered in connection with an action filed under subsection (b) or an administrative claim shall submit to the court in which the action under subsection (b) is pending or to the Secretary of the Navy, respectively, a statement certifying—

''(A) the total amount of the payment in the action;

''(B) the amount of the payment to the attorney with respect to the action; and

''(C) whether the percentage of the payment made to the attorney is in accordance with paragraph (1).

''(4) DISCLOSURE.—

''(A) IN GENERAL.—Any judgment rendered, settlement entered, or other award made with respect to an action filed under subsection (b) or an administrative claim shall require disclosure to the Attorney General or to the court of the attorneys fees charged to an individual, or the legal representative of an individual.

''(B) REPORTING.—The Attorney General shall collect the disclosures under subparagraph (A) of attorneys fees charged and submit to Congress an annual report detailing—

''(i) the total amount paid under such judgments, settlements, and awards;

''(ii) the total amount of attorney fees paid in connection with such judgments, settlements, and awards; and

''(iii) for each such judgment, settlement, or award—

''(I) the name of the attorney for the individual or legal representative of the individual;

''(II) if applicable, the law firm of the attorney; and

''(III) the amount of fees paid to the attorney.

''(5) APPLICABILITY.—This subsection shall apply with respect to any action filed under subsection (b) and any administrative action that is pending on, or that is filed on or after, the date of enactment of the Protect Camp Lejeune VETS Act, including pending matters in which a judgment was rendered, a settlement was entered, or another award was made before such date of enactment.

''(6) SEVERABILITY.—If any provision of this subsection or the application of such provision to any person or circumstance is held to be invalid or unconstitutional, the remainder of this subsection and the application of such provisions to any person or circumstance shall not be affected thereby.''.

(c) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Navy shall issue guidance for claimants under the Camp Lejeune Justice Act of 2022 (28 U.S.C. 2671 note prec.) regarding the documentation necessary to establish a claim under such Act.

(d) COMPENSATION SCHEDULE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Navy shall issue a compensation schedule specifying the amount of payments for claimants under the Camp Lejeune Justice Act of 2022 (28 U.S.C. 2671 note prec.), based on the injuries suffered by the claimant.

SA 284. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. ASSESSMENT OF IMPACT AND FEASIBILITY OF RESTRICTING GIFTS AND GRANTS TO UNITED STATES INSTITUTIONS OF HIGHER EDUCATION FROM ENTITIES ON THE NON-SDN CHINESE MILITARY-INDUSTRIAL COMPLEX COMPANIES LIST.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees an assessment of the impact and feasibility of restricting gifts and grants to United States institutions of higher education from entities on the Non-SDN Chinese Military-Industrial Complex Companies List maintained by the Office of Foreign Assets Control.

(b) ELEMENTS.—The Secretary, in consultation with the Secretary of Education, shall include in the assessment required by subsection (a) an estimate of—

(1) the total number of gifts and grants provided to United States institutions of higher education by entities described in subsection (a); and

(2) the monetary value of those gifts and grants.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) GIFTS AND GRANTS.—The term ''gifts and grants'' includes financial contributions, material donations, provision of services, scholarships, fellowships, research funding, infrastructure investment, or any other form of support that provides a benefit to the recipient institution.

SA 285. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 12___. PEPFAR AUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''PEPFAR Extension Act of 2023''.

(b) INSPECTORS GENERAL; ANNUAL STUDY.—Section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611) is amended—

(1) in subsection (f)(1)—

(A) in subparagraph (A), by striking ''2023'' and inserting ''2028''; and

(B) in subparagraph (C)(iv)—

(i) by striking ''nine'' and inserting ''14''; and

(ii) by striking ''2023'' and inserting ''2028'';

(2) in subsection (g)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''September 30, 2024'' and inserting ''September 30, 2029''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''2024'' and inserting ''2029''; and

(ii) by striking ''September 30, 2024'' and inserting ''September 30, 2029''.

(c) UNITED STATES FINANCIAL PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.—Section 202(d) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''2023'' and inserting ''2028'';

(ii) in clause (ii), by striking ''2023'' and inserting ''2028''; and

(iii) by striking clause (v); and

(B) in subparagraph (B)(iii), by striking ''2023'' and inserting ''2028''; and

(2) in paragraph (5), in the matter preceding subparagraph (A), by striking ''2023'' and inserting ''2028''.

(d) ALLOCATION OF FUNDS.—Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

(1) in subsection (b), by striking ''2023'' and inserting ''2028''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2028''.

SA 286. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 12___. ASSISTANCE TO COMBAT TUBERCULOSIS.

(a) SHORT TITLE.—This section may be cited as the ''End Tuberculosis Now Act of 2023''.

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

(1) Tuberculosis (referred to in the Act as ''TB'') is a preventable, treatable, and curable disease, yet more than 25 years after the World Health Organization declared it to be a public health emergency and called on countries to make scaling up TB control a priority, TB remains a deadly health threat.

(2) In 2021 alone, an estimated 10,600,000 people became ill with TB, 11 percent of whom were children, and an estimated 1,600,000 of these people died from the illness. In order to achieve by 2035 the goals of the Political Declaration of the High-Level Meeting of the General Assembly on the Fight Against Tuberculosis, adopted by the United Nations General Assembly October 10, 2018, and of the World Health Organization End TB Strategy, adopted by the World Health Assembly in 2014, new and existing tools must be developed and scaled-up.

(3) More than ⅓ of people who become ill with TB may be undiagnosed or misdiagnosed, resulting in unnecessary illness, communicable infections, and increased mortality.

(4) Since March 2020, the COVID–19 pandemic has severely disrupted TB responses in low- and middle-income countries, stalling and reversing years of progress made against TB. According to the World Health Organization, from 2019 to 2020—

(A) global detection of TB dropped by 18 percent;

(B) an estimated 1,300,000 fewer people were diagnosed and enrolled on TB treatment; and

(C) in some countries, TB case notifications dropped by up to 41 percent, setting progress back by up to 12 years.

(5) Failure to properly diagnose and treat TB can lead to death, can exacerbate antimicrobial resistance (a key contributor to rising cases of multi-drug-resistant TB and extensively drug-resistant TB), and can increase the probability of the introduction of resistant TB into new geographic areas.

(6) TB programs have played a central role in responding to COVID–19, including through leveraging the expertise of medical staff with expertise in TB and lung diseases, the repurposing of TB hospitals, and the use of the TB rapid molecular testing platforms and x-ray equipment for multiple purposes, including the treatment of COVID–19.

(7) With sufficient resourcing, TB program expertise, infection control, laboratory capacity, active case finding, and contact investigation can serve as platforms for respiratory pandemic response against existing and new infectious respiratory disease without disrupting ongoing TB programs and activities.

(8) Globally, only about ½ of the $13,000,000,000 required annually, as outlined in the Stop TB Partnership's Global Plan to End TB, is currently available.

(9) According to estimates by the Global Fund for AIDS, Tuberculosis, and Malaria, an additional $3,500,000,000 was needed during 2021 for TB programs in eligible countries in order to recover from the negative impacts of COVID–19.

(10) On September 26, 2018, the United Nations convened the first High-Level Meeting of the General Assembly on the Fight Against Tuberculosis, during which 120 countries—

(A) signed a Political Declaration to accelerate progress against TB, including through commitments to increase funding for TB prevention, diagnosis, treatment, and research and development programs, and to set ambitious goals to successfully treat 40,000,000 people with active TB and prevent at least 30,000,000 from becoming ill with TB between 2018 and 2022; and

(B) committed to ''ending the epidemic in all countries, and pledge[d] to provide leadership and to work together to accelerate our national and global collective actions, investments and innovations urgently to fight this preventable and treatable disease'', as reflected in United Nations General Assembly Resolution 73/3.

(11) The United States Government continues to be a lead funder of global TB research and development, contributing 44 percent of the total $915,000,000 in global funding in 2020, and can catalyze more investments from other countries.

(12) Working with governments and partners around the world, USAID's TB programming has saved an estimated 74,000,000 lives, demonstrating the effectiveness of United States programs and activities against the illness.

(13) On September 26, 2018, the USAID Administrator announced a new performance-based Global Accelerator to End TB, aimed at catalyzing investments to meet the treatment target set by the United Nations High-Level Meeting, further demonstrating the critical role that United States leadership and assistance plays in the fight to eliminate TB.

(14) It is essential to ensure that efforts among United States Government agencies, partner nations, international organizations, nongovernmental organizations, the private sector, and other actors are complementary and not duplicative in order to achieve the goal of ending the TB epidemic in all countries.

(c) UNITED STATES GOVERNMENT ASSISTANCE TO COMBAT TUBERCULOSIS.—Section 104B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–3) is amended to read as follows:

''SEC. 104B. ASSISTANCE TO COMBAT TUBERCULOSIS.

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

''(1) The international spread of tuberculosis (referred to in this section as 'TB') and the deadly impact of TB's continued existence constitutes a continuing challenge.

''(2) Additional tools and resources are required to effectively diagnose, prevent, and treat TB.

''(3) Effectively resourced TB programs can serve as a critical platform for preventing and responding to future infectious respiratory disease pandemics.

''(b) POLICY.—

''(1) IN GENERAL.—It is a major objective of the foreign assistance program of the United States to help end the TB public health emergency through accelerated actions—

''(A) to support the diagnosis and treatment of all adults and children with all forms of TB; and

''(B) to prevent new TB infections from occurring.

''(2) SUPPORT FOR GLOBAL PLANS AND OBJECTIVES.—In countries in which the United States Government has established foreign assistance programs under this Act, particularly in countries with the highest burden of TB and other countries with high rates of infection and transmission of TB, it is the policy of the United States—

''(A) to support the objectives of the World Health Organization End TB Strategy, including its goals—

''(i) to reduce TB deaths by 95 percent by 2035;

''(ii) to reduce the TB incidence rate by 90 percent by 2035; and

''(iii) to reduce the number of families facing catastrophic health costs due to TB by 100 percent by 2035;

''(B) to support the Stop TB Partnership's Global Plan to End TB 2023–2030, including by providing support for—

''(i) developing and using innovative new technologies and therapies to increase active case finding and rapidly diagnose and treat children and adults with all forms of TB, alleviate suffering, and ensure TB treatment completion;

''(ii) expanding diagnosis and treatment in line with the goals established by the Political Declaration of the High-Level Meeting of the General Assembly on the Fight Against Tuberculosis, including—

''(I) successfully treating 40,000,000 people with active TB by 2023, including 3,500,000 children, and 1,500,000 people with drug-resistant TB; and

''(II) diagnosing and treating latent tuberculosis infection, in support of the global goal of providing preventive therapy to at least 30,000,000 people by 2023, including 4,000,000 children younger than 5 years of age, 20,000,000 household contacts of people affected by TB, and 6,000,000 people living with HIV;

''(iii) ensuring high-quality TB care by closing gaps in care cascades, implementing continuous quality improvement at all levels of care, and providing related patient support; and

''(iv) sustainable procurements of TB commodities to avoid interruptions in supply, the procurement of commodities of unknown quality, or payment of excessive commodity costs in countries impacted by TB; and

''(C) to ensure, to the greatest extent practicable, that United States funding supports activities that simultaneously emphasize—

''(i) the development of comprehensive person-centered programs, including diagnosis, treatment, and prevention strategies to ensure that—

''(I) all people sick with TB receive quality diagnosis and treatment through active case finding; and

''(II) people at high risk for TB infection are found and treated with preventive therapies in a timely manner;

''(ii) robust TB infection control practices are implemented in all congregate settings, including hospitals and prisons;

''(iii) the deployment of diagnostic and treatment capacity—

''(I) in areas with the highest TB burdens; and

''(II) for highly at-risk and impoverished populations, including patient support services;

''(iv) program monitoring and evaluation based on critical TB indicators, including indicators relating to infection control, the numbers of patients accessing TB treatment and patient support services, and preventative therapy for those at risk, including all close contacts, and treatment outcomes for all forms of TB;

''(v) training and engagement of health care workers on the use of new diagnostic tools and therapies as they become available, and increased support for training frontline health care workers to support expanded TB active case finding, contact tracing, and patient support services;

''(vi) coordination with domestic agencies and organizations to support an aggressive research agenda to develop vaccines as well as new tools to diagnose, treat, and prevent TB globally;

''(vii) linkages with the private sector on—

''(I) research and development of a vaccine, and on new tools for diagnosis and treatment of TB;

''(II) improving current tools for diagnosis and treatment of TB, including telehealth solutions for prevention and treatment; and

''(III) training healthcare professionals on use of the newest and most effective diagnostic and therapeutic tools;

''(viii) the reduction of barriers to care, including stigma and treatment and diagnosis costs, including through—

''(I) training health workers;

''(II) sensitizing policy makers;

''(III) requiring that all relevant grants and funding agreements include access and affordability provisions;

''(IV) supporting education and empowerment campaigns for TB patients regarding local TB services;

''(V) monitoring barriers to accessing TB services; and

''(VI) increasing support for patient-led and community-led TB outreach efforts;

''(ix) support for country-level, sustainable accountability mechanisms and capacity to measure progress and ensure that commitments made by governments and relevant stakeholders are met; and

''(x) support for the integration of TB diagnosis, treatment, and prevention activities into primary health care, as appropriate.

''(c) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(2) END TB STRATEGY.—The term 'End TB Strategy' means the strategy to eliminate TB that was approved by the World Health Assembly in May 2014, and is described in 'The End TB Strategy: Global Strategy and Targets for Tuberculosis Prevention, Care and Control After 2015'.

''(3) GLOBAL ALLIANCE FOR TUBERCULOSIS DRUG DEVELOPMENT.—The term 'Global Alliance for Tuberculosis Drug Development' means the public-private partnership that bring together leaders in health, science, philanthropy, and private industry to devise new approaches to TB.

''(4) GLOBAL TUBERCULOSIS DRUG FACILITY.—The term 'Global Tuberculosis Drug Facility' means the initiative of the Stop Tuberculosis Partnership to increase access to the most advanced, affordable, quality-assured TB drugs and diagnostics.

''(5) MDR–TB.—The term 'MDR–TB' means multi-drug-resistant TB.

''(6) STOP TUBERCULOSIS PARTNERSHIP.—The term 'Stop Tuberculosis Partnership' means the partnership of 1,600 organizations (including international and technical organizations, government programs, research and funding agencies, foundations, nongovernmental organizations, civil society and community groups, and the private sector), donors, including the United States, high TB burden countries, multilateral agencies, and nongovernmental and technical agencies, which is governed by the Stop TB Partnership Coordinating Board and hosted by a United Nations entity, committed to short- and long-term measures required to control and eventually eliminate TB as a public health problem in the world.

''(7) XDR–TB.—The term 'XDR–TB' means extensively drug-resistant TB.

''(d) AUTHORIZATION.—To carry out this section, the President is authorized, consistent with section 104(c), to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of TB.

''(e) GOALS.—In consultation with the appropriate congressional committees, the President shall establish goals, based on the policy and indicators described in subsection (b), for—

''(1) United States TB programs to detect, cure, and prevent all forms of TB globally for the period between 2023 and 2030 that are aligned with the End TB Strategy's 2030 targets and the USAID's Global Tuberculosis (TB) Strategy 2023-2030; and

''(2) updating the National Action Plan for Combating Multidrug-Resistant Tuberculosis.

''(f) COORDINATION.—

''(1) IN GENERAL.—In carrying out this section, the President shall coordinate with the World Health Organization, the Stop TB Partnership, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and other organizations with respect to the development and implementation of a comprehensive global TB response program.

''(2) BILATERAL ASSISTANCE.—In providing bilateral assistance under this section, the President, acting through the Administrator of the United States Agency for International Development, shall—

''(A) catalyze support for research and development of new tools to prevent, diagnose, treat, and control TB worldwide, particularly to reduce the incidence of, and mortality from, all forms of drug-resistant TB;

''(B) ensure United States programs and activities focus on finding individuals with active TB disease and provide quality diagnosis and treatment, including through digital health solutions, and reaching those at high risk with preventive therapy; and

''(C) ensure coordination among relevant United States Government agencies, including the Department of State, the Centers for Disease Control and Prevention, the National Institutes of Health, the Biomedical Advanced Research and Development Authority, the Food and Drug Administration, the National Science Foundation, the Department of Defense (through its Congressionally Directed Medical Research Programs), and other relevant Federal departments and agencies that engage in international TB activities—

''(i) to ensure accountability and transparency;

''(ii) to reduce duplication of efforts; and

''(iii) to ensure appropriate integration and coordination of TB services into other United States-supported health programs.

''(g) PRIORITY TO END TB STRATEGY.—In furnishing assistance under subsection (d), the President shall prioritize—

''(1) building and strengthening TB programs—

''(A) to increase the diagnosis and treatment of everyone who is sick with TB; and

''(B) to ensure that such individuals have access to quality diagnosis and treatment;

''(2) direct, high-quality integrated services for all forms of TB, as described by the World Health Organization, which call for the coordination of active case finding, treatment of all forms of TB disease and infection, patient support, and TB prevention;

''(3) treating individuals co-infected with HIV and other co-morbidities, and other individuals with TB who may be at risk of stigma;

''(4) strengthening the capacity of health systems to detect, prevent, and treat TB, including MDR–TB and XDR–TB, as described in the latest international guidance related to TB;

''(5) researching and developing innovative diagnostics, drug therapies, and vaccines, and program-based research;

''(6) support for the Stop Tuberculosis Partnership's Global Drug Facility, the Global Alliance for Tuberculosis Drug Development, and other organizations promoting the development of new products and drugs for TB; and

''(7) ensuring that TB programs can serve as key platforms for supporting national respiratory pandemic response against existing and new infectious respiratory disease.

''(h) ASSISTANCE FOR THE WORLD HEALTH ORGANIZATION AND THE STOP TUBERCULOSIS PARTNERSHIP.—In carrying out this section, the President, acting through the Administrator of the United States Agency for International Development, is authorized—

''(1) to provide resources to the World Health Organization and the Stop Tuberculosis Partnership to improve the capacity of countries with high burdens or rates of TB and other affected countries to implement the End TB Strategy, the Stop TB Global Plan to End TB, their own national strategies and plans, other global efforts to control MDR–TB and XDR–TB; and

''(2) to leverage the contributions of other donors for the activities described in paragraph (1).

''(i) ANNUAL REPORT ON TB ACTIVITIES.—Not later than December 15 of each year until the earlier of the date on which the goals specified in subsection (b)(2)(A) are met or the last day of 2030, the President shall submit an annual report to the appropriate congressional committees that describes United States foreign assistance to control TB and the impact of such efforts, including—

''(1) the number of individuals with active TB disease that were diagnosed and treated, including the rate of treatment completion and the number receiving patient support;

''(2) the number of persons with MDR–TB and XDR–TB that were diagnosed and treated, including the rate of completion, in countries receiving United States bilateral foreign assistance for TB control programs;

''(3) the number of people trained by the United States Government in TB surveillance and control;

''(4) the number of individuals with active TB disease identified as a result of engagement with the private sector and other nongovernmental partners in countries receiving United States bilateral foreign assistance for TB control programs;

''(5) a description of the collaboration and coordination of United States anti-TB efforts with the World Health Organization, the Stop TB Partnership, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and other major public and private entities;

''(6) a description of the collaboration and coordination among the United States Agency for International Development and other United States departments and agencies, including the Centers for Disease Control and Prevention and the Office of the Global AIDS Coordinator, for the purposes of combating TB and, as appropriate, its integration into primary care;

''(7) the constraints on implementation of programs posed by health workforce shortages, health system limitations, barriers to digital health implementation, other challenges to successful implementation, and strategies to address such constraints;

''(8) a breakdown of expenditures for patient services supporting TB diagnosis, treatment, and prevention, including procurement of drugs and other commodities, drug management, training in diagnosis and treatment, health systems strengthening that directly impacts the provision of TB services, and research; and

''(9) for each country, and when practicable, each project site receiving bilateral United States assistance for the purpose of TB prevention, treatment, and control—

''(A) a description of progress toward the adoption and implementation of the most recent World Health Organization guidelines to improve diagnosis, treatment, and prevention of TB for adults and children, disaggregated by sex, including the proportion of health facilities that have adopted the latest World Health Organization guidelines on strengthening monitoring systems

and preventative, diagnostic, and therapeutic methods, including the use of rapid diagnostic tests and orally administered TB treatment regimens;

''(B) the number of individuals screened for TB disease and the number evaluated for TB infection using active case finding outside of health facilities;

''(C) the number of individuals with active TB disease that were diagnosed and treated, including the rate of treatment completion and the number receiving patient support;

''(D) the number of adults and children, including people with HIV and close contacts, who are evaluated for TB infection, the number of adults and children started on treatment for TB infection, and the number of adults and children completing such treatment, disaggregated by sex and, as possible, income or wealth quintile;

''(E) the establishment of effective TB infection control in all relevant congregant settings, including hospitals, clinics, and prisons;

''(F) a description of progress in implementing measures to reduce TB incidence, including actions—

''(i) to expand active case finding and contact tracing to reach vulnerable groups; and

''(ii) to expand TB preventive therapy, engagement of the private sector, and diagnostic capacity;

''(G) a description of progress to expand diagnosis, prevention, and treatment for all forms of TB, including in pregnant women, children, and individuals and groups at greater risk of TB, including migrants, prisoners, miners, people exposed to silica, and people living with HIV/AIDS, disaggregated by sex;

''(H) the rate of successful completion of TB treatment for adults and children, disaggregated by sex, and the number of individuals receiving support for treatment completion;

''(I) the number of people, disaggregated by sex, receiving treatment for MDR–TB, the proportion of those treated with the latest regimens endorsed by the World Health Organization, factors impeding scale up of such treatment, and a description of progress to expand community-based MDR–TB care;

''(J) a description of TB commodity procurement challenges, including shortages, stockouts, or failed tenders for TB drugs or other commodities;

''(K) the proportion of health facilities with specimen referral linkages to quality diagnostic networks, including established testing sites and reference labs, to ensure maximum access and referral for second line drug resistance testing, and a description of the turnaround time for test results;

''(L) the number of people trained by the United States Government to deliver high-quality TB diagnostic, preventative, monitoring, treatment, and care services;

''(M) a description of how supported activities are coordinated with—

''(i) country national TB plans and strategies; and

''(ii) TB control efforts supported by the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and other international assistance programs and funds, including in the areas of program development and implementation; and

''(N) for the first 3 years of the report required under this subsection, a description of the progress in recovering from the negative impact of COVID–19 on TB, including—

''(i) whether there has been the development and implementation of a comprehensive plan to recover TB activities from diversion of resources;

''(ii) the continued use of bidirectional TB–COVID testing; and

''(iii) progress on increased diagnosis and treatment of active TB.

''(j) ANNUAL REPORT ON TB RESEARCH AND DEVELOPMENT.—The President, acting through the Administrator of the United States Agency for International Development, and in coordination with the National Institutes of Health, the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the Food and Drug Administration, the National Science Foundation, and the Office of the Global AIDS Coordinator, shall submit to the appropriate congressional committees until 2030 an annual report that—

''(1) describes the current progress and challenges to the development of new tools for the purpose of TB prevention, treatment, and control;

''(2) identifies critical gaps and emerging priorities for research and development, including for rapid and point-of-care diagnostics, shortened treatments and prevention methods, telehealth solutions for prevention and treatment, and vaccines; and

''(3) describes research investments by type, funded entities, and level of investment.

''(k) EVALUATION REPORT.—Not later than 3 years after the date of the enactment of the End Tuberculosis Now Act of 2023, and 5 years thereafter, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that evaluates the performance and impact on TB prevention, diagnosis, treatment, and care efforts that are supported by United States bilateral assistance funding, including recommendations for improving such programs.''.

SA 287. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Taiwan Tax Agreement Act of 2023

SECTION 1299O. SHORT TITLE.

This subtitle may be cited as the ''Taiwan Tax Agreement Act of 2023''.

SEC. 1299P. FINDINGS.

Congress makes the following findings:

(1) The United States has entered into tax treaties covering 65 jurisdictions, which facilitate economic activity, strengthen bilateral cooperation, and benefit United States businesses and other United States taxpayers.

(2) Taiwan is a one of the largest trading partners of the United States and one of the world's largest economies, and further bolstering economic ties between the United States and Taiwan remains critical, especially given Taiwan's strategic importance and the increasing threat posed by the People's Republic of China.

(3) A tax agreement with Taiwan would play a key role in facilitating and promoting increased bilateral investment and trade between the United States and Taiwan, fortifying the relationship between the two more generally, and encouraging other nations to increase their economic linkages to Taiwan.

SEC. 1299Q. AUTHORIZATION TO NEGOTIATE AND CONCLUDE.

(a) IN GENERAL.—The President is authorized to negotiate and enter into a tax agreement relative to Taiwan through the American Institute in Taiwan (AIT) (hereinafter the ''Agreement'').

(b) ELEMENTS OF AGREEMENT.—The Agreement authorized to be negotiated and concluded under this section shall conform with the provisions customarily contained in United States bilateral income tax conventions, as exemplified by the 2016 United States Model Income Tax Convention, and shall include the following elements:

(1) Application to tax residents of the United States, Taiwan, or both, exclusive of enterprises headquartered in the People's Republic of China or in third states that do not have a comprehensive income tax treaty with the United States.

(2) Relief from double taxation.

(3) Measures aimed at limiting the risk of tax evasion or avoidance.

(4) Entry into force conditioned upon confirmation by the President of approval by the United States Congress, as described in section 5, and relevant authority in Taiwan and necessary steps taken to enable implementation.

(c) LIMITATION.—The Agreement authorized to be negotiated and concluded under this section may not include elements outside the scope of the 2016 United States Model Income Tax Convention.

SEC. 1299R. CONSULTATION.

(a) NOTIFICATION UPON COMMENCEMENT OF NEGOTIATIONS.—The President shall provide written notification to the appropriate congressional committees of the commencement of negotiations between AIT and TECRO on the Agreement at least 15 calendar days before such commencement.

(b) BRIEFINGS.—Not later than 90 days after commencement of negotiations on the Agreement, and every 180 days thereafter until conclusion of the Agreement, the President shall provide a briefing to the appropriate congressional committees providing an update on the status of negotiations, including a description of elements under negotiation.

(c) CONSULTATIONS DURING NEGOTIATIONS.—In the course of negotiations conducted under the authorities of this subtitle, the Secretary of the Treasury, in coordination with the Secretary of State, shall—

(1) meet, upon request, with the Chairman or Ranking Member of the appropriate congressional committees regarding negotiating objectives and the status of negotiations in progress; and

(2) consult closely, on a timely basis, and keep fully apprised of the negotiations, the appropriate congressional committees.

SEC. 1299S. APPROVAL OF THE AGREEMENT.

(a) SUBMISSION OF AGREEMENT.—Not later than 180 days after the Agreement is concluded, the Secretary of State shall provide the Agreement and technical explanation to the appropriate congressional committees.

(b) APPROVAL.—The Agreement shall not take effect until after Congress passes a concurrent resolution of approval as described in subsection (c).

(c) TERMS OF CONCURRENT RESOLUTION OF APPROVAL.—

(1) IN GENERAL.—For purposes of subsection (b), the term ''concurrent resolution of approval'' means only a concurrent resolution—

(A) which does not have a preamble;

(B) which includes in the matter after the resolving clause the following: ''That Congress approves the Tax Agreement concluded between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office, as submitted by the President on _____.'', the blank space being filled in with the appropriate date; and

(C) the title of which is as follows: ''Concurrent resolution approving the Tax Agreement concluded between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office.''.

(2) REFERRAL.—A resolution described in this subsection that is introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. A resolution described in this subsection that is introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives.

SEC. 1299T. ENTRY INTO FORCE AND LEGAL EFFECT OF THE AGREEMENT.

(a) ENTRY INTO FORCE.—Upon passage of the concurrent resolution of approval, the President may bring the Agreement into force.

(b) LEGAL EFFECT.—Upon entry into force, the Agreement shall be afforded the same treatment as a treaty for purposes of the laws of the United States.

SEC. 1299U. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.

SA 288. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION F—INTERNATIONAL TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2023

SEC. 6001. SHORT TITLE.

This division may be cited as the ''International Trafficking Victims Protection Reauthorization Act of 2023''

TITLE LXI—COMBATING HUMAN TRAFFICKING ABROAD

SEC. 6101. UNITED STATES SUPPORT FOR INTEGRATION OF ANTI-TRAFFICKING IN PERSONS INTERVENTIONS IN MULTILATERAL DEVELOPMENT BANKS.

(a) REQUIREMENTS.—The Secretary of the Treasury, in consultation with the Secretary of State acting through the Ambassador-at-Large to Monitor and Combat Trafficking in Persons, shall instruct the United States Executive Director of each multilateral development bank (as defined in section 110(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d))) to encourage the inclusion of a counter-trafficking strategy, including risk assessment and mitigation efforts as needed, in proposed projects in countries listed—

(1) on the Tier 2 Watch List (required under section 110(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)(A)), as amended by section 104(a));

(2) under subparagraph (C) of section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) (commonly referred to as ''tier 3''); and

(3) as Special Cases in the most recent report on trafficking in persons required under such section (commonly referred to as the ''Trafficking in Persons Report'').

(b) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall brief the appropriate congressional committees regarding the implementation of this section.

(c) GAO REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that details the activities of the United States relating to combating human trafficking, including forced labor, within multilateral development projects.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 6102. EXPANDING PREVENTION EFFORTS AT THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—In order to strengthen prevention efforts by the United States abroad, the Administrator of the United States Agency for International Development (referred to in this section as the ''Administrator'') shall, to the extent practicable and appropriate—

(1) encourage the integration of activities to counter trafficking in persons (referred to in this section as ''C-TIP'') into broader assistance programming;

(2) determine a reasonable definition for the term ''C-TIP Integrated Development Programs,'' which shall include any programming to address health, food security, economic development, education, democracy and governance, and humanitarian assistance that includes a sufficient C-TIP element; and

(3) ensure that each mission of the United States Agency for International Development (referred to in this section as ''USAID'')—

(A) integrates a C-TIP component into development programs, project design, and methods for program monitoring and evaluation, as necessary and appropriate, when addressing issues, including—

(i) health;

(ii) food security;

(iii) economic development;

(iv) education;

(v) democracy and governance; and

(vi) humanitarian assistance;

(B) continuously adapts, strengthens, and implements training and tools related to the integration of a C-TIP perspective into the work of development actors; and

(C) encourages USAID Country Development Cooperation Strategies to include C-TIP components in project design, implementation, monitoring, and evaluation, as necessary and appropriate.

(b) REPORTS AND BRIEFINGS REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of an Act making appropriations for the Department of State, Foreign Operations, and Related Programs through fiscal year 2027, the Secretary of State, in consultation with the Administrator, shall submit to the appropriate congressional committees a report on obligations and expenditures of all funds managed by the Department of State and USAID in the prior fiscal year to combat human trafficking and forced labor, including integrated C-TIP activities.

(2) CONTENTS.—The report required by paragraph (1) shall include—

(A) a description of funding aggregated by program, project, and activity; and

(B) a description of the management structure at the Department of State and USAID used to manage such programs.

(3) BIENNIAL BRIEFING.—Not later than 6 months of after the date of the enactment of this Act, and every 2 years thereafter through fiscal year 2027, the Secretary of State, in consultation with the Administrator, shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 6103. COUNTER-TRAFFICKING IN PERSONS EFFORTS IN DEVELOPMENT COOPERATION AND ASSISTANCE POLICY.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 102(b)(4)(22 U.S.C. 2151–1(b)(4))—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(H) effective counter-trafficking in persons policies and programs.''; and

(2) in section 492(d)(1)(22 U.S.C. 2292a(d)(1))—

(A) by striking ''that the funds'' and inserting the following: ''that—

''(A) the funds'';

(B) in subparagraph (A), as added by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) in carrying out the provisions of this chapter, the President shall, to the greatest extent possible—

''(i) ensure that assistance made available under this section does not create or contribute to conditions that can be reasonably expected to result in an increase in trafficking in persons who are in conditions of heightened vulnerability as a result of natural and manmade disasters; and

''(ii) integrate appropriate protections into the planning and execution of activities authorized under this chapter.''.

SEC. 6104. TECHNICAL AMENDMENTS TO TIER RANKINGS.

(a) MODIFICATIONS TO TIER 2 WATCH LIST.—Section 110(b)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)), is amended—

(1) in the paragraph heading, by striking ''SPECIAL'' and inserting ''TIER 2''; and

(2) in subparagraph (A)—

(A) by striking ''of the following countries'' and all that follows through ''annual report, where—''and inserting ''of countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, in which—''; and

(B) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and moving such clauses (as so redesignated) 2 ems to the left.

(b) MODIFICATION TO SPECIAL RULE FOR DOWNGRADED AND REINSTATED COUNTRIES.—Section 110(b)(2)(F) of such Act (22 U.S.C. 7107(b)(2)(F)) is amended—

(1) in the matter preceding clause (i), by striking ''special watch list described in subparagraph (A)(iii) for more than 1 consecutive year after the country'' and inserting

''Tier 2 watch list described in subparagraph (A) for more than one year immediately after the country consecutively'';

(2) in clause (i), in the matter preceding subclause (I), by striking ''special watch list described in subparagraph (A)(iii)'' and inserting ''Tier 2 watch list described in subparagraph (A)''; and

(3) in clause (ii), by inserting ''in the year following such waiver under subparagraph (D)(ii)'' after ''paragraph (1)(C)''.

(c) CONFORMING AMENDMENTS.—

(1) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), as amended by subsections (a) and (b), is further amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking ''special watch list'' and inserting ''Tier 2 watch list'';

(ii) in subparagraph (C)—

(I) in the subparagraph heading, by striking ''SPECIAL WATCH LIST'' and inserting ''TIER 2 WATCH LIST''; and

(II) by striking ''special watch list'' and inserting ''Tier 2 watch list''; and

(iii) in subparagraph (D)—

(I) in the subparagraph heading, by striking ''SPECIAL WATCH LIST'' and inserting ''TIER 2 WATCH LIST''; and

(II) in clause (i), by striking ''special watch list'' and inserting ''Tier 2 watch list'';

(B) in paragraph (3)(B), in the matter preceding clause (i), by striking ''clauses (i), (ii), and (iii) of''; and

(C) in paragraph (4)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''each country described in paragraph (2)(A)(ii)'' and inserting ''each country described in paragraph (2)(A)''; and

(ii) in subparagraph (D)(ii), by striking ''the Special Watch List'' and inserting ''the Tier 2 watch list''.

(2) FREDERICK DOUGLASS TRAFFICKING VICTIMS PREVENTION AND PROTECTION REAUTHORIZATION ACT OF 2018.—Section 204(b)(1) of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Public Law 115–425) is amended by striking ''special watch list'' and inserting ''Tier 2 watch list''.

(3) BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015.—Section 106(b)(6)(E)(iii) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4205(b)(6)(E)(iii) is amended by striking ''under section'' and all that follows and inserting ''under section 110(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)(A))''.

SEC. 6105. MODIFICATIONS TO THE PROGRAM TO END MODERN SLAVERY.

(a) IN GENERAL.—Section 1298 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 7114) is amended—

(1) in subsection (a)(1), by striking ''Not later than 90 days after the date of the enactment of this Act'' and inserting ''Not later than 90 days after the date of the enactment of the International Trafficking Victims Protection Reauthorization Act of 2023'';

(2) in subsection (g)—

(A) by striking ''APPROPRIATIONS'' in the heading and all that follows through ''There is authorized'' and inserting ''APPROPRIATIONS .—There is authorized''; and

(B) by striking paragraph (2); and

(3) in subsection (h)(1), by striking ''Not later than September 30, 2018, and September 30, 2020'' and inserting ''Not later than September 30, 2023, and September 30, 2027''.

(b) ELIGIBILITY.—To be eligible for funding under the Program to End Modern Slavery of the Office to Monitor and Combat Trafficking in Persons, a grant recipient shall—

(1) publish the names of all subgrantee organizations on a publicly available website; or

(2) if the subgrantee organization expresses a security concern, the grant recipient shall relay such concerns to the Secretary of State, who shall transmit annually the names of all subgrantee organizations in a classified annex to the chairs of the appropriate congressional committees (as defined in section 1298(i) of the National Defense Authorization Act of 2017 (22 U.S.C. 7114(i))).

(c) AWARD OF FUNDS.—All grants issued under the program referred to in subsection (b) shall be—

(1) awarded on a competitive basis; and

(2) subject to the regular congressional notification procedures applicable with respect to grants made available under section 1298(b) of the National Defense Authorization Act of 2017 (22 U.S.C. 7114(b)).

SEC. 6106. CLARIFICATION OF NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.

(a) CLARIFICATION OF SCOPE OF WITHHELD ASSISTANCE.—Section 110(d)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)(1)) is amended to read as follows:

''(1) WITHHOLDING OF ASSISTANCE.—The President has determined that—

''(A) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the central government of the country or funding to facilitate the participation by officials or employees of such central government in educational and cultural exchange programs, for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

''(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance that directly addresses basic human needs, is not administered by the central government of the sanctioned country, and is not provided for the benefit of that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.''.

(b) DEFINITION OF NON-HUMANITARIAN, NONTRADE RELATED ASSISTANCE.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10)) is amended to read as follows:

''(10) NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.—

''(A) IN GENERAL.—The term 'nonhumanitarian, nontrade-related foreign assistance' means—

''(i) United States foreign assistance, other than—

''(I) with respect to the Foreign Assistance Act of 1961—

''(aa) assistance for international narcotics and law enforcement under chapter 8 of part I of such Act (22 U.S.C. 2291 et seq.);

''(bb) assistance for International Disaster Assistance under subsections (b) and (c) of section 491 of such Act (22 U.S.C. 2292);

''(cc) antiterrorism assistance under chapter 8 of part II of such Act (22 U.S.C. 2349aa et seq.); and

''(dd) health programs under chapters 1 and 10 of part I and chapter 4 of part II of such Act (22 U.S.C. 2151 et seq.);

''(II) assistance under the Food for Peace Act (7 U.S.C. 1691 et seq.);

''(III) assistance under sections 2(a), (b), and (c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(a), (b), (c)) to meet refugee and migration needs;

''(IV) any form of United States foreign assistance provided through nongovernmental organizations, international organizations, or private sector partners—

''(aa) to combat human and wildlife trafficking;

''(bb) to promote food security;

''(cc) to respond to emergencies;

''(dd) to provide humanitarian assistance;

''(ee) to address basic human needs, including for education;

''(ff) to advance global health security; or

''(gg) to promote trade; and

''(V) any other form of United States foreign assistance that the President determines, by not later than October 1 of each fiscal year, is necessary to advance the security, economic, humanitarian, or global health interests of the United States without compromising the steadfast U.S. commitment to combatting human trafficking globally; or

''(ii) sales, or financing on any terms, under the Arms Export Control Act (22 U.S.C. 2751 et seq.), other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

''(B) EXCLUSIONS.—The term 'nonhumanitarian, nontrade-related foreign assistance' shall not include payments to or the participation of government entities necessary or incidental to the implementation of a program that is otherwise consistent with section 110.''.

SEC. 6107. EXPANDING PROTECTIONS FOR DOMESTIC WORKERS OF OFFICIAL AND DIPLOMATIC VISA HOLDERS.

Section 203(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375c(b)) is amended by inserting after paragraph (4) the following:

''(5) NATIONAL EXPANSION OF IN-PERSON REGISTRATION PROGRAM.—The Secretary shall administer the Domestic Worker In-Person Registration Program for employees with A–3 visas or G–5 visas employed by accredited foreign mission members or international organization employees and shall expand this program nationally, which shall include—

''(A) after the arrival of each such employee in the United States, and annually during the course of such employee's employment, a description of the rights of such employee under applicable Federal and State law; and

''(B) provision of a copy of the pamphlet developed pursuant to section 202 to the employee with an A–3 visa or a G–5 visa; and

''(C) information on how to contact the National Human Trafficking Hotline.

''(6) MONITORING AND TRAINING OF A–3 AND G–5 VISA EMPLOYERS ACCREDITED TO FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary shall—

''(A) inform embassies, international organizations, and foreign missions of the rights of A–3 and G–5 domestic workers under the applicable labor laws of the United States, including the fair labor standards described in the pamphlet developed pursuant to section 202. Information provided to foreign missions, embassies, and international organizations should include material on labor standards and labor rights of domestic worker employees who hold A–3 and G–5 visas;

''(B) inform embassies, international organizations, and foreign missions of the potential consequences to individuals holding a nonimmigrant visa issued pursuant to subparagraph (A)(i), (A)(ii), (G)(i), (G)(ii), or

(G)(iii) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) who violate the laws described in subclause (I)(aa), including (at the discretion of the Secretary)—

''(i) the suspension of A–3 visas and G–5 visas;

''(ii) request for waiver of immunity;

''(iii) criminal prosecution;

''(iv) civil damages; and

''(v) permanent revocation of or refusal to renew the visa of the accredited foreign mission or international organization employee; and

''(C) require all accredited foreign mission and international organization employers of individuals holding A–3 visas or G–5 visas to report the wages paid to such employees on an annual basis.''.

SEC. 6108. EFFECTIVE DATES.

Sections 6104(b) and 6106 and the amendments made by those sections take effect on the date that is the first day of the first full reporting period for the report required by section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) after the date of the enactment of this Act.

TITLE LXII—AUTHORIZATION OF APPROPRIATIONS

SEC. 6201. EXTENSION OF AUTHORIZATIONS UNDER THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.

Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a), by striking ''2018 through 2021, $13,822,000'' and inserting ''2024 through 2027, $17,000,000''; and

(2) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by striking ''2018 through 2021, $65,000,000'' and inserting ''2024 through 2027, $102,500,000, of which $22,000,000 shall be made available each fiscal year to the United States Agency for International Development and the remainder of'';

(B) in subparagraph (C), by striking ''; and'' at the end and inserting a semicolon;

(C) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(E) to fund programs to end modern slavery, in an amount not to exceed $37,500,000 for each of the fiscal years 2024 through 2027.''.

SEC. 6202. EXTENSION OF AUTHORIZATIONS UNDER THE INTERNATIONAL MEGAN'S LAW.

Section 11 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (34 U.S.C. 21509) is amended by striking ''2018 through 2021'' and inserting ''2024 through 2027''.

TITLE LXIII—BRIEFINGS

SEC. 6301. BRIEFING ON ANNUAL TRAFFICKING IN PERSON'S REPORT.

Not later than 30 days after the public designation of country tier rankings and subsequent publishing of the Trafficking in Persons Report, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on—

(1) countries that were downgraded or upgraded in the most recent Trafficking in Persons Report; and

(2) the efforts made by the United States to improve counter-trafficking efforts in those countries, including foreign government efforts to better meet minimum standards to eliminate human trafficking.

SEC. 6302. BRIEFING ON USE AND JUSTIFICATION OF WAIVERS.

Not later than 30 days after the President has determined to issue a waiver under section 110(d)(5) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)(5)), the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on—

(a) each country that received a waiver;

(b) the justification for each such waiver; and

(c) a description of the efforts made by each country to meet the minimum standards to eliminate human trafficking.

SA 289. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. ENHANCED COOPERATION WITH ASEAN.

(a) STATEMENT OF POLICY ON DEEPENING COOPERATION WITH ASEAN.—It is the policy of the United States—

(1) to reaffirm the United States-ASEAN Comprehensive Strategic Partnership, established in 2022 following 45 years of Dialogue Partnership;

(2) to enhance United States-ASEAN cooperation in support of an open, transparent, resilient, inclusive and rules-based regional architecture in the Indo-Pacific;

(3) to support regular, high-level United States official engagement with ASEAN, including the participation in the annual ASEAN Summit held each year;

(4) to enhance cooperation with ASEAN member states, as appropriate, as well as with the institution of ASEAN and the ASEAN Secretariat, including through the United States Mission to ASEAN, led by the United States Ambassador to ASEAN; and

(5) to welcome the decision in-principle by ASEAN to admit Timor-Leste to be ASEAN's 11th member state and to encourage United States support to Timor-Leste in its capacity as an official ASEAN observer.

(b) SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN ASEAN DELEGATION TO THE UNITED STATES.—It is the sense of Congress that—

(1) it is in the United States interest to encourage the establishment, at the earliest opportunity, of an ASEAN delegation to the United States, to enhance cooperation between ASEAN and the United States at all levels; and

(2) the establishment of an ASEAN center in the United States would support United States economic and cultural engagement with Southeast Asia.

(c) EXTENSION OF DIPLOMATIC IMMUNITIES TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS.—The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Association of Southeast Asian Nations in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

SA 290. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, add the following:

SEC. ____. MODIFICATION TO PAKISTAN COUNTERINSURGENCY CAPABILITY FUND TO PROVIDE TRANSFER AUTHORITY.

(a) IN GENERAL.—Section 204 of the Enhanced Partnership with Pakistan Act (22 U.S.C. 8424) is amended to read as follows:

''SEC. 204. TRANSFER AUTHORITY RELATING TO PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.

''Notwithstanding any other provision of law (including regulations), aircraft and equipment procured with funds authorized to be appropriated by this Act or appropriated by prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading 'Pakistan Counterinsurgency Capability Fund' or funds appropriated to the Department of Defense under the heading 'Pakistan Counterinsurgency Fund,' may be used for any other program and in any region, but should be transferred, to the maximum extent practicable, to Ukraine and Taiwan on an urgent basis.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Enhanced Partnership with Pakistan Act (Public Law 111–73; 22 U.S.C. 8401 note) is amended by striking the item relating to section 204 and inserting the following:

''Sec. 204. Transfer authority relating to Pakistan Counterinsurgency Capability Fund.''.

SA 291. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12____. HAITI CRIMINAL COLLUSION TRANSPARENCY REPORTING REQUIREMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Haiti Criminal Collusion Transparency Act of 2023''.

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

(1) According to a United Nations estimate, approximately 167 criminal gangs operated in Haiti in October 2021, exerting territorial control over as much as two-thirds of the country.

(2) Haitian armed criminal gangs, the most prominent of which are the G9 Family and Allies and 400 Mawozo gangs, conduct violent crimes, including murder, rape, arms and drug trafficking, racketeering, kidnapping, and blockades of fuel and aid deliveries. These crimes have perpetuated the ongoing security and humanitarian crises in Haiti, which have worsened since the assassination of President Jovenel Moïse on July 7, 2021.

(3) The United Nations Office of the High Commissioner for Human Rights and the Human Rights Service jointly found a 333 percent increase in human rights violations

and abuses against the rights to life and security in Haiti between July 2018 and December 2019.

(4) At least 19,000 Haitians were forcibly displaced during 2021 due to rising criminal violence.

(5) At least 803 kidnappings were reported in Haiti during the first 10 months of 2021, including the kidnapping of more than 16 United States citizens, giving Haiti having the highest per capita kidnapping rate of any country in the world.

(6) There is significant evidence of collusion between criminal gangs and economic and political elites in Haiti, including members of the Haitian National Police, which has resulted in widespread impunity and directly contributed to Haiti's current security crisis.

(7) On December 10, 2020, the Office of Foreign Assets Control of the Department of the Treasury designated former Haitian National Police officer Jimmy Chérizier, former Director General of the Ministry of the Interior Fednel Monchery, and former Departmental Delegate Joseph Pierre Richard Duplan under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) for their connections to armed criminal gangs, including organizing the November 2018 La Saline massacre.

(c) DEFINITIONS.—In this section:

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

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

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) ECONOMIC ELITES.—The term ''economic elites'' means board members, officers, and executives of groups, committees, corporations, or other persons and entities that exert substantial influence or control over Haiti's economy, infrastructure, or particular industries.

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

(4) POLITICAL AND ECONOMIC ELITES.—The term ''political and economic elites'' means political elites and economic elites.

(5) POLITICAL ELITES.—The term ''political elites'' means current and former government officials and their high-level staff, political party leaders, and political committee leaders.

(d) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in coordination with the intelligence community, shall submit a report to the appropriate congressional committees regarding the ties between criminal gangs and political and economic elites in Haiti. The report shall—

(A) identify prominent criminal gangs in Haiti, describe their criminal activities, and identify their primary geographic areas of operations;

(B) identify Haitian political and economic elites who have links to criminal gangs;

(C) describe in detail the relationship between the individuals listed pursuant to subparagraph (B) and the criminal gangs identified pursuant to subparagraph (A);

(D) identify Haitian political and economic elites with links to criminal activities who are currently subjected to visa restrictions or sanctions by the United States, its international partners, or the United Nations, including information regarding—

(i) the date on which each such Haitian political or economic elite was designated for restrictions or sanctions;

(ii) which countries have designated such Haitian political and economic elites for restrictions or sanctions; and

(iii) for Haitian political and economic elites who were designated by the United States, the statutory basis for such designation;

(E) describe in detail how Haitian political and economic elites use their relationships with criminal gangs to advance their political and economic interests and agenda;

(F) include an assessment of how the nature and extent of collusion between political and economic elites and criminal gangs threatens the Haitian people and United States national interests and activities in the country, including the provision of security assistance to the Haitian government; and

(G) include an assessment of potential actions that the Government of the United States and the Government of Haiti could take to address the findings made pursuant to subparagraph (F).

(2) CONSULTATIONS.—In developing and implementing the report required under paragraph (1), the Secretary of State shall consult with Haitian diaspora communities in the United States and civil society organizations on topics including humanitarian assistance mechanisms for overcoming collusion between Haitian political and economic elites.

(3) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) DESIGNATIONS OF POLITICAL AND ECONOMIC ELITES.—

(1) IN GENERAL.—The Secretary of State, in coordination with other relevant Federal agencies and departments, shall identify persons identified pursuant to subparagraphs (A) and (B) of subsection (d)(1) who may be subjected to visa restrictions and sanctions under—

(A) section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103; 8 U.S.C. 1182 note);

(B) section 1263 of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10102); or

(C) any other provision of law.

(2) IMPOSITION OF SANCTIONS.—Not later than 30 days after the date on which the report is submitted pursuant to subsection (d), the President shall impose, on individuals identified pursuant to paragraph (1), to the extent applicable, the sanctions referred to in subparagraphs (A) and (B) of such paragraph.

(3) WAIVER.—The President may waive the requirements under paragraphs (1) and (2) with respect to a foreign person if the President certifies and reports to the appropriate congressional committees before such waiver is to take effect that such waiver—

(A) would serve a vital national interest of the United States; or

(B) is necessary for the delivery of humanitarian assistance or other assistance that supports basic human needs.

(4) PUBLIC AVAILABILITY.—The list of persons identified pursuant to subsection (d)(1)(B) shall be posted on a publicly accessible website of the Department of State beginning on the date on which the report required under subsection (d)(1) is submitted to Congress.

(f) SUNSET.—This section shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

SA 292. Mr. MENENDEZ (for himself, Mr. TILLIS, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—International Children With Disabilities Protection

SEC. _1. SHORT TITLE.

This subtitle may be cited as the ''International Children with Disabilities Protection Act of 2023''.

SEC. _2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) stigma and discrimination against children with disabilities, particularly intellectual and other developmental disabilities, and lack of support for community inclusion have left people with disabilities and their families economically and socially marginalized;

(2) organizations of persons with disabilities and family members of persons with disabilities are often too small to apply for or obtain funds from domestic or international sources or ineligible to receive funds from such sources;

(3) as a result of the factors described in paragraphs (1) and (2), key stakeholders have often been left out of public policymaking on matters that affect children with disabilities; and

(4) financial support, technical assistance, and active engagement of persons with disabilities and their families is needed to ensure the development of effective policies that protect families, ensure the full inclusion in society of children with disabilities, and promote the ability of persons with disabilities to live in the community with choices equal to others.

SEC. _3. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term ''Department'' means the Department of State.

(2) ELIGIBLE IMPLEMENTING PARTNER.—The term ''eligible implementing partner'' means a nongovernmental organization or other civil society organization that—

(A) has the capacity to administer grants directly or through subgrants that can be effectively used by local organizations of persons with disabilities; and

(B) has international expertise in the rights of persons with disabilities, including children with disabilities and their families.

(3) ORGANIZATION OF PERSONS WITH DISABILITIES.—The term ''organization of persons with disabilities'' means a nongovernmental civil society organization run by and for persons with disabilities and families of children with disabilities.

SEC. _4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) assist partner countries in developing policies and programs that recognize, support, and protect the civil and political rights of and enjoyment of fundamental freedoms by persons with disabilities, including children, such that the latter may grow and thrive in supportive family environments and make the transition to independent living as adults;

(2) promote the development of advocacy and leadership skills among persons with disabilities and their families in a manner that

enables effective civic engagement, including at the local, national, and regional levels, and promote policy reforms and programs that support full economic and civic inclusion of persons with disabilities and their families;

(3) promote the development of laws and policies that—

(A) strengthen families and protect against the unnecessary institutionalization of children with disabilities; and

(B) create opportunities for children and youth with disabilities to access the resources and support needed to achieve their full potential to live independently in the community with choices equal to others;

(4) promote the participation of persons with disabilities and their families in advocacy efforts and legal frameworks to recognize, support, and protect the civil and political rights of and enjoyment of fundamental freedoms by persons with disabilities; and

(5) promote the sustainable action needed to bring about changes in law, policy, and programs to ensure full family inclusion of children with disabilities and the transition of children with disabilities to independent living as adults.

SEC. __5. INTERNATIONAL CHILDREN WITH DISABILITIES PROTECTION PROGRAM AND CAPACITY BUILDING.

(a) INTERNATIONAL CHILDREN WITH DISABILITIES PROTECTION PROGRAM.—

(1) IN GENERAL.—There is authorized to be established within the Department of State a program to be known as the ''International Children with Disabilities Protection Program'' (in this section referred to as the ''Program'') to carry out the policy described in [section __4].

(2) CRITERIA.—In carrying out the Program under this section, the Secretary of State, in consultation with leading civil society groups with expertise in the protection of civil and political rights of and enjoyment of fundamental freedoms by persons with disabilities, may establish criteria for priority activities under the Program in selected countries.

(3) DISABILITY INCLUSION GRANTS.—The Secretary of State may award grants to eligible implementing partners to administer grant amounts directly or through subgrants.

(4) SUBGRANTS.—An eligible implementing partner that receives a grant under paragraph (3) should provide subgrants and, in doing so, shall prioritize local organizations of persons with disabilities working within a focus country or region to advance the policy described in [section __4].

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of funds made available in fiscal years 2024 through 2029 to carry out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq), there are authorized to be appropriated to carry out this subtitle amounts as follows:

(A) $2,000,000 for fiscal year 2024.

(B) $5,000,000 for each of fiscal years 2025 through 2029.

(2) CAPACITY-BUILDING AND TECHNICAL ASSISTANCE PROGRAMS.—Of the amounts authorized to be appropriated by paragraph (1), not less than $1,000,000 for each of fiscal years 2024 through 2029 should be available for capacity-building and technical assistance programs to—

(A) develop the leadership skills of persons with disabilities, legislators, policymakers, and service providers in the planning and implementation of programs to advance the policy described in [section __4];

(B) increase awareness of successful models of the promotion of civil and political rights and fundamental freedoms, family support, and economic and civic inclusion among organizations of persons with disabilities and allied civil society advocates, attorneys, and professionals to advance the policy described in [section __4]; and

(C) create online programs to train policymakers, advocates, and other individuals on successful models to advance reforms, services, and protection measures that enable children with disabilities to live within supportive family environments and become full participants in society, which—

(i) are available globally;

(ii) offer low-cost or no-cost training accessible to persons with disabilities, family members of such persons, and other individuals with potential to offer future leadership in the advancement of the goals of family inclusion, transition to independent living as adults, and protection measures for children with disabilities; and

(iii) should be targeted to government policymakers, advocates, and other potential allies and supporters among civil society groups.

SEC. __6. ANNUAL REPORT ON IMPLEMENTATION.

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not less frequently than annually through fiscal year 2029, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on—

(A) the programs and activities carried out to advance the policy described in [section __4]; and

(B) any broader work of the Department in advancing that policy.

(2) ELEMENTS.—Each report required by paragraph (1) shall include, with respect to each program carried out under [section __5]—

(A) the rationale for the country and program selection;

(B) the goals and objectives of the program, and the kinds of participants in the activities and programs supported;

(C) a description of the types of technical assistance and capacity building provided; and

(D) an identification of any gaps in funding or support needed to ensure full participation of organizations of persons with disabilities or inclusion of children with disabilities in the program.

(3) CONSULTATION.—In preparing each report required by paragraph (1), the Secretary of State shall consult with organizations of persons with disabilities.

SEC. __7. PROMOTING INTERNATIONAL PROTECTION AND ADVOCACY FOR CHILDREN WITH DISABILITIES.

(a) SENSE OF CONGRESS ON PROGRAMMING AND PROGRAMS.—It is the sense of Congress that—

(1) all programming of the Department and the United States Agency for International Development related to health systems strengthening, primary and secondary education, and the protection of civil and political rights of persons with disabilities should seek to be consistent with the policy described in [section __4]; and

(2) programs of the Department and the United States Agency for International Development related to children, global health, and education—

(A) should—

(i) engage organizations of persons with disabilities in policymaking and program implementation; and

(ii) support full inclusion of children with disabilities in families; and

(B) should aim to avoid support for residential institutions for children with disabilities except in situations of conflict or emergency in a manner that protects family connections as described in subsection (b).

(b) SENSE OF CONGRESS ON CONFLICT AND EMERGENCIES.—It is the sense of Congress that—

(1) programs of the Department and the United States Agency for International Development serving children in situations of conflict or emergency, among displaced or refugee populations, or in natural disasters should seek to ensure that children with and without disabilities can maintain family ties; and

(2) in situations of emergency, if children are separated from parents or have no family, every effort should be made to ensure that children are placed with extended family, in kinship care, or in an adoptive or foster family.

SA 293. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—Peace Corps

SEC. 12__1. SHORT TITLE.

This subtitle may be cited as the ''Peace Corps Reauthorization Act of 2023''.

SEC. 12__2. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended—

(1) in subparagraph (b)—

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

''(1) There is authorized to be appropriated $410,500,000 for each of the fiscal years 2024 through 2028 to carry out this Act.''; and

(B) in paragraph (2), by striking ''that fiscal year and the subsequent fiscal year'' and inserting ''obligation until the last day of the subsequent fiscal year''; and

(2) by redesignating subsection (h) as subsection (e).

SEC. 12__3. READJUSTMENT ALLOWANCES FOR VOLUNTEERS AND VOLUNTEER LEADERS.

Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (b), by striking ''insure their health'' and inserting ''ensure their safety, their health,'';

(2) in subsection (c)—

(A) by striking ''$125'' and inserting ''$375'';

(B) by striking ''his'' each place such term appears and inserting ''the volunteer's''; and

(C) by striking ''he'' and inserting ''the volunteer'';

(3) by redesignating subsection (e) as subsection (d);

(4) by inserting after subsection (d), as redesignated, the following:

''(e) The Director shall consult with health experts outside of the Peace Corps, including experts licensed in the field of mental health, and follow guidance by the Centers for Disease Control and Prevention regarding the prescription of medications to volunteers.'';

(5) in subsection (h), by striking ''he'' and inserting ''the President'';

(6) in subsection (n)(2)—

(A) by striking ''subsection (e)'' each place such term appears and inserting ''subsection (d)''; and

(B) by striking ''he'' and inserting ''the President''; and

(7) in subsection (o), by striking ''his'' each place such term appears and inserting ''the volunteer's''.

SEC. 12__4. RESTORATION OF VOLUNTEER OPPORTUNITIES FOR MAJOR DISRUPTIONS TO VOLUNTEER SERVICE.

(a) IN GENERAL.—Section 5 of the Peace Corps Act (22 U.S.C. 2504), as amended by section 12__3, is further amended by adding at the end the following:

''(q) DISRUPTION OF SERVICE PROTOCOLS.—

''(1) IN GENERAL.—The Director shall establish processes for the safe return to service of returning Peace Corps volunteers whose service is interrupted due to mandatory evacuations of volunteers due to catastrophic events or global emergencies of unknowable duration, which processes shall include—

''(A) the establishment of monitoring and communications systems, protocols, safety measures, policies, and metrics for determining the appropriate approaches for restoring volunteer opportunities for evacuated returned volunteers whose service is interrupted by a catastrophic event or global emergency; and

''(B) streamlining, to the fullest extent practicable, application requirements for the return to service of such volunteers.

''(2) RETURN TO SERVICE.—Beginning on the date on which any volunteer described in paragraph (1) returns to service, the Director shall strive to afford evacuated volunteers, to the fullest extent practicable, the opportunity—

''(A) to return to their previous country of service, except for Peace Corps missions in China; and

''(B) to continue their service in the most needed sectors within the country in which they had been serving immediately before their evacuation due to a catastrophic event or global emergency, except for Peace Corps missions in China.''.

(b) MEDICAL PERSONNEL.—Section 5A(b) of the Peace Corps Act (22 U.S.C. 2504a(b)) is amended, in the matter preceding paragraph (1), by inserting '', mental health professionals'' after ''medical officers''.

(c) VOLUNTEER LEADERS.—Section 6 of the Peace Corps Act (22 U.S.C. 2505) is amended—

(1) in paragraph (1), by striking ''$125'' and inserting ''$375''; and

(2) in paragraph (3), by striking ''he'' and inserting ''the President''.

SEC. 12__5. HEALTH CARE CONTINUATION FOR PEACE CORPS VOLUNTEERS.

Section 5(d) of the Peace Corps Act, as redesignated by section 12__3(3), is amended to read as follows:

''(d)(1) Volunteers shall receive such health care during their service as the Director considers necessary or appropriate, including, if necessary, services described in section 8B.

''(2) Applicants for enrollment shall receive such health examinations preparatory to their service, and applicants for enrollment who have accepted an invitation to begin a period of training under section 8(a) shall receive, preparatory to their service, such immunization, dental care, and information regarding prescription options and potential interactions, as may be necessary and appropriate and in accordance with subsection (f).

''(3) Returned volunteers shall receive the health examinations described in paragraph (2) during the 6-month period immediately following the termination of their service, including services provided in accordance with section 8B (except that the 6-month limitation shall not apply in the case of such services), as the Director determines necessary or appropriate.

''(4) Subject to such conditions as the Director may prescribe, the health care described in paragraphs (1) through (3) for serving volunteers, applicants for enrollment, or returned volunteers may be provided in any facility of any agency of the United States Government, and in such cases the amount expended for maintaining and operating such facility shall be reimbursed from appropriations available under this Act. Health care may not be provided under this subsection in a manner that is inconsistent with the Assisted Suicide Funding Restriction Act of 1997 (Public Law 105–12).

''(5) Not later than 30 days before the date on which the period of service of a volunteer terminates, or 30 days after such termination date if such termination is the result of an emergency, the Director, in consultation with the Secretary of Health and Human Services, shall provide detailed information to such volunteer regarding options for health care after termination other than health care provided by the Peace Corps, including information regarding—

''(A) how to find additional, detailed information, including information regarding—

''(i) the application process and eligibility requirements for medical assistance through a State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or under a waiver of such plan; and

''(ii) health care option identification services available through the public and private sectors;

''(B) where detailed information on health plans may be obtained; and

''(C) if such volunteer is younger than 26 years of age, the eligibility of such volunteer to enroll as a dependent child in a group health plan or health insurance coverage in which the parent of such volunteer is enrolled in such plan or coverage offers such dependent coverage.

''(6) Paragraph (5) shall apply to volunteers whose periods of service are subject to early termination.''.

SEC. 12__6. ACCESS TO ANTIMALARIAL DRUGS AND HYGIENE PRODUCTS FOR PEACE CORPS VOLUNTEERS.

Section 5A of the Peace Corps Act (22 U.S.C. 2504a) is amended—

(1) by striking subsections (c) and (e);

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (b) the following:

''(c) ANTIMALARIAL DRUGS.—

''(1) IN GENERAL.—The Director shall consult with experts at the Centers for Disease Control and Prevention regarding recommendations for prescribing malaria prophylaxis, in order to provide the best standard of care within the context of the Peace Corps environment.

''(2) CERTAIN TRAINING.—The Director shall ensure that each Peace Corps medical officer serving in a malaria-endemic country receives training in the recognition of the side effects of such medications.

''(3) CONSULTATION.—The Director shall consult with the Assistant Secretary of Defense for Health Affairs regarding the policy of using mefloquine in the field as an antimalarial prophylactic.

''(d) ACCESS TO HYGIENE PRODUCTS.—Not later than 180 days after the date of the enactment of the Peace Corps Reauthorization Act of 2023, the Director shall establish a comprehensive policy to ensure Peace Corps volunteers who require hygiene products are able to access such products.''.

SEC. 12__7. CODIFICATION OF CERTAIN EXECUTIVE ORDERS RELATING TO EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS AND EXTENSION OF THE PERIOD OF SUCH STATUS.

The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5A the following:

''SEC. 5B. CODIFICATION OF EXECUTIVE ORDERS RELATING TO NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

''(a) IN GENERAL.—Subject to subsection (b), Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service), as in effect on the day before the date of the enactment of the Peace Corps Reauthorization Act of 2023, shall remain in effect and have the full force and effect of law.

''(b) PERIOD OF ELIGIBILITY.—

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

''(A) EXECUTIVE AGENCY.—the term 'Executive agency'—

''(i) has the meaning given such term in section 105 of title 5, United States Code;

''(ii) includes the United States Postal Service and the Postal Regulatory Commission; and

''(iii) does not include the Government Accountability Office.

''(B) HIRING FREEZE.—The term 'hiring freeze' means any memorandum, Executive order, or other action by the President that prohibits an Executive agency from filling vacant Federal civilian employee positions or creating new such positions.

''(2) IN GENERAL.—The period of eligibility for noncompetitive appointment to the civil service provided to an individual under subsection (a), including any individual who is so eligible on the date of the enactment of the Peace Corps Reauthorization Act of 2023, shall be extended by the total number of days, during such period, that—

''(A) a hiring freeze for civilian employees of the executive branch is in effect by order of the President with respect to any Executive agency at which the individual has applied for employment;

''(B) there is a lapse in appropriations with respect to any Executive agency at which the individual has applied for employment; or

''(C) the individual is receiving disability compensation under section 8142 of title 5, United States Code, based on the individual's service as a Peace Corps volunteer, retroactive to the date the individual applied for such compensation.

''(3) APPLICABILITY.—The period of eligibility for noncompetitive appointment status to the civil service under subsection (a) shall apply to a Peace Corps volunteer—

''(A) whose service ended involuntarily as a result of a suspension of volunteer operations by the Director, but may not last longer than 1 year after the date on which such service ended involuntarily; or

''(B) who re-enrolls as a volunteer in the Peace Corps after completion of a term of service.''.

SEC. 12__8. EXTENSION OF PERIOD OF EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5B, as added by section 12__7, the following:

''SEC. 5C. EXTENSION OF PERIOD OF EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

''(a) IN GENERAL.—Subject to section 5B, Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service), as in effect on the day before the date of the enactment of the Peace Corps Reauthorization

Act of 2023, shall remain in effect and have the full force and effect of law.

''(b) NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS.—Subject to subsection (d), any volunteer whose Peace Corps service was terminated after April 1, 2020, and who has been certified by the Director as having satisfactorily completed a full term of service, may be appointed not later than 2 years after completion of qualifying service to a position in any United States department, agency, or establishment in the competitive service under title 5, United States Code, without competitive examination, in accordance with such regulations and conditions as may be prescribed by the Director of the Office of Personnel Management.

''(c) EXTENSION.—The appointing authority may extend the noncompetitive appointment eligibility under subsection (b) to not more than 3 years after a volunteer's separation from the Peace Corps if the volunteer, following such service, was engaged in—

''(1) military service;

''(2) the pursuit of studies at a recognized institution of higher learning; or

''(3) other activities which, in the view of the appointing authority, warrant an extension of such eligibility.

''(d) EXCEPTION.—The appointing authority may not extend the noncompetitive appointment eligibility under subsection (b) to any volunteer who chooses to be subject to early termination.''.

SEC. 12__9. COMPREHENSIVE ILLEGAL DRUG USE POLICY WITH RESPECT TO PEACE CORPS VOLUNTEERS.

(a) IN GENERAL.—The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 8I (22 U.S.C. 2507i) the following:

''SEC. 8J. COMPREHENSIVE ILLEGAL DRUG USE POLICY WITH RESPECT TO PEACE CORPS VOLUNTEERS.

''(a) IN GENERAL.—The Director shall develop and implement a comprehensive drug use policy with respect to Peace Corps volunteers. The policy shall—

''(1) establish a zero tolerance policy regarding volunteer or trainee involvement with illegal drugs; and

''(2) require that every case of volunteer or trainee illegal drug involvement be brought immediately to the attention of relevant Peace Corps leadership, including the Director, and be reported expeditiously by the Peace Corps to the Office of the Inspector General.

''(b) CONSULTATION.—In developing the policy described in subsection (a), the Director may consult with and incorporate, as appropriate, the recommendations and views of experts in the field of substance abuse, and shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.''.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives describing the illegal drug use policy developed and implemented under section 8J of the Peace Corps Act, as added by subsection (a).

SEC. 12__0. PROTECTION OF PEACE CORPS VOLUNTEERS AGAINST REPRISAL OR RETALIATION.

Section 8G of the Peace Corps Act (22 U.S.C. 2507g) is amended by adding at the end the following:

''(d) PROHIBITION AGAINST REPRISAL OR RETALIATION.—

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

''(A) COVERED OFFICIAL OR OFFICE.—The term 'covered official or office' means—

''(i) any Peace Corps employee, including an employee of the Office of Inspector General;

''(ii) a Member of Congress or a designated representative of a committee of Congress;

''(iii) an Inspector General (other than the Inspector General for the Peace Corps);

''(iv) the Government Accountability Office;

''(v) any authorized official of the Department of Justice or other Federal law enforcement agency; and

''(vi) a United States court, including any Federal grand jury.

''(B) RELIEF.—The term 'relief' includes all affirmative relief necessary to make a volunteer whole, including monetary compensation, equitable relief, compensatory damages, and attorney fees and costs.

''(C) REPRISAL OR RETALIATION.—The term 'reprisal or retaliation' means taking, threatening to take, or initiating adverse administrative action against a volunteer because the volunteer made a report described in subsection (a) or otherwise disclosed to a covered official or office any information pertaining to waste, fraud, abuse of authority, misconduct, mismanagement, violations of law, or a significant threat to health and safety, if the activity or occurrence complained of is based upon the reasonable belief of the volunteer.

''(2) IN GENERAL.—The Director of the Peace Corps shall take all reasonable measures, including through the development and implementation of a comprehensive policy, to prevent and address reprisal or retaliation against a volunteer by any Peace Corps officer or employee, or any other person with supervisory authority over the volunteer during the volunteer's period of service.

''(3) REPORTING AND INVESTIGATION; RELIEF.—

''(A) IN GENERAL.—A volunteer may report a complaint or allegation of reprisal or retaliation—

''(i) directly to the Inspector General of the Peace Corps, who may conduct such investigations and make such recommendations with respect to the complaint or allegation as the Inspector General considers appropriate; and

''(ii) through other channels provided by the Peace Corps, including through the process for confidential reporting implemented pursuant to subsection (a).

''(B) RELIEF.—The Director of the Peace Corps—

''(i) may order any relief for an affirmative finding of a proposed or final resolution of a complaint or allegation of reprisal or retaliation in accordance with policies, rules, and procedures of the Peace Corps; and

''(ii) shall ensure that such relief is promptly provided to the volunteer.

''(4) APPEAL.—

''(A) IN GENERAL.—A volunteer may submit an appeal to the Director of the Peace Corps of any proposed or final resolution of a complaint or allegation of reprisal or retaliation.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to affect any other right of recourse a volunteer may have under any other provision of law.

''(5) NOTIFICATION OF RIGHTS AND REMEDIES.—The Director of the Peace Corps shall ensure that volunteers are informed in writing of the rights and remedies provided under this section.

''(6) DISPUTE MEDIATION.—The Director of the Peace Corps shall offer the opportunity for volunteers to resolve disputes concerning a complaint or allegation of reprisal or retaliation through mediation in accordance with procedures developed by the Peace Corps.

''(7) VOLUNTEER COOPERATION.—The Director of the Peace Corps may take such disciplinary or other administrative action, including termination of service, with respect to a volunteer who unreasonably refuses to cooperate with an investigation into a compliant or allegation of reprisal or retaliation conducted by the Inspector General of the Peace Corps.''.

SEC. 12__1. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking ''(subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Peace Corps in the United States and in other countries in order to'';

(B) in subparagraph (C), by striking ''and'' at the end;

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

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

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps;

''(E) make recommendations on strengthening diversity, equity, inclusion, and accessibility principles in the workforce and daily work of the Peace Corps, including by—

''(i) increasing the recruitment of volunteers from diverse backgrounds and better supporting such volunteers during their training and enrollment in the Peace Corps;

''(ii) increasing and sustaining a diverse and inclusive workforce through data collection, anti-harassment and anti-discrimination measures, recruitment, retention, professional development, and promotion and leadership initiatives that also consider the work and roles of contractors;

''(iii) ensuring that advisory committees and boards represent the diversity of the agency; and

''(iv) increasing opportunities in operations, programming, and procurement through work with partners and communities that are underrepresented or traditionally marginalized;

''(F) make recommendations to reduce any financial barriers to application, training, or enrollment in the Peace Corps, including medical expenses and other out-of-pocket costs; and'';

(2) in subsection (c), by amending paragraph (2) to read as follows:

''(2)(A) The Council shall be composed of 7 members who are United States citizens and are not being paid as officers or employees of the Peace Corps or of any other United States Government entity.

''(B) Of the 7 members of the Council—

''(i) 1 member shall be appointed by the President;

''(ii) 3 members shall be appointed by the President pro tempore of the Senate, of which—

''(I) 2 members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President;

''(II) 1 member shall be appointed upon the recommendation of the leader in the Senate of the political party of the President; and

''(III) at least 2 members shall be former Peace Corps volunteers; and

''(iii) 3 members shall be appointed by the Speaker of the House of Representatives, of which—

''(I) 2 members shall be appointed upon the recommendation of the leader in the House of Representatives of the political party that is not the political party of the President;

''(II) 1 member shall be appointed upon the recommendation of the leader in the House of Representatives of the political party of the President; and

''(III) at least 2 members shall be former Peace Corps volunteers.

''(C) Council members shall be appointed to 2-year terms. No member of the Council may serve for more than 2 consecutive 2-year terms.

''(D) Not later than 30 days after any vacancy occurs on the Council, the Director shall appoint an individual to fill such vacancy. Any Council member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed—

''(i) shall be appointed for the remainder of such term; and

''(ii) may only serve on the Council for 1 additional 2-year term.

''(E)(i) Except as provided in clause (ii), Council members shall not be subject to laws relating to Federal employment, including laws relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

''(ii) Notwithstanding clause (i), Council members shall be deemed to be Federal employees for purposes of—

''(I) chapter 81 of title 5, United States Code (relating to compensation for work-related injuries);

''(II) chapter 11 of title 18, United States Code (relating to conflicts of interest);

''(III) chapter 171 of title 28, United States Code (relating to tort claims); and

''(IV) section 3721 of title 31 (relating to claims for damage to, or loss of, personal property incident to service).

''(F) Council members shall serve at the pleasure of the Director. The Council may remove a member from the Council by a vote of 5 members if the Council determines that such member—

''(i) committed malfeasance in office;

''(ii) persistently neglected, or was unable to successfully discharge, his or her duties on the Council; or

''(iii) committed an offense involving moral turpitude.'';

(3) in subsection (g)—

(A) by striking ''and at its first regular meeting in each calendar year thereafter'' and inserting ''at its first meeting each subsequent calendar year''; and

(B) by adding at the end the following: ''The Chair and Vice Chair shall each serve in such capacity for a period not to exceed 2 years. The Director may renew the term of members appointed as Chair and Vice Chair under this subsection.'';

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

''(1) The Council shall hold 1 regular meeting per quarter of each calendar year at a date and time to be determined by the Chair of the Council or at the call of the Director.''; and

(5) by adding at the end the following:

''(k) INDEPENDENCE OF INSPECTOR GENERAL.—None of the activities or functions of the Council authorized under subsection (b)(2) may undermine the independence or supersede the duties of the Inspector General of the Peace Corps.''.

SEC. 12__2. MEMORANDUM OF AGREEMENT WITH BUREAU OF DIPLOMATIC SECURITY OF THE DEPARTMENT OF STATE.

(a) QUINQUENNIAL REVIEW AND UPDATE.—Not later than 180 days after the date of the enactment of this Act, and at least once every 5 years thereafter, the Director of the Peace Corps and the Assistant Secretary of State for Diplomatic Security shall—

(1) review the Memorandum of Agreement between the Bureau of Diplomatic Security of the Department of State and the Peace Corps regarding security support and protection of Peace Corps volunteers, and staff members abroad; and

(2) update such Memorandum of Agreement, as appropriate.

(b) NOTIFICATION.—

(1) IN GENERAL.—The Director of the Peace Corps and the Assistant Secretary of State for Diplomatic Security shall jointly submit any update to the Memorandum of Agreement under subsection (a) to—

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

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

(2) TIMING OF NOTIFICATION.—Each written notification submitted pursuant to paragraph (1) shall be submitted not later than 30 days before the update referred to in such paragraph takes effect.

SEC. 12__3. CLARIFICATION REGARDING ELIGIBILITY OF UNITED STATES NATIONALS.

The Peace Corps Act (22 U.S.C. 2501 et seq.), as amended by this subtitle, is further amended—

(1) in section 7(a)(5) (22 U.S.C. 2506(a)(5)), by striking ''United States citizens'' each place such term appears and inserting ''United States nationals of American Samoa and citizens of the United States'';

(2) in section 8(b) (22 U.S.C. 2507(b)), by inserting ''United States nationals of American Samoa and'' after ''training for'';

(3) in section 10(b) (22 U.S.C. 2509(b)), striking ''any person not a citizen or resident of the United States'' and inserting ''any person who is not a United States national of American Samoa nor a citizen or resident of the United States''; and

(4) in section 12(g) (22 U.S.C. 2511(g), by inserting ''United States nationals of American Samoa or'' after ''who are''.

SEC. 12__4. SEXUAL ASSAULT ADVISORY COUNCIL.

(a) REPORT AND EXTENSION OF THE SEXUAL ASSAULT ADVISORY COUNCIL.—Section 8D of the Peace Corps Act (22 U.S.C. 2507d) is amended—

(1) by striking subsection (d) and inserting the following:

''(d) REPORTS.—On an annual basis through the date specified in subsection (g), the Council shall submit a report to the Director of the Peace Corps, 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 that describes its findings based on the reviews conducted pursuant to subsection (c) and includes relevant recommendations. Each such report shall be made publicly available.''; and

(2) in subsection (g), by striking ''October 1, 2023'' and inserting ''October 1, 2028''.

SEC. 12__5. SUSPENSION WITHOUT PAY.

Section 7 of the Peace Corps Act (22 U.S.C. 2506) is amended by inserting after subsection (a) the following:

''(b) SUSPENSION WITHOUT PAY.—(1) The Peace Corps may suspend (without pay) any employee appointed or assigned under this section if the Director has determined that the employee engaged in serious misconduct that could impact the efficiency of the service and could lead to removal for cause.

''(2) Any employee for whom a suspension without pay is proposed under this subsection shall be entitled to—

''(A) written notice stating the specific reasons for such proposed suspension;

''(B)(i) up to 15 days to respond orally or in writing to such proposed suspension if the employee is assigned in the United States; or

''(ii) up to 30 days to respond orally or in writing to such proposed suspension if the employee is assigned outside of the United States;

''(C) representation by an attorney or other representative, at the employee's own expense;

''(D) a written decision, including the specific reasons for such decision, as soon as practicable;

''(E) a process through which the employee may submit an appeal to the Director of the Peace Corps not later than 10 business days after the issuance of a written decision; and

''(F) a final decision personally rendered by the Director of the Peace Corps not later than 30 days after the receipt of such appeal.

''(3) Notwithstanding any other provision of law, a final decision under paragraph (2)(F) shall be final and not subject to further review.

''(4) If the Director fails to establish misconduct by an employee under paragraph (1) and no disciplinary action is taken against such employee based upon the alleged grounds for the suspension, the employee shall be entitled to reinstatement, back pay, full benefits, and reimbursement of attorney fees of up to $20,000.''.

SEC. 12__6. OCEANIA PEACE CORPS PARTNERSHIPS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the Peace Corps shall submit a report to Congress containing strategies for reasonably and safely expanding the number of Peace Corps volunteers in the Indo-Pacific countries of Oceania, with the goals of—

(1) expanding the presence of the Peace Corps to all currently feasible locations in the Indo-Pacific countries of Oceania; and

(2) working with regional and international partners of the United States to expand the presence of Peace Corps volunteers in low-income communities in the Indo-Pacific countries of Oceania in support of climate resilience initiatives.

(b) ELEMENTS.—The report required under subsection (a) shall—

(1) assess the factors contributing to the current absence of the Peace Corps and its volunteers in the Indo-Pacific countries of Oceania;

(2) examine potential remedies that include working with United States Government agencies and regional governments, including governments of United States allies—

(A) to increase the health infrastructure and medical evacuation capabilities of the Indo-Pacific countries of Oceania to better support the safety of Peace Corps volunteers while in those countries;

(B) to address physical safety concerns that have decreased the ability of the Peace Corps to operate in the Indo-Pacific countries of Oceania; and

(C) to increase transportation infrastructure in the Indo-Pacific countries of Oceania to better support the travel of Peace Corps volunteers and their access to necessary facilities;

(3) evaluate the potential to expand the deployment of Peace Corps Response volunteers to help the Indo-Pacific countries of Oceania address social, economic, and development needs of their communities that require specific professional expertise; and

(4) explore potential new operational models to address safety and security needs of Peace Corps volunteers in the Indo-Pacific countries of Oceania, including—

(A) changes to volunteer deployment durations; and

(B) scheduled redeployment of volunteers to regional or United States-based healthcare facilities for routine physical and behavioral health evaluation.

(c) VOLUNTEERS IN LOW-INCOME OCEANIA COMMUNITIES.—

(1) IN GENERAL.—In examining the potential to expand the presence of Peace Corps volunteers in low-income communities in the Indo-Pacific countries of Oceania under

subsection (a)(2), the Director of the Peace Corps shall consider the development of initiatives described in paragraph (2).

(2) INITIATIVES DESCRIBED.—Initiatives described in this paragraph are volunteer initiatives that help the Indo-Pacific countries of Oceania address social, economic, and development needs of their communities, including by—

(A) addressing, through appropriate resilience-based interventions, the vulnerability that communities in the Indo-Pacific countries of Oceania face as result of extreme weather, severe environmental change, and other climate related trends; and

(B) improving, through smart infrastructure principles, access to transportation and connectivity infrastructure that will help address the economic and social challenges that communities in the Indo-Pacific countries of Oceania confront as a result of poor or nonexistent infrastructure.

(d) INDO-PACIFIC COUNTRIES OF OCEANIA DEFINED.—In this section, the term ''Indo-Pacific countries of Oceania'' means Fiji, Kiribati, Republic of the Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 12__7. REPORTS.

(a) REPORT ON MENTAL HEALTH EVALUATION STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the Peace Corps shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives containing the guidelines and standards used to evaluate the mental health of Peace Corps applicants prior to their Peace Corps service.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A detailed description of mental health screening guidelines and evaluation standards used by the Peace Corps to determine medical eligibility of applicants for service, including a description of the most common mental health conditions of applicants.

(B) Specific standards in the mental health screening process that could lead to an applicant's disqualification from service, and a description of how these determinations are made.

(C) A description of any expedited mental health clearance process for severe or recent symptom presentation.

(D) A description of periods of stability related to certain mental health conditions and symptoms recommended prior to an applicant's clearance to serve.

(E) An assessment of the impact of updated mental health evaluation guidance, including a comparison of mental health related volunteer medevacs in years before and after updated guidelines were implemented.

(F) A review of these screening guidelines, conducted by a panel of certified and qualified medical professionals in the United States, that evaluates these standards based on scientific evidence and mental health research and proposes relevant updates or additions to current guidance.

(b) REPORT ON VOLUNTEER MEDICAL EVACUATIONS.—

(1) IN GENERAL.—Not later than the first May 1 occurring after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of the Peace Corps shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding volunteer medical and mental health evacuations.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) The number of Peace Corps volunteer medical and mental health evacuations during the previous year.

(B) A breakdown of these evacuations into medical and mental health evacuation categories.

(C) The estimated cost of these evacuations for each year, including a breakdown of costs between medical and mental health evacuation categories.

SEC. 12__8. TECHNICAL AND CONFORMING AMENDMENTS.

The Peace Corps Act (22 U.S.C. 2501 et seq.), as amended by this subtitle, is further amended—

(1) by amending section 1 to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Peace Corps Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''TITLE I—THE PEACE CORPS

(2) in section 2(a) (22 U.S.C. 2501(a))—

(A) by striking ''help the peoples'' and inserting ''partner with the peoples''; and

(B) by striking ''manpower'' and inserting ''individuals'';

(3) in section 3 (22 U.S.C. 2502)—

(A) by redesignating subsection (h) as subsection (e); and

(B) in subsection (e), as redesignated, by striking ''disabled people'' each place such term appears and inserting ''people with disabilities'';

(4) in section 4(b) (22 U.S.C. 2503(b))—

(A) by striking ''him'' and inserting ''the President'';

(B) by striking ''he'' and inserting ''the Director''; and

(C) by striking ''of his subordinates'' and all that follows through ''functions.'' and inserting ''subordinate of the Director the authority to perform any such function.'';

(5) in section 5 (22 U.S.C. 2504)—

(A) in subsection (c), by striking '': *Provided, however,*'' and all that follows through ''the amount'' and inserting ''. Under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of the volunteer's family, or others, during the period of the volunteer's service, or prior to the volunteer's return to the United States. In the event of the volunteer's death during the period of his service, the amount'';

(B) in subsection (h), by striking ''he may determine'' and inserting ''the President may determine''; and

(C) in subsection (o) by striking ''the date of his departure'' and all that follows and inserting ''the date of the volunteer's departure from the volunteer's place of residence to enter training until not later than 3 months after the termination of the volunteer's service.'';

(6) in section 6(3) (22 U.S.C. 2505(3)), by striking by striking ''he may determine'' and inserting ''the President may determine'';

(7) in section 7 (22 U.S.C. 2506)—

(A) in subsection (a), by moving paragraphs (7) and (8) 2 ems to the left; and

(B) in subsection (b), as redesignated, by striking ''in his discretion'' and inserting ''in the President's discretion'';

(8) in section 8A (22 U.S.C. 2507a)—

(A) in subsection (c), by striking ''his or her'' and inserting ''the volunteer's'';

(B) in subsection (d)(2), by inserting ''the'' before ''information''; and

(C) in subsection (f)—

(i) in paragraph (2)(A), by striking ''his or her'' each place such phrase appears and inserting ''the volunteer's''; and

(ii) in paragraph (4)(A), by striking ''his or her'' and inserting ''the person's'';

(9) in section 8C(a) (22 U.S.C. 2507c(a)), in the subsection heading, by striking ''VICTIMS'' and inserting ''VICTIM'';

(10) in section 8E (22 U.S.C. 2507e)—

(A) in subsection (b), by striking ''subsection (c),,'' and inserting ''subsection (c),''; and

(B) in subsection (e)(1)(F), by striking ''Peace Corp's mission'' and inserting ''Peace Corps' mission'';

(11) in section 9 (22 U.S.C. 2508)—

(A) by striking ''under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted'' and inserting

''under which such person was admitted or who fails to depart from the United States at the expiration of the period for which such person was admitted''; and

(B) by striking ''Act proceedings'' and inserting ''Act. Removal proceedings'';

(12) in section 10 (22 U.S.C. 2509)—

(A) in subsection (b), by striking ''he may prescribe'' and inserting ''the President may prescribe'';

(B) in subsection (d), by striking ''section 3709 of the Revised Statutes of the United States, as amended, section 302 of the Federal Property and Administrative Services Act of 1949''; and by inserting ''sections 3101(a), 3101(c), 3104, 3106, 3301(b)(2), and 6101 of title 41, United States Code''; and

(C) in subsection (j), by striking ''of this section.'';

(13) in section 12(d)(1)(b) (22 U.S.C. 2511(d)(1)(b)), by striking ''his or her'' and inserting ''the member's'';

(14) in section 14 (22 U.S.C. 2513)—

(A) in subsection (a), by striking ''his agency'' and inserting ''such agency''; and

(B) in subsection (b)—

(i) by striking ''his allowance'' and inserting ''the''; and

(ii) by striking ''he'';

(15) in section 15 (22 U.S.C. 2514)—

(A) in subsection (c), by striking ''that Act'' and inserting ''that subchapter''; and

(B) in subsection (d)(7), by striking ''his designee'' and inserting ''the Director's designee'';

(16) in section 19(a) (22 U.S.C. 2518(a)), by striking ''he shall determine'' and inserting ''the President shall determine'';

(17) in section 23 (22 U.S.C. 2520)—

(A) in the section heading, by striking ''UNIVERSAL MILITARY TRAINING AND SERVICE'' and inserting ''MILITARY SELECTIVE SERVICE''; and

(B) by striking ''Universal Military Training and Service Act'' and inserting ''Military Selective Service Act (50 U.S.C. 3801 et seq.)'';

(18) in section 24—

(A) by striking ''he'' each place such term appears and inserting ''the volunteer''; and

(B) by striking ''his'' and inserting ''the volunteer's'';

(19) in section 26—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively;

(B) by inserting after paragraph (1) the following:

''(2) The term 'Director' means the Director of the Peace Corps.'';

(C) in paragraph (5), as redesignated, by striking ''he or she'' and inserting ''the medical officer'';

(D) in paragraph (7), as redesignated, by striking ''5(m)'' and inserting ''5(n)''; and

(E) in paragraph (10), as redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) in subparagraph (A), as redesignated, by striking ''section 5(f)'' and inserting ''section 5(e)''; and

(20) in section 301(a), by striking ''manpower'' each place such term appears and inserting ''individuals''.

SA 294. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 584. ARMED FORCES SURVEYS.

Section 481(c) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

''(3) Indicators of the assault (including unwanted sexual contact) that give reason to believe that the victim was targeted, or discriminated against, or both, for their real or perceived sexual orientation or status in a group as described under subsections (b) or (c), and any other factor considered appropriate by the Secretary.''.

SA 295. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EMERGING TECHNOLOGY LEADS.

(a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term ''covered agency'' means—

(A) an agency listed in section 901(b) of title 31, United States Code; or

(B) an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means—

(A) an individual serving in a Senior Executive Service position, as that term is defined in section 3132 of title 5, United States Code;

(B) an individual who—

(i) is serving in a position to which section 5376 of title 5, United States Code, applies; and

(ii) has a significant amount of seniority and experience, as determined by the head of the applicable covered agency; and

(C) another individual who is the equivalent of an individual described in subparagraph (A) or (B), as determined by the head of the applicable covered agency.

(b) APPOINTMENT OR DESIGNATION.—The head of each covered agency that is substantially engaged in the development, application, or oversight of emerging technologies shall appoint or designate a covered individual as an emerging technology lead to—

(1) advise the covered agency on the responsible use of emerging technologies, including artificial intelligence;

(2) provide expertise on responsible policies and practices;

(3) collaborate with interagency coordinating bodies; and

(4) provide input for procurement policies.

(c) INFORMING CONGRESS.—Not later than 180 days after the date of enactment of this Act, the President shall—

(1) inform Congress of each covered agency for which a covered individual has been appointed or designated as an emerging technology lead under subsection (b); and

(2) provide to Congress a description of the authorities and responsibilities of the covered individuals described in paragraph (1).

SA 296. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. TASK FORCE ON ARTIFICIAL INTELLIGENCE GOVERNANCE AND OVERSIGHT.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the President shall appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence (referred to in this section as the ''AI Task Force'').

(b) MEMBERSHIP OF AI TASK FORCE.—

(1) IN GENERAL.—The AI Task Force shall include—

(A) the Director of the Office of Management and Budget or his or her designee;

(B) the Director of the National Institute of Standards and Technology or his or her designee;

(C) the Director of the Office of Science and Technology Policy or his or her designee;

(D) the Assistant Director of the Directorate for Technology, Innovation, and Partnerships at the National Science Foundation;

(E) the Secretary of Health and Human Services or his or her designee;

(F) the Secretary of Transportation or his or her designee;

(G) the Secretary of Housing and Urban Development or his or her designee;

(H) the Comptroller General of the United States or his or her designee;

(I) the Chairman of the Federal Trade Commission or his or her designee;

(J) the Chairperson of the Equal Employment Opportunity Commission or his or her designee;

(K) the Chair of the Council of Inspectors General on Integrity and Efficiency or his or her designee;

(L) the Principal Deputy Assistant Attorney General for the Civil Rights Division of the Department of Justice or his or her designee;

(M) the chief privacy and civil liberties officers for the following agencies:

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of Health and Human Services;

(vi) the Department of Homeland Security;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Education; and

(x) the Office of the Director of National Intelligence;

(N) the Chair of the Privacy and Civil Liberties Oversight Board;

(O) the Chair of the National Artificial Intelligence Advisory Committee's Subcommittee on Artificial Intelligence and Law Enforcement;

(P) any other governmental representative determined necessary by the President; and

(Q) not fewer than 6, but not more than 10, representatives from civil society, including organizational leaders with expertise in technology, privacy, civil liberties, and civil rights, representatives from industry, and representatives from academia, as appointed by the President.

(2) TASK FORCE CHAIR AND VICE CHAIR.—The President shall designate a Chair and Vice

Chair of the AI Task Force from among its members.

(c) DUTIES.—

(1) IN GENERAL.—The AI Task Force shall—

(A) assess existing policy, regulatory, and legal gaps for artificial intelligence (referred to in this section as ''AI'') applications and associated data, as of the date of enactment of this Act; and

(B) make recommendations to Congress and the President for legislative and regulatory reforms to ensure that uses of artificial intelligence and associated data in Federal Government operations comport with freedom of expression, equal protection, privacy, civil liberties, civil rights, and due process.

(2) SPECIFIC REQUIREMENTS.—The assessments and recommendations under paragraph (1) shall—

(A) address—

(i) the application of Federal antidiscrimination laws to Federal Government use of AI;

(ii) the application of Federal disparate impact standards to Federal Government use of AI;

(iii) artificial intelligence validation and auditing for Federal Government use of AI;

(iv) artificial intelligence risk and impact assessment reporting regarding Federal Government use of AI; and

(v) institutional changes to ensure sustained assessment and recurring guidance on privacy and civil liberties implications of artificial intelligence applications, emerging technologies, and associated data;

(B) include recommendations regarding—

(i) baseline standards for Federal Government use of biometric identification technologies, including facial recognition, voiceprint, gait recognition, and keyboard entry technologies;

(ii) proposals to address any gaps in Federal law, including regulations, with respect to facial recognition technologies in order to enhance protections of privacy, civil liberties, and civil rights of individuals in the United States;

(iii) baseline standards for the protection and integrity of data in the custody of the Federal Government; and

(iv) best practices and contractual requirements to strengthen protections for privacy, information security, fairness, nondiscrimination, auditability, and accountability in artificial intelligence systems and technologies and associated data procured by the Federal Government; and

(C) assess—

(i) whether existing and proposed AI regulations are appropriately balanced against critical law enforcement and national security needs;

(ii) ongoing efforts to regulate commercial development and fielding of artificial intelligence and associated data in light of privacy, civil liberties, and civil rights implications, and, as appropriate, consider and recommend institutional or organizational changes to facilitate applicable regulation; and

(iii) the utility of establishing a new organization within the Federal Government to provide ongoing governance for and oversight over the fielding of artificial intelligence technologies by Federal agencies as technological capabilities evolve over time, including—

(I) the review of Federal funds used for the procurement and development of artificial intelligence; and

(II) the enforcement of Federal law for commercial artificial intelligence products used in government.

(3) ORGANIZATIONAL CONSIDERATIONS.—In conducting the assessments required under this subsection, the AI Task Force shall consider—

(A) the organizational placement, structure, composition, authorities, and resources that a new organization would require to provide ongoing guidance and baseline standards for—

(i) the Federal Government's development, acquisition, and fielding of artificial intelligence systems to ensure the systems comport with privacy, civil liberties, and civil rights and civil liberties law, including guardrails for their use; and

(ii) providing transparency to oversight entities and the public regarding Federal Government use of artificial systems and the performance of those systems;

(B) the existing interagency and intra-agency efforts to address AI oversight;

(C) the need for and scope of national security carve-outs, and any limitations or protections that should be built into any such carve-outs; and

(D) the research, development, and application of new technologies to mitigate privacy and civil liberties risks inherent in artificial intelligence systems.

(d) POWERS OF THE TASK FORCE.—

(1) HEARINGS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the AI Task Force considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member of the AI Task Force may, upon authorization by the AI Task Force, take any action that the AI Task Force is authorized to take under this section.

(3) OBTAINING OFFICIAL DATA.—Subject to applicable privacy laws and relevant regulations, the AI Task Force may secure directly from any department or agency of the United States information and data necessary to enable it to carry out this section. Upon written request of the Chair of the AI Task Force, the head or acting representative of that department or agency shall furnish the requested information to the AI Task Force not later than 30 days after receipt of the request.

(e) OPERATING RULES AND PROCEDURE.—

(1) INITIAL MEETING.—The AI Task Force shall meet not later than 30 days after the date on which a majority of the members of the AI Task Force have been appointed.

(2) VOTING.—Each member of the AI Task Force shall have 1 vote.

(3) RECOMMENDATIONS.—The AI Task Force shall adopt recommendations only upon a majority vote.

(4) QUORUM.—A majority of the members of the AI Task Force shall constitute a quorum, but a lesser number of members may hold meetings, gather information, and review draft reports from staff.

(f) STAFF.—

(1) PERSONNEL.—The chairperson of the AI Task Force may appoint staff to inform, support, and enable AI Task Force members in the fulfillment of their responsibilities. A staff member may not be a local, State, or Federal elected official or be affiliated with or employed by, such an elected official during the duration of the AI Task Force.

(2) DETAILEES.—The head of any Federal department or agency may detail, on a non-reimbursable basis, any of the personnel of that department or agency to the AI Task Force to assist the AI Task Force in carrying out its purposes and functions.

(3) SECURITY CLEARANCES FOR MEMBERS AND STAFF.—The appropriate Federal departments or agencies shall cooperate with the AI Task Force in expeditiously providing to the AI Task Force members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this section without the appropriate security clearances.

(4) EXPERT CONSULTANTS.—As needed, the AI Task Force may commission intermittent research or other information from experts and provide stipends for engagement consistent with relevant statutes and regulations.

(g) ASSISTANCE FROM PRIVATE SECTOR.—

(1) PRIVATE ENGAGEMENT.—The Chair of the AI Task Force may engage with representatives from a private sector organization for the purpose of carrying out the mission of the AI Task Force, and any such engagement shall not be subject to chapter 10 of title 5, United States Code.

(2) TEMPORARY ASSIGNMENT OF PERSONNEL.—The Chair of the AI Task Force, with the agreement of a private sector organization, may arrange for the temporary assignment of employees of the organization to the Task Force in accordance with paragraphs (1) and (4) of subsection (f).

(3) DURATION.—An assignment under this subsection may, at any time and for any reason, be terminated by the Chair or the private sector organization concerned and shall be for a total period of not more than 18 months.

(h) APPLICATION OF ETHICS RULES.—

(1) IN GENERAL.—An employee of a private sector organization assigned under subsection (g)—

(A) shall be deemed to be a special government employee for purposes of Federal law, including chapter 11 of title 18, United States Code, and chapter 135 of title 5, United States Code; and

(B) notwithstanding section 202(a) of title 18, United States Code, may be assigned to the Task Force for a period of not longer than 18 months.

(2) NO FINANCIAL LIABILITY.—Any agreement subject to this subsection shall require the private sector organization concerned to be responsible for all costs associated with the assignment of an employee under subsection (g).

(i) REPORTING.—

(1) INTERIM REPORT TO CONGRESS.—Not later than 1 year after the establishment of the AI Task Force, the AI Task Force shall prepare and submit an interim report to Congress and the President containing the AI Task Force's legislative and regulatory recommendations.

(2) UPDATES.—The AI Task Force shall provide periodic updates to the President and to Congress.

(3) FINAL REPORT.—Not later than 18 months after the establishment of the AI Task Force, the AI Task Force shall prepare and submit a final report to the President and to Congress containing its assessment on organizational considerations, to include any recommendations for organizational changes.

(j) OTHER EMERGING TECHNOLOGIES.—At any time before the submission of the final report under subsection (i)(3), the AI Task Force may recommend to Congress the creation of a similar task force focused on another emerging technology.

(k) SUNSET.—The AI Task Force shall terminate on the date that is 18 months after the establishment of the AI Task Force under subsection (a).

SA 297. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—COLORADO OUTDOOR RECREATION

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Colorado Outdoor Recreation and Economy Act''.

SEC. 6002. DEFINITION OF STATE.

In this division, the term ''State'' means the State of Colorado.

TITLE LXI—CONTINENTAL DIVIDE

SEC. 6101. DEFINITIONS.

In this title:

(1) COVERED AREA.—The term ''covered area'' means any area designated as wilderness by the amendments to section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) made by section 6102(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) WILDLIFE CONSERVATION AREA.—The term ''Wildlife Conservation Area'' means, as applicable—

(A) the Porcupine Gulch Wildlife Conservation Area designated by section 6104(a);

(B) the Williams Fork Mountains Wildlife Conservation Area designated by section 6105(a); and

(C) the Spraddle Creek Wildlife Conservation Area designated by section 6106(a).

SEC. 6102. COLORADO WILDERNESS ADDITIONS.

(a) DESIGNATION.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) is amended—

(1) in paragraph (18), by striking ''1993,'' and inserting ''1993, and certain Federal land within the White River National Forest that comprises approximately 6,896 acres, as generally depicted as 'Proposed Ptarmigan Peak Wilderness Additions' on the map entitled 'Proposed Ptarmigan Peak Wilderness Additions' and dated June 24, 2019,''; and

(2) by adding at the end the following:

''(23) HOLY CROSS WILDERNESS ADDITION.—Certain Federal land within the White River National Forest that comprises approximately 3,866 acres, as generally depicted as 'Proposed Megan Dickie Wilderness Addition' on the map entitled 'Holy Cross Wilderness Addition Proposal' and dated June 24, 2019, which shall be incorporated into, and managed as part of, the Holy Cross Wilderness designated by section 102(a)(5) of Public Law 96–560 (94 Stat. 3266).

''(24) HOOSIER RIDGE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 5,235 acres, as generally depicted as 'Proposed Hoosier Ridge Wilderness' on the map entitled 'Tenmile Proposal' and dated April 22, 2022, which shall be known as the 'Hoosier Ridge Wilderness'.

''(25) TENMILE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 7,624 acres, as generally depicted as 'Proposed Tenmile Wilderness' on the map entitled 'Tenmile Proposal' and dated May 1, 2023, which shall be known as the 'Tenmile Wilderness'.

''(26) EAGLES NEST WILDERNESS ADDITIONS.—Certain Federal land within the White River National Forest that comprises approximately 7,634 acres, as generally depicted as 'Proposed Freeman Creek Wilderness Addition' and 'Proposed Spraddle Creek Wilderness Addition' on the map entitled 'Eagles Nest Wilderness Additions Proposal' and dated April 26, 2022, which shall be incorporated into, and managed as part of, the Eagles Nest Wilderness designated by Public Law 94–352 (90 Stat. 870).''.

(b) APPLICABLE LAW.—Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering a covered area.

(c) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may carry out any activity in a covered area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) GRAZING.—The grazing of livestock on a covered area, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(e) COORDINATION.—For purposes of administering the Federal land designated as wilderness by paragraph (26) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by subsection (a)(2)), the Secretary shall, as determined to be appropriate for the protection of watersheds, coordinate the activities of the Secretary in response to fires and flooding events with interested State and local agencies.

SEC. 6103. WILLIAMS FORK MOUNTAINS POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land in the White River National Forest in the State, comprising approximately 8,036 acres, as generally depicted as ''Proposed Williams Fork Mountains Wilderness'' on the map entitled ''Williams Fork Mountains Proposal'' and dated June 24, 2019, is designated as a potential wilderness area.

(b) MANAGEMENT.—Subject to valid existing rights and except as provided in subsection (d), the potential wilderness area designated by subsection (a) shall be managed in accordance with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) this section.

(c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with applicable laws (including regulations), the Secretary shall publish a determination regarding whether to authorize livestock grazing or other use by livestock on the vacant allotments known as—

(A) the ''Big Hole Allotment''; and

(B) the ''Blue Ridge Allotment''.

(2) MODIFICATION OF ALLOTMENTS.—In publishing a determination pursuant to paragraph (1), the Secretary may modify or combine the vacant allotments referred to in that paragraph.

(3) PERMIT OR OTHER AUTHORIZATION.—Not later than 1 year after the date on which a determination of the Secretary to authorize livestock grazing or other use by livestock is published under paragraph (1), if applicable, the Secretary shall grant a permit or other authorization for that livestock grazing or other use in accordance with applicable laws (including regulations).

(d) RANGE IMPROVEMENTS.—

(1) IN GENERAL.—If the Secretary permits livestock grazing or other use by livestock on the potential wilderness area under subsection (c), the Secretary, or a third party authorized by the Secretary, may use motorized or mechanized transport or equipment for purposes of constructing or rehabilitating such range improvements as are necessary to obtain appropriate livestock management objectives (including habitat and watershed restoration).

(2) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates on the date that is 2 years after the date on which the Secretary publishes a positive determination under subsection (c)(3).

(e) DESIGNATION AS WILDERNESS.—

(1) DESIGNATION.—The potential wilderness area designated by subsection (a) shall be designated as wilderness, to be known as the ''Williams Fork Mountains Wilderness''—

(A) effective not earlier than the date that is 180 days after the date of enactment this Act; and

(B) on the earliest of—

(i) the date on which the Secretary publishes in the Federal Register a notice that the construction or rehabilitation of range improvements under subsection (d) is complete;

(ii) the date described in subsection (d)(2); and

(iii) the effective date of a determination of the Secretary not to authorize livestock grazing or other use by livestock under subsection (c)(1).

(2) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage the Williams Fork Mountains Wilderness in accordance with the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date on which the Williams Fork Mountains Wilderness is designated in accordance with paragraph (1).

SEC. 6104. PORCUPINE GULCH WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 8,287 acres of Federal land located in the White River National Forest, as generally depicted as ''Proposed Porcupine Gulch Wildlife Conservation Area'' on the map entitled ''Porcupine Gulch Wildlife Conservation Area Proposal'' and dated June 24, 2019, are designated as the ''Porcupine Gulch Wildlife Conservation Area'' (referred to in this section as the ''Wildlife Conservation Area'').

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are—

(1) to conserve and protect a wildlife migration corridor over Interstate 70; and

(2) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) RECREATION.—The Secretary may permit such recreational activities in the Wildlife Conservation Area that the Secretary determines are consistent with the purposes described in subsection (b).

(C) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT; NEW OR TEMPORARY ROADS.—

(i) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT.—Except as provided in clause (iii), the use of motorized vehicles and mechanized transport in the Wildlife Conservation Area shall be prohibited.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii) and subsection (e), no new or temporary road shall be constructed within the Wildlife Conservation Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles or mechanized transport for administrative purposes;

(II) constructing temporary roads or permitting the use of motorized vehicles or mechanized transport to carry out pre- or post-fire watershed protection projects;

(III) authorizing the use of motorized vehicles or mechanized transport to carry out activities described in subsection (d) or (e); or

(IV) responding to an emergency.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) REGIONAL TRANSPORTATION PROJECTS.—Nothing in this section or section 6110(f) precludes the Secretary from authorizing, in accordance with applicable laws (including regulations) and subject to valid existing rights, the use of the subsurface of the Wildlife Conservation Area to construct, realign, operate, or maintain regional transportation projects, including Interstate 70 and the Eisenhower-Johnson Tunnels.

(f) WATER.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 6105. WILLIAMS FORK MOUNTAINS WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 3,528 acres of Federal land in the White River National Forest in the State, as generally depicted as ''Proposed Williams Fork Mountains Wildlife Conservation Area'' on the map entitled ''Williams Fork Mountains Proposal'' and dated June 24, 2019, are designated as the ''Williams Fork Mountains Wildlife Conservation Area'' (referred to in this section as the ''Wildlife Conservation Area'').

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, recreational, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (iii), the use of motorized vehicles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wildlife Conservation Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles for administrative purposes;

(II) authorizing the use of motorized vehicles to carry out activities described in subsection (d); or

(III) responding to an emergency.

(C) BICYCLES.—The use of bicycles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(E) GRAZING.—The laws (including regulations) and policies followed by the Secretary in issuing and administering grazing permits or leases on land under the jurisdiction of the Secretary shall continue to apply with regard to the land in the Wildlife Conservation Area, consistent with the purposes described in subsection (b).

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 6106. SPRADDLE CREEK WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 2,674 acres of Federal land in the White River National Forest in the State, as generally depicted as ''Proposed Spraddle Creek Wildlife Conservation Area'' on the map entitled ''Eagles Nest Wilderness Additions Proposal'' and dated April 26, 2022, are designated as the ''Spraddle Creek Wildlife Conservation Area'' (referred to in this section as the ''Wildlife Conservation Area'').

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, recreational, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this title.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT.—Except as necessary for administrative purposes or to respond to an emergency, the use of motorized vehicles and mechanized transport in the Wildlife Conservation Area shall be prohibited.

(C) ROADS.—

(i) IN GENERAL.—Except as provided in clause (ii), no road shall be constructed in the Wildlife Conservation Area.

(ii) EXCEPTIONS.—Nothing in clause (i) prevents the Secretary from—

(I) constructing a temporary road as the Secretary determines to be necessary as a minimum requirement for carrying out a vegetation management project in the Wildlife Conservation Area; or

(II) responding to an emergency.

(iii) DECOMMISSIONING OF TEMPORARY ROADS.—Not later than 3 years after the date on which the applicable vegetation management project is completed, the Secretary shall decommission any temporary road constructed under clause (ii)(I) for the applicable vegetation management project.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized in the Wildlife Conservation Area under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 6107. SANDY TREAT OVERLOOK.

The interpretive site located beside United States Route 24 within the Camp Hale-Continental Divide National Monument, at 39.431N 106.323W, is designated as the ''Sandy Treat Overlook''.

SEC. 6108. WHITE RIVER NATIONAL FOREST BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of the White River National Forest is modified to include the approximately 120 acres comprised of the SW¼, the SE¼, and the NE¼ of the SE¼ of sec. 1, T. 2 S., R. 80 W., 6th Principal Meridian, in Summit County in the State.

(b) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306 of title 54, United States Code, the boundaries of the White River National Forest, as modified by subsection (a), shall be considered to be the boundaries of the White River National Forest as in existence on January 1, 1965.

SEC. 6109. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL WILDERNESS BOUNDARY ADJUSTMENT.

(a) PURPOSE.—The purpose of this section is to provide for the ongoing maintenance

and use of portions of the Trail River Ranch and the associated property located within Rocky Mountain National Park in Grand County in the State.

(b) BOUNDARY ADJUSTMENT.—Section 1952(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1070) is amended by adding at the end the following:

''(3) BOUNDARY ADJUSTMENT.—The boundary of the Potential Wilderness is modified to exclude the area comprising approximately 15.5 acres of land identified as 'Potential Wilderness to Non-wilderness' on the map entitled 'Rocky Mountain National Park Proposed Wilderness Area Amendment' and dated January 16, 2018.''.

SEC. 6110. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this title or an amendment made by this title establishes a protective perimeter or buffer zone around—

(A) a covered area;

(B) a wilderness area or potential wilderness area designated by section 6103; or

(C) a Wildlife Conservation Area.

(2) OUTSIDE ACTIVITIES.—The fact that a nonwilderness activity or use on land outside of an area described in paragraph (1) can be seen or heard from within the applicable area described in paragraph (1) shall not preclude the activity or use outside the boundary of the applicable area described in paragraph (1).

(c) TRIBAL RIGHTS AND USES.—

(1) TREATY RIGHTS.—Nothing in this title affects the treaty rights of an Indian Tribe.

(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions that the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the areas described in subsection (b)(1) by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions of each area described in subsection (b)(1) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may—

(A) correct any typographical errors in the maps and legal descriptions; and

(B) in consultation with the State, make minor adjustments to the boundaries of the Porcupine Gulch Wildlife Conservation Area designated by section 6104(a) and the Williams Fork Mountains Wildlife Conservation Area designated by section 6105(a) to account for potential highway or multimodal transportation system construction, safety measures, maintenance, realignment, or widening.

(3) PUBLIC AVAILABILITY.—Each map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundaries of an area described in subsection (b)(1) by donation, purchase from a willing seller, or exchange.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness area or Wildlife Conservation Area, as applicable, in which the land or interest in land is located.

(f) WITHDRAWAL.—Subject to valid existing rights, the areas described in subsection (b)(1) are withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(g) MILITARY OVERFLIGHTS.—Nothing in this title or an amendment made by this title restricts or precludes—

(1) any low-level overflight of military aircraft over any area subject to this title or an amendment made by this title, including military overflights that can be seen, heard, or detected within such an area;

(2) flight testing or evaluation over an area described in paragraph (1); or

(3) the use or establishment of—

(A) any new unit of special use airspace over an area described in paragraph (1); or

(B) any military flight training or transportation over such an area.

(h) SENSE OF CONGRESS.—It is the sense of Congress that military aviation training on Federal public land in the State, including the training conducted at the High-Altitude Army National Guard Aviation Training Site, is critical to the national security of the United States and the readiness of the Armed Forces.

TITLE LXII—SAN JUAN MOUNTAINS

SEC. 6201. DEFINITIONS.

In this title:

(1) COVERED LAND.—The term ''covered land'' means—

(A) land designated as wilderness under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 6202); and

(B) a Special Management Area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) SPECIAL MANAGEMENT AREA.—The term ''Special Management Area'' means each of—

(A) the Sheep Mountain Special Management Area designated by section 6203(a)(1); and

(B) the Liberty Bell East Special Management Area designated by section 6203(a)(2).

SEC. 6202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as amended by section 6102(a)(2)) is amended by adding at the end the following:

''(27) LIZARD HEAD WILDERNESS ADDITION.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,141 acres, as generally depicted on the map entitled 'Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Lizard Head Wilderness.

''(28) MOUNT SNEFFELS WILDERNESS ADDITIONS.—

''(A) LIBERTY BELL AND LAST DOLLAR ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 7,235 acres, as generally depicted on the map entitled 'Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

''(B) WHITEHOUSE ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 12,465 acres, as generally depicted on the map entitled 'Proposed Whitehouse Additions to the Mt. Sneffels Wilderness' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

''(29) MCKENNA PEAK WILDERNESS.—Certain Federal land in the State of Colorado comprising approximately 8,884 acres of Bureau of Land Management land, as generally depicted on the map entitled 'Proposed McKenna Peak Wilderness Area' and dated September 18, 2018, to be known as the 'McKenna Peak Wilderness'.''.

SEC. 6203. SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION.—

(1) SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests in the State comprising approximately 21,663 acres, as generally depicted on the map entitled ''Proposed Sheep Mountain Special Management Area'' and dated September 19, 2018, is designated as the ''Sheep Mountain Special Management Area''.

(2) LIBERTY BELL EAST SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests in the State comprising approximately 792 acres, as generally depicted on the map entitled ''Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area'' and dated September 6, 2018, is designated as the ''Liberty Bell East Special Management Area''.

(b) PURPOSE.—The purpose of the Special Management Areas is to conserve and protect for the benefit and enjoyment of present and future generations the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the Special Management Areas.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Special Management Areas in a manner that—

(A) conserves, protects, and enhances the resources and values of the Special Management Areas described in subsection (b);

(B) subject to paragraph (3), maintains or improves the wilderness character of the Special Management Areas and the suitability of the Special Management Areas for potential inclusion in the National Wilderness Preservation System; and

(C) is in accordance with—

(i) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(ii) this title; and

(iii) any other applicable laws.

(2) PROHIBITIONS.—The following shall be prohibited in the Special Management Areas:

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land, to provide access for abandoned mine cleanup, and to protect public health and safety—

(i) the use of motor vehicles, motorized equipment, or mechanical transport (other than as provided in paragraph (3)); and

(ii) the establishment of temporary roads.

(3) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may allow any activities (including helicopter access for recreation and maintenance and the competitive running event permitted since 1992) that have been authorized by permit or license as of the date of enactment of this Act

to continue within the Special Management Areas, subject to such terms and conditions as the Secretary may require.

(B) PERMITTING.—The designation of the Special Management Areas by subsection (a) shall not affect the issuance of permits relating to the activities covered under subparagraph (A) after the date of enactment of this Act.

(C) BICYCLES.—The Secretary may permit the use of bicycles in—

(i) the portion of the Sheep Mountain Special Management Area identified as ''Ophir Valley Area'' on the map entitled ''Proposed Sheep Mountain Special Management Area'' and dated September 19, 2018; and

(ii) the portion of the Liberty Bell East Special Management Area identified as ''Liberty Bell Corridor'' on the map entitled ''Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area'' and dated September 6, 2018.

(d) APPLICABLE LAW.—Water and water rights in the Special Management Areas shall be administered in accordance with section 8 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 762), except that, for purposes of this title—

(1) any reference contained in that section to ''the lands designated as wilderness by this Act'', ''the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act'', or ''the areas described in sections 2, 5, 6, and 9 of this Act'' shall be considered to be a reference to ''the Special Management Areas''; and

(2) any reference contained in that section to ''this Act'' shall be considered to be a reference to ''the Colorado Outdoor Recreation and Economy Act''.

(e) SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA NORDIC SKI SAFETY STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with interested parties, shall complete a study on ensuring safe access for Nordic skiing in the vicinity of the Sheep Mountain Special Management Area, consistent with the purposes of the Sheep Mountain Special Management Area.

(2) REQUIREMENT.—In conducting the study under paragraph (1), the Secretary, in coordination with San Miguel County in the State, the State Department of Transportation, and other interested stakeholders, shall identify a range of reasonable actions that could be taken by the Secretary to provide or facilitate off-highway parking areas along State Highway 145 to facilitate safe access for Nordic skiing in the vicinity of the Sheep Mountain Special Management Area.

SEC. 6204. RELEASE OF WILDERNESS STUDY AREAS.

(a) DOMINGUEZ CANYON WILDERNESS STUDY AREA.—Subtitle E of title II of Public Law 111–11 is amended—

(1) by redesignating section 2408 (16 U.S.C. 460zzz–7) as section 2409; and

(2) by inserting after section 2407 (16 U.S.C. 460zzz–6) the following:

''SEC. 2408. RELEASE.

''(a) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Dominguez Canyon Wilderness Study Area not designated as wilderness by this subtitle have been adequately studied for wilderness designation.

''(b) RELEASE.—Any public land referred to in subsection (a) that is not designated as wilderness by this subtitle—

''(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

''(2) shall be managed in accordance with this subtitle and any other applicable laws.''.

(b) MCKENNA PEAK WILDERNESS STUDY AREA.—

(1) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the McKenna Peak Wilderness Study Area in San Miguel County in the State not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 6202) have been adequately studied for wilderness designation.

(2) RELEASE.—Any public land referred to in paragraph (1) that is not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 6202)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable laws.

SEC. 6205. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this title establishes a protective perimeter or buffer zone around covered land.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside of the covered land can be seen or heard from within covered land shall not preclude the activity or use outside the boundary of the covered land.

(c) TRIBAL RIGHTS AND USES.—

(1) TREATY RIGHTS.—Nothing in this title affects the treaty rights of any Indian Tribe, including rights under the Agreement of September 13, 1873, ratified by the Act of April 29, 1874 (18 Stat. 36, chapter 136).

(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions as the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the covered land by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary or the Secretary of the Interior, as appropriate, shall file a map and a legal description of each wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 6202) and the Special Management Areas with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary or the Secretary of the Interior, as appropriate, may correct any typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Forest Service.

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior, as appropriate, may acquire any land or interest in land within the boundaries of a Special Management Area or the wilderness designated under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 6202) by donation, purchase from a willing seller, or exchange.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness or Special Management Area in which the land or interest in land is located.

(f) GRAZING.—The grazing of livestock on covered land, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary with jurisdiction over the covered land, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the applicable guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405) or H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(g) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary with jurisdiction over a wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 6202) may carry out any activity in the wilderness area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(h) WITHDRAWAL.—Subject to valid existing rights, the covered land and the approximately 6,590 acres generally depicted on the map entitled ''Proposed Naturita Canyon Mineral Withdrawal Area'' and dated September 6, 2018, is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

TITLE LXIII—THOMPSON DIVIDE

SEC. 6301. PURPOSES.

The purposes of this title are—

(1) subject to valid existing rights, to withdraw certain Federal land in the Thompson Divide area from mineral and other disposal laws in order to protect the agricultural, ranching, wildlife, air quality, recreation, ecological, and scenic values of the area; and

(2) to promote the capture of fugitive methane emissions that would otherwise be emitted into the atmosphere.

SEC. 6302. DEFINITIONS.

In this title:

(1) FUGITIVE METHANE EMISSIONS.—The term ''fugitive methane emissions'' means methane gas from the Federal land or interests in Federal land in Garfield, Gunnison, Delta, or Pitkin County in the State, within the boundaries of the ''Fugitive Coal Mine Methane Use Pilot Program Area'', as generally depicted on the pilot program map, that would leak or be vented into the atmosphere from—

(A) an active or inactive coal mine subject to a Federal coal lease; or

(B) an abandoned underground coal mine or the site of a former coal mine—

(i) that is not subject to a Federal coal lease; and

(ii) with respect to which the Federal interest in land includes mineral rights to the methane gas.

(2) PILOT PROGRAM.—The term ''pilot program'' means the Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program established by section 6305(a)(1).

(3) PILOT PROGRAM MAP.—The term ''pilot program map'' means the map entitled ''Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program Area'' and dated April 29, 2022.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) THOMPSON DIVIDE LEASE.—

(A) IN GENERAL.—The term ''Thompson Divide lease'' means any oil or gas lease in effect on the date of enactment of this Act within the Thompson Divide Withdrawal and Protection Area.

(B) EXCLUSIONS.—The term ''Thompson Divide lease'' does not include any oil or gas lease that—

(i) is associated with a Wolf Creek Storage Field development right; or

(ii) before the date of enactment of this Act, has expired, been cancelled, or otherwise terminated.

(6) THOMPSON DIVIDE MAP.—The term ''Thompson Divide map'' means the map entitled ''Greater Thompson Divide Area Map'' and dated May 15, 2023.

(7) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.—The term ''Thompson Divide Withdrawal and Protection Area'' means the Federal land and minerals within the area generally depicted as the ''Thompson Divide Withdrawal and Protection Area'' on the Thompson Divide map.

(8) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHT.—

(A) IN GENERAL.—The term ''Wolf Creek Storage Field development right'' means a development right for any of the Federal mineral leases numbered COC 0007496, COC 0007497, COC 0007498, COC 0007499, COC 0007500, COC 0007538, COC 0008128, COC 0015373, COC 0128018, COC 0051645, and COC 0051646, as generally depicted on the Thompson Divide map as ''Wolf Creek Storage Agreement''.

(B) EXCLUSIONS.—The term ''Wolf Creek Storage Field development right'' does not include any storage right or related activity within the area described in subparagraph (A).

SEC. 6303. THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.

(a) WITHDRAWAL.—Subject to valid existing rights, the Thompson Divide Withdrawal and Protection Area is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) SURVEYS.—The exact acreage and legal description of the Thompson Divide Withdrawal and Protection Area shall be determined by surveys approved by the Secretary, in consultation with the Secretary of Agriculture.

(c) GRAZING.—Nothing in this title affects the administration of grazing in the Thompson Divide Withdrawal and Protection Area.

SEC. 6304. THOMPSON DIVIDE LEASE CREDITS.

(a) IN GENERAL.—In exchange for the relinquishment by a leaseholder of all Thompson Divide leases of the leaseholder, the Secretary may issue to the leaseholder credits for any bid, royalty, or rental payment due under any Federal oil or gas lease on Federal land in the State, in accordance with subsection (b).

(b) AMOUNT OF CREDITS.—

(1) IN GENERAL.—Subject to paragraph (2), the amount of the credits issued to a leaseholder of a Thompson Divide lease relinquished under subsection (a) shall—

(A) be equal to the sum of—

(i) the amount of the bonus bids paid for the applicable Thompson Divide leases;

(ii) the amount of any rental paid for the applicable Thompson Divide leases as of the date on which the leaseholder submits to the Secretary a notice of the decision to relinquish the applicable Thompson Divide leases; and

(iii) the amount of any reasonable expenses incurred by the leaseholder of the applicable Thompson Divide leases in the preparation of any drilling permit, sundry notice, or other related submission in support of the development of the applicable Thompson Divide leases as of January 28, 2019, including any expenses relating to the preparation of any analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) require the approval of the Secretary.

(2) EXCLUSION.—The amount of a credit issued under subsection (a) shall not include any expenses paid by the leaseholder of a Thompson Divide lease for—

(A) legal fees or related expenses for legal work with respect to a Thompson Divide lease; or

(B) any expenses incurred before the issuance of a Thompson Divide lease.

(c) CANCELLATION.—Effective on relinquishment under this section, and without any additional action by the Secretary, a Thompson Divide lease—

(1) shall be permanently cancelled; and

(2) shall not be reissued.

(d) CONDITIONS.—

(1) APPLICABLE LAW.—Except as otherwise provided in this section, each exchange under this section shall be conducted in accordance with—

(A) this title; and

(B) other applicable laws (including regulations).

(2) ACCEPTANCE OF CREDITS.—The Secretary shall accept credits issued under subsection (a) in the same manner as cash for the payments described in that subsection.

(3) APPLICABILITY.—The use of a credit issued under subsection (a) shall be subject to the laws (including regulations) applicable to the payments described in that subsection, to the extent that the laws are consistent with this section.

(4) TREATMENT OF CREDITS.—All amounts in the form of credits issued under subsection (a) accepted by the Secretary shall be considered to be amounts received for the purposes of—

(A) section 35 of the Mineral Leasing Act (30 U.S.C. 191); and

(B) section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

(e) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHTS.—

(1) CONVEYANCE TO SECRETARY.—As a condition precedent to the relinquishment of a Thompson Divide lease under this section, any leaseholder with a Wolf Creek Storage Field development right shall permanently relinquish, transfer, and otherwise convey to the Secretary, in a form acceptable to the Secretary, all Wolf Creek Storage Field development rights of the leaseholder.

(2) CREDITS.—

(A) IN GENERAL.—In consideration for the transfer of development rights under paragraph (1), the Secretary may issue to a leaseholder described in that paragraph credits for any reasonable expenses incurred by the leaseholder in acquiring the Wolf Creek Storage Field development right or in the preparation of any drilling permit, sundry notice, or other related submission in support of the development right as of January 28, 2019, including any reasonable expenses relating to the preparation of any analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) APPROVAL.—Any credits for a transfer of the development rights under paragraph (1), shall be subject to—

(i) the exclusion described in subsection (b)(2);

(ii) the conditions described in subsection (d); and

(iii) the approval of the Secretary.

(3) LIMITATION OF TRANSFER.—Development rights acquired by the Secretary under paragraph (1)—

(A) shall be held for as long as the parent leases in the Wolf Creek Storage Field remain in effect; and

(B) shall not be—

(i) transferred;

(ii) reissued; or

(iii) otherwise used for mineral extraction.

SEC. 6305. GREATER THOMPSON DIVIDE FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.

(a) FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.—

(1) ESTABLISHMENT.—There is established in the Bureau of Land Management a pilot program, to be known as the ''Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program''.

(2) PURPOSE.—The purpose of the pilot program is to promote the capture, beneficial use, mitigation, and sequestration of fugitive methane emissions—

(A) to reduce methane emissions;

(B) to promote economic development;

(C) to improve air quality; and

(D) to improve public safety.

(3) PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan—

(i) to complete an inventory of fugitive methane emissions in accordance with subsection (b);

(ii) to provide for the leasing of fugitive methane emissions in accordance with subsection (c); and

(iii) to provide for the capping or destruction of fugitive methane emissions in accordance with subsection (d).

(B) COORDINATION.—In developing the plan under this paragraph, the Secretary shall coordinate with—

(i) the State;

(ii) Garfield, Gunnison, Delta, and Pitkin Counties in the State;

(iii) lessees of Federal coal within the counties referred to in clause (ii);

(iv) interested institutions of higher education in the State; and

(v) interested members of the public.

(b) FUGITIVE METHANE EMISSIONS INVENTORY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete an inventory of fugitive methane emissions.

(2) CONDUCT.—

(A) COLLABORATION.—The Secretary may conduct the inventory under paragraph (1) through, or in collaboration with—

(i) the Bureau of Land Management;

(ii) the United States Geological Survey;

(iii) the Environmental Protection Agency;

(iv) the United States Forest Service;

(v) State departments or agencies;

(vi) Garfield, Gunnison, Delta, or Pitkin County in the State;

(vii) the Garfield County Federal Mineral Lease District;

(viii) institutions of higher education in the State;

(ix) lessees of Federal coal within a county referred to in subparagraph (F);

(x) the National Oceanic and Atmospheric Administration;

(xi) the National Center for Atmospheric Research; or

(xii) other interested entities, including members of the public.

(B) FEDERAL SPLIT ESTATE.—

(i) IN GENERAL.—In conducting the inventory under paragraph (1) for Federal minerals on split estate land, the Secretary shall rely on available data.

(ii) LIMITATION.—Nothing in this section requires or authorizes the Secretary to enter or access private land to conduct the inventory under paragraph (1).

(3) CONTENTS.—The inventory conducted under paragraph (1) shall include—

(A) the general location and geographic coordinates of vents, seeps, or other sources producing significant fugitive methane emissions;

(B) an estimate of the volume and concentration of fugitive methane emissions from each source of significant fugitive methane emissions, including details of measurements taken and the basis for that emissions estimate;

(C) relevant data and other information available from—

(i) the Environmental Protection Agency;

(ii) the Mine Safety and Health Administration;

(iii) the Colorado Department of Natural Resources;

(iv) the Colorado Public Utility Commission;

(v) the Colorado Department of Health and Environment; and

(vi) the Office of Surface Mining Reclamation and Enforcement; and

(D) such other information as may be useful in advancing the purposes of the pilot program.

(4) PUBLIC PARTICIPATION; DISCLOSURE.—

(A) PUBLIC PARTICIPATION.—The Secretary shall, as appropriate, provide opportunities for public participation in the conduct of the inventory under paragraph (1).

(B) AVAILABILITY.—The Secretary shall make the inventory conducted under paragraph (1) publicly available.

(C) DISCLOSURE.—Nothing in this subsection requires the Secretary to publicly release information that—

(i) poses a threat to public safety;

(ii) is confidential business information; or

(iii) is otherwise protected from public disclosure.

(5) IMPACT ON COAL MINES SUBJECT TO LEASE.—

(A) IN GENERAL.—For the purposes of conducting the inventory under paragraph (1), for land subject to a Federal coal lease, the Secretary shall use readily available methane emissions data.

(B) EFFECT.—Nothing in this section requires the holder of a Federal coal lease to report additional data or information to the Secretary.

(6) USE.—The Secretary shall use the inventory conducted under paragraph (1) in carrying out—

(A) the leasing program under subsection (c); and

(B) the capping or destruction of fugitive methane emissions under subsection (d).

(c) FUGITIVE METHANE EMISSIONS LEASING PROGRAM AND SEQUESTRATION.—

(1) IN GENERAL.—Subject to valid existing rights and in accordance with this section, not later than 1 year after the date of completion of the inventory required under subsection (b), the Secretary shall carry out a program to encourage the use and destruction of fugitive methane emissions.

(2) FUGITIVE METHANE EMISSIONS FROM COAL MINES SUBJECT TO LEASE.—

(A) IN GENERAL.—The Secretary shall authorize the holder of a valid existing Federal coal lease for a mine that is producing fugitive methane emissions to capture for use or destroy the fugitive methane emissions.

(B) CONDITIONS.—The authority under subparagraph (A) shall be subject to—

(i) valid existing rights; and

(ii) such terms and conditions as the Secretary may require.

(C) LIMITATIONS.—The program carried out under paragraph (1) shall only include fugitive methane emissions that can be captured for use or destroyed in a manner that does not—

(i) endanger the safety of any coal mine worker; or

(ii) unreasonably interfere with any ongoing operation at a coal mine.

(D) COOPERATION.—

(i) IN GENERAL.—The Secretary shall work cooperatively with the holders of valid existing Federal coal leases for mines that produce fugitive methane emissions to encourage—

(I) the capture of fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market, or transforming the fugitive methane emissions into a different marketable material; or

(II) if the beneficial use of the fugitive methane emissions is not feasible, the destruction of the fugitive methane emissions.

(ii) GUIDANCE.—In support of cooperative efforts with holders of valid existing Federal coal leases to capture for use or destroy fugitive methane emissions, not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance to the public for the implementation of authorities and programs to encourage the capture for use and destruction of fugitive methane emissions, while minimizing impacts on natural resources or other public interest values.

(E) ROYALTIES.—The Secretary shall determine whether any fugitive methane emissions used or destroyed pursuant to this paragraph are subject to the payment of a royalty under applicable law.

(3) FUGITIVE METHANE EMISSIONS FROM LAND NOT SUBJECT TO A FEDERAL COAL LEASE.—

(A) IN GENERAL.—Except as otherwise provided in this section, notwithstanding section 6303 and subject to valid existing rights and any other applicable law, the Secretary shall, for land not subject to a Federal coal lease—

(i) authorize the capture for use or destruction of fugitive methane emissions; and

(ii) make available for leasing such fugitive methane emissions as the Secretary determines to be in the public interest.

(B) SOURCE.—To the extent practicable, the Secretary shall offer for lease, individually or in combination, each significant source of fugitive methane emissions on land not subject to a Federal coal lease.

(C) BID QUALIFICATIONS.—A bid to lease fugitive methane emissions under this paragraph shall specify whether the prospective lessee intends—

(i) to capture the fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market, or transforming the fugitive methane emissions into a different marketable material;

(ii) to destroy the fugitive methane emissions; or

(iii) to employ a specific combination of—

(I) capturing the fugitive methane emissions for beneficial use; and

(II) destroying the fugitive methane emissions.

(D) PRIORITY.—

(i) IN GENERAL.—If there is more than 1 qualified bid for a lease under this paragraph, the Secretary shall select the bid that the Secretary determines is likely to most significantly advance the public interest.

(ii) CONSIDERATIONS.—In determining the public interest under clause (i), the Secretary shall take into consideration—

(I) the overall decrease in the fugitive methane emissions;

(II) the impacts to other natural resource values, including wildlife, water, and air; and

(III) other public interest values, including scenic, economic, recreation, and cultural values.

(E) LEASE FORM.—

(i) IN GENERAL.—The Secretary shall develop and provide to prospective bidders a lease form for leases issued under this paragraph.

(ii) DUE DILIGENCE.—The lease form developed under clause (i) shall include terms and conditions requiring the leased fugitive methane emissions to be put to beneficial use or destroyed by not later than 3 years after the date of issuance of the lease.

(F) ROYALTY RATE.—The Secretary shall develop a minimum bid, as the Secretary determines to be necessary, and royalty rate for leases under this paragraph.

(d) SEQUESTRATION.—If, by not later than 4 years after the date of completion of the inventory under subsection (b), any significant fugitive methane emissions are not leased under subsection (c)(3), the Secretary shall, subject to the availability of appropriations and in accordance with applicable law, take all reasonable measures—

(1) to provide incentives for new leases under subsection (c)(3);

(2) to cap those fugitive methane emissions at the source in any case in which the cap will result in the long-term sequestration of all or a significant portion of the fugitive methane emissions; or

(3) to destroy the fugitive methane emissions, if incentivizing leases under paragraph (1) or sequestration under paragraph (2) is not feasible, with priority for locations that destroy the greatest quantity of fugitive methane emissions at the lowest cost.

(e) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this Act the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing—

(1) the economic and environmental impacts of the pilot program, including information on increased royalties and estimates of avoided greenhouse gas emissions; and

(2) any recommendations of the Secretary on whether the pilot program could be expanded to include—

(A) other significant sources of emissions of fugitive methane located outside the boundaries of the area depicted as ''Fugitive Coal Mine Methane Use Pilot Program Area'' on the pilot program map; and

(B) the leasing of natural methane seeps under the activities authorized pursuant to subsection (c)(3).

SEC. 6306. EFFECT.

Except as expressly provided in this title, nothing in this title—

(1) expands, diminishes, or impairs any valid existing mineral leases, mineral interest, or other property rights wholly or partially within the Thompson Divide Withdrawal and Protection Area, including access to the leases, interests, rights, or land in accordance with applicable Federal, State, and local laws (including regulations);

(2) prevents the capture of methane from any active, inactive, or abandoned coal mine covered by this title, in accordance with applicable laws; or

(3) prevents access to, or the development of, any new or existing coal mine or lease in Delta or Gunnison County in the State.

TITLE LXIV—CURECANTI NATIONAL RECREATION AREA

SEC. 6401. DEFINITIONS.

In this title:

(1) MAP.—The term ''map'' means the map entitled ''Curecanti National Recreation Area, Proposed Boundary'', numbered 616/100,485D, and dated April 25, 2022.

(2) NATIONAL RECREATION AREA.—The term ''National Recreation Area'' means the Curecanti National Recreation Area established by section 6402(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 6402. CURECANTI NATIONAL RECREATION AREA.

(a) ESTABLISHMENT.—Effective beginning on the earlier of the date on which the Secretary approves a request under subsection (c)(2)(B)(i)(I) and the date that is 1 year after the date of enactment of this Act, there shall be established as a unit of the National Park System the Curecanti National Recreation Area, in accordance with this division, consisting of approximately 50,300 acres of land in the State, as generally depicted on the map as ''Curecanti National Recreation Area Proposed Boundary''.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the National Recreation Area in accordance with—

(A) this title; and

(B) the laws (including regulations) generally applicable to units of the National Park System, including section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code.

(2) DAM, POWER PLANT, AND RESERVOIR MANAGEMENT AND OPERATIONS.—

(A) IN GENERAL.—Nothing in this title affects or interferes with the authority of the Secretary—

(i) to operate the Uncompahgre Valley Reclamation Project under the reclamation laws;

(ii) to operate the Wayne N. Aspinall Unit of the Colorado River Storage Project under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.); or

(iii) under the Federal Water Project Recreation Act (16 U.S.C. 460l–12 et seq.).

(B) RECLAMATION LAND.—

(i) SUBMISSION OF REQUEST TO RETAIN ADMINISTRATIVE JURISDICTION.—If, before the date that is 1 year after the date of enactment of this Act, the Commissioner of Reclamation submits to the Secretary a request for the Commissioner of Reclamation to retain administrative jurisdiction over the minimum quantity of land within the land identified on the map as ''Lands withdrawn or acquired for Bureau of Reclamation projects'' that the Commissioner of Reclamation identifies as necessary for the effective operation of Bureau of Reclamation water facilities, the Secretary may—

(I) approve, approve with modifications, or disapprove the request; and

(II) if the request is approved under subclause (I), make any modifications to the map that are necessary to reflect that the Commissioner of Reclamation retains management authority over the minimum quantity of land required to fulfill the reclamation mission.

(ii) TRANSFER OF LAND.—

(I) IN GENERAL.—Administrative jurisdiction over the land identified on the map as ''Lands withdrawn or acquired for Bureau of Reclamation projects'', as modified pursuant to clause (i)(II), if applicable, shall be transferred from the Commissioner of Reclamation to the Director of the National Park Service by not later than the date that is 1 year after the date of enactment of this Act.

(II) ACCESS TO TRANSFERRED LAND.—

(aa) IN GENERAL.—Subject to item (bb), the Commissioner of Reclamation shall retain access to the land transferred to the Director of the National Park Service under subclause (I) for reclamation purposes, including for the operation, maintenance, and expansion or replacement of facilities.

(bb) MEMORANDUM OF UNDERSTANDING.—The terms of the access authorized under item (aa) shall be determined by a memorandum of understanding entered into between the Commissioner of Reclamation and the Director of the National Park Service not later than 1 year after the date of enactment of this Act.

(3) MANAGEMENT AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into management agreements, or modify management agreements in existence on the date of enactment of this Act, relating to the authority of the Director of the National Park Service, the Commissioner of Reclamation, the Director of the Bureau of Land Management, or the Chief of the Forest Service to manage Federal land within or adjacent to the boundary of the National Recreation Area.

(B) STATE LAND.—The Secretary may enter into cooperative management agreements for any land administered by the State that is within or adjacent to the National Recreation Area, in accordance with the cooperative management authority under section 101703 of title 54, United States Code.

(4) RECREATIONAL ACTIVITIES.—

(A) AUTHORIZATION.—Except as provided in subparagraph (B), the Secretary shall allow boating, boating-related activities, hunting, and fishing in the National Recreation Area in accordance with applicable Federal and State laws.

(B) CLOSURES; DESIGNATED ZONES.—

(i) IN GENERAL.—The Secretary, acting through the Superintendent of the National Recreation Area, may designate zones in which, and establish periods during which, no boating, hunting, or fishing shall be permitted in the National Recreation Area under subparagraph (A) for reasons of public safety, administration, or compliance with applicable laws.

(ii) CONSULTATION REQUIRED.—Except in the case of an emergency, any closure proposed by the Secretary under clause (i) shall not take effect until after the date on which the Superintendent of the National Recreation Area consults with—

(I) the appropriate State agency responsible for hunting and fishing activities; and

(II) the Board of County Commissioners in each county in which the zone is proposed to be designated.

(5) LANDOWNER ASSISTANCE.—On the written request of an individual that owns private land located within the area generally depicted as ''Conservation Opportunity Area'' on the map entitled ''Preferred Alternative'' in the document entitled ''Report to Congress: Curecanti Special Resource Study'' and dated June 2009, the Secretary may work in partnership with the individual to enhance the long-term conservation of natural, cultural, recreational, and scenic resources in and around the National Recreation Area—

(A) by acquiring all or a portion of the private land or interests in private land within the Conservation Opportunity Area by purchase, exchange, or donation, in accordance with section 6403;

(B) by providing technical assistance to the individual, including cooperative assistance;

(C) through available grant programs; and

(D) by supporting conservation easement opportunities.

(6) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land acquired by the United States under paragraph (5) shall—

(A) become part of the National Recreation Area; and

(B) be managed in accordance with this title.

(7) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the National Recreation Area, including land acquired pursuant to this section, is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(8) GRAZING.—

(A) STATE LAND SUBJECT TO A STATE GRAZING LEASE.—

(i) IN GENERAL.—If State land acquired under this title is subject to a State grazing lease in effect on the date of acquisition, the Secretary shall allow the grazing to continue for the remainder of the term of the lease, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(ii) ACCESS.—A lessee of State land may continue to use established routes within the National Recreation Area to access State land for purposes of administering the lease if the use was permitted before the date of enactment of this Act, subject to such terms and conditions as the Secretary may require.

(B) STATE AND PRIVATE LAND.—The Secretary may, in accordance with applicable laws, authorize grazing on land acquired from the State or private landowners under section 6403, if grazing was established before the date of acquisition.

(C) PRIVATE LAND.—On private land acquired under section 6403 for the National Recreation Area on which authorized grazing is occurring before the date of enactment of this Act, the Secretary, in consultation with the lessee, may allow the continuation and renewal of grazing on the land based on the terms of acquisition or by agreement between the Secretary and the lessee, subject to applicable law (including regulations).

(D) FEDERAL LAND.—The Secretary shall—

(i) allow, consistent with the grazing leases, uses, and practices in effect as of the date of enactment of this Act, the continuation and renewal of grazing on Federal land located within the boundary of the National Recreation Area on which grazing is allowed before the date of enactment of this Act, unless the Secretary determines that grazing on the Federal land would present unacceptable impacts (as defined in section 1.4.7.1 of the National Park Service document entitled ''Management Policies 2006: The Guide to Managing the National Park System'') to the natural, cultural, recreational, and scenic resource values and the character of the land within the National Recreation Area; and

(ii) retain all authorities to manage grazing in the National Recreation Area.

(E) TERMINATION OF LEASES.—Within the National Recreation Area, the Secretary may—

(i) accept the voluntary termination of a lease or permit for grazing; or

(ii) in the case of a lease or permit vacated for a period of 3 or more years, terminate the lease or permit.

(9) WATER RIGHTS.—Nothing in this title—

(A) affects any use or allocation in existence on the date of enactment of this Act of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) shall be considered to be a relinquishment or reduction of any water right reserved or appropriated by the United States in the State on or before the date of enactment of this Act; or

(E) constitutes an express or implied Federal reservation of any water or water rights with respect to the National Recreation Area.

(10) FISHING EASEMENTS.—

(A) IN GENERAL.—Nothing in this title diminishes or alters the fish and wildlife program for the Aspinall Unit developed under section 8 of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (70 Stat. 110, chapter 203; 43 U.S.C. 620g), by the United States Fish and Wildlife Service, the Bureau of Reclamation, and the Colorado Division of Wildlife (including any successor in interest to that division) that provides for the acquisition of public access fishing easements as mitigation for the Aspinall Unit (referred to in this paragraph as the ''program'').

(B) ACQUISITION OF FISHING EASEMENTS.—The Secretary shall continue to fulfill the obligation of the Secretary under the program to acquire 26 miles of class 1 public fishing easements to provide to sportsmen access for fishing within the Upper Gunnison Basin upstream of the Aspinall Unit, subject to the condition that no existing fishing access downstream of the Aspinall Unit shall be counted toward the minimum mileage requirement under the program.

(C) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for fulfilling the obligation of the Secretary described in subparagraph (B) by the date that is 10 years after the date of enactment of this Act.

(D) REPORTS.—Not later than each of 2 years, 5 years, and 8 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made in fulfilling the obligation of the Secretary described in subparagraph (B).

(d) TRIBAL RIGHTS AND USES.—

(1) TREATY RIGHTS.—Nothing in this title affects the treaty rights of any Indian Tribe.

(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions as the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the National Recreation Area by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

SEC. 6403. ACQUISITION OF LAND; BOUNDARY MANAGEMENT.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundary of the National Recreation Area.

(2) MANNER OF ACQUISITION.—

(A) IN GENERAL.—Subject to subparagraph (B), land described in paragraph (1) may be acquired under this subsection by—

(i) donation;

(ii) purchase from willing sellers with donated or appropriated funds;

(iii) transfer from another Federal agency; or

(iv) exchange.

(B) STATE LAND.—Land or interests in land owned by the State or a political subdivision of the State may only be acquired by purchase, donation, or exchange.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) FOREST SERVICE LAND.—

(A) IN GENERAL.—Administrative jurisdiction over the approximately 2,500 acres of land identified on the map as ''U.S. Forest Service proposed transfer to the National Park Service'' is transferred to the Secretary, to be administered by the Director of the National Park Service as part of the National Recreation Area.

(B) BOUNDARY ADJUSTMENT.—The boundary of the Gunnison National Forest shall be adjusted to exclude the land transferred to the Secretary under subparagraph (A).

(2) BUREAU OF LAND MANAGEMENT LAND.—Administrative jurisdiction over the approximately 6,100 acres of land identified on the map as ''Bureau of Land Management proposed transfer to National Park Service'' is transferred from the Director of the Bureau of Land Management to the Director of the National Park Service, to be administered as part of the National Recreation Area.

(3) WITHDRAWAL.—Administrative jurisdiction over the land identified on the map as ''Proposed for transfer to the Bureau of Land Management, subject to the revocation of Bureau of Reclamation withdrawal'' shall be transferred to the Director of the Bureau of Land Management on relinquishment of the land by the Bureau of Reclamation and revocation by the Bureau of Land Management of any withdrawal as may be necessary.

(c) POTENTIAL LAND EXCHANGE.—

(1) IN GENERAL.—The withdrawal for reclamation purposes of the land identified on the map as ''Potential exchange lands'' shall be relinquished by the Commissioner of Reclamation and revoked by the Director of the Bureau of Land Management and the land shall be transferred to the National Park Service.

(2) EXCHANGE; INCLUSION IN NATIONAL RECREATION AREA.—On transfer of the land described in paragraph (1), the transferred land—

(A) may be exchanged by the Secretary for private land described in section 6402(c)(5)—

(i) subject to a conservation easement remaining on the transferred land, to protect the scenic resources of the transferred land; and

(ii) in accordance with the laws (including regulations) and policies governing National Park Service land exchanges; and

(B) if not exchanged under subparagraph (A), shall be added to, and managed as a part of, the National Recreation Area.

(d) ADDITION TO NATIONAL RECREATION AREA.—Any land within the boundary of the National Recreation Area that is acquired by the United States shall be added to, and managed as a part of, the National Recreation Area.

SEC. 6404. GENERAL MANAGEMENT PLAN.

Not later than 3 years after the date on which funds are made available to carry out this title, the Director of the National Park Service, in consultation with the Commissioner of Reclamation, shall prepare a general management plan for the National Recreation Area in accordance with section 100502 of title 54, United States Code.

SEC. 6405. BOUNDARY SURVEY.

The Secretary (acting through the Director of the National Park Service) shall prepare a boundary survey and legal description of the National Recreation Area.

SA 298. Mr. BENNET (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—DIGITAL PLATFORM COMMISSION ACT OF 2023

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Digital Platform Commission Act of 2023''.

SEC. 6002. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) In the United States and around the world, digital platforms and online services play a central role in modern life by providing new tools for communication, commerce, entrepreneurship, and debate.

(2) The United States takes pride in the success of its technology sector, which leads the world in innovation and dynamism, provides valuable services to the people of the United States, and supports thousands of good-paying jobs in the United States.

(3) In recent years, a few digital platforms have benefitted from the combination of economies of scale, network effects, and unique characteristics of the digital marketplace to achieve vast power over the economy, society, and democracy of the United States.

(4) The last time Congress enacted legislation to meaningfully regulate the technology or telecommunications sector was the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat 56.), years before many of today's largest digital platforms even existed.

(5) Digital platforms remain largely unregulated and are left to write their own rules without meaningful democratic input or accountability.

(6) The unregulated policies and operations of some of the most powerful digital platforms have at times produced demonstrable harm, including—

(A) undercutting small businesses;

(B) abetting the collapse of trusted local journalism;

(C) enabling addiction and other harms to the mental health of the people of the United States, especially minors;

(D) disseminating disinformation and hate speech;

(E) undermining privacy and monetizing the personal data of individuals in the United States without their informed consent;

(F) in some cases, radicalizing individuals to violence; and

(G) perpetuating discriminatory treatment of communities of color and underserved populations.

(7) The development of increasingly powerful algorithmic processes for communication, research, content generation, and decision making, such as generative artificial intelligence, threatens to magnify the harms identified in paragraph (6) without mechanisms for proper oversight and regulation to protect the public interest.

(8) The failure of the United States Government to establish appropriate regulations for digital platforms cedes to foreign competitors the historic role played by the United States in setting reasonable rules of the road and technical standards for emerging technologies.

(9) Throughout the history of the United States, Congress has often responded to the emergence of powerful and complex new sectors of the economy by empowering sector-specific expert Federal regulators.

(10) Throughout the history of the United States, the Federal Government has established reasonable regulation, consistent with the First Amendment to the Constitution of the United States, to promote a diversity of viewpoints, support civic engagement, and preserve the right of citizens to communicate with each other, which is foundational to self-governance.

(11) The unique power and complexity of several digital platforms, combined with the absence of modern Federal regulations, reinforces the need for a new Federal body equipped with the authorities, tools, and expertise to regulate digital platforms to ensure their operations remain consistent, where appropriate, with the public interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal agency established under this division should—

(1) develop appropriate regulations and policies grounded in the common law principles of the duty of care and the duty to deal, insofar as those principles are relevant and practical; and

(2) adopt, where relevant and practical, a risk management regulatory approach that prioritizes anticipating, limiting, and balancing against other interests the broad economic, societal, and political risks of harm posed by the activities and operations of a person or class of persons.

SEC. 6003. DEFINITIONS.

In this division:

(1) ALGORITHMIC PROCESS.—The term ''algorithmic process'' means a computational process, including one derived from machine learning or other artificial intelligence techniques, that processes personal information or other data for the purpose of—

(A) making a decision;

(B) generating content; or

(C) determining the order or manner in which a set of information is provided, recommended to, or withheld from a user of a digital platform, including—

(i) the provision of commercial content;

(ii) the display of social media posts;

(iii) the display of search results or rankings; or

(iv) any other method of automated decision making, content selection, or content amplification.

(2) CODE COUNCIL; COUNCIL.—The term ''Code Council'' or ''Council'' means the Code Council established under section 6008(a).

(3) COMMISSION.—The term ''Commission'' means the Federal Digital Platform Commission established under section 6004.

(4) DIGITAL PLATFORM.—

(A) IN GENERAL.—The term ''digital platform'' means an online service that serves as an intermediary facilitating interactions—

(i) between users; and

(ii) between users and—

(I) entities offering goods and services through the online service; or

(II) the online service with respect to goods and services offered directly by the online service, including content primarily generated by algorithmic processes.

(B) DE MINIMIS EXCEPTION.—

(i) IN GENERAL.—Notwithstanding subparagraph (A)(ii)(II), the term ''digital platform'' does not include an entity that offers goods and services to the public online if the offering of goods and services online is a de minimis part of the entity's overall business.

(ii) ONLINE SERVICES THAT DO NOT QUALIFY FOR DE MINIMIS EXCEPTION.—Notwithstanding clause (i), if an online service described in subparagraph (A)(ii)(II) is owned by an entity but is offered through an affiliate, partnership, or joint venture of, or is otherwise segregable from, the entity—

(I) the online service shall be considered a digital platform; and

(II) the entity shall not be considered a digital platform.

(C) SMALL DIGITAL PLATFORM BUSINESSES.—

(i) IN GENERAL.—The term ''digital platform'' does not include a small digital platform business, except as provided in clause (iii).

(ii) SBA RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall by regulation define the term ''small digital platform business'' for purposes of clause (i).

(iii) NON-APPLICABILITY TO SYSTEMICALLY IMPORTANT DIGITAL PLATFORMS.—Clause (i) shall not apply to a systemically important digital platform.

(D) NEWS ORGANIZATIONS.—The term ''digital platform'' does not include an entity whose primary purpose is the delivery to the public of news that the entity writes, edits, and reports.

(5) IMMEDIATE FAMILY MEMBER.—The term ''immediate family member'', with respect to an individual, means a spouse, parent, sibling, or child of the individual.

(6) ONLINE SERVICE.—The term ''online service'' includes a consumer-facing website, back-end online-support system, or other facilitator of online transactions and activities.

(7) SYSTEMICALLY IMPORTANT DIGITAL PLATFORM.—The term ''systemically important digital platform'' means a digital platform that the Commission has designated as a systemically important digital platform under section 6010.

SEC. 6004. ESTABLISHMENT OF FEDERAL DIGITAL PLATFORM COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Federal Digital Platform Commission'', which shall—

(1) be constituted as provided in this division; and

(2) execute and enforce the provisions of this division.

(b) PURPOSES OF COMMISSION.—The purpose of the Commission is to regulate digital platforms, consistent with the public interest, convenience, and necessity, to promote to all the people of the United States, so far as possible, the following:

(1) Access to digital platforms for civic engagement and economic and educational opportunities.

(2) Access to government services and public safety.

(3) Competition to encourage the creation of new online services and innovation, and to provide to consumers benefits such as lower prices and better quality of service.

(4) Prevention of harmful levels of concentration of private power over critical digital infrastructure.

(5) A robust and competitive marketplace of ideas with a diversity of views at the local, State, and national levels.

(6) Protection for consumers, including those in communities of color and underserved populations, from deceptive, unfair, unjust, unreasonable, or abusive practices committed by digital platforms.

(7) Assurance that the algorithmic processes of digital platforms are fair, transparent, and safe.

(c) RULE OF CONSTRUCTION.—Nothing in this division, or any amendment made by this division, shall be construed to modify, impair, or supersede the applicability of any antitrust laws.

SEC. 6005. JURISDICTION.

(a) PLENARY JURISDICTION.—The Commission shall have jurisdiction over any digital platform, the services of which—

(1) originate or are received within the United States; and

(2) affect interstate or foreign commerce.

(b) PROVISIONS RELATIVE TO SYSTEMICALLY IMPORTANT DIGITAL PLATFORMS.—Not later than 180 days after the earliest date as of which not fewer than 3 Commissioners have been confirmed, the Commission shall determine whether to promulgate rules, with input from the Code Council as appropriate, to establish for systemically important digital platforms—

(1) commercial and technical standards for—

(A) data portability; and

(B) interoperability, which shall be defined as the functionality of information systems to—

(i) exchange data; and

(ii) enable sharing of information;

(2) requirements—

(A) for recommendation systems and other algorithmic processes of systemically important digital platforms to ensure that the algorithmic processes are fair, transparent, and without harmful, abusive, anticompetitive, or deceptive bias; and

(B) for auditing, accountability, and explainability of algorithmic processes;

(3) transparency requirements for terms of service, including content moderation policies;

(4) requirements for regular public risk assessments of the distribution of harmful content on a systemically important digital platform and steps the systemically important digital platform has taken, or plans to take, to mitigate those harms, including harms arising from algorithmic processes;

(5) transparency and disclosure obligations to enable—

(A) oversight by the Commission;

(B) third-party audits to ensure the accuracy of any public risk assessments required under paragraph (4); and

(C) trusted third-party research in the public interest; and

(6) commercial and technical standards to ensure accessibility to individuals with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), including to provide the ability for an individual who has a hearing impairment, speech impairment, or vision impairment to engage with systemically important digital platforms in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment, speech impairment, or vision impairment to engage with systemically important digital platforms.

(c) SPECIFIC CODES AND STANDARDS.—

(1) AGE-APPROPRIATE DESIGN CODE.—

(A) ESTABLISHMENT.—Not later than 180 days after the earliest date as of which not fewer than 3 Commissioners have been confirmed, the Commission shall, with input from the Code Council as appropriate, establish by rule an age-appropriate design code.

(B) CONTENTS.—The age-appropriate design code established under subparagraph (A) shall include—

(i) requirements governing the design and data privacy standards for the entities that the Commission designates as being subject to the code; and

(ii) prohibited design features and data practices for the entities described in clause (i).

(2) AGE VERIFICATION STANDARDS.—Not later than 180 days after the earliest date as of which not fewer than 3 Commissioners have been confirmed, the Commission shall,

with input from the Code Council as appropriate, begin the process of developing age verification standards.

(3) PROCEDURE.—

(A) PUBLIC REVIEW; COMMISSION EXAMINATION AND VOTE.—In establishing an age-appropriate design code and age verification standards under paragraphs (1) and (2), the Commission shall first develop a proposed code and standards, respectively, and comply with the requirements under paragraph (4) of section 6008(e) in the same manner as with respect to a proposed behavioral code, technical standard, or other policy submitted to the Commission by the Code Council under paragraph (3) of that section.

(B) UPDATES.—Paragraph (5) of section 6008(e) shall apply to the age-appropriate design code and age verification standards established under paragraphs (1) and (2) of this subsection in the same manner as it applies to a behavioral code, technical standard, or other policy established by rule under paragraph (4) of that section.

(d) FORBEARANCE.—

(1) IN GENERAL.—The Commission may forbear from exercising jurisdiction over a digital platform or class of digital platforms based on size, revenue, market share, or other attributes the Commission determines appropriate.

(2) FLEXIBILITY.—The Commission may reassert jurisdiction over a digital platform or class of digital platform over which the Commission forbore from exercising jurisdiction under paragraph (1).

SEC. 6006. ORGANIZATION AND GENERAL POWERS.

(a) IN GENERAL.—The Commission shall be composed of 5 Commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chair.

(b) QUALIFICATIONS.—

(1) CITIZENSHIP.—Each member of the Commission shall be a citizen of the United States.

(2) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), no member of the Commission or person employed by the Commission, and no immediate family member thereof, shall—

(i) be financially interested in—

(I) any person significantly regulated by the Commission under this division; or

(II) a third party in direct and substantial competition with a person described in subclause (I); or

(ii) be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person or third party described in clause (i).

(B) SIGNIFICANT INTEREST.—The prohibitions under subparagraph (A) shall apply only to financial interests in any company or other entity that has a significant interest in activities subject to regulation by the Commission.

(C) WAIVER.—

(i) IN GENERAL.—Subject to section 208 of title 18, United States Code, the Commission may waive, from time to time, the application of the prohibitions under subparagraph (A) to persons employed by the Commission, or immediate family members thereof, if the Commission determines that the financial interests of a person that are involved in a particular case are minimal.

(ii) NO WAIVER FOR COMMISSIONERS.—The waiver authority under clause (i) shall not apply with respect to members of the Commission.

(iii) PUBLICATION.—If the Commission exercises the waiver authority under clause (i), the Commission shall publish notice of that action in the Federal Register.

(3) DETERMINATION OF SIGNIFICANT INTEREST.—The Commission, in determining for purposes of paragraph (2) whether a company or other entity has a significant interest in activities that are subject to regulation by the Commission, shall consider, without excluding other relevant factors—

(A) the revenues, investments, profits, and managerial efforts directed to the related activities of the company or other entity, as compared to the other aspects of the business of the company or other entity;

(B) the extent to which the Commission regulates and oversees the activities of the company or other entity;

(C) the degree to which the economic interests of the company or other entity may be affected by any action of the Commission; and

(D) the perceptions held by the public regarding the business activities of the company or other entity.

(4) NO OTHER EMPLOYMENT.—A member of the Commission may not engage in any other business, vocation, profession, or employment while serving as a member of the Commission.

(5) POLITICAL PARTIES.—The maximum number of commissioners who may be members of the same political party shall be a number equal to the least number of commissioners that constitutes a majority of the full membership of the Commission.

(c) TERM.—

(1) IN GENERAL.—A commissioner—

(A) shall be appointed for a term of 5 years; and

(B) may continue to serve after the expiration of the fixed term of office of the commissioner until a successor is appointed and has been confirmed and taken the oath of office.

(2) FILLING OF VACANCIES.—Any person chosen to fill a vacancy in the Commission—

(A) shall be appointed for the unexpired term of the commissioner that the person succeeds;

(B) except as provided in subparagraph (C), may continue to serve after the expiration of the fixed term of office of the commissioner that the person succeeds until a successor is appointed and has been confirmed and taken the oath of office; and

(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner that the person succeeds.

(3) EFFECT OF VACANCY ON POWERS OF COMMISSION.—Except as provided in section 6009(e) (relating to repeal of prior rules), no vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

(d) SALARY OF COMMISSIONERS.—

(1) IN GENERAL.—Each Commissioner shall receive an annual salary at the annual rate payable from time to time for grade 16 of the pay scale of the Securities and Exchange Commission, payable in monthly installments.

(2) CHAIR.—The Chair of the Commission, during the period of service as Chair, shall receive an annual salary at the annual rate payable from time to time for grade 17 of the pay scale of the Securities and Exchange Commission.

(e) PRINCIPAL OFFICE.—

(1) GENERAL SESSIONS.—The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held.

(2) SPECIAL SESSIONS.—Whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

(f) EMPLOYEES.—

(1) IN GENERAL.—The Commission may, subject to the civil service laws and the Classification Act of 1949, as amended, appoint such officers, engineers, accountants, attorneys, inspectors, examiners, and other employees as are necessary in the exercise of its functions.

(2) ASSISTANTS.—

(A) PROFESSIONAL ASSISTANTS; SECRETARY.—Without regard to the civil-service laws, but subject to the Classification Act of 1949, each commissioner may appoint professional assistants and a secretary, each of whom shall perform such duties as the commissioner shall direct.

(B) ADMINISTRATIVE ASSISTANT TO CHAIR.—In addition to the authority under subparagraph (A), the Chair of the Commission may appoint, without regard to the civil-service laws, but subject to the Classification Act of 1949, an administrative assistant who shall perform such duties as the Chair shall direct.

(3) USE OF VOLUNTEERS TO MONITOR VIOLATIONS RELATING TO ONLINE SERVICES.—

(A) RECRUITMENT AND TRAINING OF VOLUNTEERS.—The Commission, for purposes of monitoring violations of any provision of this division (and of any regulation prescribed by the Commission under this division), may—

(i) recruit and train any software engineer, computer scientist, data scientist, or other individual with skills or expertise relevant to the responsibilities of the Commission; and

(ii) accept and employ the voluntary and uncompensated services of individuals described in clause (i).

(B) NO LIMITATIONS ON VOLUNTARY SERVICES.—The authority of the Commission under subparagraph (A) shall not be subject to or affected by—

(i) part III of title 5, United States Code; or

(ii) section 1342 of title 31, United States Code.

(C) NO FEDERAL EMPLOYMENT.—Any individual who provides services under this paragraph or who provides goods in connection with such services shall not be considered a Federal or special government employee.

(D) BROAD REPRESENTATION.—The Commission, in accepting and employing services of individuals under subparagraph (A), shall seek to achieve a broad representation of individuals and organizations.

(E) RULES OF CONDUCT.—The Commission may establish rules of conduct and other regulations governing the service of individuals under this paragraph.

(F) REGULATIONS FOR PERSONNEL PRACTICES.—The Commission may prescribe regulations to select, oversee, sanction, and dismiss any individual authorized under this paragraph to be employed by the Commission.

(g) EXPENDITURES.—

(1) IN GENERAL.—The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, online subscriptions, electronics, law books, periodicals, subscriptions, and books of reference), as may be necessary for the execution of the functions vested in the Commission and as may be appropriated for by Congress in accordance with the authorizations of appropriations under section 6020.

(2) REIMBURSEMENT.—All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Chair of the Commission or by such other members or officer thereof as may be designated by the Commission for that purpose.

(3) GIFTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, in furtherance of its functions the Commission is authorized to accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property (including voluntary and uncompensated services, as authorized by section 3109 of title 5, United States Code).

(B) TAXES.—For the purpose of Federal law on income taxes, estate taxes, and gift taxes, property or services accepted under the authority of subparagraph (A) shall be deemed to be a gift, bequest, or devise to the United States.

(C) REGULATIONS.—

(i) IN GENERAL.—The Commission shall promulgate regulations to carry out this paragraph.

(ii) CONFLICTS OF INTEREST.—The regulations promulgated under clause (i) shall include provisions to preclude the acceptance of any gift, bequest, or donation that would create a conflict of interest or the appearance of a conflict of interest.

(h) QUORUM; SEAL.—

(1) QUORUM.—Three members of the Commission shall constitute a quorum thereof.

(2) SEAL.—The Commission shall have an official seal which shall be judicially noticed.

(i) DUTIES AND POWERS.—The Commission may perform any and all acts, including collection of any information from digital platforms under the jurisdiction of the Commission as the Commission determines necessary, without regard to any final determination of the Office on Management and Budget under chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), make such rules and regulations, and issue such orders, not inconsistent with this division, as may be necessary in the execution of its functions.

(j) CONDUCT OF PROCEEDINGS; HEARINGS.—

(1) IN GENERAL.—The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice.

(2) CONFLICT OF INTEREST.—No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest.

(3) OPEN TO ALL PARTIES.—Any party may appear before the Commission and be heard in person or by attorney.

(4) RECORD OF PROCEEDINGS.—

(A) IN GENERAL.—Subject to subparagraph (B)—

(i) every vote and official act of the Commission shall be entered of record; and

(ii) the Commission shall endeavor to make each proceeding public, while recognizing the occasional need for private convening and deliberation.

(B) DEFENSE INFORMATION.—The Commission may withhold publication of records or proceedings containing secret information affecting the national defense.

(k) RECORD OF REPORTS.—All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any digital platform or licensee that may have been complained of.

(l) PUBLICATION OF REPORTS; ADMISSIBILITY AS EVIDENCE.—The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof.

(m) COMPENSATION OF APPOINTEES.—Rates of compensation of persons appointed under this section shall be subject to the reduction applicable to officers and employees of the Federal Government generally.

(n) MEMORANDA OF UNDERSTANDING.—The Commission shall enter into memoranda of understanding with the Federal Communications Commission, the Federal Trade Commission, and the Department of Justice to ensure, to the greatest extent possible, coordination, collaboration, and the effective use of Federal resources concerning areas of overlapping jurisdiction.

SEC. 6007. ORGANIZATION AND FUNCTIONING OF THE COMMISSION.

(a) CHAIR; DUTIES; VACANCY.—

(1) IN GENERAL.—The member of the Commission designated by the President as Chair shall be the chief executive officer of the Commission.

(2) DUTIES.—The Chair of the Commission shall—

(A) preside at all meetings and sessions of the Commission;

(B) represent the Commission in all matters relating to legislation and legislative reports, except that any commissioner may present the commissioner's own or minority views or supplemental reports;

(C) represent the Commission in all matters requiring conferences or communications with other governmental officers, departments, or agencies; and

(D) generally coordinate and organize the work of the Commission in such manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission.

(3) VACANCY.—In the case of a vacancy in the office of the Chair of the Commission, or the absence or inability of the Chair to serve, the Commission may temporarily designate a member of the Commission to act as Chair until the cause or circumstance requiring the designation is eliminated or corrected.

(b) ORGANIZATION OF STAFF.—

(1) IN GENERAL.—From time to time as the Commission may find necessary, the Commission shall organize its staff into—

(A) bureaus, to function on the basis of the Commission's principal workload operations; and

(B) such other divisional organizations as the Commission may determine necessary.

(2) INTEGRATION.—The Commission, to the extent practicable, shall organize the bureaus and other divisions of the Commission to—

(A) promote collaboration and cross-cutting subject matter and technical expertise; and

(B) avoid organization silos.

(3) PERSONNEL.—Each bureau established under paragraph (1)(A) shall include such legal, engineering, accounting, administrative, clerical, and other personnel as the Commission may determine to be necessary to perform its functions.

(4) EXPERT PERSONNEL.—The Commission shall prioritize, to the extent practicable, the hiring of staff with a demonstrated academic or professional background in computer science, data science, application development, technology policy, and other areas the Commission may determine necessary to perform its functions.

(c) DELEGATION OF FUNCTIONS; EXCEPTIONS TO INITIAL ORDERS; FORCE, EFFECT, AND ENFORCEMENT OF ORDERS; ADMINISTRATIVE AND JUDICIAL REVIEW; QUALIFICATIONS AND COMPENSATION OF DELEGATES; ASSIGNMENT OF CASES; SEPARATION OF REVIEW AND INVESTIGATIVE OR PROSECUTING FUNCTIONS; SECRETARY; SEAL.—

(1) DELEGATION OF FUNCTIONS.—

(A) IN GENERAL.—When necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, the Commission may, by published rule or by order, delegate any of its functions to a panel of commissioners, an individual commissioner, an employee board, or an individual employee, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter; except that in delegating review functions to employees in cases of adjudication (as defined in section 551 of title 5, United States Code), the delegation in any such case may be made only to an employee board consisting of 2 or more employees referred to in paragraph (7).

(B) MINIMUM VOTE.—Any rule or order described in subparagraph (A) may be adopted, amended, or rescinded only by a vote of a majority of the members of the Commission then holding office.

(2) FORCE, EFFECT, AND ENFORCEMENT OF ORDERS.—Any order, decision, report, or action made or taken pursuant to a delegation under paragraph (1), unless reviewed as provided in paragraph (3), shall have the same force and effect, and shall be made, evidenced, and enforced in the same manner, as orders, decisions, reports, or other actions of the Commission.

(3) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(A) AGGRIEVED PERSONS.—Any person aggrieved by an order, decision, report, or action described in paragraph (1) may file an application for review by the Commission within such time and in such manner as the Commission shall prescribe, and every such application shall be passed upon by the Commission.

(B) INITIATIVE OF COMMISSION.—The Commission, on its own initiative, may review in whole or in part, at such time and in such manner as it shall determine, any order, decision, report, or action made or taken pursuant to any delegation under paragraph (1).

(4) REVIEW.—

(A) IN GENERAL.—In passing upon an application for review filed under paragraph (3), the Commission may grant, in whole or in part, or deny the application without specifying any reasons therefor.

(B) QUESTIONS OF FACT OR LAW.—No application for review filed under paragraph (3)(A) shall rely on questions of fact or law upon which the panel of commissioners, individual commissioner, employee board, or individual employee has been afforded no opportunity to pass.

(5) GRANT OF APPLICATION.—If the Commission grants an application for review filed under paragraph (3)(A), the Commission may—

(A) affirm, modify, or set aside the order, decision, report, or action; or

(B) order a rehearing upon the order, decision, report, or action.

(6) APPLICATION REQUIRED FOR JUDICIAL REVIEW.—The filing of an application for review under paragraph (3)(A) shall be a condition precedent to judicial review of any order, decision, report, or action made or taken pursuant to a delegation under paragraph (1).

(7) QUALIFICATIONS AND COMPENSATION OF DELEGATES; ASSIGNMENT OF CASES; SEPARATION OF REVIEW AND INVESTIGATIVE OR PROSECUTING FUNCTIONS.—

(A) QUALIFICATIONS OF DELEGATES.—The employees to whom the Commission may delegate review functions in any case of adjudication (as defined in the Administrative Procedure Act)—

(i) shall be qualified, by reason of their training, experience, and competence, to perform such review functions; and

(ii) shall perform no duties inconsistent with such review functions.

(B) COMPENSATION.—An employee described in subparagraph (A) shall be in a grade classification or salary level commensurate with the important duties of the employee, and in

no event less than the grade classification or salary level of the employee or employees whose actions are to be reviewed.

(C) SEPARATION.—In the performance of review functions described in subparagraph (A), employees described in that subparagraph—

(i) shall be assigned to cases in rotation so far as practicable; and

(ii) shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency.

(8) SECRETARY; SEAL.—The secretary and seal of the Commission shall be the secretary and seal of each panel of the Commission, each individual commissioner, and each employee board or individual employee exercising functions delegated pursuant to paragraph (1) of this subsection.

(d) MEETINGS.—Meetings of the Commission shall be held at regular intervals, not less frequently than once each calendar month, at which times the functioning of the Commission and the handling of its workload shall be reviewed and such orders shall be entered and other action taken as may be necessary or appropriate to expedite the prompt and orderly conduct of the business of the Commission with the objective of rendering a final decision in a timely fashion.

(e) MANAGING DIRECTOR.—

(1) IN GENERAL.—The Commission shall have a Managing Director who shall be appointed by the Chair subject to the approval of the Commission.

(2) FUNCTIONS.—The Managing Director, under the supervision and direction of the Chair, shall perform such administrative and executive functions as the Chair shall delegate.

(3) PAY.—The Managing Director shall be paid at a rate equal to the rate then payable for grade 15 of the pay scale of the Securities and Exchange Commission.

SEC. 6008. CODE COUNCIL.

(a) ESTABLISHMENT.—The Commission shall establish a Code Council that shall develop proposed voluntary or enforceable behavioral codes, technical standards, or other policies for digital platforms through the code process under subsection (e), including with respect to transparency and accountability for algorithmic processes.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 18 members, of whom—

(A) 6 shall be representatives of digital platforms or associations of digital platforms, not fewer than 3 of whom shall be representatives of systemically important digital platforms or associations that include systemically important digital platforms;

(B) 6 shall be representatives of nonprofit public interest groups, academics, and other experts not affiliated with commercial enterprises, with demonstrated expertise in technology policy, law, consumer protection, privacy, competition, disinformation, or another area the Chair determines relevant; and

(C) 6 shall be technical experts in engineering, application development, computer science, data science, machine learning, communications, media studies, and any other discipline the Chair determines relevant.

(2) APPOINTMENT.—The Chair shall appoint each member of the Council, subject to approval by the Commission.

(3) TERMS.—

(A) IN GENERAL.—A member of the Council shall be appointed for a term of 3 years.

(B) STAGGERED TERMS.—The terms of members of the Council shall be staggered such that one-third of the membership of the Council changes each year.

(c) MEETINGS.—The Council shall meet publicly not less frequently than once a month.

(d) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—There shall be a Chair and Vice Chair of the Council—

(A) one of whom shall be a member described in subparagraph (A) of subsection (b)(1); and

(B) one of whom shall be a member described in subparagraph (B) of subsection (b)(1).

(2) ANNUAL ROTATION.—The Chair or Vice Chair for a calendar year shall be a member described in a different subparagraph of subsection (b)(1) than the member who served as Chair or Vice Chair, respectively, for the preceding calendar year.

(e) CODE PROCESS.—

(1) IN GENERAL.—The Commission may, at any time, initiate a process to develop a voluntary or enforceable behavioral code, technical standard, or other policy for digital platforms or a class of digital platforms.

(2) INITIATION BASED ON PETITION OR COUNCIL VOTE.—The Commission may initiate the process described in paragraph (1) if—

(A) the Commission receives a petition from the public, including from a digital platform or an association of digital platforms; or

(B) the Council votes to initiate the process.

(3) COUNCIL EXAMINATION AND VOTE.—If the process described in paragraph (1) is initiated, the Council—

(A) shall consider and develop, if appropriate, a proposed behavioral code, technical standard, or other policy for digital platforms or a class of digital platforms;

(B) in considering and developing a proposed code, standard, or policy under subparagraph (A), shall—

(i) allow for submission of feedback by any interested party; and

(ii) make available to the public a factual record, developed during the consideration and development of the proposed code, standard, or policy, that includes any submission received under clause (i);

(C) not earlier than 180 days and not later than 360 days after the date on which the process is initiated, shall vote on whether to submit a recommendation for the proposed code, standard, or policy to the Commission; and

(D) may submit minority views along with a recommendation under subparagraph (C), as appropriate.

(4) PUBLIC REVIEW; COMMISSION EXAMINATION AND VOTE.—Upon receipt of a recommendation for a proposed behavioral code, technical standard, or other policy from the Council under paragraph (3), the Commission shall—

(A) allow for submission of comments on the proposed code, standard, or policy by any interested party for a period of not fewer than 45 days and not more than 90 days, and publicly disclose any comments received;

(B) examine the proposed code, standard, or policy, along with comments received under subparagraph (A);

(C) determine whether to adopt, reject, or adopt with modifications the proposed code, standard, or policy;

(D) provide a public rationale for the determination under subparagraph (C); and

(E) promulgate rules to carry out the determination under subparagraph (C) in accordance with section 553 of title 5, United States Code.

(5) UPDATES.—Not less frequently than once every 5 years, the Commission shall review and update, as necessary, any behavioral code, technical standard, or other policy established by rule under paragraph (4).

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the authority of the Commission to promulgate rules under section 6009.

(f) QUALIFICATIONS.—

(1) CITIZENSHIP.—Each member of the Council shall be a United States citizen or an alien lawfully admitted for permanent residence to the United States.

(2) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), no member of the Council other than a member appointed under subsection (b)(1)(A) shall—

(i) be financially interested in any company or other entity engaged in the business of providing online services;

(ii) be financially interested in any company or other entity that controls any company or other entity specified in clause (i), or that derives a significant portion of its total income from ownership of stocks, bonds, or other securities of any such company or other entity; or

(iii) be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission under this division.

(B) SIGNIFICANT INTEREST.—The prohibitions under subparagraph (A) shall apply only to financial interests in any company or other entity that has a significant interest in activities subject to regulation by the Commission.

(C) WAIVER.—

(i) IN GENERAL.—Subject to section 208 of title 18, United States Code, the Commission may waive, from time to time, the application of the prohibitions under subparagraph (A) to a member of the Council if the Commission determines that the financial interests of the member that are involved in a particular case are minimal.

(ii) PUBLICATION.—If the Commission exercises the waiver authority under clause (i), the Commission shall publish notice of that action in the Federal Register.

(3) DETERMINATION OF SIGNIFICANT INTEREST.—The Commission, in determining for purposes of paragraph (2) whether a company or other entity has a significant interest in activities that are subject to regulation by the Commission, shall consider, without excluding other relevant factors—

(A) the revenues, investments, profits, and managerial efforts directed to the related activities of the company or other entity, as compared to the other aspects of the business of the company or other entity;

(B) the extent to which the Commission regulates and oversees the activities of the company or other entity;

(C) the degree to which the economic interests of the company or other entity may be affected by any action of the Commission; and

(D) the perceptions held by the public regarding the business activities of the company or other entity.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Council to promulgate rules.

SEC. 6009. RULEMAKING AUTHORITY, REQUIREMENTS, AND CONSIDERATIONS.

The Commission—

(1) may promulgate rules to carry out this division in accordance with section 553 of title 5, United States Code; and

(2) shall tailor the rules promulgated under paragraph (1), as appropriate, based on the size, dominance, and other attributes of particular digital platforms.

SEC. 6010. SYSTEMICALLY IMPORTANT DIGITAL PLATFORMS.

(a) DESIGNATION OF SIDPS; RULEMAKING AUTHORITY.—The Commission may—

(1) designate systemically important digital platforms in accordance with this section; and

(2) promulgate rules specific to systemically important digital platforms, consistent with the purposes of the Commission under section 6004(b).

(b) MANDATORY CRITERIA.—The Commission shall designate a digital platform a systemically important digital platform if the platform—

(1) is open to the public on one side;

(2) has significant engagement among users, which may take the form of private groups, public groups, and the sharing of posts visible to some or all users;

(3) conducts business primarily at the interstate or international level, as opposed to the intrastate level; and

(4) has operations with significant nationwide economic, social, or political impacts, as defined by the Commission for purposes of this paragraph through notice-and-comment rulemaking under section 553 of title 5, United States Code, which may include—

(A) the ability of the platform to significantly shape the national dissemination of news;

(B) the ability of the platform to cause a person significant, immediate, and demonstrable economic, social, or political harm by exclusion from the platform;

(C) the market power of the platform;

(D) the number of unique daily users of the platform; and

(E) the dependence of business users, especially small business users (including entrepreneurs from communities of color and underserved populations), on the platform to reach customers.

(c) ANNUAL AND OTHER REPORTS.—

(1) AUTHORITY TO REQUIRE REPORTS.—The Commission may—

(A) require annual reports from systemically important digital platforms subject to this division, and from persons directly or indirectly controlling or controlled by, or under direct or indirect control with, any such platform;

(B) prescribe the content expected in such reports;

(C) prescribe the manner in which such reports shall be made; and

(D) require from such persons specific answers to all questions upon which the Commission may need information.

(2) ADMINISTRATION.—

(A) TIME PERIOD COVERED; FILING.—A report under paragraph (1)—

(i) shall be for such 12 months' period as the Commission shall designate; and

(ii) shall be filed with the Commission at its office in Washington not later than 3 months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission.

(B) FAILURE TO MEET DEADLINE.—If a person subject to this subsection fails to make and file an annual report within the time specified under subparagraph (A), or within the time extended by the Commission, for making and filing the report, or fails to make specific answer to any question authorized by this subsection within 30 days after the time the person is lawfully required so to do, the person shall forfeit to the United States—

(i) $10,000 for each day the person continues to be in default with respect thereto, for the first 30 days of such default; and

(ii) an amount determined appropriate by the Commission for each subsequent day that the person continues to be in default with respect thereto, which may not exceed 1 percent of the total global revenue of the person during the preceding year.

SEC. 6011. INTER-AGENCY SUPPORT.

(a) EXPERT SUPPORT.—Upon request from any other Federal agency for expertise, technical assistance, or other support from the Commission, the Commission shall provide that support.

(b) REQUIRED CONSULTATION BY OTHER FEDERAL AGENCIES.—Any Federal agency, including the Federal Trade Commission and the Antitrust Division of the Department of Justice, engaged in investigation, regulation, or oversight with respect to the impact of digital platforms on consumer protection, competition, civic engagement, or democratic values and institutions shall consult with the Commission in carrying out that investigation, regulation, or oversight.

(c) REQUIRED CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Commission, in carrying out investigation, regulation, or oversight with respect to the impact of digital platforms on consumer protection, competition, civic engagement, or democratic values and institutions, shall consult with each other Federal agency, including the Federal Trade Commission and the Antitrust Division of the Department of Justice, that is engaged in investigation, regulation, or oversight with respect to the impact of digital platforms on consumer protection, competition, civic engagement, or democratic values and institutions.

SEC. 6012. PETITIONS.

(a) PETITION FOR FORBEARANCE.—

(1) SUBMISSION.—

(A) IN GENERAL.—Any digital platform or association of digital platforms may submit a petition to the Commission requesting that the Commission forbear the application and enforcement of a rule promulgated under this division, including a behavioral code of conduct, technical standard, or other policy established by rule under section 6008.

(B) PUBLICATION.—

(i) IN GENERAL.—Subject to clause (ii), the Commission shall make a petition submitted under subparagraph (A) available to the public.

(ii) WAIVER.—The Commission may waive the requirement under clause (i) if the Commission makes the rationale for the waiver available to the public.

(2) DISMISSAL WITHOUT PREJUDICE.—

(A) IN GENERAL.—Any petition submitted under paragraph (1) shall be deemed dismissed without prejudice if the Commission does not grant the petition within 18 months after the date on which the Commission receives the petition, unless the Commission extends the 18-month period under subparagraph (B) of this paragraph.

(B) EXTENSION.—The Commission may extend the initial 18-month period under subparagraph (A) by an additional 3 months.

(3) SCOPE OF GRANT AUTHORITY; WRITTEN EXPLANATION.—The Commission may grant or deny a petition submitted under paragraph (1) in whole or in part and shall explain its decision in writing.

(4) NOTICE AND COMMENT REQUIREMENTS.—Section 553 of title 5, United States Code, shall apply to any determination of the Commission to forbear the application and enforcement of a rule under paragraph (1) of this subsection.

(b) STATE ENFORCEMENT AFTER COMMISSION FORBEARANCE.—A State commission may not continue to apply or enforce any rule, including any behavioral code, technical standard, or other policy established by rule, that the Commission has determined to forbear from applying under subsection (a).

SEC. 6013. RESEARCH.

(a) RESEARCH OFFICE.—In order to carry out the purposes of this division, the Commission shall establish an office with not fewer than 20 dedicated employees to conduct internal research, and collaborate with outside academics and experts, as appropriate, to further the purposes of the Commission under section 6004(b).

(b) RESEARCH GRANTS.—

(1) IN GENERAL.—The office established under subsection (a) may competitively award grants to academic institutions and experts to conduct research consistent with the purposes of the Commission under section 6004(b).

(2) PUBLIC AVAILABILITY.—A recipient of a grant awarded under paragraph (1) shall make the findings of the research conducted using the grant publicly available.

(c) PILOT RESEARCH PROGRAM FOR SENSITIVE DATA.—The Commission shall by rule establish a pilot program that allows vetted, nonprofit, financially disinterested academic institutions and experts to access data and other information collected from a digital platform by the Commission for the purposes of research and analysis consistent with the public interest, while—

(1) ensuring that no personally identifiable information of any user of the digital platform is publicly available; and

(2) making every effort to—

(A) avoid harm to the business interests of the digital platform; and

(B) ensure the safety and security of the private data and other information of the digital platform.

SEC. 6014. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—The Commission may inquire into the management of the business of digital platforms subject to this division, and shall keep itself informed as to the manner and method in which that management is conducted and as to technical and business developments in the provision of online services.

(b) INFORMATION.—The Commission may obtain from digital platforms subject to this division and from persons directly or indirectly controlling or controlled by, or under direct or indirect control with, those platforms full and complete information necessary, including data flows, to enable the Commission to perform the duties and carry out the objects for which it was created.

SEC. 6015. HSR FILINGS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended by adding at the end the following:

''(l)(1) In this subsection—

''(A) the terms 'Commission' and 'systemically important digital platform' have the meanings given the terms in section 6003 of the Digital Platform Commission Act of 2023; and

''(B) the term 'covered acquisition' means an acquisition—

''(i) subject to this section; and

''(ii) in which the acquiring person or the person whose voting securities or assets are being acquired is a systemically important digital platform.

''(2) Any notification required under subsection (a) for a covered acquisition shall be submitted to the Commission.

''(3) The Commission may request the submission of additional information or documentary material relevant to a covered acquisition.

''(4) The Commission may submit a recommendation to the Federal Trade Commission and the Assistant Attorney General on whether the covered acquisition violates any of the purposes of the Commission under section 6004(b) of the Digital Platform Commission Act of 2023.

''(5) The Federal Trade Commission and the Assistant Attorney General—

''(A) shall cooperate with the Commission in determining whether a covered acquisition, if consummated, would violate the

antitrust laws or the purposes of the Commission under section 6004(b) of the Digital Platform Commission Act of 2023;

''(B) may use the recommendation of the Commission as a basis for rejecting the covered acquisition, or for imposing additional requirements to consummate the acquisition, even if the covered acquisition does not violate the antitrust laws but violates other purposes of the Commission under section 6004(b) of the Digital Platform Commission Act of 2023; and

''(C) in making a determination described in subparagraphs (A), shall give substantial weight to the recommendation of the Commission.''.

SEC. 6016. ENFORCEMENT BY PRIVATE PERSONS AND GOVERNMENTAL ENTITIES.

(a) RECOVERY OF DAMAGES.—Any person claiming to be damaged by any digital platform subject to this division may—

(1) make complaint to the Commission under subsection (b); or

(2) bring a civil action for enforcement of this division, including the rules promulgated under this division, in any district court of the United States of competent jurisdiction.

(b) COMPLAINTS TO THE COMMISSION.—

(1) IN GENERAL.—

(A) APPLICATION.—Any person, any body politic or municipal organization, or any State attorney general or State commission, complaining of anything done or omitted to be done by any digital platform subject to this division, in contravention of the provisions thereof, may apply to the Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to the digital platform, which shall be called upon to satisfy the complaint or to answer the complaint in writing within a reasonable time to be specified by the Commission.

(B) RELIEF OF LIABILITY.—If a digital platform described in subparagraph (A) within the time specified makes reparation for the injury alleged to have been caused, the platform shall be relieved of liability to the complainant only for the particular violation of law thus complained of.

(C) INVESTIGATION.—If a digital platform described in subparagraph (A) does not satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating the complaint, the Commission shall investigate the matters complained of in such manner and by such means as the Commission determines proper.

(D) DIRECT DAMAGE NOT REQUIRED.—No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

(2) ORDER.—

(A) IN GENERAL.—The Commission shall, with respect to any investigation under this subsection of the lawfulness of a charge, classification, regulation, or practice, issue an order concluding the investigation not later than 180 days after the date on which the complaint was filed.

(B) FINAL ORDER.—Any order concluding an investigation under subparagraph (A) shall be a final order and may be appealed under section 6018.

(3) ORDERS FOR PAYMENT OF MONEY.—If, after hearing on a complaint under this paragraph, the Commission determines that any party complainant is entitled to an award of damages under this division, the Commission shall make an order directing the digital platform to pay to the complainant the sum to which the complainant is entitled on or before a day named.

(c) ENFORCEMENT BY STATE ATTORNEYS 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 threatened or adversely affected by any person who violates this division or a rule promulgated under this division, the attorney general of the State, as parens patrie, may bring a civil action on behalf of the residents of the State in any district court of the United States of competent jurisdiction for enforcement of this division, including the rules promulgated under this division.

(d) LIABILITY OF DIGITAL PLATFORM FOR ACTS AND OMISSIONS OF AGENTS.—In construing and enforcing the provisions of this division, the act, omission, or failure of any officer, agent, or other person acting for or employed by any digital platform or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of the platform or user as well as that of the person.

SEC. 6017. ENFORCEMENT BY COMMISSION AND DEPARTMENT OF JUSTICE.

(a) ORDERS.—

(1) ADMINISTRATIVE ORDER.—If the Commission believes that a person has violated or will violate this division, the Commission may issue and cause to be served on the person an order requiring the person, as applicable—

(A) to cease and desist, or refrain, from the violation; or

(B) to pay restitution to any victim of the violation.

(2) CIVIL ACTION TO ENFORCE ORDER.—The Commission or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce an order issued under paragraph (1).

(b) CIVIL PENALTY.—

(1) IN GENERAL.—Any digital platform that knowingly violates this division shall be liable to the United States for a civil penalty.

(2) SEPARATE OFFENSES.—Each distinct violation described in paragraph (1) shall be a separate offense, and in case of continuing violation each day shall be deemed a separate offense.

(3) DETERRENCE.—The Commission shall establish a civil penalty for a violation of this division in an amount that the Commission determines appropriate to deter future violations of this division.

(4) ANNUAL CAP.—The total amount of civil penalties imposed on a digital platform during a year under paragraph (1) may not exceed 15 percent of the total global revenue of the digital platform during the preceding year.

SEC. 6018. PROCEEDINGS TO ENJOIN, SET ASIDE, ANNUL, OR SUSPEND ORDERS OF THE COMMISSION.

(a) RIGHT TO APPEAL.—An appeal may be taken from any decision or order of the Commission, by any person who is aggrieved or whose interests are adversely affected by the decision or order, to the United States Court of Appeals for the District of Columbia or the United States court of appeals for the circuit in which the person resides.

(b) FILING NOTICE OF APPEAL; CONTENTS; JURISDICTION; TEMPORARY ORDERS.—

(1) FILING NOTICE OF APPEAL.—An appeal described in subsection (a) shall be taken by filing a notice of appeal with the appropriate United States court of appeals not later than 30 days after the date on which public notice is given of the decision or order complained of.

(2) CONTENTS.—A notice of appeal filed under paragraph (1) shall contain—

(A) a concise statement of the nature of the proceedings as to which the appeal is taken;

(B) a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and

(C) proof of service of a true copy of the notice and statements upon the Commission.

(3) JURISDICTION.—Upon the filing of a notice of appeal with a United States court of appeals under paragraph (1), the court—

(A) shall have jurisdiction of the proceedings and of the questions determined therein; and

(B) shall have power, by order, directed to the Commission or any other party to the appeal, to grant such temporary relief as the court may deem just and proper.

(4) TEMPORARY ORDERS.—An order granting temporary relief issued by the court under paragraph (3)—

(A) may be affirmative or negative in scope and application so as to permit—

(i) the maintenance of the status quo in the matter in which the appeal is taken; or

(ii) the restoration of a position or status terminated or adversely affected by the order appealed from; and

(B) shall, unless otherwise ordered by the court, be effective pending hearing and determination of the appeal and compliance by the Commission with the final judgment of the court rendered in the appeal.

(c) NOTICE TO INTERESTED PARTIES; FILING OF RECORD.—

(1) NOTICE TO INTERESTED PARTIES.—Not later than 5 days after filing a notice of appeal under subsection (b), the appellant shall provide, to each person shown by the records of the Commission to be interested in the appeal, notice of—

(A) the filing; and

(B) the pendency of the appeal.

(2) FILING OF RECORD.—The Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.

(d) INTERVENTION.—

(1) RIGHT TO INTERVENE.—Not later than 30 days after the filing of an appeal described in subsection (a), any interested party may intervene and participate in the proceedings had upon the appeal by filing with the court—

(A) a notice of intention to intervene and a verified statement showing the nature of the interest of the person; and

(B) proof of service of true copies of the notice and statement described in subparagraph (A) upon—

(i) the appellant; and

(ii) the Commission.

(2) INTERESTED PARTY.—For purposes of paragraph (1), any person who would be aggrieved or whose interest would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

(e) RECORD AND BRIEFS.—The record and briefs upon which an appeal described in subsection (a) shall be heard and determined by the court shall contain such information and material, and shall be prepared within such time and in such manner, as the court may by rule prescribe.

(f) TIME OF HEARING; PROCEDURE.—The court shall hear and determine an appeal described in subsection (a) upon the record before it in the manner prescribed by section 706 of title 5, United States Code.

(g) REMAND.—If the court renders a decision and enters an order reversing the order of the Commission—

(1) the court shall remand the case to the Commission to carry out the judgment of the court; and

(2) the Commission, in the absence of proceedings to review the judgment under paragraph (1) or (2) of subsection (i), shall forthwith give effect to the judgment, and unless otherwise ordered by the court, shall do so upon the basis of—

(A) the proceedings already had; and

(B) the record upon which the appeal was heard and determined.

(h) JUDGMENT FOR COSTS.—The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in the appeal, but not against the Commission, depending upon the nature of the issues involved in the appeal and the outcome of the appeal.

(i) FINALITY OF DECISION; REVIEW BY SUPREME COURT.—The judgment of a court of appeals under this section shall be final, subject to review by the Supreme Court of the United States—

(1) upon writ of certiorari on petition therefor under section 1254 of title 28, United States Code, by—

(A) the appellant;

(B) the Commission; or

(C) any interested party intervening in the appeal; or

(2) by certification by the court of appeals under such section 1254.

SEC. 6019. REPORT TO CONGRESS.

(a) IN GENERAL.—Not earlier than 5 years after the date of enactment of this Act, the President shall establish an independent panel to—

(1) comprehensively study the policies, operations, and regulations of the Commission; and

(2) submit an in-depth report to the congressional committees of jurisdiction, including the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, that includes—

(A) an evaluation of the effectiveness of the Commission in achieving the purposes under section 6004(b);

(B) recommended reforms to strengthen the Commission; and

(C) a recommendation regarding whether the Commission should continue in effect.

(b) MEMBERSHIP.—The independent panel established under subsection (a) shall consist of 10 members, of whom—

(1) 2 shall be appointed by the President;

(2) 2 shall be appointed by the majority leader of the Senate;

(3) 2 shall be appointed by the minority leader of the Senate;

(4) 2 shall be appointed by the Speaker of the House of Representatives; and

(5) 2 shall be appointed by the minority leader of the House of Representatives.

SEC. 6020. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out the functions of the Commission—

(1) $100,000,000 for fiscal year 2023;

(2) $200,000,000 for fiscal year 2024;

(3) $300,000,000 for fiscal year 2025;

(4) $450,000,000 for fiscal year 2026; and

(5) $500,000,000 for each of fiscal years 2027 through 2032.

SA 299. Mrs. MURRAY (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle _____—Helping Heroes Act of 2023

SEC. _____. SHORT TITLE.

This subtitle may be cited as the ''Helping Heroes Act of 2023''.

SEC. _____. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term ''Department'' means the Department of Veterans Affairs.

(2) DISABLED VETERAN.—The term ''disabled veteran'' has the meaning given that term in section 4211 of title 38, United States Code.

(3) ELIGIBLE CHILD.—The term ''eligible child'', with respect to an eligible veteran, means an individual who—

(A) is a ward, child (including stepchild), grandchild, or sibling (including stepsibling or halfsibling) of the eligible veteran; and

(B) is less than 18 years of age.

(4) ELIGIBLE VETERAN.—The term ''eligible veteran'' means a disabled veteran who has a service-connected disability rated at 70 percent or more.

(5) FAMILY COORDINATOR.—The term ''Family Coordinator'' means an individual placed at a medical center of the Department pursuant to **[**section _____3**]**.

(6) FAMILY SUPPORT PROGRAM.—The term ''Family Support Program'' means the program established under **[**section _____4**]**.

(7) NON-DEPARTMENT PROVIDER.—The term ''non-Department provider'' means a public or non-profit entity that is not an entity of the Department.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Veterans Affairs.

(9) SUPPORTIVE SERVICES.—The term ''supportive services'' means services that address the social, emotional, and mental health, career-readiness, and other needs of eligible children, including—

(A) wellness services, including mental, emotional, behavioral, and physical health and nutritional counseling and assistance;

(B) peer-support programs for children;

(C) assistance completing college admission and financial aid applications, including the Free Application for Federal Student Aid described in section 483(a) of the Higher Education Act (20 U.S.C. 1090), and accessing veterans' education benefits as defined under section 480(c)(2) of such Act (20 U.S.C. 1087vv) that eligible children may be eligible to receive;

(D) assistance with accessing workforce development programs, including programs providing the activities authorized under section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164), and programs of vocational rehabilitation services, including programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(E) sports and recreation;

(F) after-school care and summer learning opportunities;

(G) dependent care, including home and community-based services;

(H) other resources for low-income families;

(I) assistance transitioning from active duty in the Armed Forces to veteran status; and

(J) any other services or activities the Secretary considers appropriate to support the needs of eligible children.

SEC. _____. REQUIREMENTS FOR FAMILY COORDINATORS.

(a) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary shall—

(1) place at each medical center of the Department not fewer than one Family Coordinator; and

(2) ensure adequate staffing and resources at each such medical center to ensure Family Coordinators are able to carry out their duties.

(b) FAMILY COORDINATORS.—

(1) EMPLOYMENT.—Each Family Coordinator placed at a medical center of the Department under subsection (a) shall be employed full-time by the Department as a Family Coordinator and shall have no other duties in addition to the duties of a Family Coordinator.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—To qualify to be a Family Coordinator under subsection (a), an individual shall—

(i) be a social worker licensed, registered, or certified in accordance with the requirements of any State; and

(ii) have a graduate degree in social work or a related field.

(B) WAIVER.—The Secretary may waive the qualifications required by subparagraph (A) to permit individuals in other professions to serve as Family Coordinators.

(3) DUTIES.—Each Family Coordinator shall—

(A) assess the needs of the families of veterans using evidence-based strategies;

(B) build positive relationships with such families;

(C) refer veterans to local, State, and Federal resources that support veterans and their families;

(D) develop and maintain a list of—

(i) supportive services offered by the medical center at which the Family Coordinator is placed; and

(ii) supportive services offered at reduced or no cost by non-Department providers located in the catchment area of such medical center; and

(E) develop and maintain on an internet website a list of family resources that shall be made available for all veterans in the catchment area of such medical center who are enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code.

SEC. _____. ESTABLISHMENT OF FAMILY SUPPORT PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish a program to be known as the Family Support Program to provide and coordinate the provision of supportive services to eligible veterans and eligible children.

(b) IMPLEMENTATION OF FAMILY SUPPORT PROGRAM.—To carry out the Family Support Program, the Secretary shall—

(1) provide supportive services through medical centers of the Department;

(2) collaborate with relevant Federal agencies to provide supportive services;

(3) provide funding to non-Department providers pursuant to subsection (c); and

(4) engage in any other activities the Secretary considers appropriate.

(c) FUNDING TO NON-DEPARTMENT PROVIDERS.—

(1) IN GENERAL.—The Secretary may enter into contracts and award grants to provide funding to eligible non-Department providers to participate in the Family Support Program.

(2) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall establish and make publicly available the criteria for a non-Department provider to be eligible to participate in the Family Support Program.

(B) CRITERIA.—The criteria required by subparagraph (A) shall include requirements for a non-Department provider—

(i) to provide a description of—

(I) each supportive service proposed to be provided to eligible children; and

(II) the demonstrated record of the non-Department provider in providing such supportive service;

(ii) to demonstrate the ability to serve families of veterans in a manner that is trauma-informed and culturally and linguistically appropriate; and

(iii) to agree to oversight by the Secretary regarding—

(I) the use of funds provided by the Department under this subsection; and

(II) the quality of supportive services provided.

(3) NOTICE.—The Secretary shall promptly provide to eligible non-Department providers selected by the Secretary to participate in the Family Support Program notice of the award of funds under this subsection to ensure such providers have sufficient time to prepare to provide supportive services under the Family Support Program.

(4) AUTHORIZED ACTIVITIES.—Funds provided under this subsection shall be used to provide supportive services.

(5) TRAINING.—For each non-Department provider selected by the Secretary to participant in the Family Support Program, the Secretary shall offer training and technical assistance regarding the planning, development, and provision of supportive services under the Family Support Program.

(d) COORDINATION WITH OTHER DEPARTMENT OF VETERANS AFFAIRS PROGRAMS.—The Secretary shall share best practices with and facilitate referrals of eligible veterans and their families, as appropriate, from the Family Support Program to other programs of the Department, such as the program of support services for caregivers of veterans under section 1720G(b) of title 38, United States Code.

(e) REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT.—Not later than one year after the date of the commencement of the Family Support Program, and annually thereafter, each non-Department provider in receipt of funds under the Family Support Program shall submit to the Secretary a report describing the supportive services carried out with such funds during the year covered by such report.

(2) REPORTS TO CONGRESS.—

(A) REPORT ON ADDITIONAL RESOURCES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the potential need for additional resources for family members of eligible veterans other than eligible children.

(B) REPORT ON PROGRESS.—

(i) IN GENERAL.—Not later than one year after the commencement of the Family Support Program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Family Support Program.

(ii) CONTENTS.—The report required by clause (i) shall include—

(I) the number of eligible veterans and eligible children who received supportive services under the Family Support Program;

(II) the demographic data of eligible veterans and family members, including—

(aa) the relationship to the eligible veteran;

(bb) age;

(cc) race;

(dd) ethnicity;

(ee) gender;

(ff) disability; and

(gg) English proficiency and whether a language other than English is spoken at home;

(III) a summary of the supportive services carried out under the Family Support Program and the costs to the Department of such supportive services; and

(IV) an assessment, measured by a survey of participants, of whether participation in the Family Support Program resulted in positive outcomes for eligible veterans and eligible children.

SEC. _____. OUTREACH ON AVAILABILITY OF SERVICES.

The Secretary shall conduct an outreach program to ensure eligible veterans who are enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code, employees of the Department, and potential State, local, and Federal entities are informed of the Family Support Program and the availability of Family Coordinators.

SEC. _____. TRANSITION ASSISTANCE.

Not later than one year after the date of the enactment of this Act, the Secretary shall include information regarding supportive services available for members of the Armed Forces who are being separated from active duty and their families, including mental health and other services for children, in the transition assistance curriculum offered by the Department.

SEC. _____. SURVEY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary shall conduct a survey of disabled veterans and their families to identify and better understand the needs of such disabled veterans and their families.

(b) CONTENT.—The survey required under subsection (a) shall include questions with respect to—

(1) the types and quality of support disabled veterans receive from the children of such disabled veterans; and

(2) the unmet needs of such children.

SEC. _____. NONDISCRIMINATION.

The following provisions of law shall apply to any program or activity that receives funds provided under this subtitle:

(1) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(3) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(4) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) .

(5) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(6) Any other applicable Federal civil rights law.

SEC. _____. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subtitle.

SA 300. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. AMENDMENTS TO THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the ''Beryllium Testing Fairness Act''.

(b) MODIFICATION OF DEMONSTRATION OF BERYLLIUM SENSITIVITY.—Section 3621(8)(A) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(8)(A)) is amended—

(1) by striking ''established by an abnormal'' and inserting the following: ''established by—

''(i) an abnormal'';

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

(3) by adding at the end the following:

''(ii) three borderline beryllium lymphocyte proliferation tests performed on blood cells over a period of 3 years.''.

(c) EXTENSION OF ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Section 3687(j) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16(j)) is amended by striking ''10 years'' and inserting ''15 years''.

SA 301. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENTREPRENEURSHIP ASSISTANCE FOR MILITARY SPOUSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall establish a program within the Small Business Administration, the purpose of which shall be to assist military spouses in forming, operating, and growing small business concerns.

(2) EXTENSION OF EXISTING PROGRAM.—In lieu of establishing a new program, the Administrator may carry out the purpose described in paragraph (1) through an extension of a program that is in existence, as of the date of enactment of this Act, if that extension is tailored to military spouses and otherwise achieves that purpose and satisfies the requirements of this section.

(c) ASSISTANCE.—The assistance provided by the Administrator under the program described in subsection (b) shall include the following:

(1) Assistance for military spouses in identifying and understanding the requirements with respect to forming and operating a small business concern.

(2) Assistance for military spouses in strengthening the expertise and skills necessary for the formation and operation of a small business concern, including the expertise and skills necessary to create a sustainable small business concern throughout the uniquely challenging requirements of life as a military spouse, which arise as a result of—

(A) military deployments;

(B) military-related absences from the workforce; or

(C) multiple permanent changes of duty station or other long-term relocations for military reasons.

(3) Through military spouse entrepreneurship organizations and business volunteer entities (including by entering into cooperative agreements with those organizations and entities), providing mentorship to military spouses with respect to entrepreneurship.

(4) Any other assistance that the Administrator determines to be appropriate.

(d) SURVEY; REPORT.—

(1) SURVEY.—

(A) IN GENERAL.—The Administrator, in consultation with such nonprofit organizations and other stakeholders determined appropriate by the Administrator, shall conduct a survey at select military installations to identify the barriers to forming, operating, and growing small business concerns that are faced by military spouses as a result of life as a military spouse, including as a result of the conditions described in subparagraphs (A), (B), and (C) of subsection (c)(2).

(B) ANALYSIS REQUIRED.—The survey conducted under subparagraph (A) shall include an analysis of the challenges that military spouses face in accessing capital and other critical resources with respect to forming, operating, and growing small business concerns, including the education, mentoring, and training that is required to form, operate, and grow a small business concern.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of the survey conducted under paragraph (1).

(e) USE OF RESULTS; OUTREACH.—In carrying out the program described in subsection (b), the Administrator shall—

(1) take into consideration the results of the survey conducted under subsection (d)(1); and

(2) develop an outreach program to ensure that the program becomes well-known.

(f) CONSULTATION PERMITTED.—In carrying out this section, the Administrator may consult with the Secretary of Defense, as determined necessary by the Administrator.

SA 302. Ms. KLOBUCHAR (for herself and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. _____. INVENTORY OF C–130 AIRCRAFT.

(a) MINIMUM INVENTORY REQUIREMENT.—Section 146(a)(3)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 2455) is amended by striking ''2023'' and inserting ''2024''.

(b) PROHIBITION ON REDUCTION OF C–130 AIRCRAFT ASSIGNED TO NATIONAL GUARD.—Section 146(b)(1) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 2455) is amended by striking ''fiscal year 2023'' and inserting ''fiscal years 2023 and 2024''.

SA 303. Mr. HOEVEN (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. FEDERAL TUITION ASSISTANCE FOR MEMBERS OF THE AIR NATIONAL GUARD AND RESERVE.

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

(1) The Secretary of the Air Force stated in March 2023 that the Air Force expects to miss its recruiting goals across its active and reserve components.

(2) The Federal Tuition Assistance (FTA) program in the Army National Guard demonstrates the value of education benefits as a tool for recruitment and retention of personnel.

(3) In fiscal years 2020 and 2021, Congress provided funds for the Air National Guard to establish a pilot program to provide its members with Federal tuition assistance modeled after the permanent program in the Army National Guard.

(4) During fiscal year 2021, 974 drill status Air National Guard members received tuition assistance through the Air National Guard pilot program.

(5) The Air National Guard terminated the pilot program in fiscal year 2022, citing competing budget priorities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) members of the Air National Guard should have access to the same educational benefits as members of the Army National Guard;

(2) members of the Guard and Reserve components should have education benefits on par with their active duty counterparts; and

(3) education benefits are a critical tool for recruiting and retaining outstanding personnel in all service branches and components.

(c) PROGRAM.—The Secretary of the Air Force shall establish and carry out a permanent program to provide Federal tuition assistance to members of the Air National Guard and Reserve.

SA 304. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10____. AMENDMENT TO REGULATIONS EXEMPTING ENGINES/EQUIPMENT FOR NATIONAL SECURITY.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the regulations under section 1068.225 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to specify that an engine or equipment is exempt under that section without a request described in that section if the engine or equipment—

(1) is for a marine vessel;

(2) has a rated horsepower of 60 or less; and

(3) will be owned by a Federal, State, or local emergency response or public safety agency responsible for domestic response or homeland security activities.

SA 305. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10_____. RELOCATION OF MEMORIAL HONORING THE 9 AIR FORCE CREW MEMBERS WHO LOST THEIR LIVES IN AN AIRPLANE CRASH DURING A TRAINING MISSION ON AUGUST 31, 1982.

(a) IN GENERAL.—With the consent of the owner of the private land adjacent to the Cherohala Skyway in the State of North Carolina on which there is located a memorial honoring the 9 members of the Air Force crew of the C–141B transport plane that crashed during a training mission over the Cherokee and Nantahala National Forests on August 31, 1982 (referred to in this section as the ''memorial''), and subject to subsections (b) through (e), the Secretary of Agriculture (referred to in this section as the ''Secretary'') may authorize, by special use authorization, the installation and any maintenance associated with the installation of the memorial at an appropriate site at the Stratton Ridge rest area located at mile marker 2 on the Cherohala Skyway in Graham County, North Carolina, in the Nantahala National Forest.

(b) SITE APPROVAL.—The site at which the memorial is installed under subsection (a) is subject to approval by the Secretary, in concurrence with—

(1) the North Carolina Department of Transportation; and

(2) in a case in which the site is located adjacent to a Federal-aid highway, the Administrator of the Federal Highway Administration.

(c) FUNDING.—No Federal funds may be used to relocate, install, or maintain the memorial under subsection (a).

(d) COSTS.—The individual or entity requesting the installation of the memorial on National Forest System land under subsection (a) shall be responsible for the costs associated with the use of National Forest System land for the memorial, including the costs of—

(1) processing the application for the relocation;

(2) issuing a special use authorization for the memorial, including the costs associated with any related environmental analysis; and

(3) relocating, installing, and maintaining the memorial.

(e) TERMS AND CONDITIONS.—The special use authorization for the installation of the memorial under subsection (a) may include any terms and conditions that are determined to be appropriate by the Secretary, including a provision preventing any enlargement or expansion of the memorial.

SA 306. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10_____. DESIGNATION OF CERTAIN CREEKS, NORTH CAROLINA.

(a) DESIGNATION OF NOAH STYRON CREEK.—

(1) IN GENERAL.—The creek located at latitude 34°59′49.33″ N, longitude 76°8′42.11″ W, shall be known and designated as ''Noah Styron Creek''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the creek described in paragraph (1) shall be deemed to be a reference to ''Noah Styron Creek''.

(b) DESIGNATION OF HUNTER PARKS CREEK.—

(1) IN GENERAL.—The creek located at latitude 34°57′52.85″ N, longitude 76°11′11.25″ W, shall be known and designated as ''Hunter Parks Creek''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the creek described in paragraph (1) shall be deemed to be a reference to ''Hunter Parks Creek''.

(c) DESIGNATION OF KOLE MCINNIS CREEK.—

(1) IN GENERAL.—The creek located at latitude 34°57′46.30″ N, longitude 76°11′18.18″ W, shall be known and designated as ''Kole McInnis Creek''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the creek described in paragraph (1) shall be deemed to be a reference to ''Kole McInnis Creek''.

(d) DESIGNATION OF STEPHANIE FULCHER CREEK.—

(1) IN GENERAL.—The creek located at latitude 34°57′38.08″ N, longitude 76°11′31.18″ W, shall be known and designated as ''Stephanie Fulcher Creek''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the creek described in paragraph (1) shall be deemed to be a reference to ''Stephanie Fulcher Creek''.

(e) DESIGNATION OF JACOB TAYLOR CREEK.—

(1) IN GENERAL.—The creek located at latitude 34°52′43.45″ N, longitude 76°17′41.49″ W, shall be known and designated as ''Jacob Taylor Creek''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the creek described in paragraph (1) shall be deemed to be a reference to ''Jacob Taylor Creek''.

(f) DESIGNATION OF DAILY SHEPHERD CREEK.—

(1) IN GENERAL.—The creek located at latitude 34°52′28.26″ N, longitude 76°17′43.20″ W, shall be known and designated as ''Daily Shepherd Creek''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the creek described in paragraph (1) shall be deemed to be a reference to ''Daily Shepherd Creek''.

SA 307. Mr. TILLIS (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10____. INCLUSION OF PHOSPHATE AND POTASH AS CRITICAL MINERALS.

(a) IN GENERAL.—The list of critical minerals published in the notice of the Secretary of the Interior entitled ''2022 Final List of Critical Minerals'' (87 Fed. Reg. 10381 (February 24, 2022)) shall be deemed to include phosphate and potash.

(b) RECOMMENDATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary of the Interior shall evaluate current policies related to permitting and leasing of projects to develop the minerals described in subsection (a) and issue recommendations to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives to support domestic production of those minerals.

SA 308. Mr. TILLIS (for himself and Mr. BUDD) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. SENSE OF CONGRESS ON THE IMPORTANCE OF NON-GOVERNMENTAL RECOGNITION OF MILITARY ENLISTEES TO IMPROVE COMMUNITY SUPPORT FOR MILITARY RECRUITMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) publicly honoring and recognizing the young men and women who upon graduation from high-school enlist to serve in the Armed Forces is a meaningful way to indicate national and local support for those enlistees prior to initial accession training, express gratitude to their families, and enhance the partnerships between military recruiters and high school administrators and guidance counselors;

(2) the intrinsic value of these community ceremonies should be formally recognized by the Office of the Secretary of Defense and the various military service recruiting commands; and

(3) to the extent practicable, an appropriate level of joint military service support should be provided at these events, to include general officer and senior enlisted adviser participation, ceremonial unit involvement, musical support, and local recruiter presence.

(b) BRIEFING.—Not later than March 23, 2024, the Secretary of Defense shall brief the congressional defense committees on the extent of Department of Defense and military service coordination and support rendered for the recognition events described in subsection (a), which are executed at no cost to the Federal Government under the independent, national direction of the ''Our Community Salutes'' organization, a registered 501(c)(3) organization.

SA 309. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REQUIREMENT FOR PROCUREMENT OF DOMESTICALLY PRODUCED MOLYBDENUM 99.

(a) IN GENERAL.—Except as provided in subsection (b), on and after the date of the enactment of this Act, in procuring molybdenum 99 or technetium–99m for use by the Defense Health Agency, the Assistant Secretary of Defense for Health Affairs shall procure only—

(1) domestically produced molybdenum 99; or

(2) technetium–99m patient doses derived from domestically produced molybdenum 99.

(b) EXCEPTION.—The Assistant Secretary of Defense for Health Affairs may procure for a particular geographic location from sources that do not comply with the requirements of subsection (a) if the supply of domestically produced molybdenum 99 or technetium–99m patient doses derived from domestically produced molybdenum 99 cannot completely fulfill the needs in that location.

SA 310. Mr. JOHNSON (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. ELIGIBILITY OF TAIWAN FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.

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

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

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

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

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

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

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

SA 311. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON PHARMACEUTICAL INGREDIENTS.

The Secretary of Health and Human Services shall seek to enter into an agreement with the RAND Corporation under which the RAND Corporation—

(1) studies—

(A) the extent to which drug manufacturers use foreign sources for precursor chemicals and active pharmaceutical ingredients for the manufacture of drugs for the United States market; and

(B) any statutory, regulatory, or other barriers to domestic production of such chemicals and ingredients; and

(2) submits a report on such study to the Secretary of Health and Human Services.

SA 312. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ASSESSMENT OF EXISTING LARGE POWER TRANSFORMERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, shall submit to Congress an assessment of large power transformers in the United States.

(b) REQUIREMENTS.—The assessment required under subsection (a) shall include—

(1) an identification of the number of large power transformers in the United States as of the date of the assessment;

(2) a description of the age and condition of the large power transformers identified under paragraph (1);

(3) an identification of the number of large power transformers identified under paragraph (1) that require replacement or significant repair as of the date of the assessment;

(4) an estimate of the number of large power transformers that would be required in the United States if there was a need for recovery of the electric grid on a nationwide scale;

(5) a list of authorities and resources in existence as of the date of the assessment that the Department of Energy or another Federal agency could use to procure large power transformers; and

(6) recommendations to Congress for any authorization, funding, or other resources necessary to procure the number of large power transformers estimated to be needed under paragraph (4).

SA 313. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GOOD ACT.

(a) SHORT TITLE.—This section may be cited as the ''Guidance Out Of Darkness Act'' or the ''GOOD Act''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(3) GUIDANCE DOCUMENT.—

(A) DEFINITION.—The term ''guidance document''—

(i) means an agency statement of general applicability (other than a rule that has the force and effect of law promulgated in accordance with the notice and comment procedures under section 553 of title 5, United States Code) that—

(I) does not have the force and effect of law; and

(II) is designated by an agency official as setting forth—

(aa) a policy on a statutory, regulatory, or technical issue; or

(bb) an interpretation of a statutory or regulatory issue; and

(ii) may include—

(I) a memorandum;

(II) a notice;

(III) a bulletin;

(IV) a directive;

(V) a news release;

(VI) a letter;

(VII) a blog post;

(VIII) a no-action letter;

(IX) a speech by an agency official; and

(X) any combination of the items described in subclauses (I) through (IX).

(B) RULE OF CONSTRUCTION.—The term ''guidance document''—

(i) shall be construed broadly to effectuate the purpose and intent of this Act; and

(ii) shall not be limited to the items described in subparagraph (A)(ii).

(c) PUBLICATION OF GUIDANCE DOCUMENTS ON THE INTERNET.—

(1) IN GENERAL.—Subject to subsection (e), on the date on which an agency issues a guidance document, the agency shall publish the guidance document in accordance with the requirements under subsection (d).

(2) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—Subject to subsection (e), not later than 180 days after the date of enactment of this Act, each agency shall publish, in accordance with the requirements under subsection (d), any guidance document issued by that agency that is in effect on that date.

(d) SINGLE LOCATION.—

(1) IN GENERAL.—All guidance documents published under paragraphs (1) and (2) of subsection (c) by an agency shall be published in a single location on an internet website designated by the Director under paragraph (4) of this subsection.

(2) AGENCY INTERNET WEBSITES.—Each agency shall, for guidance documents published by the agency under paragraphs (1) and (2) of subsection (c), publish a hyperlink on the internet website of the agency that provides access to the guidance documents at the location described in subparagraph (A).

(3) ORGANIZATION.—

(A) IN GENERAL.—The guidance documents described in paragraph (1) shall be—

(i) categorized as guidance documents; and

(ii) further divided into subcategories as appropriate.

(B) AGENCY INTERNET WEBSITES.—The hyperlinks described in paragraph (2) shall be prominently displayed on the internet website of the agency.

(4) DESIGNATION.—Not later than 90 days after the date of enactment of this Act, the Director shall designate an internet website on which guidance documents shall be published under paragraphs (1) and (2) of subsection (c).

(e) DOCUMENTS AND INFORMATION EXEMPT FROM DISCLOSURE UNDER FOIA.—If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the ''Freedom of Information Act''), or contains information that is exempt from disclosure under that section, that document or information, as the case may be, shall not be subject to the requirements under this Act.

(f) RESCINDED GUIDANCE DOCUMENTS.—On the date on which a guidance document issued by an agency is rescinded, or, in the case of a guidance document that is rescinded pursuant to a court order, not later than the date on which the order is entered, the agency shall, at the location described in subsection (d)(1)—

(1) maintain the rescinded guidance document; and

(2) indicate—

(A) that the guidance document is rescinded;

(B) if the guidance document was rescinded pursuant to a court order, the case number of the case in which the order was entered; and

(C) the date on which the guidance document was rescinded.

SA 314. Mr. TESTER (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. ASSESSMENT OF AND EXPORT CONTROL DECISIONS WITH RESPECT TO CERTAIN UNITED STATES-ORIGIN TECHNOLOGY USED BY FOREIGN ADVERSARIES.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct an assessment of technology described in paragraph (2) that could be or is being used by foreign adversaries in foreign espionage programs targeting the United States.

(2) TECHNOLOGY DESCRIBED.—Technology described in this paragraph is technology of United States origin that is commercially available and not subject to export controls.

(3) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit a report on the assessment required by paragraph (1) to—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONSIDERATION OF ASSESSMENT IN EXPORT CONTROL DECISIONS.—The Secretary of

Commerce, the Secretary of State, and the Secretary of the Treasury shall each use the assessment conducted under subsection (a) to inform decisions with respect to listing, de-listing, or changing the control and regulation status of technology for purposes of export controls within their respective jurisdictions.

SA 315. Ms. SINEMA (for herself and Mr. KELLY) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. NOGALES WASTEWATER IMPROVEMENT.

(a) AMENDMENT TO THE ACT OF JULY 27, 1953.—The first section of the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10), is amended by striking the period at the end and inserting ''*: Provided further*, That the equitable portion of the Nogales sanitation project for the city of Nogales, Arizona, shall be limited to the costs directly associated with the treatment and conveyance of the wastewater of the city and, to the extent practicable, shall not include any costs directly associated with the quality or quantity of wastewater originating in Mexico.''.

(b) NOGALES SANITATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) CITY.—The term ''City'' means the City of Nogales, Arizona.

(B) COMMISSION.—The term ''Commission'' means the United States Section of the International Boundary and Water Commission.

(C) INTERNATIONAL OUTFALL INTERCEPTOR.—The term ''International Outfall Interceptor'' means the pipeline that conveys wastewater from the United States-Mexico border to the Nogales International Wastewater Treatment Plant.

(D) NOGALES INTERNATIONAL WASTEWATER TREATMENT PLANT.—The term ''Nogales International Wastewater Treatment Plant'' means the wastewater treatment plant that—

(i) is operated by the Commission;

(ii) is located in Rio Rico, Santa Cruz County, Arizona, after manhole 99; and

(iii) treats sewage and wastewater originating from—

(I) Nogales, Sonora, Mexico; and

(II) Nogales, Arizona.

(2) OWNERSHIP AND CONTROL.—

(A) IN GENERAL.—Subject to subparagraph (B) and in accordance with authority under the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10 et seq.), on transfer by donation from the City of the current stake of the City in the International Outfall Interceptor to the Commission, the Commission shall enter into such agreements as are necessary to assume full ownership and control over the International Outfall Interceptor.

(B) AGREEMENTS REQUIRED.—The Commission shall assume full ownership and control over the International Outfall Interceptor under subparagraph (A) after all applicable governing bodies in the State of Arizona, including the City, have—

(i) signed memoranda of understanding granting to the Commission access to existing easements for a right of entry to the International Outfall Interceptor for the life of the International Outfall Interceptor;

(ii) entered into an agreement with respect to the flows entering the International Outfall Interceptor that are controlled by the City; and

(iii) agreed to work in good faith to expeditiously enter into such other agreements as are necessary for the Commission to operate and maintain the International Outfall Interceptor.

(3) OPERATIONS AND MAINTENANCE.—

(A) IN GENERAL.—Beginning on the date on which the Commission assumes full ownership and control of the International Outfall Interceptor under paragraph (2)(A), but subject to paragraph (5), the Commission shall be responsible for the operations and maintenance of the International Outfall Interceptor.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this paragraph, to remain available until expended—

(i) $6,500,000 for fiscal year 2025; and

(ii) not less than $2,500,000 for fiscal year 2026 and each fiscal year thereafter.

(4) DEBRIS SCREEN.—

(A) DEBRIS SCREEN REQUIRED.—

(i) IN GENERAL.—The Commission shall construct, operate, and maintain a debris screen at Manhole One of the International Outfall Interceptor for intercepting debris and drug bundles coming to the United States from Nogales, Sonora, Mexico.

(ii) REQUIREMENT.—In constructing and operating the debris screen under clause (i), the Commission and the Commissioner of U.S. Customs and Border Protection shall coordinate—

(I) the removal of drug bundles and other illicit goods caught in the debris screen; and

(II) other operations at the International Outfall Interceptor that require coordination.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission, to remain available until expended—

(i) for fiscal year 2025—

(I) $8,000,000 for construction of the debris screen described in subparagraph (A)(i); and

(II) not less than $1,000,000 for the operations and maintenance of the debris screen described in subparagraph (A)(i); and

(ii) not less than $1,000,000 for fiscal year 2026 and each fiscal year thereafter for the operations and maintenance of the debris screen described in subparagraph (A)(i).

(5) LIMITATION OF CLAIMS.—Chapter 171 and section 1346(b) of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), shall not apply to any claim arising from the activities of the Commission in carrying out this subsection, including any claim arising from damages that result from overflow of the International Outfall Interceptor due to excess inflow to the International Outfall Interceptor originating from Nogales, Sonora, Mexico.

(c) EFFECTIVE DATE.—This section (including the amendments made by this section) takes effect on October 1, 2024.

SA 316. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ___. MANDATORY ORIGIN AND LOCATION DISCLOSURE FOR NEW PRODUCTS OF FOREIGN ORIGIN OFFERED FOR SALE ON THE INTERNET.

(a) MANDATORY DISCLOSURE.—

(1) IN GENERAL.—

(A) DISCLOSURE.—Subject to subparagraph (B), it shall be unlawful for a product that is marked or required to be marked under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) to be introduced, sold, advertised, or offered for sale in commerce on an internet website unless the internet website description of the product indicates in a conspicuous place—

(i) the country of origin of the product (or, in the case of a multi-sourced product, the countries of origin), in a manner consistent with the regulations prescribed under such section 304; and

(ii) the country in which the seller of the product has its principal place of business.

(B) EXCLUSIONS.—

(i) AGRICULTURAL PRODUCTS.—The disclosure requirements under clauses (i) and (ii) of subparagraph (A) shall not apply to—

(I) a covered commodity (as defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638));

(II) a meat or meat food product subject to inspection under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(III) a poultry or poultry product subject to inspection under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); or

(IV) an egg product subject to regulation under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(ii) FOOD AND DRUGS.—The disclosure requirements under clauses (i) and (ii) of subparagraph (A) shall not apply to a food or drug (as those terms are defined in paragraphs (f) and (g), respectively, of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) that is subject to the jurisdiction of the Food and Drug Administration.

(iii) USED OR PREVIOUSLY OWNED ARTICLES.—The disclosure requirements under clauses (i) and (ii) of subparagraph (A) shall not apply to any used or previously owned article sold by an internet website marketplace or a seller on an internet website marketplace. For the purposes of the preceding sentence, the term ''used or previously owned article'' means an article that was previously sold or offered for sale at retail.

(iv) SMALL SELLER.—The disclosure requirements under clauses (i) and (ii) of subparagraph (A) shall not apply to goods listed by a small seller. For the purposes of the preceding sentence, the term ''small seller'' means a seller with annual sales of less than $20,000 and fewer than 200 discrete sales.

(C) MULTI-SOURCED PRODUCTS.—For purposes of subparagraph (A)(i), a product shall be considered to be a ''multi-sourced product'' if a seller offers for sale a finished product, identical versions of which are produced in multiple countries.

(2) CERTAIN DRUG PRODUCTS.—It shall be unlawful for a drug that is not subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)) and that is required to be marked under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) to be offered for sale in commerce to consumers on an internet website unless the internet website description of the drug indicates in a conspicuous place the name and place of business of the manufacturer, packer, or distributor that is required to appear on the label of the drug in accordance with section 502(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(b)).

(3) OBLIGATION TO PROVIDE.—A manufacturer, importer, distributor, seller, supplier, or private labeler seeking to have a product introduced, sold, advertised, or offered for

sale in commerce shall provide the information identified clauses (i) and (ii) of paragraph (1)(A) or paragraph (2), as applicable, to the relevant retailer.

(4) SAFE HARBOR.—A retailer or a seller on an internet website marketplace satisfies the disclosure requirements under clauses (i) and (ii) of paragraph (1)(A) or paragraph (2), as applicable, if the disclosure includes the country of origin and seller information provided by a third-party manufacturer, importer, distributor, seller, supplier, or private labeler of the product.

(b) ENFORCEMENT BY THE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule prescribed 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 section 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 section.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) 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.) as though all applicable terms and provisions of that Act were incorporated and made part of this section.

(C) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(3) INTERAGENCY AGREEMENT.—Not later than 6 months after the date of enactment of this section, the Commission, the U.S. Customs and Border Protection, and the Department of Agriculture shall—

(A) enter into a Memorandum of Understanding or other appropriate agreement for the purpose of providing consistent implementation of this section; and

(B) publish such agreement to provide public guidance.

(4) DEFINITION OF COMMISSION.—In this subsection, the term ''Commission'' means the Federal Trade Commission.

(c) LIMITATION OF LIABILITY.—A retailer or seller is not in violation of subsection (a) if—

(1) a third-party manufacturer, distributor, seller, supplier, or private labeler provided the retailer or seller with a false or deceptive representation as to the country of origin of a product or its parts or processing; and

(2) the retailer or seller—

(A) relied in good faith on that representation; and

(B) took immediate action to remove any such false or deceptive representations upon notice.

(d) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Department of Agriculture, the Food and Drug Administration, or U.S. Customs and Border Protection under any other provision of law.

(e) EFFECTIVE DATE.—This section shall take effect 12 months after the date of the publication of the Memorandum of Understanding or agreement under subsection (b)(3).

SA 317. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INVENT HERE, MAKE HERE.

(a) SHORT TITLE.—This section may be cited as the ''Invent Here, Make Here Act of 2023''.

(b) IMPROVEMENT OF COMMERCIALIZATION OF FEDERAL RESEARCH BY DOMESTIC MANUFACTURERS.—Section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272) is amended by adding at the end the following:

''(f) COMMERCIALIZATION OF FEDERAL RESEARCH BY DOMESTIC MANUFACTURERS.—In order for the Institute to meet the need described in section 1(a)(1) and most effectively carry out the activities under subsection (c)(1) of this section, the Director shall—

''(1) coordinate with the Manufacturing USA Network established under section 34(c)(1) to identify domestic manufacturers that can develop commercial products based on research conducted by Federal agencies;

''(2) work with the Administrator of the Small Business Administration to identify domestic investors to support the development of commercial products based on research conducted by Federal agencies; and

''(3) coordinate with the Director of the Made in America Office at the Office of Management and Budget to use the procedures described in section 204(c)(2)(A)(i) of title 35, United States Code, to identify appropriate domestic manufacturers and investors to commercialize products based on Federal research and manufacture such products in the United States.''.

(c) STUDY AND COMPREHENSIVE REVIEW OF COMMERCIALIZATION OF FEDERAL RESEARCH BY DOMESTIC MANUFACTURERS.—Not later than 540 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall—

(1) complete a study and comprehensive review of the commercialization of Federal research by domestic manufacturers that—

(A) addresses—

(i) what barriers currently (as of the date on which the study is completed) exist for domestic manufacturers to commercialize Federal research; and

(ii) what role investment and the availability of investors plays in the encouragement or discouragement of the commercialization of Federal research by domestic manufacturers; and

(B) provides recommendations for modifications to the comprehensive strategic plan developed and implemented pursuant to section 107 of the American Innovation and Competitiveness Act (15 U.S.C. 272 note) to ensure that Federal science, engineering, and technology research is being transferred to domestic manufacturers to modernize manufacturing processes in accordance with section 2(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(1)); and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings of the Director with respect to the study and review completed under paragraph (1).

(d) PREFERENCE FOR UNITED STATES INDUSTRY.—Section 204 of title 35, United States Code, is amended to read as follows:

''§ 204. Preference for United States industry

''(a) DEFINITIONS.—In this section:

''(1) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

''(A) is a covered nation, as that term is defined in section 4872(d) of title 10; or

''(B) the Secretary of Commerce determines is engaged in conduct that is detrimental to the national security of the United States.

''(2) MANUFACTURED SUBSTANTIALLY IN THE UNITED STATES.—The term 'manufactured substantially in the United States' means manufactured substantially from all articles, materials, or supplies mined, produced, or manufactured in the United States.

''(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Science, Space, and Technology of the House of Representatives.

''(b) GENERAL PREFERENCE.—Notwithstanding any other provision of this chapter, and subject to subsection (c), no small business firm or nonprofit organization which receives title to any subject invention and no assignee of any such small business firm or nonprofit organization shall grant to any person the exclusive right to use or sell any subject invention unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States.

''(c) WAIVERS.—

''(1) IN GENERAL.—In individual cases, subject to paragraph (2), the requirement for an agreement described in subsection (b) may be waived by the Federal agency under whose funding agreement the applicable subject invention was made upon a showing by the small business firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

''(2) CONDITIONS ON WAIVERS.—

''(A) BEFORE GRANT OF WAIVER.—Before granting a waiver under paragraph (1), a Federal agency shall—

''(i) comply with the procedures developed and implemented pursuant to section 70923(b)(2) of the Build America, Buy America Act (subtitle A of title IX of division G of Public Law 117–58); and

''(ii) in carrying out clause (i), preserve the confidentiality or trade sensitive nature of information included in the applicable application for a license.

''(B) PROHIBITION ON GRANTING CERTAIN WAIVERS.—A Federal agency may not grant a waiver under paragraph (1) if, as a result of the waiver, products embodying the applicable subject invention, or produced through the use of the applicable subject invention, will be manufactured substantially in a country of concern.

''(3) ANNUAL REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of the Invent Here, Make Here Act of 2023, and annually thereafter, each Federal agency that, during the preceding year, has received a request for a waiver under this subsection shall submit to the relevant congressional committees a report regarding the decision of the Federal agency to grant or deny each such request.''.

(e) AMENDMENTS TO THE DIRECTORATE FOR TECHNOLOGY, INNOVATION, AND PARTNERSHIPS.—Subtitle G of title III of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19101 et seq.) is amended—

(1) in section 10382—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) ensure that products developed through research funded by the Directorate will be manufactured in the United States.'';

(2) in section 10383—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking ''products,'' and inserting ''products that will be manufactured in the United States,'';

(B) in paragraph (4)(C), by inserting ''producing,'' after ''capable of'';

(C) in paragraph (6), by striking ''and'' after the semicolon;

(D) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(8) develop industrial capacity to produce innovations competitively in the United States for the global marketplace.'';

(3) in section 10384—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) maximizes economic benefits by ensuring that innovations developed from research awards are produced in the United States.'';

(4) in section 10385—

(A) in subsection (b)(1), by striking ''and commercialization'' and inserting ''commercialization, and domestic production''; and

(B) in subsection (c)(2), by striking ''and commercialization'' and inserting ''commercialization, and domestic production'';

(5) in section 10386(b)(2), by inserting ''with domestic manufacturing operations'' after ''private sector'';

(6) in section 10389(a), by striking ''and commercialization'' and inserting ''commercialization, and domestic production'';

(7) in section 10391(a), by striking ''and commercialization'' and inserting ''commercialization, and domestic production''; and

(8) in section 10394(f)(5), by striking ''and, as appropriate, commercializing'' and inserting '', commercializing, and producing''.

SA 318. Mr. OSSOFF (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 28___. LIMITATION ON USE OF FUNDS FOR CLOSURE OF COMBAT READINESS TRAINING CENTERS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for the Air Force or the Air National Guard may be obligated or expended to close, or prepare to close, any combat readiness training center.

(b) WAIVER.—The Secretary of the Air Force may waive the limitation under subsection (a) with respect to a combat readiness training center if the Secretary submits to the congressional defense committees the following:

(1) A certification that—

(A) the closure of the center would not be in violation of section 2687 of title 10, United States Code; and

(B) the support capabilities provided by the center will not be diminished as a result of the closure of the center.

(2) A report that includes—

(A) a detailed business case analysis for the closure of the center; and

(B) an assessment of the effects the closure of the center would have on training units of the Armed Forces, including any active duty units that may use the center.

SA 319. Mr. OSSOFF (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 28___. REQUIREMENTS FOR MILITARY TENANT ADVOCATES FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter V of chapter 169 of title 10, United States Code, is amended by inserting after section 2890 the following new section:

''§ 2890a. Military tenant advocates

''(a) IN GENERAL.—The Secretary of Defense shall ensure that each installation of the Department of Defense at which military housing under subchapter IV of this chapter is offered has a military tenant advocate employed by the military department concerned.

''(b) TRAINING AND CERTIFICATION.—(1) The Secretary shall implement a uniform training and certification program for all individuals serving or selected to serve as a military tenant advocate under subsection (a).

''(2) The training and certification program under paragraph (1) shall include, at a minimum, instruction on the following:

''(A) The authority of the Secretary to provide military housing under subchapter IV of this chapter.

''(B) The role, authority, and responsibility of housing management offices.

''(C) The Military Housing Privatization Initiative Tenant Bill of Rights developed under section 2890 of this title.

''(D) The dispute resolution process under section 2894 of this title.

''(E) The resources available to tenants of military housing under subchapter IV of this chapter to ensure that all such tenants are living in housing that meets the standards described in the Military Housing Privatization Initiative Tenant Bill of Rights.

''(F) Relevant national, State, and local housing, disability, and environmental laws.

''(c) OUTREACH.—The Secretary shall conduct public outreach and education at each installation of the Department with a military tenant advocate under subsection (a) to provide members of the armed forces and their families with information on the identity, role, and authority of the military tenant advocate.

''(d) HIRING.—When hiring or selecting individuals to serve in the role of military tenant advocate under subsection (a), no preferential consideration shall be given to individuals currently or previously employed by—

''(1) a housing management office;

''(2) a garrison command; or

''(3) a housing provider or manager owning or operating military housing under subchapter IV of this chapter.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2890 the following new item:

''2890a. Military tenant advocates.''.

(2) CONFORMING AMENDMENTS.—

(A) RIGHTS AND RESPONSIBILITIES OF TENANTS.—Section 2890(b) of title 10, United States Code, is amended—

(i) in paragraph (5), by inserting ''under section 2890a of this title'' after ''advocate''; and

(ii) in paragraph (8), by striking '', as provided in section 2894(b)(4) of this title,'' and inserting ''under section 2890a of this title''.

(B) DISPUTE RESOLUTION PROCESS.—Section 2894(b)(4) of such title is amended by striking ''military housing advocate employed by the military department concerned'' and inserting ''military tenant advocate under section 2890a of this title''.

SA 320. Mr. OSSOFF (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON MILITARY MENTAL HEALTH CARE REFERRAL POLICIES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) detailing the mental health care referral policies of the Armed Forces; and

(2) the impact of removing primary care referral requirements for outpatient mental health care on—

(A) military readiness;

(B) the uptake of outpatient mental health care services by members of the Armed Forces; and

(C) suicide prevention.

(b) RECOMMENDATIONS.—The report required by subsection (a) shall include recommendations and legislative proposals—

(1) to improve resources and access for outpatient mental health care services by members of the Armed Forces;

(2) to encourage the uptake of such services by such members; and

(3) to maintain military readiness.

SA 321. Mr. OSSOFF submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle B of title XXVIII, add the following:

SEC. 2844. ANNUAL REPORT ON USE OF LANDLORD-TENANT DISPUTE RESOLUTION PROCESS FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Section 2894 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) ANNUAL REPORT.—(1) Not less frequently than annually, the Secretary of Defense shall publish on a publicly available

website of the Department of Defense a report detailing, for each military department and each military installation, the frequency and outcomes associated with the dispute resolution process under this section.

''(2) Each report under paragraph (1) shall include, for the one-year period preceding the date of the report, the following:

''(A) The number of instances in which the dispute resolution process under this section was initiated.

''(B) The outcomes associated with each instance in which the dispute resolution process was used.

''(C) The frequency with which non-disclosure agreements, or similar instruments, were used by landlords as a condition of agreement to an outcome under the dispute resolution process.''.

(b) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish the initial report required under subsection (g) of section 2894 of title 10, United States Code, as added by subsection (a)(2).

SA 322. Mr. OSSOFF submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. STUDY AND REPORT ON HEXAVALENT CHROMIUM AND OTHER HAZARDS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study—

(1) to evaluate the nature and prevalence of hexavalent chromium, isocyanic acid, hexamethylene ester, and similar hazards at installations of the Department of Defense, particularly those installations associated with equipment and weapons system maintenance and sustainment activities; and

(2) to assess the efficacy of relevant mitigation measures being undertaken by the Department with respect to such hazards.

(b) ELEMENTS.—The study conducted under subsection (a) shall include an assessment of what and how unmet requirements related to military construction or facilities sustainment, restoration, and modernization impact the nature, prevalence, and mitigation of chemical hazards in activities of the Department.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

SA 323. Ms. WARREN (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—TRUTH AND HEALING COMMISSION ON INDIAN BOARDING SCHOOL POLICIES ACT OF 2023

SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Truth and Healing Commission on Indian Boarding School Policies Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 6002. FINDINGS.

Congress finds that—

(1) attempts to destroy Native American cultures, religions, and languages through assimilationist practices and policies can be traced to the early 17th century and the founding charters of some of the oldest educational institutions in the United States;

(2) in June 2021, and in light of the long history of the assimilationist policies and practices referred to in paragraph (1) and calls for reform from Native peoples, the Secretary of the Interior directed the Department of the Interior to investigate the role of the Federal Government in supporting those policies and practices and the intergenerational impacts of those policies and practices;

(3) in May 2022, the Department of the Interior published volume 1 of a report entitled ''Federal Indian Boarding School Initiative Investigative Report'' (referred to in this section as the ''Report''), which found that—

(A) as early as 1819, and until 1969, the Federal Government directly or indirectly supported approximately 408 Indian Boarding Schools across 37 States;

(B) American Indian, Alaska Native, and Native Hawaiian children, as young as 3 years old, were forcibly removed from their homes and sent to Indian Boarding Schools located throughout the United States;

(C) Indian Boarding Schools used systematic, violent, and militarized identity-altering methods, such as physical, sexual, and psychological abuse and neglect, to attempt to forcibly assimilate Native children and strip them of their languages, cultures, and social connections;

(D) the violent methods referred to in subparagraph (C) were carried out for the purpose of—

(i) destroying the cultures, languages, and religions of Native peoples; and

(ii) dispossessing Native peoples of their ancestral lands;

(E) many of the children who were taken to Indian Boarding Schools did not survive, and of those who did survive, many never returned to their parents, extended families, or communities;

(F) many of the children who were taken to Indian Boarding Schools and did not survive were interred in cemeteries and unmarked graves; and

(G) American Indian, Alaska Native, and Native Hawaiian communities continue to experience intergenerational trauma and cultural and familial disruption from experiences rooted in Indian Boarding Schools Policies, which divided family structures, damaged cultures and individual identities, and inflicted chronic physical and psychological ramifications on American Indian, Alaska Native, and Native Hawaiian children, families, and communities;

(4) the ethos and rationale for Indian Boarding Schools is infamously expressed in the following quote from the founder of the Carlisle Indian Industrial School, Richard Henry Pratt: ''Kill the Indian in him, and save the man.'';

(5) the children who perished at Indian Boarding Schools or in neighboring hospitals and other institutions were buried in on-campus and off-campus cemeteries and unmarked graves;

(6) parents of children who were forcibly removed from or coerced into leaving their homes and placed in Indian Boarding Schools were prohibited from visiting or engaging in correspondence with their children;

(7) parental resistance to compliance with the harsh, no-contact policy of Indian Boarding Schools resulted in parents being incarcerated or losing access to basic human rights, food rations, and clothing; and

(8) the Federal Government has a responsibility to fully investigate its role in, and the lasting effects of, Indian Boarding School Policies.

SEC. 6003. PURPOSES.

The purposes of this division are—

(1) to establish a Truth and Healing Commission on Indian Boarding School Policies in the United States, including other necessary advisory committees and subcommittees;

(2) to formally investigate, document, and report on the histories of Indian Boarding Schools, Indian Boarding School Polices, and the systematic and long-term effects of those schools and policies on Native American peoples;

(3) to develop recommendations for Federal action based on the findings of the Commission; and

(4) to promote healing for survivors of Indian Boarding Schools, the descendants of those survivors, and the communities of those survivors.

SEC. 6004. DEFINITIONS.

In this division:

(1) COMMISSION.—The term ''Commission'' means the Truth and Healing Commission on Indian Boarding School Policies in the United States established by section 6101(a).

(2) FEDERAL TRUTH AND HEALING ADVISORY COMMITTEE.—The term ''Federal Truth and Healing Advisory Committee'' means the Federal Truth and Healing Advisory Committee established by section 6211(a).

(3) INDIAN.—The term ''Indian'' has the meaning given the term in section 6151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7491).

(4) INDIAN BOARDING SCHOOL.—The term ''Indian Boarding School'' means—

(A) a site of an institution that—

(i) provided on-site housing or overnight lodging;

(ii) was described in Federal records as providing formal academic or vocational training and instruction to American Indians, Alaska Natives, or Native Hawaiians;

(iii) received Federal funds or other Federal support; and

(iv) was operational before 1969;

(B) a site of an institution identified by the Department of the Interior in appendices A and B of the report entitled ''Federal Indian Boarding School Initiative Investigative Report'' and dated May 2022 (or a successor report); or

(C) any other institution that implemented Indian Boarding School Policies, including an Indian day school.

(5) INDIAN BOARDING SCHOOL POLICIES.—The term ''Indian Boarding School Policies'' means Federal laws, policies, and practices purported to ''assimilate'' and ''civilize'' American Indians, Alaska Natives, and Native Hawaiians that included psychological, physical, sexual, and mental abuse, forced removal from home or community, and identity-altering practices intended to terminate Native languages, cultures, religions, social organizations, or connections to traditional land.

(6) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(7) NATIVE AMERICAN.—The term ''Native American'' means an individual who is—

(A) an Indian; or

(B) a Native Hawaiian.

(8) NATIVE AMERICAN TRUTH AND HEALING ADVISORY COMMITTEE.—The term ''Native American Truth and Healing Advisory Committee'' means the Native American Truth and Healing Advisory Committee established by the Commission under section 6201(a).

(9) NATIVE HAWAIIAN.—The term ''Native Hawaiian'' has the meaning given the term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(10) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means a private nonprofit organization that—

(A) serves and represents the interests of Native Hawaiians;

(B) has as its primary and stated purpose the provision of services to Native Hawaiians;

(C) has Native Hawaiians serving in substantive and policymaking positions; and

(D) is recognized for having expertise in Native Hawaiian affairs.

(11) OFFICE OF HAWAIIAN AFFAIRS.—The term ''Office of Hawaiian Affairs'' has the meaning given the term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(12) SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.—The term ''Survivors Truth and Healing Subcommittee'' means the Survivors Truth and Healing Subcommittee established by section 6121(a).

(13) TRAUMA-INFORMED CARE.—The term ''trauma-informed care'' means holistic psychological and health care practices that include promoting culturally responsive practices, patient psychological, physical, and emotional safety, and environments of healing, trust, peer support, and recovery.

(14) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

TITLE LXI—COMMISSION AND SUBCOMMITTEES

Subtitle A—Truth and Healing Commission on Indian Boarding School Policies in the United States

SEC. 6101. TRUTH AND HEALING COMMISSION ON INDIAN BOARDING SCHOOL POLICIES IN THE UNITED STATES.

(a) ESTABLISHMENT.—There is established a commission, to be known as the ''Truth and Healing Commission on Indian Boarding School Policies in the United States''.

(b) MEMBERSHIP.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall include 5 members, to be jointly appointed by the majority and minority leaders of the Senate, in consultation with the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives, from among the nominees submitted under paragraph (2)(A), of whom—

(i) 1 shall be an individual with extensive experience and expertise as a principal investigator overseeing or leading complex research initiatives with and for Indian Tribes and Native Americans;

(ii) 1 shall be an individual (barred in good standing) with extensive experience and expertise in the area of indigenous human rights law and policy, including overseeing or leading broad-scale investigations of abuses of indigenous human rights;

(iii) 1 shall be an individual with extensive experience and expertise in Tribal court judicial and restorative justice systems and Federal agencies, such as participation as a Tribal judge, researcher, or former presidentially appointed commissioner;

(iv) 1 shall be an individual with extensive experience and expertise in providing and coordinating trauma-informed care and other health-related services to Indian Tribes and Native Americans; and

(v) 1 shall be a Native American individual recognized as a traditional cultural authority by their respective Native community.

(B) ADDITIONAL REQUIREMENTS FOR MEMBERSHIP.—In addition to the requirements described in subparagraph (A), members of the Commission shall be persons of recognized integrity and empathy, with a demonstrated commitment to the values of truth, reconciliation, healing, and expertise in truth and healing endeavors that are traditionally and culturally appropriate so as to provide balanced points of view and expertise with respect to the duties of the Commission.

(2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Commission not later than 90 days after the date of enactment of this Act.

(B) NATIVE AMERICAN PREFERENCE.—Individuals nominated under subparagraph (A) who are Native American shall receive a preference in the selection process for appointment to the Commission under paragraph (1).

(C) SUBMISSION TO CONGRESS.—Not later than 7 days after the submission deadline for nominations described in subparagraph (A), the Secretary of the Interior shall submit to Congress a list of the individuals nominated under that subparagraph.

(3) DATE.—Members of the Commission under paragraph (1) shall be appointed not later than 180 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL.—

(A) PERIOD OF APPOINTMENT.—A member of the Commission shall be appointed for a term that is the shorter of—

(i) 6 years; and

(ii) the life of the Commission.

(B) VACANCIES.—After all initial members of the Commission are appointed and the initial business meeting of the Commission has been convened under subsection (c)(1), a single vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(C) REMOVAL.—A quorum of members of the Commission may remove a member of the Commission only for neglect of duty or malfeasance.

(5) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission completes its duties under section 6111(e)(5)(B).

(6) LIMITATION.—No member of the Commission shall be an officer or employee of the Federal Government.

(c) BUSINESS MEETINGS.—

(1) INITIAL BUSINESS MEETING.—90 days after the date on which all of the members of the Commission are appointed under subsection (b)(1)(A), the Commission shall hold the initial business meeting of the Commission—

(A) to appoint a Chairperson, a Vice Chairperson, a Secretary, and such other positions as determined necessary by the Commission;

(B) to establish rules for meetings of the Commission; and

(C) to appoint members of—

(i) the Survivors Truth and Healing Subcommittee under 6121(b)(1); and

(ii) the Native American Truth and Healing Advisory Committee under section 6201(b)(1).

(2) SUBSEQUENT BUSINESS MEETINGS.—After the initial business meeting of the Commission is held under paragraph (1), the Commission shall meet at the call of the Chairperson.

(3) ADVISORY AND SUBCOMMITTEE COMMITTEES DESIGNEES.—Each Commission business meeting shall include participation by 2 nonvoting designees from each of the Survivors Truth and Healing Subcommittee, the Native American Truth and Healing Advisory Committee, and the Federal Truth and Healing Advisory Committee, as appointed in accordance with section 6121(c)(1)(D), section 6201(e)(1)(C), and section 6211(c)(1)(C), as applicable.

(4) FORMAT OF MEETINGS.—A business meeting of the Commission may be conducted in-person, virtually, or via phone.

(5) QUORUM REQUIRED.—A business meeting of the Commission may only be held once a quorum, established in accordance with subsection (d), is present.

(d) QUORUM.—A simple majority of the members of the Commission present shall constitute a quorum for a business meeting.

(e) RULES.—The Commission may establish, by a majority vote, any rules for the conduct of Commission business, in accordance with this section and other applicable law.

(f) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF COMMISSIONERS.—A member of the Commission shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 14 of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 14 days per month, for which a member is engaged in the performance of their duties under this division, including convening meetings, including business

meetings or public or private meetings to receive testimony in furtherance of the duties of the Commission and the purposes of this division.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency and at the request of the Commission, may be detailed to the Commission without—

(A) reimbursement to the agency of that employee; and

(B) interruption or loss of civil service status, benefits, or privileges.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for the purpose of carrying out this division—

(A) hold such hearings and sit and act at such times and places, take such testimony, and receive such evidence, virtually or in person, as the Commission may determine necessary to accomplish the purposes of this division;

(B) conduct or request such interdisciplinary research, investigation, or analysis of such information and documents, records, or other evidence as the Commission may determine necessary to accomplish the purposes of this division, including—

(i) securing, directly from a Federal agency, such information as the Commission considers necessary to accomplish the purposes of this division; and

(ii) requesting the head of any relevant Tribal or State agency to provide to the Commission such information as the Commission considers necessary to accomplish the purposes of this division;

(C) subject to paragraphs (1) and (2) of subsection (i), require, by subpoena or otherwise, the production of such records, papers, correspondence, memoranda, documents, books, videos, oral histories, recordings, or any other paper or electronic material, as the Commission may determine necessary to accomplish the purposes of this division;

(D) oversee, direct, and collaborate with the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, and the Survivors Truth and Healing Subcommittee to accomplish the purposes of this division; and

(E) coordinate with Federal and non-Federal entities to preserve and archive, as appropriate, any gifts, documents, or other property received while carrying out the purposes of this division.

(2) CONTRACTING; VOLUNTEER SERVICES.—

(A) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, and in accordance with applicable law, enter into contracts and other agreements with public agencies, private organizations, and individuals to enable the Commission to carry out the duties of the Commission under this division.

(B) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide, on request of the Commission, on a reimbursable basis, administrative support and other services for the performance of the functions of the Commission under this division.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS, FUNDRAISING, AND DISBURSEMENT.—

(A) GIFTS AND DONATIONS.—

(i) IN GENERAL.—The Commission may accept, use, and dispose of any gift, donation, service, property, or other record or recording to accomplish the purposes of this division.

(ii) RETURN OF GIFTS AND DONATIONS.—On termination of the Commission under subsection (b)(5), any gifts, unspent donations, property, or other record or recording accepted by the Commission under clause (i) shall be—

(I) returned to the applicable donor that made the donation under that clause; or

(II) archived under subparagraph (E).

(B) FUNDRAISING.—The Commission may, on the affirmative vote of ⅗ of the members of the Commission, solicit funds to accomplish the purposes of this division.

(C) DISBURSEMENT.—The Commission may, on the affirmative vote of ⅗ of the members of the Commission, approve the expenditure of funds to accomplish the purposes of this division.

(D) TAX DOCUMENTS.—The Commission (or a designee) shall, on request of a donor under subparagraph (A) or (B), provide tax documentation to that donor for any tax-deductible gift made by that donor under those subparagraphs.

(E) ARCHIVING.—The Commission shall coordinate with the Library of Congress and the National Museum of the American Indian to archive and preserve relevant gifts or donations received under subparagraph (A) or (B).

(h) CONVENING.—

(1) CONVENING PROTOCOL.—

(A) IN GENERAL.—Not later than 45 days after the initial business meeting of the Native American Truth and Healing Advisory Committee, the Commission, 3 designees from the Native American Truth and Healing Advisory Committee, and 3 designees from the Survivors Truth and Healing Subcommittee shall hold a meeting to establish rules, protocols, and formats for convenings carried out under this subsection.

(B) RULES AND PROTOCOLS.—Not later than 45 days after the initial meeting described in subparagraph (A), the Commission shall finalize rules, protocols, and formats for convenings carried out under this subsection by a ⅗ majority in attendance at a meeting of the Commission.

(C) ADDITIONAL MEETINGS.—The Commission and designees described in subparagraph (A) may hold additional meetings, as necessary, to amend, by a ⅗ majority in attendance at a meeting of the Commission, the rules, protocols, and formats for convenings established under that subparagraph.

(2) ANNOUNCEMENT OF CONVENINGS.—Not later than 30 days before the date of a convening under this subsection, the Commission shall announce the location and details of the convening.

(3) MINIMUM NUMBER OF CONVENINGS.—The Commission shall hold—

(A) not fewer than 1 convening in each of the 12 regions of the Bureau of Indian Affairs and Hawai'i during the life of the Commission; and

(B) beginning 1 year after the date of enactment of this Act, not fewer than 1 convening per quarter to receive testimony each calendar year until the date on which the Commission submits the final report of the Commission under section 6111(e)(3).

(4) OPPORTUNITY TO PROVIDE TESTIMONY.—No person or entity shall be denied the opportunity to provide relevant testimony at a convenings held under this subsection, subject to the discretion of the Chairperson of the Commission (or a designee).

(i) SUBPOENAS.—

(1) IN GENERAL.—

(A) ISSUANCE OF SUBPOENAS.—

(i) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may issue, on a unanimous vote of the Commission, a subpoena requiring from a person the production of any written or recorded evidence necessary to carry out the duties of the Commission under section 6111.

(ii) NOTIFICATION.—

(I) IN GENERAL.—Not later than 10 days before the date on which the Commission issues a subpoena under clause (i), the Commission shall submit to the Attorney General a confidential, written notice of the intent to issue the subpoena.

(II) SUBPOENA PROHIBITED BY ATTORNEY GENERAL.—

(aa) IN GENERAL.—The Attorney General, on receiving a notice under subclause (I), may, on a showing of a procedural or substantive defect, and after the Commission has a reasonable opportunity to cure, prohibit the issuance of the applicable subpoena described in that notice.

(bb) NOTIFICATION TO CONGRESS.—On prohibition of the issuance of a subpoena under item (aa), the Attorney General shall submit to Congress a report detailing the reasons for that prohibition.

(B) PRODUCTION OF EVIDENCE.—The production of evidence may be required from any place within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—

(A) ORDER FROM A DISTRICT COURT OF THE UNITED STATES.—If a person does not obey a subpoena issued under paragraph (1), the Commission is authorized to apply to a district court of the United States described in subparagraph (B) for an order requiring that person to comply with the subpoena.

(B) LOCATION.—An application under subparagraph (A) may be made within the judicial district where the person described in that subparagraph resides or transacts business.

(C) PENALTY.—Any failure to obey an order of a court described in subparagraph (A) may be punished by the court as a civil contempt.

(3) SUBJECT MATTER JURISDICTION.—The district court of the United States in which an action is brought under paragraph (2)(B) shall have original jurisdiction over any civil action brought by the Commission to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with the applicable subpoena issued by the Commission.

(4) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a district court of the United States under the Federal Rules of Civil Procedure.

(5) SERVICE OF PROCESS.—All process of any court to which an application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or transacts business.

(j) NONDISCLOSURE.—

(1) PRIVACY ACT OF 1974 APPLICABILITY.—Subsection (b) of section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), shall not apply to the Commission.

(2) FREEDOM OF INFORMATION ACT APPLICABILITY.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American

Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(3) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the ''Federal Advisory Committee Act''), shall not apply to the Commission.

(k) CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.—In carrying out the duties of the Commission under section 6111, the Commission shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission to carry out this division $15,000,000 for each fiscal year, to remain available until expended.

Subtitle B—Duties of the Commission

SEC. 6111. DUTIES OF THE COMMISSION.

(a) INVESTIGATION.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive interdisciplinary investigation of Indian Boarding School Policies, including the social, cultural, economic, emotional, and physical effects of Indian Boarding School Policies in the United States on Native American communities, Indian Tribes, survivors of Indian Boarding Schools, families of those survivors, and their descendants.

(2) MATTERS TO BE INVESTIGATED.—The matters to be investigated by the Commission under paragraph (1) shall include, at a minimum—

(A) conducting a comprehensive review of existing research and historical records of Indian Boarding School Policies and any documentation, scholarship, or other resources relevant to the purposes of this division from—

(i) any archive or any other document storage location, notwithstanding the location of that archive or document storage location; and

(ii) any research conducted by private individuals, private entities, and non-Federal Government entities, whether domestic or foreign, including religious institutions;

(B) collaborating with the Federal Truth and Healing Advisory Committee to obtain all relevant information from—

(i) the Department of the Interior, the Department of Health and Human Services, other relevant Federal agencies, and institutions or organizations, including religious institutions or organizations, that operated an Indian Boarding School, carried out Indian Boarding School Policies, or have information the Commission determines relevant to the investigation of the Commission; and

(ii) Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations; and

(C) conducting a comprehensive assessment of the impacts of Indian Boarding School Policies on American Indian, Alaska Native, and Native Hawaiian cultures, traditions, and languages.

(3) RESEARCH RELATED TO OBJECTS, ARTIFACTS, AND REAL PROPERTY.—If the Commission conducts a comprehensive review of research described in paragraph (2)(A)(ii) that focuses on objects, artifacts, or real or personal property that are in the possession or control of private individuals, private entities, or non-Federal government entities within the United States, the Commission may enter into a contract or agreement to acquire, hold, curate, or maintain those objects, artifacts, or real or personal property until the objects, artifacts, or real or personal property can be properly repatriated or returned, consistent with applicable Federal law and regulations, subject to the condition that no Federal funds may be used to purchase those objects, artifacts, or real or personal property.

(b) MEETINGS AND CONVENINGS.—

(1) IN GENERAL.—The Commission shall hold, with the advice of the Native American Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee, and in coordination with, as relevant, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations, as part of its investigation under subsection (a), safe, trauma-informed, and culturally appropriate public or private meetings or convenings to receive testimony relating to that investigation.

(2) REQUIREMENTS.—The Commission shall ensure that meetings and convenings held under paragraph (1) provide access to adequate trauma-informed care services for participants, attendees, and communities during and following the meetings and convenings where the Commission receives testimony, including ensuring private space is available for survivors and descendants of survivors, family members, and other community members to receive trauma-informed care services.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Commission shall make recommendations to Congress relating to the investigation carried out under subsection (a), which shall be included in the final report required under subsection (e)(3).

(2) INCLUSIONS.—Recommendations made under paragraph (1) shall include, at a minimum, recommendations relating to—

(A) in light of Tribal and Native Hawaiian law, Tribal customary law, tradition, custom, and practice, how the Federal Government can meaningfully acknowledge the role of the Federal Government in supporting Indian Boarding School Policies in all issue areas that the Commission determines relevant, including appropriate forms of memorialization, preservation of records, objects, artifacts, and burials;

(B) how modification of existing laws, procedures, regulations, policies, budgets, and practices will, in the determination of the Commission, address the findings of the Commission and ongoing effects of Indian Boarding School Policies; and

(C) how the Federal Government can promote public awareness and education of Indian Boarding School Policies and the impacts of those policies, including through coordinating with the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, the National Museum of the American Indian, and other relevant institutions and organizations.

(d) DUTIES RELATED TO BURIALS.—The Commission shall, with respect to burial sites associated with Indian Boarding Schools—

(1) coordinate, as appropriate, with the Native American Truth and Healing Advisory Committee, the Federal Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, lineal descendants, Indian Tribes, the Office of Hawaiian Affairs, Federal agencies, institutions, and organizations to locate and identify, in a culturally appropriate manner, marked and unmarked burial sites, including cemeteries, unmarked graves, and mass burial sites, where students of Indian Boarding Schools were originally or later interred;

(2) locate, document, analyze, and coordinate the preservation or continued preservation of records and information relating to the interment of students, including any records held by Federal, State, international, or local entities or religious institutions or organizations; and

(3) share, to the extent practicable, with affected lineal descendants, Indian Tribes, and the Office of Hawaiian Affairs burial locations and the identities of children that attended Indian Boarding Schools.

(e) REPORTS.—

(1) ANNUAL REPORTS TO CONGRESS.—Not less frequently than annually each year until the year before the year in which the Commission submits the final report under paragraph (3), the Commission shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the activities of the Committee during the previous year, including an accounting of funds and gifts received and expenditures made, the progress made, and any barriers encountered in carrying out this division.

(2) COMMISSION INITIAL REPORT.—Not later than 4 years after the date on which a majority of the members of the Commission are appointed under section 6101(b)(1), the Commission shall submit to the individuals described in paragraph (4), and make publicly available, an initial report containing—

(A) a detailed review of existing research, including documentation, scholarship, or other resources shared with the Commission that further the purposes of this division;

(B) a detailed statement of the initial findings and conclusions of the Commission; and

(C) a detailed statement of the initial recommendations of the Commission.

(3) COMMISSION FINAL REPORT.—Not later than 6 years after the date on which a majority of the members of the Commission are appointed under section 6101(b)(1), the Commission shall submit to the individuals described in paragraph (4), and make publicly available, a final report containing the findings, conclusions, and recommendations of the Commission that have been agreed on by the vote of a majority of the members of the Commission and ⅗ of the members of each of the Native American Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee.

(4) REPORT RECIPIENTS.—The individuals referred to in paragraphs (2) and (3) are—

(A) the President;

(B) the Secretary of the Interior;

(C) the Attorney General;

(D) the Comptroller General of the United States;

(E) the Secretary of Education;

(F) the Secretary of Health and Human Services;

(G) the Secretary of Defense;

(H) the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate;

(I) the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives;

(J) the Chair and Co-Chair of the Congressional Native American Caucus;

(K) the Executive Director of the White House Council on Native American Affairs;

(L) the Director of the Office of Management and Budget;

(M) the Archivist of the United States;

(N) the Librarian of Congress; and

(O) the Director of the National Museum of the American Indian.

(5) ADDITIONAL COMMISSION RESPONSIBILITIES RELATING TO THE PUBLICATION OF THE INITIAL AND FINAL REPORTS.—

(A) EVENTS RELATING TO INITIAL REPORT.—

(i) IN GENERAL.—The Commission shall hold not fewer than 2 events in each region of the Bureau of Indian Affairs and Hawai'i following publication of the initial report under paragraph (2) to receive comments on the initial report.

(ii) TIMING.—The schedule of events referred to in clause (i) shall be announced not later than 90 days after the date on which the initial report under paragraph (2) is published.

(B) PUBLICATION OF FINAL REPORT.—Not later than 180 days after the date on which the Commission submits the final report under paragraph (3), the Commission, the Secretary of the Interior, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services shall each make the final report publicly available on the website of the applicable agency.

(6) SECRETARIAL RESPONSE TO FINAL REPORT.—Not later than 120 days after the date on which the Secretary of the Interior, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services receive the final report under paragraph (3), the Secretaries shall each make publicly available a written response to recommendations for future action by those agencies, if any, contained in the final report, and submit the written response to—

(A) the President;

(B) the Committee on Indian Affairs of the Senate;

(C) the Committee on Natural Resources of the House of Representatives; and

(D) the Comptroller General of the United States.

Subtitle C—Survivors Truth and Healing Subcommittee

SEC. 6121. SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.

(a) ESTABLISHMENT.—There is established a subcommittee of the Commission, to be known as the ''Survivors Truth and Healing Subcommittee''.

(b) MEMBERSHIP, NOMINATION, AND APPOINTMENT TO THE SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.—

(1) MEMBERSHIP.—The Survivors Truth and Healing Subcommittee shall include 15 members, to be appointed by the Commission, in consultation with the National Native American Boarding School Healing Coalition, from among the nominees submitted under paragraph (2)(A), of whom—

(A) 13 shall be representatives from each of the 12 regions of the Bureau of Indian Affairs and Hawai'i;

(B) 9 shall be individuals who attended an Indian Boarding School, of whom—

(i) not fewer than 2 shall be individuals who graduated during the 5-year period preceding the date of enactment of this Act from—

(I) an Indian Boarding School in operation as of that date of enactment; or

(II) a Bureau of Indian Education-funded school; and

(ii) all shall represent diverse regions of the United States;

(C) 5 shall be descendants of individuals who attended Indian Boarding Schools, who shall represent diverse regions of the United States; and

(D) 1 shall be an educator who, as of the date of the appointment—

(i) is employed at an Indian Boarding School; or

(ii) was employed at an Indian Boarding School during the 5-year period preceding the date of enactment of this Act.

(2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Survivors Truth and Healing Subcommittee not later than 90 days after the date of enactment of this Act.

(B) SUBMISSION.—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 6101(c)(1) and the Commission shall select the members of the Survivors Truth and Healing Subcommittee from among those nominees.

(3) DATE.—

(A) IN GENERAL.—The Commission shall appoint all members of the Survivors Truth and Healing Subcommittee during the initial business meeting of the Commission under section 6101(c)(1).

(B) FAILURE TO APPOINT.—If the Commission fails to appoint all members of the Survivors Truth and Healing Subcommittee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint individuals, in accordance with the requirements of paragraph (1), to all vacant positions of the Survivors Truth and Healing Subcommittee not later than 30 days after the date of the initial business meeting of the Commission under section 6101(c)(1).

(4) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL.—

(A) PERIOD OF APPOINTMENT.—A member of the Survivors Truth and Healing Subcommittee shall be appointed for an automatically renewable term of 2 years.

(B) VACANCIES.—

(i) IN GENERAL.—A member of the Survivors Truth and Healing Subcommittee may self-vacate the position at any time and for any reason.

(ii) EFFECT; FILLING OF VACANCY.—A vacancy in the Survivors Truth and Healing Subcommittee—

(I) shall not affect the powers of the Survivors Truth and Healing Subcommittee if a simple majority of the positions of the Survivors Truth and Healing Subcommittee are filled; and

(II) shall be filled within 90 days in the same manner as was the original appointment.

(C) REMOVAL.—A quorum of members of the Commission may remove a member of the Survivors Truth and Healing Subcommittee only for neglect of duty or malfeasance.

(5) TERMINATION.—The Survivors Truth and Healing Subcommittee shall terminate 90 days after the date on which the Commission submits the final report required under section 6111(e)(3).

(6) LIMITATION.—No member of the Survivors Truth and Healing Subcommittee shall be an officer or employee of the Federal Government.

(c) BUSINESS MEETINGS.—

(1) INITIAL MEETING.—Not later 30 days after the date on which all members of the Survivors Truth and Healing Subcommittee are appointed under subsection (b)(1), the Survivors Truth and Healing Subcommittee shall hold an initial business meeting—

(A) to appoint—

(i) a Chairperson, who shall also serve as the Vice Chairperson of the Federal Truth and Healing Advisory Committee;

(ii) a Vice Chairperson, who shall also serve as the Vice Chairperson of the Native American Truth and Healing Advisory Committee; and

(iii) a Secretary;

(B) to establish, with the advice of the Commission, rules for the Survivors Truth and Healing Subcommittee;

(C) to appoint 3 designees to fulfill the responsibilities described in section 6101(h)(1)(A); and

(D) to appoint, with the advice of the Commission, 2 members of the Survivors Truth and Healing Subcommittee to serve as nonvoting designees on the Commission in accordance with section 6101(c)(3).

(2) SUBSEQUENT BUSINESS MEETINGS.—After the initial business meeting of the Survivors Truth and Healing subcommittee is held under paragraph (1), the Survivors Truth and Healing Subcommittee shall meet at the call of the Chairperson.

(3) FORMAT OF BUSINESS MEETINGS.—A business meeting of the Survivors Truth and Healing Subcommittee may be conducted in-person, virtually, or via phone.

(4) QUORUM REQUIRED.—A business meeting of the Survivors Truth and Healing Subcommittee may only be held once a quorum, established in accordance with subsection (d), is present.

(d) QUORUM.—A simple majority of the members of the Survivors Truth and Healing Subcommittee present shall constitute a quorum for a business meeting.

(e) RULES.—The Survivors Truth and Healing Subcommittee, with the advice of the Commission, may establish, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(f) DUTIES.—The Survivors Truth and Healing Subcommittee shall assist the Commission, the Native American Truth and Healing Advisory Committee, and the Federal Truth and Healing Advisory Committee in coordinating public and private convenings, including—

(1) providing advice to the Commission on developing criteria and protocols for convenings;

(2) providing advice and evaluating Committee recommendations relating to the commemoration and public education relating to Indian Boarding Schools and Indian Boarding School Policies; and

(3) providing such other advice as may be required by the Commission.

(g) CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.—In carrying out the duties of the Survivors Truth and Healing Subcommittee under subsection (f), the Survivors Truth and Healing Subcommittee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(h) NONDISCLOSURE.—

(1) PRIVACY ACT OF 1974 APPLICABILITY.—Subsection (b) of section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), shall not apply to the Survivors Truth and Healing Subcommittee.

(2) FREEDOM OF INFORMATION ACT APPLICABILITY.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(3) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the ''Federal Advisory Committee Act''), shall not

apply to the Survivors Truth and Healing Subcommittee.

(i) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Survivors Truth and Healing Subcommittee shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 13 of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 14 days per month, for which a member of the Survivors Truth and Healing Subcommittee is engaged in the performance of their duties under this division, including the convening of meetings, including public and private meetings to receive testimony in furtherance of the duties of the Survivors Truth and Healing Subcommittee and the purposes of this division.

(2) TRAVEL EXPENSES.—A member of the Survivors Truth and Healing Subcommittee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Survivors Truth and Healing Subcommittee.

TITLE LXII—ADVISORY COMMITTEES

Subtitle A—Native American Truth and Healing Advisory Committee

SEC. 6201. NATIVE AMERICAN TRUTH AND HEALING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Commission shall establish an advisory committee, to be known as the ''Native American Truth and Healing Advisory Committee''.

(b) MEMBERSHIP, NOMINATION, AND APPOINTMENT TO THE NATIVE AMERICAN TRUTH AND HEALING ADVISORY COMMITTEE .—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Native American Truth and Healing Advisory Committee shall include 19 members, to be appointed by the Commission from among the nominees submitted under paragraph (2)(A), of whom—

(i) 1 shall be the Vice Chairperson of the Commission, who shall serve as the Chairperson of the Native American Truth and Healing Advisory Committee;

(ii) 1 shall be the Vice Chairperson of the Survivors Truth and Healing Subcommittee, who shall serve as the Vice Chairperson of the Native American Truth and Healing Advisory Committee;

(iii) 1 shall be the Secretary of the Interior, or a designee, who shall serve as the Secretary of the Native American Truth and Healing Advisory Committee;

(iv) 13 shall be representatives from each of the 12 regions of the Bureau of Indian Affairs and Hawai'i;

(v) 1 shall represent the National Native American Boarding School Healing Coalition;

(vi) 1 shall represent the National Association of Tribal Historic Preservation Officers; and

(vii) 1 shall represent the National Indian Education Association.

(B) ADDITIONAL REQUIREMENTS.—Not fewer than 2 members of the Native American Truth and Healing Advisory Committee shall have experience with health care or mental health, traditional healing or cultural practices, counseling, or working with survivors, or descendants of survivors, of Indian Boarding Schools to ensure that the Commission considers culturally responsive support for survivors, families, and communities.

(2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Native American Truth and Healing Advisory Committee not later than 90 days after the date of enactment of this Act.

(B) SUBMISSION.—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 6101(c)(1) and the Commission shall select the members of the Native American Truth and Healing Advisory Committee from among those nominees.

(3) DATE.—

(A) IN GENERAL.—The Commission shall appoint all members of the Native American Truth and Healing Advisory Committee during the initial business meeting of the Commission under section 6101(c)(1).

(B) FAILURE TO APPOINT.—If the Commission fails to appoint all members of the Native American Truth and Healing Advisory Committee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint, in accordance with the requirements of paragraph (1), individuals to all vacant positions of the Native American Truth and Healing Advisory Committee not later than 30 days after the date of the initial business meeting of the Commission under section 6101(c)(1).

(4) PERIOD OF APPOINTMENT; VACANCIES.—

(A) PERIOD OF APPOINTMENT.—A member of the Native American Truth and Healing Advisory Committee shall be appointed for an automatically renewable term of 2 years.

(B) VACANCIES.—A vacancy in the Native American Truth and Healing Advisory Committee—

(i) shall not affect the powers of the Native American Truth and Healing Advisory Committee if a simple majority of the positions of the Native American Truth and Healing Advisory Committee are filled; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(5) TERMINATION.—The Native American Truth and Healing Advisory Committee shall terminate 90 days after the date on which the Commission submits the final report required under section 6111(e)(3).

(6) LIMITATION.—No member of the Native American Truth and Healing Advisory Committee (other than the member described in paragraph (1)(A)(iii)) shall be an officer or employee of the Federal Government.

(c) QUORUM.—A simple majority of the members of the Native American Truth and Healing Committee shall constitute a quorum.

(d) REMOVAL.—A quorum of members of the Native American Truth and Healing Committee may remove another member only for neglect of duty or malfeasance.

(e) BUSINESS MEETINGS.—

(1) INITIAL BUSINESS MEETING.—Not later than 30 days after the date on which all members of the Native American Truth and Healing Advisory Committee are appointed under subsection (b)(1)(A), the Native American Truth and Healing Advisory Committee shall hold an initial business meeting—

(A) to establish rules for the Native American Truth and Healing Advisory Committee;

(B) to appoint 3 designees to fulfill the responsibilities described in section 6101(h)(1)(A); and

(C) to appoint 2 members of the Native American Truth and Healing Advisory Committee to serve non-voting as designees on the Commission in accordance with section 6101(c)(3).

(2) SUBSEQUENT BUSINESS MEETINGS.—After the initial business meeting of the Native American Truth and Healing Advisory Committee is held under paragraph (1), the Native American Truth and Healing Advisory Committee shall meet at the call of the Chairperson.

(3) FORMAT OF BUSINESS MEETINGS.—A meeting of the Native American Truth and Healing Advisory Committee may be conducted in-person, virtually, or via phone.

(4) QUORUM REQUIRED.—A business meeting of the Native American Truth and Healing Advisory Committee may only be held once a quorum, established in accordance with subsection (c), is present.

(f) RULES.—The Native American Truth and Healing Advisory Committee may establish, with the advice of the Commission, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(g) DUTIES.—The Native American Truth and Healing Advisory Committee shall—

(1) serve as an advisory body to the Commission;

(2) assist the Commission in organizing and carrying out culturally appropriate public and private convenings relating to the duties of the Commission;

(3) assist the Commission in determining what documentation from Federal and religious organizations and institutions may be necessary to fulfill the duties of the Commission;

(4) assist the Commission in the production of the initial report and final report required under paragraphs (2) and (3), respectively, of section 6111(e);

(5) coordinate with the Federal Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee; and

(6) provide advice to, or fulfill such other requests by, the Commission as the Commission may require to carry out the purposes described in section 6003.

(h) CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.—In carrying out the duties of the Native American Truth and Healing Advisory Committee under subsection (g), the Native American Truth and Healing Advisory Committee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(i) NONDISCLOSURE.—

(1) PRIVACY ACT OF 1974 APPLICABILITY.—Subsection (b) of section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), shall not apply to the Native American Truth and Healing Advisory Committee.

(2) FREEDOM OF INFORMATION ACT APPLICABILITY.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(3) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the ''Federal Advisory Committee Act''), shall not apply to the Native American Truth and Healing Advisory Committee.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Native American Truth and Healing Advisory Committee shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 13 of the General Schedule under section 5332 of title 5, United

States Code, for each day, not to exceed 14 days per month, for which a member is engaged in the performance of their duties under this division, including the convening of meetings, including public and private meetings to receive testimony in furtherance of the duties of the Native American Truth and Healing Advisory Committee and the purposes of this division.

(2) TRAVEL EXPENSES.—A member of the Native American Truth and Healing Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Native American Truth and Healing Advisory Committee.

Subtitle B—Federal Truth and Healing Advisory Committee

SEC. 6211. FEDERAL TRUTH AND HEALING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established within the Department of the Interior an advisory committee, to be known as the ''Federal Truth and Healing Advisory Committee''.

(b) MEMBERSHIP AND APPOINTMENT TO THE FEDERAL TRUTH AND HEALING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—The Federal Truth and Healing Advisory Committee shall include 17 members, of whom—

(A) 1 shall be the Chairperson of the Commission, who shall serve as the Chairperson of the Federal Truth and Healing Advisory Committee;

(B) 1 shall be the Chairperson of the Survivors Truth and Healing Subcommittee, who shall serve as the Vice Chairperson of the Federal Truth and Healing Advisory Committee;

(C) 1 shall be the White House Domestic Policy Advisor, who shall serve as the Secretary of the Federal Truth and Healing Advisory Committee;

(D) 1 shall be the Director of the Bureau of Trust Funds Administration (or a designee);

(E) 1 shall be the Archivist of the United States (or a designee);

(F) 1 shall be the Librarian of Congress (or a designee);

(G) 1 shall be the Director of the Department of the Interior Library (or a designee);

(H) 1 shall be the Director of the Indian Health Service (or a designee);

(I) 1 shall be the Assistant Secretary for Mental Health and Substance Abuse of the Department of Health and Human Services (or a designee);

(J) 1 shall be the Commissioner of the Administration for Native Americans of the Department of Health and Human Services (or a designee);

(K) 1 shall be the Director of the National Institutes of Health (or a designee);

(L) 1 shall be the Senior Program Director of the Office of Native Hawaiian Relations of the Department of the Interior (or a designee);

(M) 1 shall be the Director of the Office of Indian Education of the Department of Education (or a designee);

(N) 1 shall be the Director of the Rural, Insular, and Native American Achievement Programs of the Department of Education (or a designee);

(O) 1 shall be the Executive Director of the Advisory Council on Historic Preservation (or a designee);

(P) 1 shall be the Assistant Secretary of Indian Affairs (or a designee); and

(Q) 1 shall be the Director of the Bureau of Indian Education (or a designee).

(2) PERIOD OF SERVICE; VACANCIES; REMOVAL.—

(A) PERIOD OF SERVICE.—A member of the Federal Truth and Healing Advisory Committee shall serve for an automatically renewable term of 2 years.

(B) VACANCIES.—A vacancy in the Federal Truth and Healing Advisory Committee—

(i) shall not affect the powers of the Federal Truth and Healing Advisory Committee if a simple majority of the positions of the Federal Truth and Healing Advisory Committee are filled; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(C) REMOVAL.—A quorum of members of the Federal Truth and Healing Advisory Committee may remove a member of the Federal Truth and Healing Advisory Committee only for neglect of duty or malfeasance.

(3) TERMINATION.—The Federal Truth and Healing Advisory Committee shall terminate 90 days after the date on which the Commission submits the final report required under section 6111(e)(3).

(c) BUSINESS MEETINGS.—

(1) INITIAL BUSINESS MEETING.—Not later than 30 days after the date of the initial business meeting of the Commission under section 6101(c)(1), the Federal Truth and Healing Advisory Committee shall hold an initial business meeting—

(A) to establish rules for the Federal Truth and Healing Advisory Committee; and

(B) to appoint 2 members of the Federal Truth and Healing Advisory Committee to serve as non-voting designees on the Commission in accordance with section 6101(c)(3).

(2) SUBSEQUENT BUSINESS MEETINGS.—After the initial business meeting of the Federal Truth and Healing Advisory Committee is held under paragraph (1), the Federal Truth and Healing Advisory Committee shall meet at the call of the Chairperson.

(3) FORMAT OF BUSINESS MEETINGS.—A business meeting of the Federal Truth and Healing Advisory Committee may be conducted in-person, virtually, or via phone.

(4) QUORUM REQUIRED.—A business meeting of the Federal Truth and Healing Advisory Committee may only be held once a quorum, established in accordance with subsection (d), is present.

(d) QUORUM.—A simple majority of the members of the Federal Truth and Healing Advisory Committee present shall constitute a quorum for a business meeting.

(e) RULES.—The Federal Truth and Healing Advisory Committee may establish, with the advice of the Commission, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(f) DUTIES.—The Federal Truth and Healing Advisory Committee shall—

(1) ensure the effective and timely coordination between Federal agencies in furtherance of the purposes of this division;

(2) assist the Commission and the Native American Truth and Healing Advisory Committee in coordinating—

(A) meetings and other related public and private convenings; and

(B) the collection, organization, and preservation of information obtained from witnesses and by other Federal agencies; and

(3) ensure the timely submission to the Commission of materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission.

(g) CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.—In carrying out the duties of the Federal Truth and Healing Advisory Committee under subsection (f), the Federal Truth and Healing Advisory Committee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(h) NONDISCLOSURE.—

(1) PRIVACY ACT OF 1974 APPLICABILITY.—Subsection (b) of section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), shall not apply to the Federal Truth and Healing Advisory Committee.

(2) FREEDOM OF INFORMATION ACT APPLICABILITY.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(3) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the ''Federal Advisory Committee Act''), shall not apply to the Federal Truth and Healing Advisory Committee.

TITLE LXIII—GENERAL PROVISIONS

SEC. 6301. CLARIFICATION.

Any human remains or associated or unassociated funerary objects located on Federal land, on land managed by a Federal agency, or land otherwise curated by a Federal agency and relating to an Indian Boarding School shall be considered collections or holdings over which a Federal agency has possession or control and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) shall apply.

SEC. 6302. BURIAL MANAGEMENT.

A Federal agency that carries out activities pursuant to this division or that created or controls a cemetery with remains of an individual who attended an Indian Boarding School may rebury the remains of that individual and any associated funerary items that have been repatriated pursuant to section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005), consistent with Tribal practices, on any Federal land as agreed to by the relevant parties.

SEC. 6303. CO-STEWARDSHIP AGREEMENTS.

A Federal agency that carries out activities pursuant to this division or that created or controls a cemetery with remains of an individual who attended an Indian Boarding School or an Indian Boarding School may enter into a co-stewardship agreement for the management of the cemetery or Indian Boarding School.

SEC. 6304. NO RIGHT OF ACTION.

Nothing in this division creates a private right of action to seek administrative or judicial relief.

SA 324. Ms. WARREN (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 594. RESCISSION OF MEDALS OF HONOR AWARDED FOR ACTS AT WOUNDED KNEE CREEK ON DECEMBER 29, 1890.

(a) SHORT TITLE.—This section may be cited as the ''Remove the Stain Act''.

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

(1) The Medal of Honor is the highest military award of the United States.

(2) Congress found that to earn the Medal of Honor ''the deed of the person . . . must be so outstanding that it clearly distinguishes his gallantry beyond the call of duty from lesser forms of bravery''.

(3) The actions of Medal of Honor recipients inspire bravery in those currently serving in the Armed Forces and those who will come to serve in the future.

(4) Those listed on the Medal of Honor Roll have come to exemplify the best traits of members of the Armed Forces, a long and proud lineage of those who went beyond the call of service to the United States of America.

(5) To date the Medal of Honor has been awarded only 3,522 times, including only 145 times for the Korean War, 126 times in World War I, 23 times during the Global War on Terror, and 20 times for the massacre at Wounded Knee.

(6) The Medal of Honor is awarded in the name of Congress.

(7) As found in Senate Concurring Resolution 153 of the 101st Congress, on December 29, 1890 the 7th Cavalry of the United States engaged a tribal community ''resulting in the tragic death and injury of approximately 350–375 Indian men, women, and children'' led by Lakota Chief Spotted Elk of the Miniconjou band at ''Cankpe' Opi Wakpa'' or ''Wounded Knee Creek''.

(8) This engagement became known as the ''Wounded Knee Massacre'', and took place between unarmed Native Americans and soldiers, heavily armed with standard issue army rifles as well as four ''Hotchkiss guns'' with five 37 mm barrels capable of firing 43 rounds per minute.

(9) Nearly two-thirds of the Native Americans killed during the Massacre were unarmed women and children who were participating in a ceremony to restore their traditional homelands prior to the arrival of European settlers.

(10) Poor tactical emplacement of the soldiers meant that most of the casualties suffered by the United States troops were inflicted by friendly fire.

(11) On January 1st, 1891, Major General Nelson A. Miles, Commander of the Division of Missouri, telegraphed Major General John M. Schofield, Commander-in-Chief of the Army notifying him that ''[I]t is stated that the disposition of four hundred soldiers and four pieces of artillery was fatally defective and large number of soldiers were killed and wounded by the fire from their own ranks and a very large number of women and children were killed in addition to the Indian men''.

(12) The United States awarded 20 Medals of Honor to soldiers of the U.S. 7th Cavalry following their participation in the Wounded Knee Massacre.

(13) In 2001, the Cheyenne River Sioux Tribe, a member Tribe of the Great Sioux Nation, upon information provided by Lakota elders and by veterans, passed Tribal Council Resolution No. 132–01, requesting that the Federal Government revoke the Medals of Honor from the soldiers of the United States Army, 7th Cavalry issued following the massacre of unarmed men, women, children, and elderly of the Great Sioux Nation on December 29, 1890, on Tribal Lands near Wounded Knee Creek.

(14) The National Congress of American Indians requested in a 2007 Resolution that the Congress ''renounce the issuance of said medals, and/or to proclaim that the medals are null and void, given the atrocities committed upon unarmed men, women, children and elderly of the Great Sioux Nation''.

(15) General Miles contemporaneously stated that a ''[w]holesale massacre occurred and I have never heard of a more brutal, cold-blooded massacre than that at Wounded Knee''.

(16) Allowing any Medal of Honor, the United States highest and most prestigious military decoration, to recognize a member of the Armed Forces for distinguished service for participating in the massacre of hundreds of unarmed Native Americans is a disservice to the integrity of the United States and its citizens, and impinges on the integrity of the award and those who have earned the Medal since.

(c) RESCISSION OF MEDALS OF HONOR AWARDED FOR ACTS AT WOUNDED KNEE CREEK ON DECEMBER 29, 1890.—

(1) IN GENERAL.—Each Medal of Honor awarded for acts at Wounded Knee Creek, Lakota Pine Ridge Indian Reservation, South Dakota, on December 29, 1890, is rescinded.

(2) MEDAL OF HONOR ROLL.—The Secretary concerned shall remove the name of each individual awarded a Medal of Honor for acts described in paragraph (1) from the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll maintained under section 1134a of title 10, United States Code.

(3) RETURN OF MEDAL NOT REQUIRED.—No person may be required to return to the Federal Government a Medal of Honor rescinded under paragraph (1).

(4) NO DENIAL OF BENEFITS.—This section shall not be construed to deny any individual any benefit from the Federal Government.

SA 325. Ms. WARREN (for herself, Ms. COLLINS, Mr. KING, Mr. TESTER, Mr. HOEVEN, Mr. CASEY, Mr. VAN HOLLEN, Mr. DAINES, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. RECOGNITION AND HONORING OF SERVICE OF INDIVIDUALS WHO SERVED IN UNITED STATES CADET NURSE CORPS DURING WORLD WAR II.

Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(g)(1)(A) Service as a member of the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 31, 1948, of any individual who was honorably discharged therefrom pursuant to subparagraph (B) shall be considered active duty for purposes of eligibility and entitlement to benefits under chapters 23 and 24 of this title (including with respect to headstones and markers), other than such benefits relating to the interment of the individual in Arlington National Cemetery provided solely by reason of such service.

''(B)(i) Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall issue to each individual who served as a member of the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 31, 1948, a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

''(ii) A discharge under clause (i) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that clause.

''(2) An individual who receives a discharge under paragraph (1)(B) for service as a member of the United States Cadet Nurse Corps shall be honored as a veteran but shall not be entitled by reason of such service to any benefit under a law administered by the Secretary of Veterans Affairs, except as provided in paragraph (1)(A).

''(3) The Secretary of Defense may design and produce a service medal or other commendation, or memorial plaque or grave marker, to honor individuals who receive a discharge under paragraph (1)(B).''.

SA 326. Ms. WARREN (for herself, Mr. WARNER, Mr. WARNOCK, Ms. SMITH, Ms. CORTEZ MASTO, Mr. KING, Mr. DURBIN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle ___—Digital Asset Sanctions Compliance Enhancement

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Digital Asset Sanctions Compliance Enhancement Act of 2023''.

SEC. ___02. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ''appropriate congressional committees and leadership'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(2) DIGITAL ASSET.—The term ''digital asset'' means any digital representation of value, financial asset or instrument, or claim that is used to make payments or investments, or to transmit or exchange funds or the equivalent thereof, and is issued or represented in digital form through the use of distributed ledger technology.

(3) DIGITAL ASSET TRADING PLATFORM.—The term ''digital asset trading platform'' means a person, or group of persons, that operates as an exchange or other trading facility for the purchase, sale, lending, or borrowing of digital assets.

(4) DIGITAL ASSET TRANSACTION FACILITATOR.—The term ''digital asset transaction facilitator'' means—

(A) any person, or group of persons, that significantly and materially facilitates the purchase, sale, lending, borrowing, exchange, custody, holding, validation, or creation of digital assets on the account of others, including any communication protocol, decentralized finance technology, smart contract, or other software, including open-source computer code—

(i) deployed through the use of distributed ledger or any similar technology; and

(ii) that provides a mechanism for multiple users to purchase, sell, lend, borrow, or trade digital assets; and

(B) any person, or group of persons, that the Secretary of the Treasury otherwise determines to be significantly and materially facilitating digital assets transactions in violation of sanctions.

(5) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. ___03. IMPOSITION OF SANCTIONS WITH RESPECT TO THE USE OF DIGITAL ASSETS TO FACILITATE TRANSACTIONS BY RUSSIAN PERSONS SUBJECT TO SANCTIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter as necessary, the President shall submit to Congress a report identifying any foreign person that—

(1) operates a digital asset trading platform or is a digital asset transaction facilitator; and

(2)(A) has significantly and materially assisted, sponsored, or provided financial, material, or technological support to, or has provided goods or services to or in support of, any person with respect to which sanctions have been imposed by the United States relating to the Russian Federation, including by facilitating transactions that evade such sanctions; or

(B) is owned or controlled by, or is acting or purporting to act for or on behalf of, any person with respect to which sanctions have been imposed by the United States relating to the Russian Federation.

(b) IMPOSITION OF SANCTIONS.—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in a report submitted under subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702, 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subsection (b) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. ___04. DISCRETIONARY PROHIBITION OF TRANSACTIONS.

The Secretary of the Treasury may require that no digital asset trading platform or digital asset transaction facilitator that does business in the United States transact with, or fulfill transactions of, digital asset addresses that are known to be, or could reasonably be known to be, affiliated with persons headquartered or domiciled in the Russian Federation if the Secretary—

(1) determines that exercising such authority is important to the national interest of the United States; and

(2) not later than 90 days after the date on which the Secretary exercises the authority described in paragraph (1), submits to the appropriate congressional committees and leadership a report on the basis for any determination under that paragraph.

SEC. ___05. TRANSACTION REPORTING.

Not later than 120 days after the date of enactment of this Act, the Financial Crimes Enforcement Network of the Department of the Treasury shall require United States persons engaged in a transaction with a value greater than $10,000 in digital assets through 1 or more accounts outside of the United States to file a report described in section 1010.350 of title 31, Code of Federal Regulations, or any successor regulation,using the form described in that section, in accordance with section 5314 of title 31, United States Code.

SEC. ___06. REPORTS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees and leadership a report on the progress of the Department of the Treasury in carrying out this subtitle, including any resources needed by the Department to improve implementation and progress in coordinating with governments of countries that are allies or partners of the United States.

(b) OTHER REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees and leadership and make publicly available a report identifying the digital asset trading platforms that the Office of Foreign Assets Control of the Department of the Treasury determines to be high risk for sanctions evasion, money laundering, or other illicit activities.

(2) PETITION.—Any exchange included in a report submitted under paragraph (1) may petition the Office of Foreign Assets Control of the Department of the Treasury for removal, which shall be granted upon demonstrating that the exchange is taking steps sufficient to comply with applicable United States law.

SA 327. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7___. COMPTROLLER GENERAL STUDY ON BIOMEDICAL RESEARCH AND DEVELOPMENT FUNDED BY DEPARTMENT OF DEFENSE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the management by the Department of Defense of biomedical research and development funded by the Department, including a review of—

(1) patents for drugs approved by the Food and Drug Administration that were supported with intramural or extramural funding from the Department;

(2) requirements of the Department for how grant recipients, contractors, and labs of the Department should disclose support by the Department in patents generated with funding from the Department; and

(3) the data systems of the Department for cataloging information about patents generated with funding from the Department.

(b) BRIEFING.—Not later than March 31, 2024, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the study conducted under subsection (a).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

SA 328. Ms. WARREN (for herself, Mr. GRASSLEY, Mr. LEE, and Mr. BRAUN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1005. REPEAL OF REPORTING REQUIREMENTS RELATED TO UNFUNDED PRIORITIES.

Chapter 9 of title 10, United States Code, is amended—

(1) by repealing section 222a;

(2) by repealing section 222b; and

(3) in the table of sections at the beginning of the chapter, by striking the items relating to sections 222a and 222b.

SA 329. Ms. WARREN (for herself and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. DISCLOSURE REQUIREMENTS FOR PERSONS PERFORMING RESEARCH OR DEVELOPMENT PROJECTS FOR DEPARTMENT OF DEFENSE.

(a) RESEARCH AND DEVELOPMENT PROJECTS.—Section 4001 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) DISCLOSURE REQUIREMENTS.—Whenever issuing a statement, press release, request for proposals, bid solicitation, or other document describing a project or program that is funded in whole or in part with Federal funding, a person performing a research or development project under paragraph (1) or (5) of subsection (b) shall clearly state the following:

''(1) The percentage of the total costs of the program or project financed with Federal funding.

''(2) The dollar amount of Federal funds obligated for the project or program.

''(3) The percentage and dollar amount of the total costs of the project or program that will be financed from nongovernmental sources.''.

(b) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS UNDER STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—Section 4026 of such title is amended—

(1) by striking ''The Secretary of Defense'' and inserting the following:

''(a) AUTHORITY.—The Secretary of Defense'';

(2) in subsection (a), as designated by paragraph (1), in the second sentence, by striking ''Technology may'' and inserting the following:

''(b) TECHNOLOGY TRANSFER.—Technology may''; and

(3) by adding at the end the following new subsection:

''(c) DISCLOSURE REQUIREMENTS.—Whenever issuing a statement, press release, request for proposals, bid solicitation, or other document describing a project or program that is funded in whole or in part with Federal funding, a person performing a research or development project pursuant to a cooperative research and development agreement entered into under subsection (a) shall clearly state the following:

''(1) The percentage of the total costs of the program or project financed with Federal funding.

''(2) The dollar amount of Federal funds obligated for the project or program.

''(3) The percentage and dollar amount of the total costs of the project or program that will be financed from nongovernmental sources.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should direct the operating divisions of the Department of Defense to design and implement processes to manage and administer grantees' compliance with the requirements added by this section, including determining to what extent to provide guidance to grantees on calculations.

SA 330. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, insert the following:

SEC. 359. REQUIREMENT FOR SECRETARY OF DEFENSE TO DEVELOP PLAN FOR TRANSITION OF JOINT TASK FORCE RED HILL.

(a) PLAN FOR TERMINATION REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, in consultation, to the maximum extent practicable, with appropriate Federal, State, and local stakeholders, shall develop a plan for the termination of and transition from the Joint Task Force Red Hill.

(2) ELEMENTS.—Under the plan required under paragraph (1), the Secretary shall—

(A) subject to subsection (c), determine the date on which the Joint Task Force Red Hill (or any successor organization) shall be terminated;

(B) designate appropriate officials or entities to be responsible for—

(i) engaging and communicating with communities in proximity to the Red Hill Bulk Fuel Storage Facility following such termination;

(ii) communicating, in a clear and consistent manner, with the heads of relevant Federal and State agencies and such communities with respect to all operations involving the Red Hill Bulk Fuel Storage Facility; and

(iii) ensuring the attendance of appropriate experts and public relations professionals at any public meeting or event relating to such operations;

(C) coordinate and communicate with such communities and the heads of applicable State regulatory authorities with respect to—

(i) such termination; and

(ii) the responsibilities designated under subparagraph (B);

(D) ensure adequate resourcing and personnel to meet continued community engagement requirements and priorities of the Department of Defense; and

(E) provide for or update any plan relating to the defueling of the Red Hell Bulk Fuel Storage Facility and removal of other potential contaminants stored at such facility following such termination.

(3) DEADLINE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the plan under paragraph (1).

(b) AVAILABILITY OF PLAN.—The Secretary shall make the plan required under subsection (a)(1) and any supporting documents for such plan available to the public and State and local elected officials.

(c) RESTRICTION ON TERMINATION AUTHORITY.—The Secretary of Defense may not terminate the Joint Task Force Red Hill before the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required under subsection (a)(1) and any supporting documents for such plan.

SA 331. Mr. SCHATZ (for himself, Mr. WELCH, Mr. PADILLA, Mr. FETTERMAN, Mr. KAINE, Mr. WYDEN, Mr. KELLY, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Veterans Medical Marijuana Safe Harbor Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Veterans Medical Marijuana Safe Harbor Act''.

SEC. 1092. FINDINGS.

Congress finds the following:

(1) Chronic pain affects the veteran population, with almost 60 percent of veterans returning from serving in the Armed Forces in the Middle East, and more than 50 percent of older veterans, who are using the health care system of the Department of Veterans Affairs living with some form of chronic pain.

(2) In 2020, opioids accounted for approximately 75 percent of all drug overdose deaths in the United States.

(3) Veterans are twice as likely to die from opioid related overdoses than nonveterans.

(4) States with recreational cannabis laws experienced a 7.6 percent reduction in opioid-related emergency department visits during the 180-day period after the implementation of such laws.

(5) Marijuana and its compounds show promise for pain management and treating a wide-range of diseases and disorders, including post-traumatic stress disorder.

(6) Medical marijuana in States where it is legal may serve as a less harmful alternative to opioids in treating veterans.

SEC. 1093. SAFE HARBOR FOR USE BY VETERANS OF MEDICAL MARIJUANA.

(a) SAFE HARBOR.—Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or any other Federal law, it shall not be unlawful for—

(1) a veteran to use, possess, or transport medical marijuana in a State or on Indian land if the use, possession, or transport is authorized and in accordance with the law of the applicable State or Indian Tribe;

(2) a physician to discuss with a veteran the use of medical marijuana as a treatment if the physician is in a State or on Indian land where the law of the applicable State or Indian Tribe authorizes the use, possession, distribution, dispensation, administration, delivery, and transport of medical marijuana; or

(3) a physician to recommend, complete forms for, or register veterans for participation in a treatment program involving medical marijuana that is approved by the law of the applicable State or Indian Tribe.

(b) DEFINITIONS.—In this section:

(1) INDIAN LAND.—The term ''Indian land'' means any of the Indian lands, as that term is defined in section 824(b) of the Indian Health Care Improvement Act (25 U.S.C. 1680n).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) PHYSICIAN.—The term ''physician'' means a physician appointed by the Secretary of Veterans Affairs under section 7401(1) of title 38, United States Code.

(4) STATE.—The term ''State'' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

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

(c) SUNSET.—This section shall cease to have force or effect on the date that is five years after the date of the enactment of this Act.

SEC. 1094. RESEARCH ON USE OF MEDICAL MARIJUANA BY VETERANS.

(a) RESEARCH ON EFFECTS OF MEDICAL MARIJUANA ON VETERANS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Veterans Affairs shall support clinical research on the use of medical marijuana—

(A) by veterans to manage pain; and

(B) for the treatment of veterans for diseases and disorders such as post-traumatic stress disorder.

(2) INTERAGENCY COORDINATION.—The Secretary shall coordinate and collaborate with other relevant Federal agencies to support and facilitate clinical research under paragraph (1).

(3) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the ongoing clinical research supported by the Secretary under paragraph (1), which shall include such recommendations for legislative or administrative action as the Secretary considers appropriate to continue to support the management of pain and the treatment of diseases and disorders of veterans.

(b) STUDY ON USE BY VETERANS OF STATE MEDICAL MARIJUANA PROGRAMS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall conduct a study on the relationship between treatment programs involving medical marijuana that are approved by States, the access of veterans to such programs, and a reduction in opioid use and misuse among veterans.

(2) REPORT.—Not later than 180 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the study, which shall include such recommendations for legislative or administrative action as the Secretary considers appropriate.

(c) VETERAN DEFINED.—In this section, the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out this section.

SA 332. Mr. SCHATZ (for himself, Mr. YOUNG, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 536, add the following:

(e) RELIEF FOR IMPACTED FORMER MEMBERS.—

(1) REVIEW OF DISCHARGE.—

(A) IN GENERAL.—The Secretary of Defense shall review and update existing guidance to ensure that the appropriate discharge board for the military departments concerned shall review a discharge characterization of the covered member as required under section 527 of the National Defense Authorization Act for Fiscal Year 2020 at the request of a covered member, or their representative, notwithstanding any requirements to provide documentation necessary to initiate a review of a discharge characterization.

(B) EXCEPTION.—The appropriate discharge board for the military departments concerned shall not be required to initiate a request for a review of a discharge as described in paragraph (1) if there is evidence available to the discharge board that is unrelated to the material request of the covered member or the representative of the covered member but that would have reasonably substantiated the discharge decision of the military department.

(2) VETERANS BENEFITS.—

(A) EFFECTIVE DATE OF CHANGE OF CHARACTERIZATION FOR VETERANS BENEFITS.—For purposes of the provision of benefits to which veterans are entitled under the laws administered by the Secretary of Veterans Affairs to a covered member whose discharge characterization is changed pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552 note), the date of discharge of the member from the Armed Forces shall be deemed to be the effective date of the change of discharge characterization under that section.

(A) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize any benefit to a covered member in connection with the change of discharge characterization of the member under section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552 note) for any period before the effective date of the change of discharge characterization.

SA 333. Mr. REED (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 706.

SA 334. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. INFORMATION REGARDING CLAIMS RELATING TO WATER AT CAMP LEJEUNE, NORTH CAROLINA.

The Camp Lejeune Justice Act of 2022 (28 U.S.C. 2671 note prec.) is amended by adding at the end the following:

''(k) ACKNOWLEDGMENTS.—

''(1) DEFINITION.—In this subsection, the term 'administrative claim' means an administrative action relating to an action under subsection (b) (as described in section 2675 of title 28, United States Code).

''(2) CLAIMS ASSISTANCE.—An individual, the legal representative of an individual, or (if applicable) the attorney for the individual or legal representative bringing an administrative claim shall file with the Secretary of the Navy a written acknowledgment signed by the individual, legal representative, or attorney indicating that the individual or legal representative understands—

''(A) the alternative sources of assistance with respect to claims under laws administered by the Secretary of Veterans Affairs available, free of charge, from organizations recognized under section 5902 of title 38, United States Code;

''(B) that the individual or legal representative may seek claims assistance from the congressional representatives of the individual or legal representative; and

''(C) that the individual or legal representative may seek claims assistance from the Tort Claims Unit of the Department of the Navy.

''(3) OTHER REQUIRED ACKNOWLEDGMENTS.—An attorney representing an individual or the legal representative of an individual in an administrative claim shall file with the Secretary of the Navy a written acknowledgment signed by the individual or legal representative indicating that the individual or legal representative understands—

''(A) that the individual or legal representative is not required to be represented by an attorney to file an administrative claim; and

''(B) the attorney's fee arrangement regarding representation in the administrative claim, which shall include an acknowledgment of whether the fee arrangement is one under which the total amount of the fee payable to the attorney is—

''(i) to be paid to the attorney by the claimant, subsequent to the allocation of the award; or

''(ii) contingent on whether the matter is resolved in a manner favorable to the claimant.

''(4) APPLICATION TO PENDING MATTERS.—For any administrative claim that is pending on the date of enactment of this subsection, not later than 90 days after such date of enactment, the individual bringing the administrative claim, the legal representative of the individual, or the attorney for the individual or legal representative, as applicable, shall file the acknowledgments described in paragraphs (2) and (3).''.

SA 335. Mr. VAN HOLLEN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Granting Recognition to Accomplished Talented Employees for Unwavering Loyalty Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Granting Recognition to Accomplished Talented Employees for Unwavering Loyalty Act'' or ''GRATEFUL Act''.

SEC. 1092. FINDINGS; SENSE OF CONGRESS.

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

(1) In 1952, with the enactment of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Congress established an immigrant visa program to reward foreign nationals who are United States Government employees for their service to the United States (referred to in this Act as the ''Government Employee Immigrant Visa program'').

(2) For 71 years, the Government Employee Immigrant Visa program has allowed foreign nationals with at least 15 years of exceptional service to the United States to immigrate to the United States with their families.

(3) Such foreign national employees of the United States Government are the bulwark of United States foreign policy, risking their lives year after year through civil unrest, terrorism, natural disasters, and war.

(4) The work of such foreign nationals—

(A) ensures the safety and well-being of United States citizens;

(B) provides security and logistics for visiting delegations; and

(C) supports United States Government operations abroad.

(5) Such foreign nationals include employees of the Department of State, the United States Agency for International Development, the Department of Defense, the Department of Homeland Security, the Department of Justice, the Department of Commerce, and the Department of Agriculture.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should preserve the immigrant visa program for foreign nationals who are employees of the United States Government abroad or of the American Institute in Taiwan, and who have provided exceptional service over a long term to the United States, by providing a dedicated allocation of visas for such employees and their immediate family members when visas are not immediately available in the corresponding visa category.

SEC. 1093. VISA AVAILABILITY FOR GOVERNMENT EMPLOYEE IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—Beginning in fiscal year 2024, subject to subsection (b), visas shall be made available to a special immigrant described in section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) if a visa is not immediately available for issuance to the special immigrant under section 203(b)(4) of that Act (8 U.S.C. 1153(b)(4)).

(b) NUMERICAL LIMITATIONS.—

(1) FISCAL YEAR 2024.—For fiscal year 2024, not more than 3,500 visas shall be made available under subsection (a).

(2) SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and each fiscal year thereafter, not more than 3,000 visas shall be made available under subsection (a).

(c) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d)(2) of the Nicaraguan Adjustment and Central America Relief Act (8 U.S.C. 1151 note; Public Law 105–100) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

''(A) the sum of—

''(i) one-half of the total number of individuals described in subclauses (I), (II), (III), and (IV) of section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note; Public Law 104–208) who have adjusted their status to that of aliens lawfully admitted for permanent residence under section 202 of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1255 note) as of the end of the previous fiscal year; and

''(ii) the total number of individuals described in section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) for whom visas shall be made available for the applicable fiscal year under section 1093(b) of the Granting Recognition to Accomplished Talented Employees for Unwavering Loyalty Act; exceeds

''(B) the total of the reductions in available visas under this subsection for all previous fiscal years.''; and

(2) by adding at the end the following:

''(3)(A) Paragraph (1) shall not apply in a fiscal year following a fiscal year for which the total number of aliens described in subparagraph (B) is zero.

''(B) For a fiscal year, the total number of aliens described in this subparagraph is the total number of individuals described in section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) who have been issued visas during the previous fiscal year under the Granting Recognition to Accomplished Talented Employees for Unwavering Loyalty Act.

''(C) Nothing in this paragraph may be construed—

''(i) to repeal, modify, or render permanently inapplicable paragraph (1); or

''(ii) to prevent the offsetting of the number of visas described in that paragraph for the purpose of providing visa availability for aliens described in subparagraph (B).

''(4) In the event that the number of visas available for a fiscal year under section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)) is reduced to a number fewer than 50,000, not fewer than 3,000 visas shall be made available for individuals described in section 1093(a) of the Granting Recognition to Accomplished Talented Employees for Unwavering Loyalty Act.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to modify the number of visas available under section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) to special immigrants described in section 101(a)(27)(D) of that Act (8 U.S.C. 1101(a)(27)(D)).

SA 336. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. _____. PERMITTING FOR INTERNATIONAL BRIDGES.

The International Bridge Act of 1972 (33 U.S.C. 535 et seq.) is amended—

(1) by redesignating sections 7 through 10 as sections 8 through 11, respectively; and

(2) by inserting after section 5 the following:

''SEC. 6. PERMITTING FOR INTERNATIONAL BRIDGES.

''(a) DEFINITIONS.—In this section and section 7:

''(1) PRESIDENTIAL PERMIT.—

''(A) IN GENERAL.—The term 'Presidential permit' means—

''(i) an approval by the President to construct, maintain, and operate an international bridge under section 4; or

''(ii) an approval by the President to construct, maintain, and operate an international bridge pursuant to a process described in Executive Order 13867 (84 Fed. Reg. 15491; relating to Issuance of Permits With Respect to Facilities and Land Transportation Crossings at the International Boundaries of the United States) (or any successor Executive Order).

''(B) INCLUSION.—The term 'Presidential permit' includes an amendment to an approval described in clause (i) or (ii) of subparagraph (A).

''(2) SECRETARY.—The term 'Secretary' means the Secretary of State.

''(b) APPLICATION.—An applicant for a Presidential permit to construct, maintain, and operate an international bridge shall submit an application for the permit to the Secretary.

''(c) RECOMMENDATION.—

''(1) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives an application under subsection (b), the Secretary shall make a recommendation to the President—

''(A) to grant the Presidential permit; or

''(B) to deny the Presidential permit.

''(2) CONSIDERATION.—The sole basis for a recommendation under paragraph (1) shall be whether the international bridge is in the foreign policy interests of the United States.

''(d) PRESIDENTIAL ACTION.—

''(1) IN GENERAL.—The President shall grant or deny the Presidential permit by not later than 60 days after the earlier of—

''(A) the date on which the Secretary makes a recommendation under subsection (c)(1); and

''(B) the date on which the Secretary is required to make a recommendation under subsection (c)(1).

''(2) NO ACTION.—If the President does not grant or deny the Presidential permit by the deadline described in paragraph (1), the Presidential permit shall be considered to have been granted as of that deadline.

''(e) NO NEPA DOCUMENTS REQUIRED.—Notwithstanding any other provision of law, the Secretary shall not require an applicant for a Presidential permit—

''(1) to include in the application under subsection (b) environmental documents prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

''(2) to have completed any environmental review under that Act.

''SEC. 7. AUTHORIZATION OF CERTAIN INTERNATIONAL BRIDGES.

''(a) IN GENERAL.—An applicant for a Presidential permit for an international bridge described in subsection (b)—

''(1) may construct, operate, and maintain that bridge if the applicant submits to the Secretary an application for a Presidential permit for the bridge during the period beginning on December 1, 2020, and ending on December 31, 2024; and

''(2) shall be considered to have been granted a Presidential permit for that bridge as of the date of enactment of the National Defense Authorization Act for Fiscal Year 2024.

''(b) INTERNATIONAL BRIDGES DESCRIBED.—The international bridges referred to in subsection (a) are—

''(1) international bridges in Webb County, Texas;

''(2) an international bridge in Cameron County, Texas; and

''(3) an international bridge in Maverick County, Texas.''.

SA 337. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENT FOR CERTAIN FLAGS OF UNITED STATES TO BE MADE IN UNITED STATES.

(a) REQUIREMENT FOR CERTAIN FLAGS OF UNITED STATES TO BE MADE IN UNITED STATES.—Chapter 1 of title 4, United States Code, is amended by adding at the end the following:

''§ 11. Display on Federal property; procurement by Federal agencies

''(a) DISPLAY ON FEDERAL PROPERTY.—A Federal agency may not display a flag of the United States on Federal property unless such flag has been made in the United States.

''(b) PROCUREMENT BY FEDERAL AGENCIES.—Funds appropriated or otherwise made available to a Federal agency may not be used for the procurement of a flag of the United States unless such flag has been made in the United States.

''(c) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to apply to the display or procurement of a flag of the United States by a private actor.

''(e) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an Executive agency;

''(B) a military department;

''(C) an office, agency, or other establishment in the legislative branch;

''(D) an office, agency, or other establishment in the judicial branch;

''(E) the Government of the District of Columbia; and

''(F) Government controlled corporations.

''(2) FEDERAL PROPERTY.—The term 'Federal property' means real property owned, leased, or occupied by a Federal agency or an instrumentality wholly owned by the United States.

''(3) MADE IN THE UNITED STATES.—The term 'made in the United States' means 100 percent manufactured in the United States from articles, materials, or supplies that have been 100 percent produced or manufactured in the United States.

''(4) UNITED STATES.—The term 'United States', when used in a geographic sense, includes each of the several States, the District of Columbia, Tribal lands, and the territories or possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 4, United States Code, is amended by adding at the end the following:

''11. Display on Federal property; procurement by Federal agencies.''.

(c) APPLICABILITY.—Section 11 of title 4, United States Code, as added by subsection (a), shall apply—

(1) with respect to the display of a flag of the United States by a Federal agency, on and after the date that is 2 years after the date of the enactment of this Act; and

(2) with respect to the procurement of a flag of the United States by a Federal agency, on and after the date that is 90 days after the date of the enactment of this Act.

(d) STUDY ON COUNTRY-OF-ORIGIN LABELING FOR FLAGS OF THE UNITED STATES.—

(1) STUDY.—The Chair of the Federal Trade Commission shall conduct a study that—

(A) assesses and describes the enforcement scheme for country-of-origin labeling for flags of the United States;

(B) determines how many fines or penalties, if any, have been imposed for violations of such enforcement scheme; and

(C) identifies the percentage of violations of such enforcement scheme that are subsequent violations committed by an entity that has previously been found to have violated such scheme.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Chair of the Federal Trade Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(A) the results of the study conducted under paragraph (1); and

(B) any recommendations to improve—

(i) the enforcement scheme for country-of-origin labeling for flags of the United States; and

(i) the deterrent effect of such scheme.

SA 338. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ADDITIONAL FUNDING FOR COMMON SENSOR PAYLOADS FOR MQ–1C GRAY EAGLE AIRCRAFT.

The amount authorized to be appropriated for fiscal year 2024 by section 101 and available for procurement for the Army, as specified in the corresponding funding table in section 4101, is hereby increased by $35,000,000, with the amount of the increase to be available for common sensor payloads for MQ–1C Gray Eagle aircraft.

SA 339. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. ENLISTMENT OF CERTAIN ALIENS AND CLARIFICATION OF NATURALIZATION PROCESS FOR SUCH ALIEN ENLISTEES.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this section that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code.

(3) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(4) MILITARY DEPARTMENT.—The term ''military department'' has the meaning given such term in section 101 of title 10, United States Code.

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' has the meaning given such term in section 101 of title 10, United States Code.

(b) ENLISTMENT IN THE ARMED FORCES FOR CERTAIN ALIENS.—Subsection (b)(1) of section 504 of title 10, United States Code, is amended by adding at the end the following:

''(D)(i) An alien who—

''(I) subject to clause (ii), has been continuously physically present in the United States for five years;

''(II) has completed, to the satisfaction of the Secretary of Defense or the Secretary concerned, the same security or suitability vetting processes as are required of qualified individuals seeking enlistment in an armed force;

''(III) meets all other standards set forth for enlistment in an armed force as are required of qualified individuals; and

''(IV)(aa) has received a grant of deferred action pursuant to the Deferred Action for Childhood Arrivals policy of the Department of Homeland Security, or successor policy, regardless of whether a court order terminates such policy;

''(bb) has been granted temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a); or

''(cc) is the beneficiary of an approved petition for an immigrant visa, but has been unable to adjust status to that of an alien lawfully admitted for permanent residence pursuant to section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) because a visa number has not become available or the beneficiary turned 21 years of age prior to a visa becoming available.

''(ii) An alien described in clause (i) who has departed the United States during the five-year period referred to in subclause (I) of that clause shall be eligible to enlist if the absence of the alien was pursuant to advance approval of travel by the Secretary of Homeland Security and within the scope of such travel authorization.''.

(c) STAY OF REMOVAL PROCEEDINGS.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

''(e) If an alien described in section 504(b)(1)(D) of title 10, United States Code, who is subject to a ground of removability has served honorably in the Armed Forces, and if separated from such service, was never separated except under honorable conditions, the Secretary of Homeland Security shall grant such alien an administrative stay of removal under section 241(c)(2) until the earlier of—

''(1) the date on which the head of the military department (as defined in section 101 of title 10, United States Code) under which the alien served determines that the alien did not served honorably in active-duty status, and if separated from such service, that such separation was not under honorable conditions as required by sections 328 and 329; or

''(2) the date on which the alien's application for naturalization under section 328 or 329 has been denied or revoked and all administrative appeals have been exhausted.''.

(d) TIMELY DETERMINATION BY THE SECRETARY OF DEFENSE.—Not later than 90 days after receiving a request by an alien who has enlisted in the Armed Forces pursuant to section 504(b)(1)(D) of title 10, United States Code, for a certification of service in the Armed Forces, the head of the military department under which the alien served shall issue a determination certifying whether the alien has served honorably in an active-duty status, and whether separation from such service was under honorable conditions as required by sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), unless the head of the military department concerned requires additional time to vet national security or counter-intelligence concerns.

(e) MEDICAL EXCEPTION.—An alien who otherwise meets the qualifications for enlistment under section 504(b)(1)(D) of title 10, United States Code, but who, after reporting for initial entry training, has not successfully completed such training primarily for medical reasons shall be considered to have separated from service in the Armed Forces under honorable conditions for purposes of sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), if such medical reasons are certified by the head of the military department under which the individual so served.

(f) GOOD MORAL CHARACTER.—In determining whether an alien who has enlisted in the Armed Forces pursuant to section

504(b)(1)(D) of title 10, United States Code, has good moral character for purposes of section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), the Secretary of Homeland Security—

(1) shall consider the alien's honorable service in the Armed Forces; and

(2) may make a finding of good moral character notwithstanding—

(A)(i) any single misdemeanor offense, if the alien has not been convicted of any offense during the 5-year period preceding the date on which the alien applies for naturalization; or

(ii) not more than 2 misdemeanor offenses, if the alien has not been convicted of any offense during the 10-year period preceding the date on which the alien applies for naturalization.

(g) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Homeland Security or the Secretary of Defense may not disclose or use for purposes of immigration enforcement information provided in—

(A) documentation filed under this section or an amendment made by this section; or

(B) enlistment applications filed, or inquiries made, under section 504(b)(1)(D) of title 10, United States Code.

(2) TREATMENT OF RECORDS.—

(A) IN GENERAL.—Documentation filed under this section or an amendment made by this section—

(i) shall be collected pursuant to section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''); and

(ii) may not be disclosed under subsection (b)(7) of that section for purposes of immigration enforcement.

(B) DESTRUCTION.—In the case of an alien who attempts to enlist under section 504(b)(1)(D) of title 10, United States Code, but does not successfully do so (except in the case of an alien described in subsection (e)), the Secretary of Homeland Security and the Secretary of Defense shall destroy information provided in documentation filed under this section or an amendment made by this section not later than 60 days after the date on which the alien concerned is denied enlistment or fails to complete basic training, as applicable.

(3) REFERRALS PROHIBITED.—The Secretary of Homeland Security or the Secretary of Defense (or any designee of the Secretary of Homeland Security or the Secretary of Defense), based solely on information provided in an application for naturalization submitted by an alien who has enlisted in the Armed Forces under section 504(b)(1)(D) of title 10, United States Code, or an enlistment application filed or an inquiry made under that section, may not refer the individual concerned to U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(4) LIMITED EXCEPTION.—Notwithstanding paragraphs (1) through (3), information provided in an application for naturalization submitted by an individual who has enlisted in the Armed Forces under section 504(b)(1)(D) of title 10, United States Code, may be shared with Federal security and law enforcement agencies—

(A) for assistance in the consideration of an application for naturalization;

(B) to identify or prevent fraudulent claims;

(C) for national security purposes pursuant to section 6611 of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3352f); or

(D) for the investigation or prosecution of any Federal crime, except any offense, other than a fraud or false statement offense, that is—

(i) related to immigration status; or

(ii) a petty offense (as defined in section 19 of title 18, United States Code).

(5) PENALTY.—Any person who knowingly and willfully uses, publishes, or examines, or permits such use, publication, or examination of, any information produced or provided by, or collected from, any source or person under this section or an amendment made by this section, and in violation of this subsection, shall be guilty of a misdemeanor and fined not more than $5,000.

(h) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section may be construed to modify—

(1) except as otherwise specifically provided in this section, the process prescribed by sections 328 and 329A of the Immigration and Nationality Act (8 U.S.C. 1439, 1440–1) by which a person may naturalize, or be granted posthumous United States citizenship, through service in the Armed Forces; or

(2) the qualifications for original enlistment in any component of the Armed Forces otherwise prescribed by law or the Secretary of Defense.

SA 340. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. EXTENSION OF CERTAIN EDUCATIONAL BENEFITS TO MEMBERS OF THE PUBLIC HEALTH SERVICE READY RESERVE CORPS.

(a) IN GENERAL.—Section 16131 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''each military department'' and inserting ''the reserve component of that Secretary's uniformed service''

(B) by striking ''and'' after ''Secretary of Defense,'';

(C) by inserting '', and the Secretary of Health and Human Services with respect to the Public Health Service Ready Reserve Corps,'' after ''Navy''; and

(D) by striking ''of the armed forces under the jurisdiction of the Secretary concerned'' and inserting ''of the uniformed services under the jurisdiction of such Secretary'';

(2) in subsection (b)(1), by inserting ''or the Secretary of Health and Human Services, as the case may be'' after ''Secretary concerned'';

(3) in subsection (c)(3)(B)(i), by inserting ''or section 203 of the Public Health Service Act (42 U.S.C. 204(a)(4))'' after ''of this title'';

(4) in subsection (g)(2)(A), by inserting ''or the Secretary of Health and Human Services, as the case may be'' after ''Secretary concerned''; and

(5) in subsection (i)—

(A) by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''Secretary of Defense'' each place it appears; and

(B) by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''Secretary concerned'' each place it appears.

(b) ELIGIBILITY.—Section 16132(c) of title 10, United States Code, is amended by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''Secretary of Defense''.

(c) AUTHORITY TO TRANSFER UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS.—Section 16132a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''Secretary concerned'';

(2) in subsection (b)(1), by striking ''member of the armed forces'' and inserting ''member of the reserve component of such member's uniformed service'';

(3) in subsection (d), by inserting ''and the Secretary of Health and Human Services'' after ''Secretary of Defense'';

(4) in subsection (f)(2), by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''Secretary concerned'';

(5) in subsection (g), by striking ''armed forces'' and inserting ''uniformed services'' both places it appears;

(6) in subsection (h)(5)(B)—

(A) by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''Secretary concerned''; and

(B) by inserting ''or a member of the Public Health Service Commissioned Corps, as the case may be'' after ''enlisted member''; and

(7) in subsection (j), by inserting ''and the Secretary of Health and Human Services'' after ''Secretary of Defense''.

(d) FAILURE TO PARTICIPATE SATISFACTORILY; PENALTIES.—Section 16135(a) of title 10, United States Code, is amended—

(1) by inserting ''or the Secretary of Health and Human Services, as the case may be'' after ''Secretary concerned''; and

(2) by striking ''of an armed force'' and inserting ''of a uniformed service'';

(e) ADMINISTRATION OF THE PROGRAM.—Section 16136(a) of title 10, United States Code, is amended—

(1) by striking ''and by the Secretary of Homeland Security'' and inserting ''by the Secretary of Homeland Security, and by the Secretary of Health and Human Services''; and

(2) by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''Secretary concerned''.

(f) APPLICABILITY.—The amendments made by subsections (a) through (e) shall apply with respect to service occurring on or after March 27, 2020.

SA 341. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PUBLIC HEALTH SERVICE READY RESERVE CORPS.

(a) ESTABLISHMENT.—Section 10141 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in each armed force'' and inserting ''in each uniformed service''; and

(2) in subsection (c), striking ''the same for all armed forces'' and inserting ''the same for all reserve components of the uniformed services''.

(b) ORGANIZATION AND UNIT STRUCTURE.—Section 10143(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and the Public Health Service Ready Reserve Corps'' after ''other than the Coast Guard''; and

(B) by striking ''war plans; and'' and inserting ''war plans;'';

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in the case of the Public Health Service Ready Reserve Corps, by the Secretary of Health and Human Services upon the recommendation of the Assistant Secretary for Health.''.

(c) PLACEMENT IN READY RESERVES.—Section 10145(a) of title 10, United States Code, is amended by striking ''Ready Reserve of his armed force for his prescribed term of service, unless he is transferred'' and inserting ''Ready Reserve of the reserve component of the member's uniformed service for his or her prescribed term of service, unless such member is transferred''.

(d) STANDBY RESERVES.—

(1) TRANSFERS TO.—Section 10146 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting ''and the Secretary of Health and Human Services with respect to Public Health Service Ready Reserve Corps'' after ''operating as a service in the Navy''; and

(B) in subsection (b), by inserting ''or the Secretary of Health and Human Services, as the case may be,'' after ''prescribed by the Secretary concerned''.

(2) TRANSFERS FROM.—Section 10150 of title 10, United States Code, is amended by inserting ''and the Secretary of Health and Human Services with respect to Public Health Service Ready Reserve Corps'' after ''operating as a service in the Navy''.

(3) TRAINING REQUIREMENTS.—Section 10147(a) of title 10, United States Code, is amended—

(A) by striking ''in an armed force'' and inserting ''in a uniformed service''; and

(B) by inserting ''and the Secretary of Health and Human Services with respect to Public Health Service Ready Reserve Corps'' after ''operating as a service in the Navy''.

(4) FAILURE TO SATISFACTORILY PERFORM PRESCRIBED TRAINING.—Section 10148(a) of title 10, United States Code, is amended by inserting ''or the Secretary of Health and Human Services with respect to Public Health Service Ready Reserve Corps'' after ''Secretary of Defense''.

(e) INACTIVE STATUS LIST.—Section 10152 of title 10, United States Code, is amended by striking ''armed force'' and inserting ''uniformed service''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AUTHORIZED END STRENGTH OF THE READY RESERVES OF THE ARMED FORCES.—Section 10142 of title 10, United States Code, is amended by inserting ''of the armed forces'' after ''Ready Reserve'' both places it appears.

(2) CONTINUOUS SCREENING PROVISIONS APPLICABLE TO ARMED FORCES.—Section 10149 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting ''or, in the case of the Public Health Service Ready Reserve Corps, the Secretary of Health and Human Services,'' after ''Secretary concerned''; and

(B) in subsection (b)(2)(A), by inserting ''or, in the case of a Member of Congress who also is a member of the Public Health Service Ready Reserve Corps, the Secretary of Health and Human Services'' after ''operating as a service in the Navy''.

(3) COMPOSITION OF STANDBY RESERVES OF ARMED FORCES.—Section 10151 of title 10, United States Code, is amended by inserting ''of the armed forces'' after ''The Standby Reserve''.

SA 342. Ms. KLOBUCHAR (for herself, Mr. CRAMER, Mr. CARPER, and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CREDIT MONITORING.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 605A(k) (15 U.S.C. 1681c–1(k)) is amended—

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

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

''(A) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given the term in section 101(a) of title 10, United States Code.

''(B) UNIFORMED SERVICES MEMBER CONSUMER.—The term 'uniformed services member consumer' means a consumer who, regardless of duty status, is—

''(i) a member of the uniformed services; or

''(ii) a spouse, or a dependent who is not less than 18 years old, of a member of the uniformed services.''; and

(B) in paragraph (2)(A), by striking ''active duty military consumer'' and inserting ''uniformed services member consumer''; and

(2) in section 625 (15 U.S.C. 1681t(b)(1)(K)), by striking ''active duty military consumers'' and inserting ''uniformed services member consumer''.

(b) REGULATIONS.—The Federal Trade Commission shall issue rules to carry out the amendments made by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 1 year after the date on which the Federal Trade Commission issues the final rule under subsection (b).

SA 343. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. HASTENING ARMS LIMITATIONS TALKS ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''Hastening Arms Limitations Talks Act of 2023'' or the ''HALT Act of 2023''.

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

(1) The use of nuclear weapons poses an existential threat to humanity, a fact that led President Ronald Reagan and Soviet Premier Mikhail Gorbachev to declare in a joint statement in 1987 that a ''nuclear war cannot be won and must never be fought'', a sentiment affirmed by the People's Republic of China, France, the Russian Federation, the United Kingdom, and the United States in January 2022.

(2) On June 12, 1982, an estimated 1,000,000 people attended the largest peace rally in United States history, in support of a movement to freeze and reverse the nuclear arms race, a movement that helped to create the political will necessary for the negotiation of several bilateral arms control treaties between the United States and former Soviet Union, and then the Russian Federation. Those treaties contributed to strategic stability through mutual and verifiable reciprocal nuclear weapons reductions.

(3) Since the advent of nuclear weapons in 1945, millions of people around the world have stood up to demand meaningful, immediate international action to halt, reduce, and eliminate the threats posed by nuclear weapons, nuclear weapons testing, and nuclear war, to humankind and the planet.

(4) In 1970, the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the ''Nuclear Non-Proliferation Treaty'' or the ''NPT''), entered into force, which includes a binding obligation on the 5 nuclear-weapon states (commonly referred to as the ''P5''), among other things, ''to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race . . . and to nuclear disarmament''.

(5) Bipartisan United States global leadership has curbed the growth in the number of countries possessing nuclear weapons and has slowed overall vertical proliferation among countries already possessing nuclear weapons, as is highlighted by a more than 90 percent reduction in the United States nuclear weapons stockpile from its Cold War height of 31,255 in 1967.

(6) The United States testing of nuclear weapons is no longer necessary as a result of the following major technical developments since the Senate's consideration of the Comprehensive Nuclear-Test-Ban Treaty (commonly referred to as the ''CTBT'') in 1999:

(A) The verification architecture of the Comprehensive Nuclear Test-Ban-Treaty Organization (commonly referred to as the ''CTBTO'')—

(i) has made significant advancements, as seen through its network of 300 International Monitoring Stations and its International Data Centre, which together provide for the near instantaneous detection of nuclear explosives tests, including all 6 such tests conducted by North Korea between 2006 and 2017; and

(ii) is operational 24 hours a day, 7 days a week.

(B) Since the United States signed the CTBT, confidence has grown in the science-based Stockpile Stewardship and Management Plan of the Department of Energy, which forms the basis of annual certifications to the President regarding the continual safety, security, and effectiveness of the United States nuclear deterrent in the absence of nuclear testing, leading former Secretary of Energy Ernest Moniz to remark in 2015 that ''lab directors today now state that they certainly understand much more about how nuclear weapons work than during the period of nuclear testing''.

(7) Despite the progress made to reduce the number and role of, and risks posed by, nuclear weapons, and to halt the Cold War-era nuclear arms race, tensions between countries that possess nuclear weapons are on the rise, key nuclear risk reduction treaties are under threat, significant stockpiles of weapons-usable fissile material remain, and a qualitative global nuclear arms race is now underway with each of the countries that possess nuclear weapons spending tens of billions of dollars each year to maintain and improve their arsenals.

(8) The Russian Federation is pursuing the development of destabilizing types of nuclear weapons that are not presently covered under any existing arms control treaty or agreement and the People's Republic of

China, India, Pakistan, and the Democratic People's Republic of Korea have each taken concerning steps to diversify their more modest sized, but nonetheless very deadly, nuclear arsenals.

(9) President Joseph R. Biden's 2022 Nuclear Posture Review was right to label the nuclear-armed sea-launched cruise missile as ''no longer necessary'', as that missile, if deployed, would have the effect of lowering the threshold for nuclear weapons use.

(10) On February 3, 2021, President Joseph R. Biden preserved binding and verifiable limits on the deployed and non-deployed strategic forces of the largest two nuclear weapons powers through the five-year extension of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed April 8, 2010, and entered into force February 5, 2011 (commonly referred to as the ''New START Treaty'').

(11) In 2013, the report on a nuclear weapons employment strategy of the United States submitted under section 492 of title 10, United States Code, determined that it is possible to ensure the security of the United States and allies and partners of the United States and maintain a strong and credible strategic deterrent while safely pursuing up to a ⅓ reduction in deployed nuclear weapons from the level established in the New START Treaty.

(12) On January 12, 2017, then-Vice President Biden stated, ''[G]iven our non-nuclear capabilities and the nature of today's threats—it's hard to envision a plausible scenario in which the first use of nuclear weapons by the United States would be necessary. Or make sense.''.

(13) In light of moves by the United States and other countries to increase their reliance on nuclear weapons, a global nuclear freeze would seek to halt the new nuclear arms race by seeking conclusion of a comprehensive and verifiable freeze on the testing, deployment, and production of nuclear weapons and delivery vehicles for such weapons.

(14) The reckless and repeated nuclear threats by Russian President Vladimir Putin since the February 2022 invasion of Ukraine by the Russian Federation underscore the need for a global nuclear freeze.

(c) STATEMENT OF POLICY.—The following is the policy of the United States:

(1) The United States should build upon its decades long, bipartisan efforts to reduce the number and salience of nuclear weapons by leading international negotiations on specific arms-reduction measures as part of a 21st century global nuclear freeze movement.

(2) Building on the 2021 extension of the New START Treaty, the United States should engage with all other countries that possess nuclear weapons to seek to negotiate and conclude future multilateral arms control, disarmament, and risk reduction agreements, which should contain some or all of the following provisions:

(A) An agreement by the United States and the Russian Federation on a resumption of on-site inspections and verification measures per the New START Treaty and a follow-on treaty or agreement to the New START Treaty that may lower the central limits of the Treaty and cover new kinds of strategic delivery vehicles or non-strategic nuclear weapons.

(B) An agreement on a verifiable freeze on the testing, production, and further deployment of all nuclear weapons and delivery vehicles for such weapons.

(C) An agreement that establishes a verifiable numerical ceiling on the deployed shorter-range and intermediate-range and strategic delivery systems (as defined by the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate- Range and Shorter-Range Missiles signed at Washington December 8, 1987, and entered into force June 1, 1988 (commonly referred to as the ''Intermediate-Range Nuclear Forces Treaty''), and the New START Treaty, respectively) and the nuclear warheads associated with such systems belonging to the P5, and to the extent possible, all countries that possess nuclear weapons, at August 2, 2019, levels.

(D) An agreement by each country to adopt a policy of no first use of nuclear weapons or provide transparency into its nuclear declaratory policy.

(E) An agreement on a proactive United Nations Security Council resolution that expands access by the International Atomic Energy Agency to any country found by the Board of Governors of that Agency to be noncompliant with its obligations under the NPT.

(F) An agreement to refrain from configuring nuclear forces in a ''launch on warning'' or ''launch under warning'' nuclear posture, which may prompt a nuclear armed country to launch a ballistic missile attack in response to detection by an early-warning satellite or sensor of a suspected incoming ballistic missile.

(G) An agreement not to target or interfere in the nuclear command, control, and communications (commonly referred to as ''NC3'') infrastructure of another country through a kinetic attack or a cyberattack.

(H) An agreement on transparency measures or verifiable limits, or both, on hypersonic cruise missiles and glide vehicles that are fired from sea-based, ground, and air platforms.

(I) An agreement to provide a baseline and continuous exchanges detailing the aggregate number of active nuclear weapons and associated systems possessed by each country.

(3) The United States should rejuvenate efforts in the United Nations Conference on Disarmament toward the negotiation of a verifiable Fissile Material Treaty or Fissile Material Cutoff Treaty, or move negotiations to another international body or fora, such as a meeting of the P5. Successful conclusion of such a treaty would verifiably prevent any country's production of highly enriched uranium and plutonium for use in nuclear weapons.

(4) The United States should convene a series of head-of-state level summits on nuclear disarmament modeled on the Nuclear Security Summits process, which saw the elimination of the equivalent of 3,000 nuclear weapons.

(5) The President should seek ratification by the Senate of the CTBT and mobilize all countries covered by Annex 2 of the CTBT to pursue similar action to hasten entry into force of the CTBT. The entry into force of the CTBT, for which ratification by the United States will provide critical momentum, will activate the CTBT's onsite inspection provision to investigate allegations that any country that is a party to the CTBT has conducted a nuclear test of any yield.

(6) The President should make the accession of North Korea to the CTBT a component of any final agreement in fulfilling the pledges the Government of North Korea made in Singapore, as North Korea is reportedly the only country to have conducted a nuclear explosive test since 1998.

(7) The United States should—

(A) refrain from developing any new designs for nuclear warheads or bombs, but especially designs that could add a level of technical uncertainty into the United States stockpile and thus renew calls to resume nuclear explosive testing in order to test that new design; and

(B) seek reciprocal commitments from other countries that possess nuclear weapons.

(d) PROHIBITION ON USE OF FUNDS FOR NUCLEAR TEST EXPLOSIONS.—

(1) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter, or authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2024 and available for obligation as of the date of the enactment of this Act, may be obligated or expended to conduct or make preparations for any explosive nuclear weapons test that produces any yield until such time as—

(A) the President submits to Congress an addendum to the report required by section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) that details any change to the condition of the United States nuclear weapons stockpile from the report submitted under that section in the preceding year; and

(B) there is enacted into law a joint resolution of Congress that approves the test.

(1) RULE OF CONSTRUCTION.—Paragraph (1) does not limit nuclear stockpile stewardship activities that are consistent with the zero-yield standard and other requirements under law.

SA 344. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1282. REPORT ON ARMS TRAFFICKING IN HAITI.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce and the Attorney General, shall submit to the appropriate congressional committees a report on arms trafficking in Haiti.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) The number and category of United States-origin weapons in Haiti, including those in possession of the Haitian National Police or other state authorities and diverted outside of their control and the number of United States-origin weapons believed to be illegally trafficked from the United States since 1991.

(2) The major routes by which illegal arms are trafficked into Haiti.

(3) The major Haitian seaports, airports, and other border crossings where illegal arms are trafficked.

(4) An accounting of the ways individuals trafficking arms to Haiti evade Haitian and United States law enforcement and customs officials.

(5) A description of networks among Haitian government officials, Haitian customs officials, and gangs and others illegally involved in arms trafficking.

(6) Whether any end-use agreements between the United States and Haiti in the issuance of United States-origin weapons have been violated.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

SA 345. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1282. REPORT ON DANGERS POSED BY NUCLEAR REACTORS IN AREAS THAT MIGHT EXPERIENCE ARMED CONFLICT.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator for Nuclear Security shall jointly submit to the appropriate committees of Congress a report assessing the following:

(1) The dangers posed to the national security of the United States, to the interests of allies and partners of the United States, and to the safety and security of civilian populations, by nuclear reactors and nuclear power plants in existence as of such date of enactment or scheduled to be completed during the 10-year period beginning on such date of enactment and located in the following areas:

(A) Regions that have experienced armed conflict in the 25 years preceding such date of enactment.

(B) Areas that are contested or likely to experience armed conflict during the life span of those reactors and plants.

(C) Areas that would be involved in any of the following hypothetical conflicts:

(i) An attack by the Russian Federation on the eastern European countries of Estonia, Latvia, Belarus, Lithuania, or Poland.

(ii) A conflict between India and Pakistan.

(iii) A conflict over Taiwan.

(iv) An attack by North Korea on South Korea.

(2) Steps the United States or allies and partners of the United States can take to prevent, prepare for, and mitigate the risks to the national security of the United States, to the interests of allies and partners of the United States, and to the safety and security of civilian populations, posed by nuclear reactors and power plants in places that may experience armed conflict.

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

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 346. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 15____. SMARTER APPROACHES TO NUCLEAR EXPENDITURES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Smarter Approaches to Nuclear Expenditures Act''.

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

(1) The United States continues to maintain an excessively large and costly arsenal of nuclear delivery systems and warheads that are a holdover from the Cold War.

(2) The current nuclear arsenal of the United States includes approximately 3,708 total nuclear warheads in its military stockpile, of which approximately 1,744 are deployed with five delivery components: land-based intercontinental ballistic missiles, submarine-launched ballistic missiles, long-range strategic bomber aircraft armed with nuclear gravity bombs, long-range strategic bomber aircraft armed with nuclear-armed air-launched cruise missiles, and short-range fighter aircraft that can deliver nuclear gravity bombs. The strategic bomber fleet of the United States comprises 87 B–52 and 20 B–2 aircraft, over 66 of which contribute to the nuclear mission. The United States also maintains 400 intercontinental ballistic missiles and 14 Ohio-class submarines, up to 12 of which are deployed. Each of those submarines is armed with approximately 90 nuclear warheads.

(3) Between fiscal years 2021 and 2030, the United States will spend an estimated $634,000,000,000 to maintain and recapitalize its nuclear force, according to a January 2019 estimate from the Congressional Budget Office, an increase of $140,000,000,000 from the Congressional Budget Office's 2019 estimate, with 36 percent of that additional cost stemming ''mainly from new plans for modernizing [the Department of Energy's] production facilities and from [the Department of Defense's] modernization programs moving more fully into production''.

(4) Adjusted for inflation, the Congressional Budget Office estimates that the United States will spend $634,000,000,000 between 2021 and 2030 on new nuclear weapons and modernization and infrastructure programs, an estimate that in total is 28 percent higher than the Congressional Budget Office's most recent previous estimate of the 10-year costs of nuclear forces.

(5) Inaccurate budget forecasting is likely to continue to plague the Department of Defense and the Department of Energy, as evidenced by the fiscal year 2023 budget request of the President for the National Nuclear Security Administration ''Weapon Activities'' account, which far exceeded what the National Nuclear Security Administration had projected in previous years.

(6) The projected growth in nuclear weapons spending is coming due as the Department of Defense is seeking to replace large portions of its conventional forces to better compete with the Russian Federation and the People's Republic of China and as internal and external fiscal pressures are likely to limit the growth of, and perhaps reduce, military spending. As then-Air Force Chief of Staff General Dave Goldfein said in 2020, ''I think a debate is that this will be the first time that the nation has tried to simultaneously modernize the nuclear enterprise while it's trying to modernize an aging conventional enterprise. The current budget does not allow you to do both.''.

(7) In 2023, the Government Accountability Office released a report entitled ''Nuclear Weapons: NNSA Does Not Have a Comprehensive Schedule or Cost Estimate for Pit Production Capability'', stating the National Nuclear Security Administration ''had limited assurance that it would be able to produce sufficient numbers of pits in time'' to meet the requirement under section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) that the National Nuclear Security Administration produce 80 plutonium pits by 2030.

(8) According to the Government Accountability Office, the National Nuclear Security Administration has still not factored affordability concerns into its planning as was recommended by the Government Accountability Office in 2017, with the warning that ''it is essential for NNSA to present information to Congress and other key decision makers indicating whether the agency has prioritized certain modernization programs or considered trade-offs (such as deferring or cancelling specific modernization programs)''. Instead, the budget estimate of the Department of Energy for nuclear modernization activities during the period of fiscal years 2021 through 2025 was $81,000,000,000—$15,000,000,000 more than the 2020 budget estimate of the Department for the same period.

(9) A December 2020 Congressional Budget Office analysis showed that the projected costs of nuclear forces over the next decade can be reduced by $12,400,000,000 to $13,600,000,000 by trimming back current plans, while still maintaining a triad of delivery systems. Even larger savings would accrue over the subsequent decade.

(10) The Department of Defense's June 2013 nuclear policy guidance entitled ''Report on Nuclear Employment Strategy of the United States'' found that force levels under the April 2010 Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms between the United States and the Russian Federation (commonly known as the ''New START Treaty'') ''are more than adequate for what the United States needs to fulfill its national security objectives'' and can be reduced by up to ⅓ below levels under the New START Treaty to 1,000 to 1,100 warheads.

(11) Former President Trump expanded the role of, and spending on, nuclear weapons in United States policy at the same time that he withdrew from, unsigned, or otherwise terminated a series of important arms control and nonproliferation agreements.

(c) REDUCTIONS IN NUCLEAR FORCES.—

(1) REDUCTION OF NUCLEAR-ARMED SUBMARINES.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense may be obligated or expended for purchasing more than eight Columbia-class submarines.

(2) REDUCTION OF GROUND-BASED MISSILES.—Notwithstanding any other provision of law, beginning in fiscal year 2024, the forces of the Air Force shall include not more than 150 intercontinental ballistic missiles.

(3) REDUCTION OF DEPLOYED STRATEGIC WARHEADS.—Notwithstanding any other provision of law, beginning in fiscal year 2024, the forces of the United States Military shall include not more than 1,000 deployed strategic warheads, as that term is defined in the New START Treaty.

(4) LIMITATION ON NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for any of fiscal

years 2024 through 2028 for the Department of Defense may be obligated or expended for purchasing more than 80 B–21 long-range penetrating bomber aircraft.

(5) PROHIBITION ON F–35 NUCLEAR MISSION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be used to make the F–35 Joint Strike Fighter aircraft capable of carrying nuclear weapons.

(6) PROHIBITION ON NEW AIR-LAUNCHED CRUISE MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range stand-off weapon or any other new air-launched cruise missile or for the W80 warhead life extension program.

(7) PROHIBITION ON NEW INTERCONTINENTAL BALLISTIC MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense may be obligated or expended for the research, development, test, and evaluation or procurement of the LGM–35 Sentinel, previously known as the ground-based strategic deterrent, or any new intercontinental ballistic missile.

(8) TERMINATION OF URANIUM PROCESSING FACILITY.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the Uranium Processing Facility located at the Y–12 National Security Complex, Oak Ridge, Tennessee.

(9) PROHIBITION ON PROCUREMENT AND DEPLOYMENT OF NEW LOW-YIELD WARHEAD.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended to deploy the W76–2 low-yield nuclear warhead or any other low-yield or nonstrategic nuclear warhead.

(10) PROHIBITION ON NEW SUBMARINE-LAUNCHED CRUISE MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a new submarine-launched cruise missile capable of carrying a low-yield or nonstrategic nuclear warhead, as the 2022 Nuclear Posture Review found this system ''no longer necessary''.

(11) LIMITATION ON PLUTONIUM PIT PRODUCTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for expanding production of plutonium pits at the Los Alamos National Laboratory, Los Alamos, New Mexico, or the Savannah River Site, South Carolina, until the Administrator for Nuclear Security submits to the appropriate committees of Congress an integrated master schedule and total estimated cost for the National Nuclear Security Administration's overall plutonium pit production effort during the period of 2025 through 2035.

(B) REQUIREMENTS FOR SCHEDULE.—The schedule required to be submitted under paragraph (1) shall—

(i) include timelines, resources, and budgets for planned work; and

(ii) be consistent with modern management standards and best practices as described in guidelines of the Government Accountability Office.

(12) PROHIBITION ON SUSTAINMENT OF B83–1 BOMB.—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the sustainment of the B83–1 bomb, as the 2022 Nuclear Posture Review declared the B83-1 ''will be retired''.

(13) PROHIBITION ON SPACE-BASED MISSILE DEFENSE.—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a space-based missile defense system.

(14) PROHIBITION ON THE W–93 WARHEAD.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement and deployment of a W–93 warhead on a submarine launched ballistic missile.

(d) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (c).

(2) ANNUAL REPORT.—Not later than March 1, 2024, and annually thereafter, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (c), including any updates to previously submitted reports.

(3) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—Not later than September 30, 2024, and annually thereafter, the President shall transmit to the appropriate committees of Congress a report containing a comprehensive accounting by the Director of the Office of Management and Budget of the amounts obligated and expended by the Federal Government for each nuclear weapon and related nuclear program during—

(A) the fiscal year covered by the report; and

(B) the life cycle of such weapon or program.

(4) COST ESTIMATE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the estimated cost savings that result from carrying out subsection (c).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 347. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RESTRICTION ON FIRST-USE NUCLEAR STRIKES.

(a) FINDINGS AND DECLARATION OF POLICY.—

(1) FINDINGS.—Congress finds the following:

(A) The Constitution gives Congress the sole power to declare war.

(B) The framers of the Constitution understood that the monumental decision to go to war, which can result in massive death and the destruction of civilized society, must be made by the representatives of the people and not by a single person.

(C) As stated by section 2(c) of the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541), ''the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces''.

(D) Nuclear weapons are uniquely powerful weapons that have the capability to instantly kill millions of people, create long-term health and environmental consequences throughout the world, directly undermine global peace, and put the United States at existential risk from retaliatory nuclear strikes.

(E) A first-use nuclear strike carried out by the United States would constitute a major act of war.

(F) A first-use nuclear strike conducted absent a declaration of war by Congress would violate the Constitution.

(G) The President has the sole authority to authorize the use of nuclear weapons, an order which military officers of the United States must carry out in accordance with their obligations under the Uniform Code of Military Justice.

(H) Given its exclusive power under the Constitution to declare war, Congress must provide meaningful checks and balances to the President's sole authority to authorize the use of a nuclear weapon.

(2) DECLARATION OF POLICY.—It is the policy of the United States that no first-use nuclear strike should be conducted absent a declaration of war by Congress.

(b) PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.—

(1) PROHIBITION.—No Federal funds may be obligated or expended to conduct a first-use nuclear strike unless such strike is conducted pursuant to a war declared by Congress that expressly authorizes such strike.

(2) FIRST-USE NUCLEAR STRIKE DEFINED.—In this section, the term ''first-use nuclear strike'' means an attack using nuclear weapons against an enemy that is conducted without the Secretary of Defense and the

Chairman of the Joint Chiefs of Staff first confirming to the President that there has been a nuclear strike against the United States, its territories, or its allies (as specified in section 3(b)(2) of the Arms Export Control Act (22 U.S.C. 2753(b)(2))).

SA 348. Mr. HICKENLOOPER (for himself, Mr. SCOTT of South Carolina, Mr. OSSOFF, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title XII, insert the following:

SEC. _____. ESTABLISHMENT OF JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

''SEC. 115. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

''(a) ESTABLISHMENT.—There is established the John Lewis Civil Rights Fellowship Program (referred to in this section as the 'Fellowship Program') within the J. William Fulbright Educational Exchange Program.

''(b) PURPOSES.—The purposes of the Fellowship Program are—

''(1) to honor the legacy of Representative John Lewis by promoting a greater understanding of the history and tenets of nonviolent civil rights movements; and

''(2) to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.

''(c) ADMINISTRATION.—The Bureau of Educational and Cultural Affairs (referred to in this section as the 'Bureau') shall administer the Fellowship Program in accordance with policy guidelines established by the Board, in consultation with the binational Fulbright Commissions and United States Embassies.

''(d) SELECTION OF FELLOWS.—

''(1) IN GENERAL.—The Board shall annually select qualified individuals to participate in the Fellowship Program. The Bureau may determine the number of fellows selected each year, which, whenever feasible, shall be not fewer than 25.

''(2) OUTREACH.—

''(A) IN GENERAL.—To the extent practicable, the Bureau shall conduct outreach at institutions, including—

''(i) minority serving institutions, including historically Black colleges and universities; and

''(ii) other appropriate institutions, as determined by the Bureau.

''(B) DEFINITIONS.—In this paragraph:

''(i) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(ii) MINORITY SERVING INSTITUTION.—The term 'minority-serving institution' means an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

''(e) FELLOWSHIP ORIENTATION.—Annually, the Bureau shall organize and administer a fellowship orientation, which shall—

''(1) be held in Washington, D.C., or at another location selected by the Bureau; and

''(2) include programming to honor the legacy of Representative John Lewis.

''(f) STRUCTURE.—

''(1) WORK PLAN.—To carry out the purposes described in subsection (b)—

''(A) each fellow selected pursuant to subsection (d) shall arrange an internship or research placement—

''(i) with a nongovernmental organization, academic institution, or other organization approved by the Bureau; and

''(ii) in a country with an operational Fulbright U.S. Student Program; and

''(B) the Bureau shall, for each fellow, approve a work plan that identifies the target objectives for the fellow, including specific duties and responsibilities relating to those objectives.

''(2) CONFERENCES; PRESENTATIONS.—Each fellow shall—

''(A) attend a fellowship orientation organized and administered by the Bureau under subsection (e);

''(B) not later than the date that is 1 year after the end of the fellowship period, attend a fellowship summit organized and administered by the Bureau, which—

''(i) whenever feasible, shall be held in Atlanta, Georgia, or another location of importance to the civil rights movement in the United States; and

''(ii) may coincide with other events facilitated by the Bureau; and

''(C) at such summit, give a presentation on lessons learned during the period of fellowship.

''(3) FELLOWSHIP PERIOD.—Each fellowship under this section shall continue for a period determined by the Bureau, which, whenever feasible, shall be not fewer than 10 months.

''(g) FELLOWSHIP AWARD.—The Bureau shall provide each fellow under this section with an allowance that is equal to the amount needed for—

''(1) the reasonable costs of the fellow during the fellowship period; and

''(2) travel and lodging expenses related to attending the orientation and summit required under subsection (e)(2).

''(h) ANNUAL REPORT.—Not later than 1 year after the date of the completion of the Fellowship Program by the initial cohort of fellows selected under subsection (d), and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of the Fellowship Program, including—

''(1) a description of the demographics of the cohort of fellows who completed a fellowship during the preceding 1-year period;

''(2) a description of internship and research placements, and research projects selected by such cohort, under the Fellowship Program, including feedback from—

''(A) such cohort on implementation of the Fellowship Program; and

''(B) the Secretary on lessons learned; and

''(3) an analysis of trends relating to the diversity of each cohort of fellows and the topics of projects completed since the establishment of the Fellowship Program.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(10) the John Lewis Civil Rights Fellowship Program established under section 115, which provides funding for international internships and research placements for early- to mid-career individuals from the United States to study nonviolent civil rights movements in self-arranged placements with universities or nongovernmental organizations in foreign countries.''.

SA 349. Mr. HICKENLOOPER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1509.

SA 350. Mr. CORNYN (for himself, Mr. WHITEHOUSE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following

SEC. _____. TREATMENT OF EXEMPTIONS UNDER FARA.

(a) DEFINITION.—Section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611) is amended by adding at the end the following:

''(q) The term 'country of concern' means—

''(1) the People's Republic of China;

''(2) the Russian Federation;

''(3) the Islamic Republic of Iran;

''(4) the Democratic People's Republic of Korea;

''(5) the Republic of Cuba; and

''(6) the Syrian Arab Republic.''.

(b) EXEMPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting '', except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is a country of concern'' before the colon.

(c) SUNSET.—The amendments made by subsections (a) and (b) shall terminate on October 1, 2025.

SA 351. Ms. STABENOW (for herself and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 31_____. DEPARTMENT OF ENERGY STUDY ON ESTABLISHING NATIONAL STRATEGIC PROPANE RESERVE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Administrator of the Energy Information Administration, shall complete a study to determine the feasibility and effectiveness of establishing a national strategic propane reserve, separate from the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.).

(2) ELEMENTS.—The study under paragraph (1) shall include—

(A) an assessment of the current state of the propane supply chain in the United States to meet current and forecasted consumer demands;

(B) an assessment of the risks of regional propane supply disruptions, including—

(i) past causes of disruptions;

(ii) possible causes of disruptions in the future; and

(iii) whether disruptions justify the establishment of a national strategic propane reserve;

(C) an evaluation of—

(i) appropriate and most suitable locations for a strategic propane reserve;

(ii) the quantity of propane storage that would be appropriate at each such location; and

(iii) the suitability of existing infrastructure to facilitate transportation and delivery of propane from a strategic propane reserve during a drawdown;

(D) an evaluation of the additional infrastructure needed for a strategic propane reserve to function properly;

(E) consideration of the means by which a strategic propane reserve would prevent and manage degradation of the propane in storage;

(F) an evaluation of appropriate triggers (including price and supply) for making available propane from a strategic reserve;

(G) an evaluation of the appropriate manner of acquiring propane and propane storage for a strategic reserve, while minimizing market implications, including an assessment of—

(i) unutilized and under-utilized storage; and

(ii) new storage opportunities;

(H) an evaluation of the appropriate transactions (including direct sales, exchanges, or other options) for delivering propane in a strategic reserve to the market when a release is triggered;

(I) an evaluation of likely consumers (including individuals, agricultural producers, and the Armed Forces) of propane from a strategic reserve, including—

(i) identification and categorization of those consumers;

(ii) a State-by-State breakdown of propane usage by those consumers; and

(iii) an evaluation of the expected impacts of a strategic propane reserve on those categories of consumers and States;

(J) an evaluation of the market implications of establishing and administering a strategic propane reserve, including an assessment of potential price and supply effects; and

(K) identification, preliminary assessment, and evaluation of alternatives to a strategic propane reserve that could provide supply and price relief during regional propane supply disruptions.

(3) RECOMMENDATIONS.—In conducting the study under this subsection, the Secretary of Energy shall develop recommendations with respect to each element of the study described in paragraph (2) regarding—

(A) whether a national strategic propane reserve should be established; and

(B) if such a reserve should be established, the most practicable method of establishment.

(b) PLAN.—Not later than 180 days after the date of completion of the study under subsection (a), the Secretary of Energy shall develop a plan for implementing the recommendations developed under paragraph (3) of that subsection.

(c) INDUSTRY COORDINATION.—In conducting the study under subsection (a) and developing the plan under subsection (b), the Secretary of Energy is encouraged to coordinate with entities in the propane industry, including representatives from the entire propane supply chain.

(d) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

(1) the study completed under subsection (a); and

(2) the plan developed under subsection (b).

(e) PROTECTION OF NATIONAL SECURITY INFORMATION.—Before submitting the report under subsection (d), or otherwise publishing the study completed under subsection (a) or the plan developed under subsection (b), the Secretary of Energy shall adopt such procedures with respect to confidentiality (including procedures for redaction of information) as the Secretary determines to be necessary to ensure the protection of classified information relating to specific vulnerabilities to United States energy security or reliability.

SA 352. Mr. WHITEHOUSE (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. COORDINATOR FOR COMBATING FOREIGN KLEPTOCRACY AND CORRUPTION.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) coordinate, without assuming operational authority, the United States Government efforts to identify and seize assets that are the proceeds of corruption pertaining to China, Iran, North Korea, Russia, or any other country of concern and identifying the national security implications of strategic corruption in such countries.''.

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) COORDINATOR FOR COMBATING FOREIGN KLEPTOCRACY AND CORRUPTION.—

''(1) IN GENERAL.—The President shall designate an employee of the National Security Council to be responsible for—

''(A) the coordination of the interagency process for identifying and seizing assets that are the proceeds of corruption pertaining to China, Iran, North Korea, Russia, or any other country of concern; and

''(B) identifying the national security implications of strategic corruption in such countries.

''(2) RESPONSIBILITIES.—In addition to coordination and identification described in paragraph (1), the employee designated pursuant to paragraph (1) shall be responsible for the following:

''(A) Coordinating and deconflicting anti-corruption and counter-kleptocracy initiatives across the Federal Government, including those at the Department of State, the Department of Justice, and the United States Agency for International Development.

''(B) Informing deliberations of the Council by highlighting the wide-ranging and destabilizing effects of corruption on a variety of issues, including drug trafficking, arms trafficking, sanctions evasion, cybercrime, voting rights and global democracy initiatives, and other matters of concern to the Council.

''(3) COORDINATION WITH COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—The employee designated under paragraph (1) of this subsection shall coordinate with the employee designated under subsection (g)(1).

''(4) LIAISON.—The employee designated under paragraph (1) shall serve as a liaison, for purposes of coordination described in such paragraph and paragraph (2)(A), with the following:

''(A) The Department of the Treasury.

''(B) The Department of Justice.

''(C) The Department of Defense.

''(D) The intelligence community.

''(E) The Department of State.

''(F) The United States Agency for International Development.

''(G) Good government transparency groups in civil society.''.

SA 353. Mr. WHITEHOUSE (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. AMENDMENT TO DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) in paragraph (13), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(15) the identification or location of any person that—

''(A) knowingly, directly or indirectly, imports, exports, or reexports to, into, or from any country any good, service, or technology controlled for export by the United States because of the use of such good, service, or technology in contravention of a sanction imposed by the United States or the United Nations; or

''(B) knowingly, directly or indirectly, provides training, advice, or other services or assistance, or engages in significant financial transactions, relating to any such good, service, or technology in contravention of such sanction.''.

SA 354. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 28___. AUTHORITY FOR MANAGEMENT OF CERTAIN RECREATIONAL RESOURCES IN CALIFORNIA THROUGH COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—Section 2684 of title 10, United States Code, is amended—

(1) in the section header, by inserting ''**and recreational**'' after ''**cultural**'';

(2) in subsection (a)—

(A) in the first sentence—

(i) by inserting ''or recreational resources'' after ''cultural resources''; and

(ii) by striking ''the cultural resources'' and inserting ''those resources''; and

(B) in the second sentence, by inserting '', if any funds are required'' before the period at the end;

(3) in subsection (b)—

(A) in the subsection header, by striking ''CULTURAL RESOURCES''; and

(B) by striking ''cultural''; and

(4) in subsection (d)—

(A) by amending the subsection header to read as follows: ''DEFINITIONS.—'';

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and moving those subparagraphs, as so redesignated, two ems to the right;

(C) by striking ''In this section, the term'' and inserting ''In this section:

''(1) The term''; and

(D) by adding at the end the following new paragraph:

''(2) The term 'recreational resource' means a site that is included in the state seashore of California, as described in section 5001.6 of the Public Resources Code of California, or successor similar provision, and will be operated as a park unit in the California State Park system by the California Department of Parks and Recreation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2684 and inserting the following new item:

''2684. Cooperative agreements for management of cultural and recreational resources.''.

SA 355. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REQUIREMENT FOR MEANINGFUL HUMAN CONTROL TO LAUNCH NUCLEAR WEAPONS.

The Secretary of Defense shall ensure that meaningful human control is required to launch any nuclear weapon.

SA 356. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REFERENCE TO AMERICA'S COLD WAR CENTER.

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

(1) The BAFB Cold War Museum, Inc., a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, is responsible for the finances and management of the National Cold War Museum at Blytheville/Eaker Air Force Base in Blytheville, Arkansas.

(2) The National Cold War Center, located on the Blytheville/Eaker Air Force Base, will be recognized as a major tourist attraction in Arkansas that will provide an immersive and authoritative experience in informing, interpreting, and honoring the legacy of the Cold War.

(3) The Blytheville/Eaker Air Force Base has the only intact, publicly accessible Alert Facility and Weapons Storage Facility in the United States.

(4) There is an urgent need to preserve the stories, artifacts, and heroic achievements of the Cold War.

(5) The United States has a need to preserve forever the knowledge and history of the United States' achievements in the Cold War century and to portray that history to citizens, visitors, and school children for centuries to come.

(6) The National Cold War Center seeks to educate a diverse group of audiences through its collection of artifacts, photographs, and firsthand personal accounts of the participants in the war on the home front.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize references to the museum located at Blytheville/Eaker Air Force Base in Blytheville, Arkansas, including its future and expanded exhibits, collections, and educational programs, as the ''National Cold War Center'';

(2) to ensure the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the Center;

(3) to enhance the knowledge of the American people of the experience of the United States during the Cold War years;

(4) to provide and support a facility for the public display of the artifacts, photographs, and personal histories of the Cold War years; and

(5) to ensure that all future generations understand the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(a) REFERENCE.—The museum located at Blytheville/Eaker Air Force Base in Blytheville, Arkansas, is hereby authorized to be referred to as the ''National Cold War Center''.

SA 357. Mr. LEE (for himself and Mr. PADILLA) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. PROTECTION AND LEGAL PREPAREDNESS FOR SERVICEMEMBERS ABROAD.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall seek to ensure that members of the Armed Forces stationed in each foreign country with which the United States maintains a Status of Forces Agreement are afforded, at a minimum:

(1) the right to legal counsel for his or her defense, in accordance with the Status of Forces Agreement or other binding law or agreement with another country;

(2) access to competent language translation services;

(3) a prompt and speedy trial;

(4) the right to be confronted with the witnesses against him or her; and

(5) a compulsory process for obtaining witnesses in his or her favor if they are within the foreign country's jurisdiction.

(b) REVIEW REQUIRED.—Not later than December 31, 2024, the Secretary of Defense, in collaboration with the Secretary of State, shall—

(1) review the 10 largest foreign countries by United States Armed Forces presence and evaluate local legal systems, protections afforded by bilateral agreements between the United States and countries being evaluated, and how the rights and privileges afforded under such agreements may differ from United States law; and

(2) brief the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate on the findings of the review.

(c) TRAINING REQUIRED.—The Secretary of Defense shall review and improve as necessary training and educational materials for members of the Armed Forces, their spouses, and dependents, as appropriate, who are stationed in a country reviewed pursuant to subsection (b)(1) regarding relevant foreign laws, how such foreign laws may differ from the laws of the United States, and the rights of accused in common scenarios under such foreign laws.

(d) TRANSLATION STANDARDS AND READINESS.—The Secretary of Defense, in coordination with the Secretary of State, shall review foreign language standards for servicemembers and employees of the Department of Defense and Department of State who are responsible for providing foreign language translation services in situations involving foreign law enforcement where a servicemember may be being detained, to ensure such persons maintain an appropriate proficiency in the legal terminology and meaning of essential terms in a relevant language.

SA 358. Mr. DURBIN (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Keep STEM Talent Act of 2023

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''''Keep STEM Talent Act of 2023'' ''.

SEC. 1092. VISA REQUIREMENTS.

(a) GRADUATE DEGREE VISA REQUIREMENTS.—To be approved for or maintain nonimmigrant status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)), a student seeking to pursue an advanced degree in a STEM field (as defined in section 201(b)(1)(F)(ii) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)(F)(ii))) (as amended by section 1093(a)) for a degree at the master's level or higher at a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) must apply for admission prior to beginning such advanced degree program.

(b) STRENGTHENED VETTING PROCESS.—The Secretary of Homeland Security and the Secretary of State shall establish procedures to ensure that aliens described in subsection (a) are admissible pursuant to section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)). Such procedures shall ensure that such aliens seeking admission from within the United States undergo verification of academic credentials, comprehensive background checks, and interviews in a manner equivalent to that of an alien seeking admission from outside of the United States. To the greatest extent practicable, the Secretary of Homeland Security and the Secretary of State shall also take steps to ensure that such applications for admission are processed in a timely manner to allow the pursuit of graduate education.

(c) REPORTING REQUIREMENT.—The Secretary of Homeland Security and the Secretary of State shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives detailing the implementation and effectiveness of the requirement for foreign graduate students pursuing advanced degrees in STEM fields to seek admission prior to pursuing a graduate degree program. The report shall include data on visa application volumes, processing times, security outcomes, and economic impacts.

SEC. 1093. LAWFUL PERMANENT RESIDENT STATUS FOR CERTAIN ADVANCED STEM DEGREE HOLDERS.

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F)(i) Aliens who—

''(I) have earned a degree in a STEM field at the master's level or higher while physically present in the United States from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) accredited by an accrediting entity recognized by the Department of Education;

''(II) have an offer of employment from, or are employed by, a United States employer to perform work that is directly related to such degree at a rate of pay that is higher than the median wage level for the occupational classification in the area of employment, as determined by the Secretary of Labor; and

''(III) have an approved labor certification under section 212(a)(5)(A)(i); or

''(IV) are the spouses and children of aliens described in subclauses (I) through (III) who are accompanying or following to join such aliens.

''(ii) In this subparagraph, the term 'STEM field' means a field of science, technology, engineering, or mathematics described in the most recent version of the Classification of Instructional Programs of the Department of Education taxonomy under the summary group of—

''(I) computer and information sciences and support services;

''(II) engineering;

''(III) mathematics and statistics;

''(IV) biological and biomedical sciences;

''(V) physical sciences;

''(VI) agriculture sciences; or

''(VII) natural resources and conservation sciences.''.

(b) PROCEDURE FOR GRANTING IMMIGRATION STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking ''203(b)(2)'' and all that follows through ''Attorney General''; and

(2) by inserting ''203(b)(2), 203(b)(3), or 201(b)(1)(F) may file a petition with the Secretary of Homeland Security''.

(c) LABOR CERTIFICATION.—Section 212(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(D)) is amended by inserting ''section 201(b)(1)(F) or under'' after ''adjustment of status under''.

(d) DUAL INTENT FOR F NONIMMIGRANTS SEEKING ADVANCED STEM DEGREES AT UNITED STATES INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding sections 101(a)(15)(F)(i) and 214(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i) and1184(b)), an alien who is a bona fide student admitted to a program in a STEM field (as defined in subparagraph (F)(ii) of section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1))) for a degree at the master's level or higher at a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) accredited by an accrediting entity recognized by the Department of Education may obtain a student visa, be admitted to the United States as a nonimmigrant student, or extend or change nonimmigrant status to pursue such degree even if such alien seeks lawful permanent resident status in the United States. Nothing in this subsection may be construed to modify or amend section 101(a)(15)(F)(i) or 214(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i) or 1184(b)), or any regulation interpreting these authorities for an alien who is not described in this subsection.

SA 359. Mr. DURBIN (for himself and Ms. DUCKWORTH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF C–40 AIRCRAFT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2024 for the Air Force may be obligated to retire, prepare to retire, or place in storage or on backup aircraft inventory status any C–40 aircraft.

(b) EXCEPTION.—

(1) IN GENERAL.—The limitation under subsection (a) shall not apply to an individual C–40 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a Class A mishap.

(2) CERTIFICATION REQUIRED.—If the Secretary determines under paragraph (1) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a certification that the status of such aircraft is due to a Class A mishap and not due to lack of maintenance or repairs or other reasons.

SA 360. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1299K and insert the following:

SEC. 1299K. MODIFICATION OF FOREIGN MILITARY SALES PROCESSING.

(a) DEADLINES.—

(1) RESPONSES.—

(A) LETTERS OF REQUEST FOR PRICING AND AVAILABILITY.—The Secretary of Defense shall ensure that an eligible foreign purchaser that has submitted a letter of request for pricing and availability data receives a response to the letter not later than 45 days after the date on which the letter is received by a United States security cooperation organization, the Defense Security Cooperation Agency, or other implementing agency.

(B) LETTERS OF REQUEST FOR LETTERS OF OFFER AND ACCEPTANCE.—The Secretary of Defense and the Secretary of State shall ensure that an eligible foreign purchaser that has submitted a letter of request for a letter of offer and acceptance receives a response—

(i) in the case of a letter of request for a blanket-order letter of offer and acceptance, cooperative logistics supply support arrangements, or associated amendments and modifications, not later than 45 days after the date on which the letter of request is received by a United States security cooperation organization, the Defense Security Cooperation Agency, or other implementing agency;

(ii) in the case of a letter of request for a defined-order letter of offer and acceptance or associated amendments and modifications, not later than 100 days after such date; and

(iii) in the case of a letter of request for a defined-order letter of offer and acceptance or associated amendments that involve extenuating factors, as approved by the Director of the Defense Security Cooperation Agency, not later than 150 days after such date.

(C) WAIVER.—The Secretary of Defense may waive subparagraphs (A) and (B) if—

(i) such a waiver is in the national security interests of the United States; and

(ii) not later than 5 days after exercising such waiver authority, the Secretary provides to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives notice of the exercise of such authority, including an explanation of the one or more reasons for failing to meet the applicable deadline.

(2) EXPANSION OF COUNTRY PRIORITIZATION.—With respect to foreign military sales to member countries of the North Atlantic Treaty Organization, major non-NATO allies, major defense partners, and major security partners, the Secretary of Defense may assign a Defense Priorities and Allocations System order rating of DX (within the meaning of section 700.11 of title 15, Code of Federal Regulations (as in effect on the date of the enactment of this Act)).

(3) DEFINITIONS.—In this subsection:

(A) BLANKET-ORDER LETTER OF OFFER AND ACCEPTANCE.—The term ''blanket-order letter of offer and acceptance'' means an agreement between an eligible foreign purchaser and the United States Government for a specific category of items or services (including training) that—

(i) does not include a definitive listing of items or quantities; and

(ii) specifies a maximum dollar amount against which orders for defense articles and services may be placed.

(B) COOPERATIVE LOGISTICS SUPPLY SUPPORT ARRANGEMENT.—The term ''cooperative logistics supply support arrangement'' means a military logistics support arrangement designed to provide responsive and continuous supply support at the depot level for United States-made military materiel possessed by foreign countries or international organizations.

(C) DEFINED-ORDER LETTER OF OFFER AND ACCEPTANCE.—The term ''defined-order letter of offer and acceptance'' means a foreign military sales case characterized by an order for a specific defense article or service that is separately identified as a line item on a letter of offer and acceptance.

(D) IMPLEMENTING AGENCY.—The term ''implementing agency'' means the military department or defense agency assigned, by the Director of the Defense Security Cooperation Agency, the responsibilities of—

(i) preparing a letter of offer and acceptance;

(ii) implementing a foreign military sales case; and

(iii) carrying out the overall management of the activities that—

(I) will result in the delivery of the defense articles or services set forth in the letter of offer and acceptance; and

(II) was accepted by an eligible foreign purchaser.

(E) LETTER OF REQUEST.—The term ''letter of request''—

(i) means a written document—

(I) submitted to a United States security cooperation organization, the Defense Security Cooperation Agency, or an implementing agency by an eligible foreign purchaser for the purpose of requesting to purchase or otherwise obtain a United States defense article or defense service through the foreign military sales process; and

(II) that contains all relevant information in such form as may be required by the Secretary of Defense; and

(ii) includes—

(I) a formal letter;

(II) an e-mail;

(III) signed meeting minutes from a recognized official of the government of an eligible foreign purchaser; and

(IV) any other form of written document, as determined by the Secretary of Defense or the Director of the Defense Security Cooperation Agency.

(F) MAJOR DEFENSE PARTNER.—The term ''major defense partner'' means—

(i) India; and

(ii) any other country, as designated by the Secretary of Defense.

(G) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally''—

(i) has the meaning given the term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)); and

(ii) includes Taiwan, as required by section 1206 of the Security Assistance Act of 2002 (Public Law 107–228; 22U.S.C. 2321k note).

(H) MAJOR SECURITY PARTNER.—The term ''major security partner'' means—

(i) the United Arab Emirates;

(ii) Bahrain;

(iii) Saudi Arabia; and

(iv) any other country, as designated by the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence.

(b) LIMITATION ON PERIOD OF DEPARTMENT OF STATE CONSULTATION WITH RESPECT TO PROPOSED FOREIGN MILITARY SALES TO CERTAIN COUNTRIES.—

(1) IN GENERAL.—Any period of consultation between the Secretary of State and Congress with respect to a proposed foreign military sale to Israel, Japan, the Republic of Korea, New Zealand, Australia, or an eligible foreign purchaser that is a member of the North Atlantic Treaty Organization may not be longer than 10 days.

(2) NOTIFICATION.—In the case of a proposed foreign military sale described in paragraph (1) for which the 10-day period under that paragraph has elapsed without objection from the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, such sale shall be considered approved for formal notification under section 36(c)(2) of the Arms Export Control Act (22 U.S.C. 2776(c)(2)).

(c) LIMITATIONS ON PRICE MODIFICATIONS FOR SALE OF DEFENSE ARTICLES OR SERVICES.—

(1) IN GENERAL.—With respect to the dollar amount of an offer to sell or the sale of United States defense articles or services developed by a military department and the Defense Security Cooperation Agency for purposes of the foreign military sales process documented in a letter of offer to an eligible foreign purchaser and submitted to the Secretary of State for review, the Secretary of Defense may subsequently direct an increase of—

(A) not more than 20 percent of such dollar amount to account for supply chain disruptions, including the unavailability of materials and inflation; and

(B) not less than 20 percent of such dollar amount, subject to review by the Foreign Military Sales Cost Review Board.

(2) FOREIGN MILITARY SALES COST REVIEW BOARD.—

(A) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a board, to be known as the ''Foreign Military Sales Cost Review Board'' (in this paragraph referred to as the ''Board'')—

(i) to review requests by the Director of the Defense Security Cooperation Agency for an increase in the dollar amount described in paragraph (1) that is more than 20 percent of the dollar amount documented in a letter of offer and acceptance to an eligible foreign purchaser and submitted to the Secretary of State for review; and

(ii) to make recommendations to the Secretary of Defense as to whether such an increase in such dollar amount should be directed, and if so, the recommended amount of such increase to be implemented.

(B) CONSULTATION.—The Board shall conduct reviews under subparagraph (A)(i) in consultation with the eligible foreign purchaser concerned.

(3) JUSTIFICATION FOR PRICE INCREASE.—In the case of an increase in the dollar amount described in paragraph (1), the Secretary of Defense shall provide to the eligible foreign purchaser and the primary defense industry provider concerned documentation justifying such increase.

(4) REPORT.—Beginning on December 15, 2025, and annually thereafter, the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Policy shall submit a report, and provide a briefing, to the Committees on Armed Services of the Senate and the House of Representatives on each request for a dollar amount increase reviewed by the Board during the fiscal year ending on September 30 of the applicable year.

(d) CLARIFICATION WITH RESPECT TO SPECIAL DEFENSE ACQUISITION FUND.—Section 51 of the Arms Export Control Act (22 U.S.C. 2795) is amended by adding at the end the following new subsection:

''(d) Decisions with respect to the use of a portion of the Fund for the acquisition of defense articles and defense services in anticipation of their transfer pursuant to this Act, the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or as otherwise authorized by law, to eligible foreign countries and international organizations shall be made independently of acquisition decisions relating to the requirements of the United States Armed Forces.''.

(e) EXPEDITED DELIVERIES TO PRIORITY FOREIGN PURCHASERS.—

(1) ACQUISITION STRATEGIES.—

(A) IN GENERAL.—With respect to a foreign country or capability identified by the Secretary of Defense as a regional or country-level foreign defense capability-building priority, the Secretary shall establish a requirement that, in developing letters of offer and acceptance, the acquisition program office of each military department shall develop, at program inception—

(i) an acquisition strategy that documents the standard acquisition path; and

(ii) an acquisition strategy that documents the fastest acquisition path.

(B) ASSOCIATED RISK.—In developing each acquisition strategy required by clauses (i) and (ii) of subparagraph (A), the acquisition program office of the military department concerned shall—

(i) measure, and justify with respect to the urgency of delivering a capability in full or in phases, the associated risk, risk mitigation, and risk cost; and

(ii) provide, in coordination with the appropriate regional directorate of the Office of the Under Secretary of Defense for Policy and the Director of the Defense Security Cooperation Agency, to the acquisition leadership of such military department a briefing on the results of the measurements under clause (i).

(C) DECISION.—Not later than 30 days after the date of a briefing under subparagraph (B)(ii), the acquisition leadership of the military department concerned shall issue a decision with respect to the acquisition strategy selected.

(2) INPUT FROM ELIGIBLE FOREIGN PURCHASER.—

(A) IN GENERAL.—The Secretary of Defense shall ensure that, in the development of acquisition strategies for priority countries and capabilities under paragraph (1), the foreign purchaser is provided an opportunity to provide input with respect to risk tolerance.

(B) INFORMATION SHARING.—In carrying out subparagraph (A), the Secretary of Defense shall ensure that a foreign purchaser is briefed on risks identified, alternate approaches that may be taken, and the schedule, cost, and capability tradeoffs associated with such alternate approaches.

(C) INCLUSION IN BRIEFING.—Foreign purchaser input gathered under this paragraph shall be included in the briefing required by paragraph (1)(B)(ii) and appropriately weighted in making final a decision with respect to the appropriate acquisition approach.

(3) AGREEMENTS WITH MANUFACTURERS.—

(A) IN GENERAL.—The Secretary of Defense shall allow United States companies to enter into agreements with manufacturers to begin the process of acquiring long-lead Government-furnished equipment on forecast.

(B) HIGH-DEMAND SYSTEMS.—United States companies that produce high-demand systems shall purchase certain sensitive and closely controlled items, such as communications security devices, military grade

GPS, and anti-spoofing devices, as Government-furnished equipment.

(C) DEPARTMENT OF DEFENSE POLICY.—

(i) IN GENERAL.—The Secretary of Defense shall implement policies, and ensure that the head of each military department implements policies, that allow United States companies to enter into agreements with manufacturers of Government-furnished equipment so that production on long-lead Government-furnished equipment may begin before the execution of a signed commercial contract or the issuance of a letter of offer and acceptance.

(ii) ELEMENTS.—The policies required by clause (i) shall require that—

(I) United States companies shall—

(aa) before entering into an agreement under this paragraph, obtain the concurrence or approval of the head of the military department concerned to do so; and

(bb) be responsible for—

(AA) negotiating directly with the manufacturer of Government-furnished equipment; and

(BB) providing any payment to such manufacturer; and

(II) transfer of Government-furnished equipment from such manufacturer to the purchasing company shall not occur until the date on which a letter of offer and acceptance or commercial contract is produced.

(D) RECOVERY OF COSTS FOR CERTAIN SALES.—In the case of defense sales, purchasing companies may recoup costs associated with ordering the Government-furnished equipment described in the applicable letter of offer and acceptance.

(f) MODIFICATIONS TO REPORTING AND NOTIFICATION REQUIREMENTS FOR FOREIGN MILITARY SALES.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in subsection (a)—

(A) in paragraph (11)(D), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (12) the following new paragraph:

''(13) with respect to each letter of offer listed under paragraph (1), the date on which the corresponding letter of request for a letter of offer and acceptance was submitted.'';

(2) in subsection (b), by adding at the end the following new paragraph:

''(7) In addition to the other information required to be contained in a certification submitted to Congress under this subsection, each such certification shall include the date on which the corresponding letter of request for a letter of offer and acceptance was submitted.''; and

(3) in subsection (c), by adding at the end the following new paragraph:

''(7) In addition to the other information required to be contained in a certification submitted to Congress under this subsection, each such certification shall include the date on which the corresponding letter of request for a letter of offer and acceptance was submitted.''.

SA 361. Mr. CORNYN (for himself and Mr. PADILLA) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EISENHOWER EXCHANGE FELLOWSHIP USE OF INCOME.

Section 6 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5205) is amended by adding at the end the following:

''(e) STRATEGY TO INCREASE LATIN AMERICAN PARTICIPATION.—In order to increase the impact of the Eisenhower Exchange Fellowships program in developing societal leaders in Latin America, the Department of State shall, not later than 180 days after the date of enactment of this subsection, publish a strategy for increasing the number of applications received from Latin American countries and the number of fellowships awarded to applicants from Latin America.''.

SA 362. Ms. ROSEN (for herself and Mrs. CAPITO) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CENTRALIZED WEBSITE FOR BUSINESS PERMIT AND LICENSING REQUIREMENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Director'' means the Director of the Office of Entrepreneurship Education of the Small Business Administration; and

(2) the term ''small business concern'' has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) WEBSITE.—Not later than 1 year after the date of enactment of this Act, the Director shall establish, and thereafter the Director shall maintain, a publicly available website that provides information regarding Federal, State, and local business permitting and licensing requirements with respect to the operation of a small business concern, which shall be organized based on the location and type of small business concern.

SA 363. Mr. TESTER (for himself, Mr. GRASSLEY, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. DEPARTMENT OF AGRICULTURE OFFICE OF THE SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.

(a) IN GENERAL.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 216 (7 U.S.C. 6916) the following:

''SEC. 217. OFFICE OF THE SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.

''(a) ESTABLISHMENT.—There is established in the Department an office, to be known as the 'Office of the Special Investigator for Competition Matters' (referred to in this section as the 'Office').

''(b) SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.—The Office shall be headed by the Special Investigator for Competition Matters (referred to in this section as the 'Special Investigator'), who shall be a senior career employee appointed by the Secretary.

''(c) DUTIES.—The Special Investigator shall—

''(1) use all available tools, including subpoenas, to investigate and prosecute violations of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), by packers and live poultry dealers with respect to competition and trade practices in the food and agriculture sector;

''(2) serve as a Department liaison to, and act in consultation with, the Department of Justice and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector;

''(3) act in consultation with the Department of Homeland Security with respect to national security and critical infrastructure security in the food and agricultural sector;

''(4) maintain a staff of attorneys and other professionals with appropriate expertise; and

''(5) in carrying out paragraphs (1) through (4), coordinate with the Office of the General Counsel and the Packers and Stockyards Division of the Agricultural Marketing Service.

''(d) PROSECUTORIAL AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding title 28, United States Code, the Special Investigator shall have the authority to bring any civil or administrative action authorized under the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), against a packer or a live poultry dealer.

''(2) NOTIFICATION.—With respect to any action brought under this section in Federal district court, the Special Investigator shall notify the Attorney General.

''(3) EFFECT.—Nothing in this section alters the authority of the Secretary to issue a subpoena pursuant to the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

''(e) LIMITATION ON SCOPE.—The Special Investigator may not bring an action under this section with respect to an entity that is not regulated under the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).''.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by adding at the end the following:

''(11) The authority of the Secretary to carry out section 217.''.

(c) TECHNICAL AMENDMENT.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by redesignating the first section 225 (relating to Food Access Liaison) (7 U.S.C. 6925) as section 224A.

SA 364. Mr. MANCHIN (for himself, Mr. BLUMENTHAL, Mr. ROUNDS, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1240A. EXPANSION OF FORFEITED PROPERTY AVAILABLE TO REMEDIATE HARMS TO UKRAINE FROM RUSSIAN AGGRESSION.

(a) IN GENERAL.—Subsection (c) of section 1708 of the Additional Ukraine Supplemental Appropriations Act, 2023 (division M of Public Law 117–328) is amended—

(1) in paragraph (2), by striking ''which property belonged'' and all that follows and inserting the following: ''which property—

''(A) belonged to, was possessed by, or was controlled by a person subject to sanctions imposed by the United States with respect to the Russian Federation under any provision of law;

''(B) was involved in an act in violation of—

''(i) any sanction described in subparagraph (A); or

''(ii) any restriction on the export, reexport, or in-country transfer of items imposed by the United States under the Export Administration Regulations, or any restriction on the export, reexport, or retransfer of defense articles under the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations, with respect to—

''(I) the Russian Federation, Belarus, the Crimea, or the so-called Donetsk and Luhansk People's Republic regions of Ukraine;

''(II) any person in any such country or region on a restricted parties list; or

''(III) any person located in any other country that has been added to a restricted parties list in connection with the malign conduct of the Russian Federation in Ukraine, including the annexation of the Crimea region of Ukraine in March 2014 and the invasion beginning in February 2022 of Ukraine, as substantially enabled by Belarus; or

''(C) was involved in any related conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, the Russian Federation, Belarus, or the Crimea, or the so-called Donetsk and Luhansk People's Republic regions of Ukraine.''; and

(2) by adding at the end the following:

''(3) The term 'Export Administration Regulations' has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

''(4) The term 'restricted parties list' means any of the following lists maintained by the Bureau of Industry and Security:

''(A) The Entity List set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

''(B) The Denied Persons List maintained pursuant to section 764.3(a)(2) of the Export Administration Regulations.

''(C) The Unverified List set forth in Supplement No. 6 to part 744 of the Export Administration Regulations.''.

(b) SEMIANNUAL REPORTS.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, and every 180 days thereafter, the Attorney General, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit to the appropriate congressional committees a report on—

''(1) transfers made under subsection (a) during the 180 days preceding submission of the report; and

''(2) progress made in remediating the harms of Russian aggression towards Ukraine as a result of such transfers.''.

(c) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit to the appropriate congressional committees a plan for using the authority provided by section 1708 of the Additional Ukraine Supplemental Appropriations Act, 2023, as amended by this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' has the meaning given that term by section 1708 of the Additional Ukraine Supplemental Appropriations Act, 2023, as amended by this section.

SA 365. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 12___. MILLENNIUM CHALLENGE CORPORATION.

(a) SHORT TITLE.—This section may be cited as the ''Millennium Challenge Corporation Candidate Country Reform Act''.

(b) MODIFICATIONS OF REQUIREMENTS TO BECOME A CANDIDATE COUNTRY.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended to read as follows:

''SEC. 606. CANDIDATE COUNTRIES.

''(a) IN GENERAL.—A country shall be a candidate country for purposes of eligibility to receive assistance under section 605 if—

''(1) the per capita income of the country in a fiscal year is equal to or less than the World Bank threshold for initiating the International Bank for Reconstruction and Development graduation process for the fiscal year; and

''(2) subject to subsection (b), the country is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) by reason of the application of any provision of the Foreign Assistance Act of 1961 or any other provision of law.

''(b) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible, pursuant to subsection (a)(2), to receive assistance under section 605, the exercise by the President, the Secretary of State, or any other officer or employee of the United States Government of any waiver or suspension of any provision of law referred to in subsection (a)(2), and notification to the appropriate congressional committees in accordance with such provision of law, shall be construed as satisfying the requirements under subsection (a).

''(c) DETERMINATION BY THE BOARD.—The Board shall determine whether a country is a candidate country for purposes of this section.''.

(c) CONFORMING AMENDMENTS.—

(1) AMENDMENT TO REPORT IDENTIFYING CANDIDATE COUNTRIES.—Section 608(a)(1) of the Millennium Challenge Act of 2003 (22 U.S.C. 7707(a)(1)) is amended by striking ''section 606(a)(1)(B)'' and inserting ''section 606(a)(2)''.

(2) AMENDMENT TO MILLENNIUM CHALLENGE COMPACT AUTHORITY.—Section 609(b)(2) of such Act (22 U.S.C. 7708(b)(2)) is amended—

(A) by amending the paragraph heading to read as follows: ''COUNTRY CONTRIBUTIONS''; and

(B) by striking ''with respect to a lower middle income country described in section 606(b),''.

(3) AMENDMENT TO AUTHORIZATION TO PROVIDE ASSISTANCE FOR CANDIDATE COUNTRIES.—Section 616(b)(1) of such Act (22 U.S.C. 7715(b)(1)) is amended by striking ''subsection (a) or (b) of section 606'' and inserting ''section 606(a)''.

(d) MODIFICATION TO FACTORS IN DETERMINING ELIGIBILITY.—Section 607(c)(2) of the Millennium Challenge Act of 2003 (22 U.S.C. 7706(c)(2)) is amended, in the matter preceding subparagraph (A), by striking ''consider'' and inserting ''prioritize need and impact by considering''.

SA 366. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. OUTREACH TO VETERANS ABOUT AVAILABILITY OF HEALTH CARE SERVICES.

(a) TRANSITIONAL SERVICES UPON SEPARATION FROM ARMED FORCES.—Section 1144(f)(1)(B)(i) of title 10, United States Code, is amended by inserting '', including how to enroll in the system of annual patient enrollment established and operated under section 1705 of title 38, the ability to seek care and services under sections 1703 and 1710 of such title'' before the semicolon.

(b) SOLID START PROGRAM.—Section 6320(a)(2)(A) of title 38, United States Code, is amended by inserting '', including how to enroll in the system of annual patient enrollment established and operated under section 1705 of this title and the ability to seek care and services under sections 1703 and 1710 of this title'' before the semicolon.

(c) COMPTROLLER GENERAL REPORT ON OUTREACH REGARDING ELIGIBILITY FOR COMMUNITY CARE.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall submit to Congress a report on the efforts of the Department of Veterans Affairs to ensure that veterans are informed of the conditions for eligibility for care and services under section 1703 of title 38, United States Code.

SA 367. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON PHARMACEUTICAL INGREDIENTS.

The Secretary of Health and Human Services shall seek to enter into an agreement with the RAND Corporation under which the RAND Corporation—

(1) studies—

(A) the extent to which drug manufacturers use foreign sources for precursor chemicals and active pharmaceutical ingredients for the manufacture of drugs for the United States market; and

(B) any statutory, regulatory, or other barriers to domestic production of such chemicals and ingredients; and

(2) submits a report on such study to the Secretary of Health and Human Services and Congress.

SA 368. Mr. MORAN (for himself, Mr. WARNOCK, Ms. MURKOWSKI, Mr. MERKLEY, Mr. CARPER, Mr. HICKENLOOPER, Ms. ROSEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—LOVE LIVES ON ACT OF 2023

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Love Lives On Act of 2023''.

SEC. ___2. CONTINUED ELIGIBILITY FOR SURVIVOR BENEFIT PLAN FOR CERTAIN SURVIVING SPOUSES WHO REMARRY.

Section 1450(b)(2) of title 10, United States Code, is amended—

(1) by striking ''An annuity'' and inserting the following:

''(A) IN GENERAL.—(A) Subject to subparagraph (B), an annuity''; and

(2) by adding at the end the following new subparagraph:

''(B) TREATMENT OF SURVIVORS OF MEMBERS WHO DIE ON ACTIVE DUTY.—The Secretary may not terminate payment of an annuity for a surviving spouse described in subparagraph (A) or (B) of section 1448(d)(1) solely because that surviving spouse remarries. In the case of a surviving spouse who remarried before reaching age 55 and before the date of the enactment of Love Lives On Act of 2023, the Secretary shall resume payment of the annuity to that surviving spouse—

''(i) except as provided by clause (ii), for each month that begins on or after the date that is one year after such date of enactment; or

''(ii) on January 1, 2024, in the case of a surviving spouse who elected to transfer payment of that annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on December 31, 2019.''.

SEC. ___3. ACCESS TO COMMISSARY AND EXCHANGE PRIVILEGES FOR REMARRIED SPOUSES.

(a) BENEFITS.—Section 1062 of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting the following:

''(a) CERTAIN UNREMARRIED FORMER SPOUSES.—The Secretary of Defense'';

(2) by striking ''commissary and exchange privileges'' and inserting ''use commissary stores and MWR retail facilities'';

(3) by adding at the end the following new subsection:

''(b) CERTAIN REMARRIED SURVIVING SPOUSES.—The Secretary of Defense shall prescribe such regulations as may be necessary to provide that a surviving spouse of a deceased member of the armed forces, regardless of the marital status of the surviving spouse, is entitled to use commissary stores and MWR retail facilities to the same extent and on the same basis as an unremarried surviving spouse of a member of the uniformed services.''; and

(4) by adding at the end the following new subsection:

''(c) MWR RETAIL FACILITIES DEFINED.—In this section, the term 'MWR retail facilities' has the meaning given that term in section 1063(e) of this title.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 1062 of title 10, United States Code, is amended to read as follows:

''§ 1062. Certain former spouses and surviving spouses''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 54 of title 10, United States Code, is amended by striking the item relating to section 1062 and inserting the following new item:

''1062. Certain former spouses and surviving spouses.''.

SEC. ___4. EXPANSION OF DEFINITION OF DEPENDENT UNDER TRICARE PROGRAM TO INCLUDE A REMARRIED WIDOW OR WIDOWER WHOSE SUBSEQUENT MARRIAGE HAS ENDED.

Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (H), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (I)(v), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(J) a remarried widow or widower whose subsequent marriage has ended due to death, divorce, or annulment.''.

SA 369. Mrs. HYDE–SMITH (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.

Section 484C(a) of the Higher Education Act of 1965 (20 U.S.C. 1091c(a)) is amended to read as follows:

''(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—In this section, the term 'service in the uniformed services' means service (whether voluntary or involuntary) on active duty in the Armed Forces, including such service by a member of the National Guard or Reserve on active duty, active duty for training, or National Guard duty under State order or Federal authority.''.

SA 370. Ms. SINEMA submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle H—Combating Cartels on Social Media Act of 2023

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Combating Cartels on Social Media Act of 2023''.

SEC. 1092. DEFINITIONS.

In this subtitle:

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

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

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

(2) COVERED OPERATOR.—The term ''covered operator'' means the operator, developer, or publisher of a covered service.

(3) COVERED SERVICE.—The term ''covered service'' means—

(A) a social media platform;

(B) a mobile or desktop service with direct or group messaging capabilities, but not including text messaging services without other substantial social functionalities or electronic mail services, that the Secretary determines is being or has been used by transnational criminal organizations in connection with matters described in section 1093; and

(C) a digital platform, or an electronic application utilizing the digital platform, involving real-time interactive communication between multiple individuals, including multi-player gaming services and immersive technology platforms or applications, that the Secretary determines is being or has been used by transnational criminal organizations in connection with matters described in section 1093.

(4) CRIMINAL ENTERPRISE.—The term ''criminal enterprise'' has the meaning given the term ''continuing criminal enterprise'' in section 408 of the Controlled Substances Act (21 U.S.C. 848).

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

(6) ILLICIT ACTIVITIES.—The term ''illicit activities'' means the following criminal activities that transcend national borders:

(A) A violation of section 401 of the Controlled Substances Act (21 U.S.C. 841).

(B) Narcotics trafficking, as defined in section 808 of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1907).

(C) Trafficking of weapons, as defined in section 922 of title 18, United States Code.

(D) Migrant smuggling, defined as a violation of section 274(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)(ii)).

(E) Human trafficking, defined as—

(i) a violation of section 1590, 1591, or 1592 of title 18, United States Code; or

(ii) engaging in severe forms of trafficking in persons, as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).

(F) Cyber crime, defined as a violation of section 1030 of title 18, United States Code.

(G) A violation of any provision that is subject to intellectual property enforcement, as defined in section 302 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8112).

(H) Bulk cash smuggling of currency, defined as a violation of section 5332 of title 31, United States Code.

(I) Laundering the proceeds of the criminal activities described in subparagraphs (A) through (H).

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

(8) TRANSNATIONAL CRIMINAL ORGANIZATION.—The term ''transnational criminal organization'' means groups, networks, and associated individuals who operate transnationally for the purposes of obtaining power, influence, or monetary or commercial gain, wholly or in part by certain illegal means, while advancing their activities

through a pattern of crime, corruption, or violence, and while protecting their illegal activities through a transnational organizational structure and the exploitation of public corruption or transnational logistics, financial, or communication mechanisms.

SEC. 1093. ASSESSMENT OF ILLICIT USAGE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees an assessment describing—

(1) the use of covered services by transnational criminal organizations, or criminal enterprises acting on behalf of transnational criminal organizations, to engage in recruitment efforts, including the recruitment of individuals, including individuals under the age of 18, located in the United States to engage in or provide support with respect to illicit activities occurring in the United States, Mexico, or otherwise in proximity to an international boundary of the United States;

(2) the use of covered services by transnational criminal organizations to engage in illicit activities or conduct in support of illicit activities, including—

(A) smuggling or trafficking involving narcotics, other controlled substances, precursors thereof, or other items prohibited under the laws of the United States, Mexico, or another relevant jurisdiction, including firearms;

(B) human smuggling or trafficking, including the exploitation of children; and

(C) transportation of bulk currency or monetary instruments in furtherance of smuggling activity; and

(3) the existing efforts of the Secretary and relevant government and law enforcement entities to counter, monitor, or otherwise respond to the usage of covered services described in paragraphs (1) and (2).

SEC. 1094. STRATEGY TO COMBAT CARTEL RECRUITMENT ON SOCIAL MEDIA AND ONLINE PLATFORMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a strategy, to be known as the National Strategy to Combat Illicit Recruitment Activity by Transnational Criminal Organizations on Social Media and Online Platforms, to combat the use of covered services by transnational criminal organizations, or criminal enterprises acting on behalf of transnational criminal organizations, to recruit individuals located in the United States to engage in or provide support with respect to illicit activities occurring in the United States, Mexico, or otherwise in proximity to an international boundary of the United States.

(b) ELEMENTS.—

(1) IN GENERAL.—The strategy required under subsection (a) shall, at a minimum, include the following:

(A) A proposal to improve cooperation and thereafter maintain cooperation between the Secretary and relevant law enforcement entities with respect to the matters described in subsection (a).

(B) Recommendations to implement a process for the voluntary reporting of information regarding the recruitment efforts of transnational criminal organizations in the United States involving covered services.

(C) A proposal to improve intragovernmental coordination with respect to the matters described in subsection (a), including between the Department and State, Tribal, and local governments.

(D) A proposal to improve coordination within the Department and between the components of the Department with respect to the matters described in subsection (a).

(E) Activities to facilitate increased intelligence analysis for law enforcement purposes of efforts of transnational criminal organizations to utilize covered services for recruitment to engage in or provide support with respect to illicit activities.

(F) Activities to foster international partnerships and enhance collaboration with foreign governments and, as applicable, multilateral institutions with respect to the matters described in subsection (a).

(G) Activities to specifically increase engagement and outreach with youth in border communities, including regarding the recruitment tactics of transnational criminal organizations and the consequences of participation in illicit activities.

(H) A detailed description of the measures used to ensure—

(i) law enforcement and intelligence activities focus on the recruitment activities of transitional criminal organizations not individuals the transnational criminal organizations attempt to or successfully recruit; and

(ii) the privacy rights, civil rights, and civil liberties protections in carrying out the activities described in clause (i), with a particular focus on the protections in place to protect minors and constitutionally protected activities.

(2) LIMITATION.—The strategy required under subsection (a) shall not include legislative recommendations or elements predicated on the passage of legislation that is not enacted as of the date on which the strategy is submitted under subsection (a).

(c) CONSULTATION.—In drafting and implementing the strategy required under subsection (a), the Secretary shall, at a minimum, consult and engage with—

(1) the heads of relevant components of the Department, including—

(A) the Under Secretary for Intelligence and Analysis;

(B) the Under Secretary for Strategy, Policy, and Plans;

(C) the Under Secretary for Science and Technology;

(D) the Commissioner of U.S. Customs and Border Protection;

(E) the Director of U.S. Immigration and Customs Enforcement;

(F) the Officer for Civil Rights and Civil Liberties;

(G) the Privacy Officer; and

(H) the Assistant Secretary of the Office for State and Local Law Enforcement;

(2) the Secretary of State;

(3) the Attorney General;

(4) the Secretary of Health and Human Services; and

(5) the Secretary of Education; and

(6) as selected by the Secretary or his or her designee in the Office of Public Engagement, representatives of border communities, including representatives of—

(A) State, Tribal, and local governments, including school districts and local law enforcement; and

(B) nongovernmental experts in the fields of—

(i) civil rights and civil liberties;

(ii) online privacy;

(iii) humanitarian assistance for migrants; and

(iv) youth outreach and rehabilitation.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 90 days after the date on which the strategy required under subsection (a) is submitted to the appropriate congressional committees, the Secretary shall commence implementation of the strategy.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the strategy required under subsection (a) is implemented under paragraph (1), and semiannually thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report describing the efforts of the Secretary to implement the strategy required under subsection (a) and the progress of those efforts, which shall include a description of—

(i) the recommendations, and corresponding implementation of those recommendations, with respect to the matters described in subsection (b)(1)(B);

(ii) the interagency posture with respect to the matters covered by the strategy required under subsection (a), which shall include a description of collaboration between the Secretary, other Federal entities, State, local, and Tribal entities, and foreign governments; and

(iii) the threat landscape, including new developments related to the United States recruitment efforts of transnational criminal organizations and the use by those organizations of new or emergent covered services and recruitment methods.

(B) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(3) CIVIL RIGHTS, CIVIL LIBERTIES, AND PRIVACY ASSESSMENT.—Not later than 2 years after the date on which the strategy required under subsection (a) is implemented under paragraph (1), the Office for Civil Rights and Civil Liberties and the Privacy Office of the Department shall submit to the appropriate congressional committees a joint report that includes—

(A) a detailed assessment of the measures used to ensure the protection of civil rights, civil liberties, and privacy rights in carrying out this section; and

(B) recommendations to improve the implementation of the strategy required under subsection (a).

SEC. 1095. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to expand the statutory law enforcement or regulatory authority of the Department.

SA 371. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPEAL OF WAIVER AUTHORITY FOR PROVISION OF ASSISTANCE TO THE GOVERNMENT OF AZERBAIJAN.

Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 22 U.S.C. 5812 note) is amended, in subsection (g) of the matter under the heading ''ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION'' under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE''—

(1) by striking paragraphs (2) through (6); and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(1) Section'' and inserting ''Section''; and

(B) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively.

SA 372. Mr. MENENDEZ (for himself and Mr. HAGERTY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—Iran Sanctions

SEC. 12__1. SHORT TITLES.

This subtitle may be cited as the ''Making Iran Sanctions Stick In Lieu of Expiration of Sanctions Act'' or the ''MISSILES Act''.

SEC. 12__2. FINDINGS.

Congress makes the following findings:

(1) Annex B to United Nations Security Council Resolution 2231 (2015) restricts certain missile-related activities and transfers to and from Iran, including all items, materials, equipment, goods, and technology set out in the Missile Technology Control Regime Annex, absent advance, case-by-case approval from the United Nations Security Council.

(2) Iran has transferred Shahed and Mohajer drones, covered under the Missile Technology Control Regime Annex, to the Russian Federation, the Government of Ethiopia, and other Iran-aligned entities, including the Houthis in Yemen and militia units in Iraq, without prior authorization from the United Nations Security Council, in violation of the restrictions set forth in Annex B to United Nations Security Council Resolution 2231.

(3) Absent action by the United Nations Security Council, certain missile-related restrictions in Annex B to United Nations Security Council Resolution 2231 will expire in October 2023, removing international legal restrictions on missile-related activities and transfers to and from Iran.

SEC. 12__3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to combat and deter the transfer of conventional and non-conventional arms, equipment, material, and technology to or from Iran, or involving the Government of Iran;

(2) to ensure countries, individuals, and entities engaged in, or attempting to engage in, the acquisition, facilitation, or development of arms and related components and technology and subject to restrictions under Annex B to United Nations Security Council Resolution 2231 are held to account under United States and international law, including through the application and enforcement of sanctions and use of export controls, regardless of whether the restrictions under Annex B to United Nations Security Council Resolution 2231 remain in effect following their anticipated expiration in October 2023;

(3) to urgently seek the extension of missile-related restrictions set forth in Annex B to United Nations Security Council Resolution 2231 (2015); and

(4) to use all available authorities to constrain Iran's domestic ballistic missile production capabilities.

SEC. 12__4. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(2) COVERED TECHNOLOGY.—The term ''covered technology'' means—

(A) any goods, technology, software, or related material specified in the Missile Technology Control Regime Annex, as in effect on the day before the date of the enactment of this subtitle; and

(B) any additional goods, technology, software, or related material added to the Missile Technology Control Regime Annex after the day before the date of the enactment of this Act.

(3) FAMILY MEMBER.—The term ''family member'' means—

(A) a child, grandchild, parent, grandparent, sibling, or spouse; and

(B) any spouse, widow, or widower of an individual described in subparagraph (A).

(4) FOREIGN PERSON.—The term ''foreign person''—

(A) means an individual or entity that is not a United States person; and

(B) includes a foreign state (as such term is defined in section 1603 of title 28, United States Code).

(5) GOVERNMENT OF IRAN.—The term ''Government of Iran'' has the meaning given such term in section 560.304 of title 31, Code of Federal Regulations, as such section was in effect on January 1, 2021.

(6) IRAN-ALIGNED ENTITY.—The term ''Iran-aligned entity'' means a foreign person that—

(A) is controlled or reports directly to the Government of Iran; and

(B) knowingly receives material or financial support from the Government of Iran, including Hezbollah, Ansar Allah, or another Iranian-backed proxy group.

(7) KNOWINGLY.—The term ''knowingly'' has the meaning given such term in section 14(13) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note).

(8) MISSILE TECHNOLOGY CONTROL REGIME.—The term ''Missile Technology Control Regime'' means the policy statement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan that was announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendments thereto or expansions thereof, as in effect on the day before the date of the enactment of this Act.

(9) MISSILE TECHNOLOGY CONTROL REGIME ANNEX.—The term ''Missile Technology Control Regime Annex'' means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto or updates thereof, as in effect on the day before the date of the enactment of this Act.

(10) UNITED STATES PERSON.—The terms ''United States person'' means—

(A) a United States citizen;

(B) a permanent resident alien of the United States;

(C) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(D) a person in the United States.

SEC. 12__5. DEPARTMENT OF STATE REPORT ON DIPLOMATIC STRATEGY AND OTHER ASPECTS OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 2231 EXPIRATIONS.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary of State, in coordination with the heads of other relevant departments and agencies, shall submit to the appropriate congressional committees an unclassified report, with a classified annex, if necessary, that includes—

(1) a diplomatic strategy to secure the renewal of international restrictions on certain missile-related activities, including transfers to and from Iran set forth in Annex B to United Nations Security Council Resolution 2231 (2015) before October 2023;

(2) an analysis of how the expiration of missile-related restrictions set forth in Annex B to United Nations Security Council Resolution 2231 would impact the Government of Iran's arms proliferation and malign activities, including as the restrictions relate to cooperation with, and support for, Iran-aligned entities and allied countries;

(3) an assessment of the revenue, or non-cash benefits, to be accrued by the Government of Iran, or Iran-aligned entities, as a result of a lapse in missile-related restrictions set forth in Annex B to United Nations Security Council Resolution 2231;

(4) a detailed description of the United States strategy to deter, prevent, and disrupt the sale, purchase, or transfer of covered technology involving Iran absent restrictions set forth in Annex B to United Nations Security Council Resolution 2231;

(5) the identification of any foreign person engaging in, enabling, or otherwise facilitating any activity involving Iran restricted under Annex B to United Nations Security Council Resolution 2231, regardless of whether such restrictions remain in effect after October 2023;

(6) a description of actions by the United Nations and other multilateral organizations, including the European Union, to hold accountable foreign persons that have violated the restrictions set forth in Annex B to United Nations Security Council Resolution 2231, and efforts to prevent further violations of such restrictions;

(7) a description of actions by individual member states of the United Nations Security Council to hold accountable foreign persons that have violated restrictions set forth in Annex B to United Nations Security Council Resolution 2231 and efforts to prevent further violations of such restrictions;

(8) a description of actions taken by the People's Republic of China, the Russian Federation, or any other country to prevent, interfere with, or undermine efforts to hold accountable foreign persons that have violated the restrictions set forth in Annex B to United Nations Security Council Resolution 2231, including actions to restrict United Nations-led investigations into suspected violations of such restrictions, or limit funding to relevant United Nations offices or experts;

(9) an analysis of the foreign and domestic supply chains in Iran that directly or indirectly facilitate, support, or otherwise aid the Government of Iran's drone or missile program, including storage, transportation, or flight-testing of related goods, technology, or components;

(10) the identification of any foreign entity or entities that enables, supports, or otherwise facilitates the operations or maintenance of any Iranian airline subject to United States sanctions or export control restrictions;

(11) an assessment of how the continued operation of Iranian airlines subject to United States sanctions or export control restrictions impacts the Government of Iran's ability to transport or develop arms, including covered technology; and

(12) a description of actions taken by the People's Republic of China, the Russian Federation, or any other country that have violated the restrictions set forth in Annex B of United Nations Security Council Resolution 2231, including any purchase, transfer, or acquisition of covered technology or component parts.

SEC. 12__6. COMBATING THE PROLIFERATION OF IRANIAN MISSILES.

(a) IN GENERAL.—The actions, including sanctions, described in subsection (b) shall

apply to any foreign person the President determines, on or after the date of the enactment of this Act—

(1) knowingly engages in any effort to acquire, possess, develop, transport, transfer, or deploy covered technology to, from, or involving the Government of Iran or Iran-aligned entities, regardless of whether the restrictions set forth in Annex B to United Nations Security Council Resolution 2231 (2015) remain in effect after October 2023;

(2) knowingly provides entities owned or controlled by the Government of Iran or Iran-aligned entities with goods, technology, parts, or components, that may contribute to the development of covered technology;

(3) knowingly participates in joint missile or drone development, including development of covered technology, with the Government of Iran or Iran-aligned entities, including technical training, storage, and transport;

(4) knowingly imports, exports, or re-exports to, into, or from Iran, whether directly or indirectly, any significant arms or related materiel prohibited under paragraph (5) or (6) to Annex B of United Nations Security Council Resolution 2231 (2015) as of April 1, 2023; or

(5) knowingly provides significant financial, material, or technological support to, or knowingly engages in a significant transaction with, a foreign person subject to sanctions for conduct described in paragraph (1), (2), (3), or (4).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all authorities granted under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) shall be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of any alien described in subsection (a) is subject to revocation regardless of the issue date of the visa or other entry documentation.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i))—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the possession of the alien.

(c) PENALTIES.—Any person that violates, or attempts to violate, subsection (a) or any regulation, license, or order issued pursuant to that subsection, shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) WAIVER.—The President may waive the application of sanctions under this section with respect to a foreign person only if, not later than 15 days before the date on which the waiver is to take effect, the President submits to the appropriate congressional committees a written determination and justification that the waiver is in the vital national security interests of the United States.

(e) IMPLEMENTATION.—The President may exercise all the authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out the amendments made by this section.

(f) RULEMAKING.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President, in consultation with the Secretary of State, shall promulgate any regulations that are necessary to implement this subtitle and the amendments made by this subtitle.

(2) NOTIFICATION TO CONGRESS.—Not less than 10 days before the promulgation of regulations pursuant to paragraph (1), the President shall submit to the appropriate congressional committees—

(A) a copy of the proposed regulations; and

(B) a description of the specific provisions of this subtitle and the amendments made by this subtitle that such regulations are implementing.

(g) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions authorized under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions authorized under this section shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist authorized law enforcement activity in the United States.

(h) TERMINATION OF SANCTIONS.—This section shall cease to be effective beginning on the date that is 30 days after the date on which the President certifies to the appropriate congressional committees that—

(1) the Government of Iran no longer provides support for international terrorism, as determined by the Secretary of State pursuant to—

(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(D) any other provision of law; and

(2) Iran has ceased the pursuit, acquisition, and development of, and verifiably dismantled, its nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

SA 373. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. UNITED STATES-URUGUAY PARTNERSHIP.

(a) ELIGIBILITY OF URUGUAY FOR DESIGNATION AS A BENEFICIARY COUNTRY UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by inserting after ''Turks and Caicos Islands'' the following new item:

''Uruguay''.

(b) NONIMMIGRANT TRADERS AND INVESTORS.—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Uruguay shall be considered to be a foreign state described in such section if the Government of Uruguay provides similar nonimmigrant status to nationals of the United States.

(c) VISA WAIVER PROGRAM ELIGIBILITY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, in consultation with the Secretary of State, should conduct a review as to whether Uruguay meets the eligibility criteria for designation as a program country for purposes of the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(2) VISA WAIVER PROGRAM ELIGIBILITY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to Congress a report that includes—

(A) an assessment as to whether Uruguay meets the eligibility criteria for designation as a program country for purposes of the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187); and

(B) in the case of such an assessment that Uruguay does not meet such eligibility criteria, a description of the actions required of Uruguay in order to meet such criteria.

SA 374. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2023

SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Department of State Authorization Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 6002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of State.

TITLE LXI—DIPLOMATIC SECURITY AND CONSULAR AFFAIRS

SEC. 6101. PASSPORT FEE EXPENDITURE AUTHORITY EXTENSION.

(a) WESTERN HEMISPHERE TRAVEL INITIATIVE FEE.—To make permanent the Western Hemisphere Travel Initiative fee, section 1(b) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(1)) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraphs (2) and (3).

(b) PASSPORT FEES.—Section 1(b) of the Passport Act of June 4, 1920, as amended by subsection (a), shall be applied through fiscal year 2028 by striking ''such costs'' and inserting ''the costs of providing consular services''.

(c) MODERNIZATION OF PASSPORT PROCESSING.—A portion of the expanded expenditure authorities provided in subsections (a) and (b) shall be used—

(1) to modernize consular systems, with an emphasis on passport and citizenship services; and

(2) towards a feasibility study on how the Department could provide urgent, in-person passport services to significant populations with the longest travel times to existing passport agencies, including the possibility of building new passport agencies.

SEC. 6102. SPECIAL HIRING AUTHORITY FOR PASSPORT SERVICES.

During the 3-year period beginning on the date of the enactment of this Act, the Secretary of State, without regard to the provisions under sections 3309 through 3318 of title 5, United States Code, may directly appoint candidates to positions in the competitive service (as defined in section 2102 of such title) at the Department in the Passport and Visa Examining Series 0967.

SEC. 6103. QUARTERLY REPORT ON PASSPORT WAIT TIMES.

Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter for the following 3 years, the Secretary shall submit a report to the appropriate congressional committees that describes—

(1) the current estimated wait times for passport processing;

(2) the steps that have been taken by the Department to reduce wait times to a reasonable time;

(3) efforts to improve the rollout of the online passport renewal processing program, including how much of passport revenues the Department is spending on consular systems modernization;

(4) the demand for urgent passport services by major metropolitan area;

(5) the steps that have been taken by the Department to reduce and meet the demand for urgent passport services, particularly in areas that are greater than 5 hours driving time from the nearest passport agency; and

(6) how the Department details its staff and resources to passport services programs.

SEC. 6104. PASSPORT TRAVEL ADVISORIES.

Not later than 180 days after the date of the enactment of this Act, the Department shall make prominently available in United States regular passports, on the first three pages of the passport, the following information:

(1) A prominent, clear advisory for all travelers to check travel.state.gov for updated travel warnings and advisories.

(2) A prominent, clear notice urging all travelers to register with the Department prior to overseas travel.

(3) A prominent, clear advisory—

(A) noting that many countries deny entry to travelers during the last 6 months of their passport validity period; and

(B) urging all travelers to renew their passport not later than 1 year prior to its expiration.

SEC. 6105. STRATEGY TO ENSURE ACCESS TO PASSPORT SERVICES FOR ALL AMERICANS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for ensuring reasonable access to passport services for all Americans, which shall include—

(1) a detailed strategy describing how the Department could—

(A) by not later than 1 year after submission of the strategy, reduce passport processing times to an acceptable average for renewals and for expedited service; and

(B) by not later than 2 years after the submission of the strategy, provide United States residents living in a significant population center more than a 5-hour drive from a passport agency with urgent, in-person passport services, including the possibility of building new passport agencies; and

(2) a description of the specific resources required to implement the strategy.

SEC. 6106. STRENGTHENING THE NATIONAL PASSPORT INFORMATION CENTER.

(a) SENSE OF CONGRESS.—It is the sense of Congress that passport wait times since 2021 have been unacceptably long and have created frustration among those seeking to obtain or renew passports.

(b) ONLINE CHAT FEATURE.—The Department should develop an online tool with the capability for customers to correspond with customer service representatives regarding questions and updates pertaining to their application for a passport or for the renewal of a passport.

(c) GAO REPORT.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a review of NPIC operations, which shall include an analysis of the extent to which NPIC—

(1) responds to constituent inquiries by telephone, including how long constituents are kept on hold and their ability to be placed in a queue;

(2) provides personalized customer service;

(3) maintains its telecommunications infrastructure to ensure it effectively handles call volumes; and

(4) other relevant issues the Comptroller General deems appropriate.

SEC. 6107. STRENGTHENING PASSPORT CUSTOMER VISIBILITY AND TRANSPARENCY.

(a) ONLINE STATUS TOOL.—Not later than 2 years after the date of the enactment of this Act, the Department should modernize the online passport application status tool to include, to the greatest extent possible, step by step updates on the status of their application, including with respect to the following stages:

(1) Submitted for processing.

(2) In process at a lockbox facility.

(3) Awaiting adjudication.

(4) In process of adjudication.

(5) Adjudicated with a result of approval or denial.

(6) Materials shipped.

(b) ADDITIONAL INFORMATION.—The tool pursuant to subsection (a) should include a display that informs each passport applicant of—

(1) the date on which his or her passport application was received; and

(2) the estimated wait time remaining in the passport application process.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of State for Consular Affairs shall submit a report to the appropriate congressional committees that outlines a plan for coordinated comprehensive public outreach to increase public awareness and understanding of—

(1) the online status tool required under subsection (a);

(2) passport travel advisories required under section 6104; and

(3) passport wait times.

SEC. 6108. ANNUAL OFFICE OF AUTHENTICATIONS REPORT.

(a) REPORT.—The Assistant Secretary of State for Consular Affairs shall submit an annual report for 5 years to the appropriated congressional committees that describes—

(1) the number of incoming authentication requests, broken down by month and type of request, to show seasonal fluctuations in demand;

(2) the average time taken by the Office of Authentications of the Department of State to authenticate documents, broken down by month to show seasonal fluctuations in wait times;

(3) how the Department of State details staff to the Office of Authentications; and

(4) the impact that hiring additional, permanent, dedicated staff for the Office of Authentications would have on the processing times referred to in paragraph (2).

(b) AUTHORIZATION.—The Secretary of State is authorized to hire additional, permanent, dedicated staff for the Office of Authentications.

SEC. 6109. ANNUAL SPECIAL IMMIGRANT VISA REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter for 5 years, the Assistant Secretary of State for Consular Affairs shall submit to the appropriate congressional committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that identifies —

(1) the number of approved applications awaiting visas authorized under section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) (commonly known as EB–4 visas) for special immigrants described in section 101(a)(27)(D) of such Act (8 U.S.C. 1101(a)(27)(D)) who are employed by the United States Government, broken down by country;

(2) an estimate of—

(A) the number of special immigrant visas authorized under such section 101(a)(27)(D) that will be issued during the current fiscal year; and

(B) the number of special immigrant visa applicants who will not be granted such a visa during the current fiscal year;

(3) the estimated period between the date on which a qualified applicant for such a special immigrant visa submits a completed application for such a visa and the date on

which such applicant would be issued such a visa; and

(4) the specific high-risk populations, broken down by country, who will face increased hardship due to Department of State delays in processing special immigrant visa applications under such section 101(a)(27)(D).

SEC. 6110. INCREASED ACCOUNTABILITY IN ASSIGNMENT RESTRICTIONS AND REVIEWS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the use of policies to restrict personnel from serving in certain assignments may undermine the Department's ability to deploy relevant cultural and linguistic skills at diplomatic posts abroad if not applied judiciously; and

(2) the Department should continuously evaluate all processes relating to assignment restrictions, assignment title reviews, and preclusions at the Department.

(b) NOTIFICATION OF STATUS.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary shall—

(1) provide a status update for all Department personnel who, prior to such date of enactment, were subject to a prior assignment restriction, assignment review, or preclusion for whom a review or decision related to assignment is pending; and

(2) on an ongoing basis, provide a status update for any Department personnel who has been the subject of a pending assignment restriction or pending assignment review for more than 30 days.

(c) NOTIFICATION CONTENT.—The notification required under subsection (b) shall inform relevant personnel, as of the date of the notification—

(1) whether any prior assignment restriction has been lifted;

(2) if their assignment status is subject to ongoing review, and an estimated date for completion; and

(3) if they are subject to any other restrictions on their ability to serve at posts abroad.

(d) ADJUDICATION OF ONGOING ASSIGNMENT REVIEWS.—

(1) TIME LIMIT.—The Department shall establish a reasonable time limit for the Department to complete an assignment review and establish a deadline by which it must inform personnel of a decision related to such a review.

(2) APPEALS.—For any personnel the Department determines are ineligible to serve in an assignment due to an assignment restriction or assignment review, a Security Appeal Panel shall convene not later than 120 days of an appeal being filed.

(3) ENTRY-LEVEL BIDDING PROCESS.—The Department shall include a description of the assignment review process and critical human intelligence threat posts in a briefing to new officers as part of their entry-level bidding process.

(4) POINT OF CONTACT.—The Department shall designate point of contacts in the Bureau of Diplomatic Security and Bureau of Global Talent Management to answer employee and Career Development Officer questions about assignment restrictions, assignment reviews, and preclusions.

(e) SECURITY REVIEW PANEL.—Not later than 90 days after the date of the enactment of this Act, the Security Appeal Panel shall be comprised of—

(1) the head of an office responsible for human resources or discrimination who reports directly to the Secretary;

(2) the Principal Deputy Assistant Secretary for the Bureau of Global Talent Management;

(3) the Principal Deputy Assistant Secretary for the Bureau of Intelligence and Research;

(4) an Assistant Secretary or Deputy, or equivalent, from a third bureau as designated by the Under Secretary for Management;

(5) a representative from the geographic bureau to which the restriction applies; and

(6) a representative from the Office of the Legal Adviser and a representative from the Bureau of Diplomatic Security, who shall serve as non-voting advisors.

(f) APPEAL RIGHTS.—Section 414(a) of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by striking the first two sentences and inserting ''The Secretary shall establish and maintain a right and process for employees to appeal a decision related to an assignment, based on a restriction, review, or preclusion. Such right and process shall ensure that any such employee shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance.''.

(g) FAM UPDATE.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend all relevant provisions of the Foreign Service Manual, and any associated or related policies of the Department, to comply with this section.

SEC. 6111. SUITABILITY REVIEWS FOR FOREIGN SERVICE INSTITUTE INSTRUCTORS.

The Secretary shall ensure that all instructors at the Foreign Service Institute, including direct hires and contractors, who provide language instruction are—

(1) subject to suitability reviews and background investigations; and

(2) subject to continuous vetting or reinvestigations to the extend consistent with Department and Executive policy for other Department personnel.

SEC. 6112. DIPLOMATIC SECURITY FELLOWSHIP PROGRAMS.

(a) IN GENERAL.—Section 47 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2719) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) DIPLOMATIC SECURITY FELLOWSHIP PROGRAMS.—

''(1) ESTABLISHMENT.—The Secretary of State, working through the Assistant Secretary for Diplomatic Security, shall establish Diplomatic Security fellowship programs to provide grants to United States nationals pursuing undergraduate studies who commit to pursuing a career as a special agent, security engineering officer, or in the civil service in the Bureau of Diplomatic Security.

''(2) RULEMAKING.—The Secretary shall promulgate regulations for the administration of Diplomatic Security fellowship programs that set forth—

''(A) the eligibility requirements for receiving a grant under this subsection;

''(B) the process by which eligible applicants may request such a grant;

''(C) the maximum amount of such a grant; and

''(D) the educational progress to which all grant recipients are obligated.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for each of fiscal years 2024 through 2028 to carry out this section.

TITLE LXII—PERSONNEL MATTERS

Subtitle A—Hiring, Promotion, and Development

SEC. 6201. ADJUSTMENT TO PROMOTION PRECEPTS.

Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003(b)) is amended—

(1) by redesignating paragraph (2), (3), and (4) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) experience serving at an international organization, multilateral institution, or engaging in multinational negotiations;

''(3) willingness to serve in hardship posts overseas or across geographically distinct regions;

''(4) experience advancing policies or developing expertise that enhance the United States' competitiveness with regard to critical and emerging technologies;

''(5) willingness to participate in appropriate and relevant professional development opportunities offered by the Foreign Service Institute or other educational institutions associated with the Department;

''(6) willingness to enable and encourage subordinates at various levels to avail themselves of appropriate and relevant professional development opportunities offered by the Foreign Service Institute or other educational institutions associated with the Department;''.

SEC. 6202. HIRING AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department should possess hiring authorities to enable recruitment of individuals representative of the nation with special skills needed to address 21st century diplomacy challenges; and

(2) the Secretary shall conduct a survey of hiring authorities held by the Department to identify—

(A) hiring authorities already authorized by Congress;

(B) others authorities granted through Presidential decree or executive order; and

(C) any authorities needed to enable recruitment of individuals with the special skills described in paragraph (1).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes a description of all existing hiring authorities and legislative proposals on any new needed authorities.

(c) SPECIAL HIRING AUTHORITY.—For an initial period of not more than 3 years after the date of the enactment of this Act, the Secretary may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service at the Department, as defined in section 2102 of that title, in the following occupational series: 1560 Data Science, 2210 Information Technology Management, and 0201 Human Resources Management.

SEC. 6203. EXTENDING PATHS TO SERVICE FOR PAID STUDENT INTERNS.

For up to 2 years following the end of a compensated internship at the Department or the United States Agency for International Development, the Department or USAID may offer employment to up to 25 such interns and appoint them directly to positions in the competitive service, as defined in section 2102 of title 5, United States Code, without regard to the provisions of sections 3309 through 3318 of such title.

SEC. 6204. LATERAL ENTRY PROGRAM.

(a) IN GENERAL.—Section 404 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323; 130 Stat. 1928) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''3-year'' and inserting ''5-year'';

(B) in paragraph (5), by striking ''; and'';

(C) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following new paragraphs:

''(7) does not include the use of Foreign Service-Limited or other noncareer Foreign Service hiring authorities; and

''(8) includes not fewer than 30 participants for each year of the pilot program.''; and

(2) by adding at the end the following new subsection:

''(e) CERTIFICATION.—If the Secretary does not commence the lateral entry program within 180 days after the date of the enactment of this subsection, the Secretary shall submit a report to the appropriate congressional committees—

''(1) certifying that progress is being made on implementation of the pilot program and describing such progress, including the date on which applicants will be able to apply;

''(2) estimating the date by which the pilot program will be fully implemented;

''(3) outlining how the Department will use the Lateral Entry Program to fill needed skill sets in key areas such as cyberspace, emerging technologies, economic statecraft, multilateral diplomacy, and data and other sciences.''.

SEC. 6205. MID-CAREER MENTORING PROGRAM.

(a) AUTHORIZATION.—The Secretary, in collaboration with the Director of the Foreign Service Institute, is authorized to establish a Mid-Career Mentoring Program (referred to in this section as the ''Program'') for employees who have demonstrated outstanding service and leadership.

(b) SELECTION.—

(1) NOMINATIONS.—The head of each bureau shall semiannually nominate participants for the Program from a pool of applicants in the positions described in paragraph (2)(B), including from posts both domestically and abroad.

(2) SUBMISSION OF SLATE OF NOMINEES TO SECRETARY.—The Director of the Foreign Service Institute, in consultation with the Director General of the Foreign Service, shall semiannually—

(A) vet the nominees most recently nominated pursuant to paragraph (1); and

(B) submit to the Secretary a slate of applicants to participate in the Program, who shall consist of at least—

(i) 10 Foreign Service Officers and specialists classified at the FS-03 or FS-04 level of the Foreign Service Salary Schedule;

(ii) 10 Civil Service employees classified at GS-12 or GS-13 of the General Schedule; and

(iii) 5 Foreign Service Officers from the United States Agency for International Development.

(3) FINAL SELECTION.—The Secretary shall select the applicants who will be invited to participate in the Program from the slate received pursuant to paragraph (2)(B) and extend such an invitation to each selected applicant.

(4) MERIT PRINCIPLES.—Section 105 of the Foreign Service Act of 1980 (22 U.S.C. 3905) shall apply to nominations, submissions to the Secretary, and selections for the Program under this section.

(c) PROGRAM SESSIONS.—

(1) FREQUENCY; DURATION.—All of the participants who accept invitations extended pursuant to subsection (b)(3) shall meet 3 to 4 times per year for training sessions with high-level leaders of the Department and USAID, including private group meetings with the Secretary and the Administrator of the United States Agency for International Development.

(2) THEMES.—Each session referred to in paragraph (1) shall focus on specific themes developed jointly by the Foreign Service Institute and the Executive Secretariat focused on substantive policy issues and leadership practices.

(d) MENTORING PROGRAM.—The Secretary and the Administrator each shall establish a mentoring and coaching program that pairs a senior leader of the Department or USAID with each of the program participants who complete the Program during the 1-year period immediately following their participation in the Program.

(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for three years, the Secretary shall submit a report to the appropriate congressional committees that describes the activities of the Program during the most recent year and includes disaggregated demographic data on participants in the Program.

SEC. 6206. REPORT ON THE FOREIGN SERVICE INSTITUTE'S LANGUAGE PROGRAM .

Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) the average pass and fail rates for language programs at the Foreign Service Institute disaggregated by language during the 5-year period immediately preceding the date of the enactment of this Act;

(2) the number of language instructors at the Foreign Service Institute, and a comparison of the instructor/student ratio in the language programs at the Foreign Service Institute disaggregated by language;

(3) salaries for language instructors disaggregated by language, and a comparison to salaries for instructors teaching languages in comparable employment;

(4) recruitment and retention plans for language instructors, disaggregated by language where necessary and practicable; and

(5) any plans to increase pass rates for languages with high failure rates.

SEC. 6207. CONSIDERATION OF CAREER CIVIL SERVANTS AS CHIEFS OF MISSIONS.

Section 304(b) of the Foreign Service Act of 1980 (22 U.S.C. 3944) is amended—

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

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

''(2) The Secretary shall also furnish to the President, on an annual basis and to assist the President in selecting qualified candidates for appointments or assignments as chief of mission, the names of between 5 and 10 career civil servants serving at the Department of State or the United States Agency for International Development who are qualified to serve as chiefs of mission, together with pertinent information about such individuals.''.

SEC. 6208. CIVIL SERVICE ROTATIONAL PROGRAM.

(a) ESTABLISHMENT OF PILOT ROTATIONAL PROGRAM FOR CIVIL SERVICE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a program to provide qualified civil servants serving at the Department an opportunity to serve at a United States embassy, including identifying criteria and an application process for such program.

(b) PROGRAM.—The program established under this section shall—

(1) provide at least 20 career civil servants the opportunity to serve for 2 to 3 years at a United States embassy to gain additional skills and experience;

(2) offer such civil servants the opportunity to serve in a political or economic section at a United States embassy; and

(3) include clear and transparent criteria for eligibility and selection, which shall include a minimum of 5 years of service at the Department.

(c) SUBSEQUENT POSITION AND PROMOTION.—Following a rotation at a United States embassy pursuant to the program established by this section, participants in the program must be afforded, at minimum, a position equivalent in seniority, compensation, and responsibility to the position occupied prior serving in the program. Successful completion of a rotation at a United States embassy shall be considered favorably with regard to applications for promotion in civil service jobs at the Department.

(d) IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall identify not less than 20 positions in United States embassies for the program established under this section and offered at least 20 civil servants the opportunity to serve in a rotation at a United States embassy pursuant to this section.

SEC. 6209. REPORTING REQUIREMENT ON CHIEFS OF MISSION.

Not later than 30 days following the end of each calendar quarter, the Secretary shall submit to the appropriate congressional committees—

(1) a list of every chief of mission or United States representative overseas with the rank of Ambassador who, during the prior quarter, was outside a country of assignment for more than 14 cumulative days for purposes other than official travel or temporary duty orders; and

(2) the number of days each such chief of mission or United States representative overseas with the rank of Ambassador was outside a country of assignment during the previous quarter for purposes other than official travel or temporary duty orders.

SEC. 6210. REPORT ON CHIEFS OF MISSION AND DEPUTY CHIEFS OF MISSION.

Not later than April 1, 2024, and annually thereafter for the next 4 years, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) the Foreign Service cone of each current chief of mission and deputy chief of mission (or whoever is acting in the capacity of chief or deputy chief if neither is present) for each United States embassy at which there is a Foreign Service office filling either of those positions; and

(2) aggregated data for all chiefs of mission and deputy chiefs of mission described in paragraph (1), disaggregated by cone.

SEC. 6211. PROTECTION OF RETIREMENT ANNUITY FOR REEMPLOYMENT BY DEPARTMENT.

(a) NO TERMINATION OR REDUCTION OF RETIREMENT ANNUITY OR PAY FOR REEMPLOYMENT.—Notwithstanding section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064), if a covered annuitant becomes employed by the Department—

(1) the payment of any retirement annuity, retired pay, or retainer pay otherwise payable to the covered annuitant shall not terminate; and

(2) the amount of the retirement annuity, retired pay, or retainer pay otherwise payable to the covered annuitant shall not be reduced.

(b) COVERED ANNUITANT DEFINED.—In this section, the term ''covered annuitant'' means any individual who is receiving a retirement annuity under—

(1) the Foreign Service Retirement and Disability System under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); or

(2) the Foreign Service Pension System under subchapter II of such chapter (22 U.S.C. 4071 et seq.).

SEC. 6212. ENHANCED VETTING FOR SENIOR DIPLOMATIC POSTS.

(a) COMPREHENSIVE POLICY ON VETTING AND TRANSPARENCY.—Not later than one year after the date of the enactment of this Act,

the Secretary shall develop a consistent and enhanced vetting process to ensure that individuals with substantiated claims of discrimination, harassment, or bullying are not considered for assignments to senior positions.

(b) ELEMENTS OF COMPREHENSIVE VETTING POLICY.—Following the conclusion of any investigation into an allegation of discrimination, harassment, or bullying, the Office of Civil Rights, Bureau of Global Talent Management, and other offices with responsibilities related to the investigation reporting directly to the Secretary shall jointly or individually submit a written summary of any findings of any substantiated allegations, along with a summary of findings to the Committee responsible for assignments to senior positions prior to such Committee rendering a recommendation for assignment.

(c) RESPONSE.—The Secretary shall develop a process for candidates to respond to any allegations that are substantiated and presented to the Committee responsible for assignments to senior positions.

(d) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary shall submit to the Department workforce and the appropriate congressional committees a report on the number of candidates confirmed for senior diplomatic posts against whom there were found to have been substantiated allegations.

(e) SENIOR POSITIONS DEFINED.—In this section, the term ''senior positions'' means Chief of Mission, Deputy Assistant Secretary, Deputy Chief of Mission, and Principal Officer (i.e. Consuls General) positions.

SEC. 6213. EFFORTS TO IMPROVE RETENTION AND PREVENT RETALIATION.

(a) STREAMLINED REPORTING.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish a single point of initial reporting for allegations of discrimination, bullying, and harassment that provides an initial review of the allegations and, if necessary, the ability to file multiple claims based on a single complaint.

(b) ENSURING IMPLEMENTATION OF CORRECTIVE ACTION AND MANAGEMENT RECOMMENDATIONS.—The Secretary shall ensure follow up with each complainant who makes an allegation of discrimination, harassment, or bullying pursuant to subsection (a) and the head of the respective bureau not later than 180 days after the conclusion of any investigation where an allegation is substantiated, and again one year after the conclusion of any such investigation, to ensure that any recommendations for corrective action related to the complainant have been acted on where appropriate. If such recommendations have not be implemented, a written statement shall be provided to the head of the bureau and complainant and affected employees explaining why the recommendations have not been implemented.

(c) CLIMATE SURVEYS OF EMPLOYEES OF THE DEPARTMENT.—

(1) REQUIRED BIENNIAL SURVEYS.—Not later than 180 days after the date of the enactment of this Act and every 2 years thereafter, the Secretary shall conduct a Department-wide survey of all Department personnel regarding harassment, discrimination, bullying, and related retaliation that includes workforce perspectives on the accessibility and effectiveness of the Bureau of Global Talent Management and Office of Civil Rights in the efforts and processes to address these issues.

(2) REQUIRED ANNUAL SURVEYS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall conduct an annual employee satisfaction survey to assess the level of job satisfaction, work environment, and overall employee experience within the Department.

(B) OPEN-ENDED RESPONSES.—The survey required under subparagraph (A) shall include options for open-ended responses.

(C) SURVEY QUESTIONS.—The survey shall include questions regarding—

(i) work-life balance;

(ii) compensation and benefits;

(iii) career development opportunities;

(iv) the performance evaluation and promotion process, including fairness and transparency;

(v) communication channels and effectiveness;

(vi) leadership and management;

(vii) organizational culture;

(viii) awareness and effectiveness of complaint measures;

(ix) accessibility and accommodations;

(x) availability of transportation to and from a work station;

(xi) information technology infrastructure functionality and accessibility;

(xii) the employee's understanding of the Department's structure, mission, and goals;

(xiii) alignment and relevance of work to the Department's mission; and

(xiv) sense of empowerment to affect positive change.

(3) REQUIRED EXIT SURVEYS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and implement a standardized, confidential exit survey process that includes anonymous feedback and exit interviews with employees who voluntarily separate from the Department, whether through resignation, retirement, or other means.

(B) SCOPE.—The exit surveys conducted pursuant to subparagraph (A)shall—

(i) be designed to gather insights and feedback from departing employees regarding—

(I) their reasons for leaving, including caretaking responsibilities, career limitations for partner or spouse, and discrimination, harassment, bullying, or retaliation;

(II) their overall experience with the Department; and

(III) any suggestions for improvement; and

(ii) include questions related to—

(I) the employee's reasons for leaving;

(II) job satisfaction;

(III) work environment;

(IV) professional growth opportunities;

(V) leadership effectiveness;

(VI) suggestions for enhancing the Department's performance; and

(VII) if applicable, the name and industry of the employee's future employer.

(C) COMPILATION OF RESULTS.—The Secretary shall compile and analyze the anonymized exit survey data collected pursuant to this paragraph to identify trends, common themes, and areas needing improvement within the Department.

(4) PILOT SURVEYS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a Department-wide survey for Locally Employed Staff regarding retention, training, promotion, and other matters, including harassment, discrimination, bullying, and related retaliation, that includes workforce perspectives on the accessibility and effectiveness of complaint measures.

(5) REPORT.—Not later than 60 days after the conclusion of each survey conducted pursuant to this subsection, the Secretary shall make the key findings available to the Department workforce and shall submit them to the appropriate congressional committees.

(d) RETALIATION PREVENTION EFFORTS.—

(1) EMPLOYEE EVALUATION.—

(A) IN GENERAL.—If there is a pending investigation of discrimination, bullying, or harassment against a superior who is responsible for rating or reviewing the complainant employee, the complainant shall be reviewed by the superior's supervisor.

(B) EFFECTIVE DATE.—This paragraph shall take effect 90 days after the date of the enactment of this Act.

(2) RETALIATION PREVENTION GUIDANCE.—Any Department employee against whom an allegation of discrimination, bullying, or harassment has been made shall receive written guidance (a ''retaliation hold'') on the types of actions that can be considered retaliation against the complainant employee. The employee's immediate supervisor shall also receive the retaliation hold guidance.

SEC. 6214. NATIONAL ADVERTISING CAMPAIGN.

Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a strategy to the appropriate congressional committees that assesses the potential benefits and costs of a national advertising campaign to improve the recruitment in the Civil Service and the Foreign Service by raising public awareness of the important accomplishments of the Department.

SEC. 6215. EXPANSION OF DIPLOMATS IN RESIDENCE PROGRAMS.

Not later than two years after the date of the enactment of this Act—

(1) the Secretary shall increase the number of diplomats in the Diplomats in Residence Program from 17 to at least 20; and

(2) the Administrator of the United States Agency for International Development shall increase the number of development diplomats in the Diplomats in Residence Program from 1 to at least 3.

Subtitle B—Pay, Benefits, and Workforce Matters

SEC. 6221. EDUCATION ALLOWANCE.

(a) IN GENERAL.—Chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

''SEC. 908. EDUCATION ALLOWANCE.

''A Department employee who is on leave to perform service in the uniformed services (as defined in section 4303(13) of title 38, United States Code) may receive an education allowance if the employee would, if not for such service, be eligible to receive the education allowance.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 (22 U.S.C. 3901 note) is amended by inserting after the item relating to section 907 the following:

''Sec. 908. Education allowance''.

SEC. 6222. PER DIEM ALLOWANCE FOR NEWLY HIRED MEMBERS OF THE FOREIGN SERVICE.

(a) PER DIEM ALLOWANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any newly hired Foreign Service employee who is in initial orientation training, or any other training expected to last less than 6 months before transferring to the employee's first assignment, in the Washington, D.C., area shall, for the duration of such training, receive a per diem allowance at the levels prescribed under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION ON LODGING EXPENSES.—A newly hired Foreign Service employee may not receive any lodging expenses under the applicable per diem allowance pursuant to paragraph (1) if that employee—

(A) has a permanent residence in the Washington, D.C., area (not including Government-supplied housing during such orientation training or other training); and

(B) does not vacate such residence during such orientation training or other training.

(b) DEFINITIONS.—In this section—

(1) the term ''per diem allowance'' has the meaning given that term under section 5701 of title 5, United States Code; and

(2) the term ''Washington, D.C., area'' means the geographic area within a 50 mile radius of the Washington Monument.

SEC. 6223. IMPROVING MENTAL HEALTH SERVICES FOR FOREIGN AND CIVIL SERVANTS.

(a) ADDITIONAL PERSONNEL TO ADDRESS MENTAL HEALTH.—

(1) IN GENERAL.—The Secretary shall seek to increase the number of personnel within the Bureau of Medical Services to address mental health needs for both foreign and civil servants.

(2) EMPLOYMENT TARGETS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall seek to employ not fewer than 15 additional personnel in the Bureau of Medical Services, compared to the number of personnel employed as of the date of the enactment of this Act.

(b) STUDY.—The Secretary shall conduct a study on the accessibility of mental health care providers and services available to Department personnel, including an assessment of—

(1) the accessibility of mental health care providers at diplomatic posts and in the United States;

(2) the accessibility of inpatient services for mental health care for Department personnel;

(3) steps that may be taken to improve such accessibility;

(4) the impact of the COVID–19 pandemic on the mental health of Department personnel, particularly those who served abroad between March 1, 2020, and December 31, 2022, and Locally Employed Staff, where information is available;

(5) recommended steps to improve the manner in which the Department advertises mental health services to the workforce; and

(6) additional authorities and resources needed to better meet the mental health needs of Department personnel.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to appropriate congressional committees a report containing the findings of the study under subsection (b).

SEC. 6224. EMERGENCY BACK-UP CARE.

(a) IN GENERAL.—The Secretary and the Administrator for the United States Agency for International Development are authorized to provide for unanticipated non-medical care, including childcare, eldercare, and essential services directly related to caring for an acute injury or illness, for USAID and Department employees and their family members, including through the provision of such non-medical services, referrals to care providers, and reimbursement of reasonable expenses for such services.

(b) LIMITATION.—Services provided pursuant to this section shall not exceed $2,000,000 per fiscal year.

SEC. 6225. AUTHORITY TO PROVIDE SERVICES TO NON-CHIEF OF MISSION PERSONNEL.

Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (g), by striking ''abroad for employees and eligible family members'' and inserting ''under this section''; and

(2) by adding at the end the following new subsection:

''(a) PHYSICAL AND MENTAL HEALTH CARE SERVICES IN SPECIAL CIRCUMSTANCES.—

''(1) IN GENERAL.—The Secretary is authorized to direct health care providers employed under subsection (c) of this section to furnish physical and mental health care services to an individual otherwise ineligible for services under this section if necessary to preserve life or limb or if intended to facilitate an overseas evacuation, recovery, or return. Such services may be provided incidental to the following activities:

''(A) Activities undertaken abroad pursuant to section 3 and section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670, 2671).

''(B) Recovery of hostages or of wrongfully or unlawfully detained individuals abroad, including pursuant to section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741).

''(C) Secretarial dispatches to international disaster sites deployed pursuant to section 207 of the Aviation Security Improvement Act of 1990 (22 U.S.C. 5506).

''(D) Deployments undertaken pursuant to section 606(a)(6)(A)(iii) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(6)(A)(iii)).

''(2) PRIORITIZATION OF OTHER FUNCTIONS.—The Secretary shall prioritize the allocation of Department resources to the health care program described in subsections (a) through (g) above the functions described in paragraph (1).

''(3) REGULATIONS.—The Secretary should prescribe applicable regulations to implement this section, taking into account the prioritization in paragraph (2) and the activities described in paragraph (1).

''(4) REIMBURSABLE BASIS.—Services rendered under this subsection shall be provided on a reimbursable basis to the extent practicable.''.

SEC. 6226. EXCEPTION FOR GOVERNMENT-FINANCED AIR TRANSPORTATION.

(a) REDUCING HARDSHIP FOR TRANSPORTATION OF DOMESTIC ANIMALS.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (c) of section 40118 of title 49, United States Code, the Department is authorized to pay for the transportation by a foreign air carrier of Department personnel and any in-cabin or accompanying checked baggage or cargo if—

(A) no air carrier holding a certificate under section 41102 of such title is willing and able to transport up to 3 domestic animals accompanying such Federal personnel; and

(B) the transportation is from a place—

(i) outside the United States to a place in the United States;

(ii) in the United States to a place outside the United States; or

(iii) outside the United States to another place outside the United States.

(2) LIMITATION.—An amount paid pursuant to paragraph (1) for transportation by a foreign carrier may not be greater than the amount that would otherwise have been paid had the transportation been on an air carrier holding a certificate under section 41102 had that carrier been willing and able to provide such transportation. If the amount that would otherwise have been paid to such an air carrier is less than the cost of transportation on the applicable foreign carrier, the Department personnel may pay the difference of such amount.

(3) DOMESTIC ANIMAL DEFINED.—In this subsection, the term ''domestic animal'' means a dog or a cat.

SEC. 6227. ENHANCED AUTHORITIES TO PROTECT LOCALLY EMPLOYED STAFF DURING EMERGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) locally employed staff provide essential contributions at United States diplomatic and consular posts around the world, including by providing—

(A) security to United States government personnel serving in the country;

(B) advice, expertise, and other services for the promotion of political, economic, public affairs, commercial, security, and other interests of critical importance to the United States;

(C) a wide range of logistical and administrative support to every office in each mission working to advance United States interests around the world, including services and support vital to the upkeep and maintenance of United States missions;

(D) consular services to support the welfare and well-being of United States citizens and to provide for the expeditious processing of visa applications;

(E) institutional memory on a wide range of embassy engagements on bilateral issues; and

(F) enduring connections to host country contacts, both inside and outside the host government, including within media, civil society, the business community, academia, the armed forces, and elsewhere; and

(2) locally employed staff make important contributions that should warrant the United States Government to give due consideration for their security and safety when diplomatic missions face emergency situations.

(b) AUTHORIZATION TO PROVIDE EMERGENCY SUPPORT.—In emergency situations, in addition to other authorities that may be available in emergencies or other exigent circumstances, the Secretary is authorized to use funds made available to the Department to provide support to ensure the safety and security of locally employed staff and their immediate family members, including for—

(1) providing transport or relocating locally employed staff and their immediate family members to a safe and secure environment;

(2) providing short-term housing or lodging for up to six months for locally employed staff and their immediate family members;

(3) procuring or providing other essential items and services to support the safety and security of locally employed staff and their immediate family members.

(c) TEMPORARY HOUSING.—To ensure the safety and security of locally employed staff and their immediate family members consistent with this section, Chiefs of Missions are authorized to allow locally employed staff and their immediate family members to reside temporarily in the residences of United States direct hire employees, either in the host country or other countries, provided that such stays are offered voluntarily by United States direct hire employees.

(d) FOREIGN AFFAIRS MANUAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall amend the Foreign Affairs Manual to reflect the authorizations and requirements of this section.

(e) EMERGENCY SITUATION DEFINED.—In this section, the term ''emergency situation'' means armed conflict, civil unrest, natural disaster, or other types of instability that pose a threat to the safety and security of locally employed staff, particularly when and if a United States diplomatic or consular post must suspend operations.

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing prior actions the Department has taken with regard to locally employed staff and their immediate family members following suspensions or closures of United States diplomatic posts over the prior 10 years, including Kyiv, Kabul, Minsk, Khartoum, and Juba.

(2) ELEMENTS.—The report required under paragraph (1) shall—

(A) describe any actions the Department took to assist locally employed staff and their immediate family members;

(B) identify any obstacles that made providing support or assistance to locally employed staff and their immediate family members difficult;

(C) examine lessons learned and propose recommendations to better protect the safety and security of locally employed staff and their family members, including any additional authorities that may be required; and

(D) provide an analysis of and offer recommendations on any other steps that could improve efforts to protect the safety and security of locally employed staff and their immediate family members.

SEC. 6228. INTERNET AT HARDSHIP POSTS.

Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) in subsection (l), by striking ''; and'' and inserting a semicolon;

(2) in subsection (m) by striking the period at the end and by inserting ''; and''; and

(3) by adding at the end the following new subsection:

''(n) pay expenses to provide internet services in residences owned or leased by the United States Government in foreign countries for the use of Department personnel where Department personnel receive a post hardship differential equivalent to 30 percent or more above basic compensation.''.

SEC. 6229. COMPETITIVE LOCAL COMPENSATION PLAN.

(a) ESTABLISHMENT AND IMPLEMENTATION OF PREVAILING WAGE RATES GOAL.—Section 401(a) of the Department of State Authorities Act, fiscal year 2017 (22 U.S.C. 3968a(a)) is amended in the matter preceding paragraph (1), by striking ''periodically'' and inserting ''every 3 years''.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) compensation (including position classification) plans for locally employed staff based upon prevailing wage rates and compensation practices for corresponding types of positions in the locality of employment; and

(2) an assessment of the feasibility and impact of changing the prevailing wage rate goal for positions in the local compensation plan from the 50th percentile to the 75th percentile.

SEC. 6230. SUPPORTING TANDEM COUPLES IN THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) challenges finding and maintaining spousal employment and family dissatisfaction are one of the leading reasons employees cite for leaving the Department;

(2) tandem Foreign Service personnel represent important members of the Foreign Service community, who act as force multipliers for our diplomacy;

(3) the Department can and should do more to keep tandem couples posted together and consider family member employment needs when assigning tandem officers; and

(4) common sense steps providing more flexibility in the assignments process would improve outcomes for tandem officers without disadvantaging other Foreign Service officers.

(b) DEFINITIONS.—In this section:

(1) FAMILY TOGETHERNESS.—The term ''family togetherness'' means facilitating the placement of Foreign Service personnel at the same United States diplomatic post when both spouses are members of a tandem couple of Foreign Service personnel.

(2) TANDEM FOREIGN SERVICE PERSONNEL; TANDEM.—The terms ''tandem Foreign Service personnel'' and ''tandem'' mean a member of a couple of which one spouse is a career or career candidate employee of the Foreign Service and the other spouse is a career or career candidate employee of the Foreign Service or an employee of one of the agencies authorized to use the Foreign Service Personnel System under section 202 of the Foreign Service Act of 1980 (22 U.S.C. 3922).

(c) FAMILY TOGETHERNESS IN ASSIGNMENTS.—Not later than 90 days after the date of enactment of this Act, the Department shall amend and update its policies to further promote the principle of family togetherness in the Foreign Service, which shall include the following:

(1) ENTRY-LEVEL FOREIGN SERVICE PERSONNEL.—The Secretary shall adopt policies and procedures to facilitate the assignment of entry-level tandem Foreign Service personnel on directed assignments to the same diplomatic post or country as their tandem spouse if they request to be assigned to the same post or country. The Secretary shall also provide a written justification to the requesting personnel explaining any denial of a request that would result in a tandem couple not serving together at the same post or country.

(2) TENURED FOREIGN SERVICE PERSONNEL.—The Secretary shall add family togetherness to the criteria when making a needs of the Service determination, as defined by the Foreign Affairs Manual, for the placement of tenured tandem Foreign Service personnel at United States diplomatic posts.

(3) UPDATES TO ANTINEPOTISM POLICY.—The Secretary shall update antinepotism policies so that nepotism rules only apply when an employee and a relative are placed into positions wherein they jointly and exclusively control government resources, property, or money or establish government policy.

(4) TEMPORARY SUPERVISION OF TANDEM SPOUSE.—The Secretary shall update policies to allow for a tandem spouse to temporarily supervise another tandem spouse for up to 90 days in a calendar year, including at a United States diplomatic mission.

(d) REPORT.—Not later than 90 days after the date of enactment of this Act, and annually thereafter for two years, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) the number of Foreign Service tandem couples currently serving;

(2) the number of Foreign Service tandems currently serving in separate locations, or, to the extent possible, are on leave without pay (LWOP); and

(3) an estimate of the cost savings that would result if all Foreign Service tandem couples were placed at a single post.

SEC. 6231. ACCESSIBILITY AT DIPLOMATIC MISSIONS.

Not later than 180 days after the date of the enactment of this Act, the Department shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that includes—

(1) a list of the overseas United States diplomatic missions that, as of the date of the enactment of this Act, are not readily accessible to and usable by individuals with disabilities;

(2) any efforts in progress to make such missions readily accessible to and usable by individuals with disabilities; and

(3) an estimate of the cost to make all such missions readily accessible to and usable by individuals with disabilities.

SEC. 6232. REPORT ON BREASTFEEDING ACCOMMODATIONS OVERSEAS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) a detailed report on the Department's efforts to equip 100 percent of United States embassies and consulates with dedicated lactation spaces, other than bathrooms, that are shielded from view and free from intrusion from coworkers and the public for use by employees, including the expected demand for such space as well as the status of such rooms when there is no demand for such space; and

(2) a description of costs and other resources needed to provide such spaces.

SEC. 6233. DETERMINING THE EFFECTIVENESS OF KNOWLEDGE TRANSFERS BETWEEN FOREIGN SERVICE OFFICERS.

The Secretary shall assess the effectiveness of knowledge transfers between Foreign Service officers who are departing from overseas positions and Foreign Service Officers who are arriving at such positions, and make recommendations for approving such knowledge transfers, as appropriate, by—

(1) not later than 90 days after the date of the enactment of this Act, conducting a written survey of a representative sample of Foreign Service Officers working in overseas assignments that analyzes the effectiveness of existing mechanisms to facilitate transitions, including training, mentorship, information technology, knowledge management, relationship building, the role of locally employed staff, and organizational culture; and

(2) not later than 120 days after the date of the enactment of this Act, submitting to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a summary and analysis of results of the survey conducted pursuant to paragraph (1) that—

(A) identifies best practices and areas for improvement;

(B) describes the Department's methodology for determining which Foreign Service Officers should receive familiarization trips before arriving at a new post;

(C) includes recommendations regarding future actions the Department should take to maximize effective knowledge transfer between Foreign Service Officers;

(D) identifies any steps taken, or intended to be taken, to implement such recommendations, including any additional resources or authorities necessary to implement such recommendations; and

(E) provides recommendations to Congress for legislative action to advance the priority described in subparagraph (C).

SEC. 6234. EDUCATION ALLOWANCE FOR DEPENDENTS OF DEPARTMENT OF STATE EMPLOYEES LOCATED IN UNITED STATES TERRITORIES.

(a) IN GENERAL.—An individual employed by the Department at a location described in subsection (b) shall be eligible for a cost-of-living allowance for the education of the dependents of such employee in an amount that does not exceed the educational allowance authorized by the Secretary of Defense for such location.

(b) LOCATION DESCRIBED.—A location is described in this subsection if—

(1) such location is in a territory of the United States; and

(2) the Secretary of Defense has determined that schools available in such location are unable to adequately provide for the education of—

(A) dependents of members of the Armed Forces; or

(B) dependents of employees of the Department of Defense.

TITLE LXIII—INFORMATION SECURITY AND CYBER DIPLOMACY

SEC. 6301. DATA-INFORMED DIPLOMACY.

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

(1) In a rapidly evolving and digitally interconnected global landscape, access to and maintenance of reliable, readily available data is key to informed decisionmaking and diplomacy and therefore should be considered a strategic asset.

(2) In order to achieve its mission in the 21st century, the Department must adapt to these trends by maintaining and providing timely access to high-quality data at the time and place needed, while simultaneously cultivating a data-savvy workforce.

(3) Leveraging data science and data analytics has the potential to improve the performance of the Department's workforce by providing otherwise unknown insights into program deficiencies, shortcomings, or other gaps in analysis.

(4) While innovative technologies such as artificial intelligence and machine learning have the potential to empower the Department to analyze and act upon data at scale, systematized, sustainable data management and information synthesis remain a core competency necessary for data-driven decisionmaking.

(5) The goals set out by the Department's Enterprise Data Council (EDC) as the areas of most critical need for the Department, including Cultivating a Data Culture, Accelerating Decisions through Analytics, Establishing Mission-Driven Data Management, and Enhancing Enterprise Data Governance, are laudable and will remain critical as the Department develops into a data-driven agency.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department should prioritize the recruitment and retainment of top data science talent in support of its data-informed diplomacy efforts as well as its broader modernization agenda; and

(2) the Department should strengthen data fluency among its workforce, promote data collaboration across and within its bureaus, and enhance its enterprise data oversight.

SEC. 6302. ESTABLISHMENT AND EXPANSION OF THE BUREAU CHIEF DATA OFFICER PROGRAM.

(a) BUREAU CHIEF DATA OFFICER PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as the ''Bureau Chief Data Officer Program'' (referred to in this section as the ''Program''), overseen by the Department's Chief Data Officer. The Bureau Chief Data Officers hired under this program shall report to the Department's Chief Data Officer.

(2) GOALS.—The goals of the Program shall include the following:

(A) Cultivating a data culture by promoting data fluency and data collaboration across the Department.

(B) Promoting increased data analytics use in critical decisionmaking areas.

(C) Promoting data integration and standardization.

(D) Increasing efficiencies across the Department by incentivizing acquisition of enterprise data solutions and subscription data services to be shared across bureaus and offices and within bureaus.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an implementation plan that outlines strategies for—

(1) advancing the goals described in subsection (a)(2);

(2) hiring Bureau Chief Data Officers at the GS-14 or GS-15 grade or a similar rank;

(3) assigning at least one Bureau Chief Data Officer to—

(A) each regional bureau of the Department;

(B) the Bureau of International Organization Affairs;

(C) the Office of the Chief Economist;

(D) the Office of the Science and Technology Advisor;

(E) the Bureau of Cyber and Digital Policy;

(F) the Bureau of Diplomatic Security;

(G) the Bureau for Global Talent Management; and

(H) the Bureau of Consular Affairs; and

(4) allocation of necessary resources to sustain the Program.

(c) ASSIGNMENT.—In implementing the Bureau Chief Data Officer Program, Bureaus may not dual-hat currently employed personnel as Bureau Chief Data Officers.

(d) ANNUAL REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 3 years, the Secretary shall submit a report to the appropriate congressional committees regarding the status of the implementation plan required under subsection (b).

SEC. 6303. TASK FORCE TO ADDRESS ARTIFICIAL INTELLIGENCE-ENABLED INFLUENCE OPERATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the rapid development of publicly available, affordable generative artificial intelligence (AI) technology, including the use of large language models (LLM) to fuel natural language processing applications, has the potential to fundamentally alter the nature of disinformation and propaganda campaigns by enabling finely tailored, auto-generated disinformation swiftly, in any language, at scale, and at low-costs;

(2) academia and private industry, including social media platforms, play a critical role in establishing safeguards for powerful, publicly available tools for producing AI-generated content, and it is in the United States national security interest to ensure that these technologies are not misused by foreign malign actors to enhance influence operations abroad;

(3) the ability to identify, track, and label original text, audio, and visual content is becoming increasingly vital to United States national interests as sophisticated AI-generated content creation becomes increasingly available to the public at low costs;

(4) coalitions such as the Content Authenticity Initiative (CAI) and the Coalition for Content Provenance and Authority (C2PA) play important roles in establishing open industry standards for content authenticity and digital content provenance, which will become increasingly vulnerable to manipulation and distortion through AI-powered tools; and

(5) the Department, as the lead agency for United States public diplomacy, should work within the interagency process to develop a common approach to United States international engagement on issues related to AI-enabled disinformation.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to share knowledge with allies and partners of instances when foreign state actors have leveraged generative AI to augment disinformation campaigns or propaganda;

(2) to work with private industry and academia to mitigate the risks associated with public research on generative AI technologies; and

(3) to support efforts in developing digital content provenance detection techniques and technologies in line with United States national security interests.

(c) ESTABLISHMENT OF COUNTERING AI-ENABLED DISINFORMATION TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish within the Department a Countering AI-Enabled Disinformation Task Force (referred to in this section as the ''Task Force'') to—

(A) identify potential responses to the growing threat of AI-enabled disinformation and its use by foreign state actors to augment influence operations and disinformation campaigns;

(B) work closely with private industry and academia to identify and coordinate efforts in developing digital content provenance detection techniques and technologies;

(C) develop the Department's internal coordination across regional and functional bureaus on the issue of AI-enabled disinformation;

(D) develop a unified approach to international coordination on—

(i) establishing standards around digital content provenance techniques and technologies, specifically as it relates to countering AI-enabled disinformation campaign; and

(ii) assessing the potential for establishing frameworks around the proliferation of tools that facilitate AI-enabled disinformation; and

(E) identify any additional tools or resources necessary to enhance the Department's ability to—

(i) detect AI-enabled foreign disinformation and propaganda;

(ii) rapidly produce original counter-messaging to address AI-enabled disinformation campaigns;

(iii) expand digital literacy programming abroad to include education on how media consumers in recipient countries can identify and inoculate themselves from synthetically produced media; and

(iv) coordinate and collaborate with other governments, international organizations, civil society, the private sector, and others, as necessary.

(2) MEMBERSHIP.—The Task Force shall be comprised of a representative from relevant offices, as determined by the Secretary, including—

(A) the Bureau of Cyberspace and Digital Policy;

(B) the Under Secretary for Public Diplomacy and Public Affairs;

(C) the Global Engagement Center;

(D) the Office of the Science and Technology Advisor to the Secretary;

(E) the Bureau of Oceans and International Environmental and Scientific Affairs;

(F) the Bureau for Intelligence and Research;

(G) the Center for Analytics of the Office of Management Strategy and Solutions;

(H) the Foreign Service Institute School of Applied Information Technology; and

(I) any others the Secretary determines appropriate.

(d) TASK FORCE REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the establishment and progress of the Task Force's work, including in pursuit of the objectives described in subsection(c)(1).

(e) DEFINITIONS.—In this section:

(1) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given that term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4001 note).

(2) DIGITAL CONTENT PROVENANCE.—The term ''digital content provenance'' means the verifiable chronology of the origin and history of a piece of digital content, such as an image, video, audio recording, or electronic document.

SEC. 6304. ESTABLISHMENT OF THE CHIEF ARTIFICIAL INTELLIGENCE OFFICER OF THE DEPARTMENT OF STATE.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(n) CHIEF ARTIFICIAL INTELLIGENCE OFFICER.—

''(1) IN GENERAL.—There shall be within the Department of State a Chief Artificial Intelligence Officer, which may be dual-hatted as the Department's Chief Data Officer, who shall be a member of the Senior Executive Service.

''(2) DUTIES DESCRIBED.—The principal duties and responsibilities of the Chief Artificial Intelligence Officer shall be—

''(A) to evaluate, oversee, and, if appropriate, facilitate the responsible adoption of artificial intelligence (AI) and machine learning applications to help inform decisions by policymakers and to support programs and management operations of the Department of State; and

''(B) to act as the principal advisor to the Secretary of State on the ethical use of AI and advanced analytics in conducting data-informed diplomacy.

''(3) QUALIFICATIONS.—The Chief Artificial Intelligence Officer should be an individual with demonstrated skill and competency in—

''(A) the use and application of data analytics, AI, and machine learning; and

''(B) transformational leadership and organizational change management, particularly within large, complex organizations.

''(4) PARTNER WITH THE CHIEF INFORMATION OFFICER ON SCALING ARTIFICIAL INTELLIGENCE USE CASES.—To ensure alignment between the Chief Artificial Intelligence Officer and the Chief Information Officer, the Chief Information Officer will consult with the Chief Artificial Intelligence Officer on best practices for rolling out and scaling AI capabilities across the Bureau of Information and Resource Management's broader portfolio of software applications.

''(5) ARTIFICIAL INTELLIGENCE DEFINED.—In this subsection, the term 'artificial intelligence' has the meaning given the term in section 238(g) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4001 note).''.

SEC. 6305. STRENGTHENING THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF STATE.

(a) IN GENERAL.—The Chief Information Officer of the Department shall be consulted on all decisions to approve or disapprove, significant new unclassified information technology expenditures, including software, of the Department, including expenditures related to information technology acquired, managed, and maintained by other bureaus and offices within the Department, in order to—

(1) encourage the use of enterprise software and information technology solutions where such solutions exist or can be developed in a timeframe and manner consistent with maintaining and enhancing the continuity and improvement of Department operations;

(2) increase the bargaining power of the Department in acquiring information technology solutions across the Department;

(3) reduce the number of redundant Authorities to Operate (ATO), which, instead of using one ATO-approved platform across bureaus, requires multiple ATOs for software use cases across different bureaus;

(4) enhance the efficiency, reduce redundancy, and increase interoperability of the use of information technology across the enterprise of the Department;

(5) enhance training and alignment of information technology personnel with the skills required to maintain systems across the Department;

(6) reduce costs related to the maintenance of, or effectuate the retirement of, legacy systems;

(7) ensure the development and maintenance of security protocols regarding the use of information technology solutions and software across the Department; and

(8) improve end-user training on the operation of information technology solutions and to enhance end-user cybersecurity practices.

(b) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department shall develop, in consultation with relevant bureaus and offices as appropriate, a strategy and a 5-year implementation plan to advance the objectives described in subsection (a).

(2) CONSULTATION.—No later than one year after the date of the enactment of this Act, the Chief Information Officer shall submit the strategy required by this subsection to the appropriate congressional committees and shall consult with the appropriate congressional committees, not less than on an annual basis for 5 years, regarding the progress related to the implementation plan required by this subjection.

(c) IMPROVEMENT PLAN FOR THE BUREAU FOR INFORMATION RESOURCES MANAGEMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer shall develop policies and protocols to improve the customer service orientation, quality and timely delivery of information technology solutions, and training and support for bureau and office-level information technology officers.

(2) SURVEY.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Chief Information Officer shall undertake a client satisfaction survey of bureau information technology officers to obtain feedback on metrics related to—

(A) customer service orientation of the Bureau of Information Resources Management;

(B) quality and timelines of capabilities delivered;

(C) maintenance and upkeep of information technology solutions;

(D) training and support for senior bureau and office-level information technology officers; and

(E) other matters which the Chief Information Officer, in consultation with client bureaus and offices, determine appropriate.

(3) SUBMISSION OF FINDINGS.—Not later than 60 days after completing each survey required under paragraph (2), the Chief Information Officer shall submit a summary of the findings to the appropriate congressional committees.

(d) SIGNIFICANT EXPENDITURE DEFINED.—For purposes of this section, the term ''significant expenditure'' means any cumulative expenditure in excess of $250,000 total in a single fiscal year for a new unclassified software or information technology capability.

SEC. 6306. SENSE OF CONGRESS ON STRENGTHENING ENTERPRISE GOVERNANCE.

It is the sense of Congress that in order to modernize the Department, enterprise-wide governance regarding budget and finance, information technology, and the creation, analysis, and use of data across the Department is necessary to better align resources to strategy, including evaluating trade-offs, and to enhance efficiency and security in using data and technology as tools to inform and evaluate the conduct of United States foreign policy.

SEC. 6307. DIGITAL CONNECTIVITY AND CYBERSECURITY PARTNERSHIP.

(a) DIGITAL CONNECTIVITY AND CYBERSECURITY PARTNERSHIP.—The Secretary is authorized to establish a program, which may be known as the ''Digital Connectivity and Cybersecurity Partnership'', to help foreign countries—

(1) expand and increase secure internet access and digital infrastructure in emerging markets, including demand for and availability of high-quality information and communications technology (ICT) equipment, software, and services;

(2) protect technological assets, including data;

(3) adopt policies and regulatory positions that foster and encourage open, interoperable, reliable, and secure internet, the free flow of data, multi-stakeholder models of internet governance, and pro-competitive and secure ICT policies and regulations;

(4) access United States exports of ICT goods and services;

(5) expand interoperability and promote the diversification of ICT goods and supply chain services to be less reliant on PRC imports;

(6) promote best practices and common standards for a national approach to cybersecurity; and

(7) advance other priorities consistent with paragraphs (1) through (6), as determined by the Secretary.

(b) USE OF FUNDS.—Funds made available to carry out this section, including unexpended funds from fiscal years 2018 through 2022, may be used to strengthen civilian cybersecurity and information and communications technology capacity, including participation of foreign law enforcement and military personnel in non-military activities, notwithstanding any other provision of law, provided that such support is essential to enabling civilian and law enforcement of cybersecurity and information and communication technology related activities in their respective countries.

(c) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an implementation plan for the coming year to advance the goals identified in subsection (a).

(d) CONSULTATION.—In developing and operationalizing the implementation plan required under subsection (c), the Secretary shall consult with—

(1) the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives;

(2) United States industry leaders;

(3) other relevant technology experts, including the Open Technology Fund;

(4) representatives from relevant United States Government agencies; and

(5) representatives from like-minded allies and partners.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for each of fiscal years 2024 through 2028 to carry out this section. Such funds, including funds authorized to be appropriated under the heading ''Economic Support Fund'', may be made available, notwithstanding any other provision of law to strengthen civilian cybersecurity and information and communications technology capacity, including for participation of foreign law enforcement and military personnel in

non-military activities, and for contributions. Such funds shall remain available until expended.

SEC. 6308. ESTABLISHMENT OF A CYBERSPACE, DIGITAL CONNECTIVITY, AND RELATED TECHNOLOGIES (CDT) FUND.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following new chapter:

''CHAPTER 10—CYBERSPACE, DIGITAL CONNECTIVITY, AND RELATED TECHNOLOGIES (CDT) FUND

''SEC. 591. FINDINGS.

''Congress makes the following findings:

''(1) Increasingly digitized and interconnected social, political, and economic systems have introduced new vulnerabilities for malicious actors to exploit, which threatens economic and national security.

''(2) The rapid development, deployment, and integration of information and communication technologies into all aspects of modern life bring mounting risks of accidents and malicious activity involving such technologies, and their potential consequences.

''(3) Because information and communication technologies are globally manufactured, traded, and networked, the economic and national security of the United State depends greatly on cybersecurity practices of other actors, including other countries.

''(4) United States assistance to countries and international organizations to bolster civilian capacity to address national cybersecurity and deterrence in cyberspace can help—

''(A) reduce vulnerability in the information and communication technologies ecosystem; and

''(B) advance national and economic security objectives.

''SEC. 592. AUTHORIZATION OF ASSISTANCE AND FUNDING FOR CYBERSPACE, DIGITAL CONNECTIVITY, AND RELATED TECHNOLOGIES (CDT) CAPACITY BUILDING ACTIVITIES.

''(a) AUTHORIZATION.—The Secretary of State is authorized to provide assistance to foreign governments and organizations, including national, regional, and international institutions, on such terms and conditions as the Secretary may determine, in order to—

''(1) advance a secure and stable cyberspace;

''(2) protect and expand trusted digital ecosystems and connectivity;

''(3) build the cybersecurity capacity of partner countries and organizations; and

''(4) ensure that the development of standards and the deployment and use of technology supports and reinforces human rights and democratic values, including through the Digital Connectivity and Cybersecurity Partnership.

''(b) SCOPE OF USES.—Assistance under this section may include programs to—

''(1) advance the adoption and deployment of secure and trustworthy information and communications technology (ICT) infrastructure and services, including efforts to grow global markets for secure ICT goods and services and promote a more diverse and resilient ICT supply chain;

''(2) provide technical and capacity building assistance to—

''(A) promote policy and regulatory frameworks that create an enabling environment for digital connectivity and a vibrant digital economy;

''(B) ensure technologies, including related new and emerging technologies, are developed, deployed, and used in ways that support and reinforce democratic values and human rights;

''(C) promote innovation and competition; and

''(D) support digital governance with the development of rights-respecting international norms and standards;

''(3) help countries prepare for, defend against, and respond to malicious cyber activities, including through—

''(A) the adoption of cybersecurity best practices;

''(B) the development of national strategies to enhance cybersecurity;

''(C) the deployment of cybersecurity tools and services to increase the security, strength, and resilience of networks and infrastructure;

''(D) support for the development of cybersecurity watch, warning, response, and recovery capabilities, including through the development of cybersecurity incident response teams;

''(E) support for collaboration with the Cybersecurity and Infrastructure Security Agency (CISA) and other relevant Federal agencies to enhance cybersecurity;

''(F) programs to strengthen allied and partner governments' capacity to detect, investigate, deter, and prosecute cybercrimes;

''(G) programs to provide information and resources to diplomats engaging in discussions and negotiations around international law and capacity building measures related to cybersecurity;

''(H) capacity building for cybersecurity partners, including law enforcement and military entities as described in subsection (f);

''(I) programs that enhance the ability of relevant stakeholders to act collectively against shared cybersecurity threats;

''(J) the advancement of programs in support of the Framework of Responsible State Behavior in Cyberspace; and

''(K) the fortification of deterrence instruments in cyberspace; and

''(4) such other purpose and functions as the Secretary of State may designate.

''(c) RESPONSIBILITY FOR POLICY DECISIONS AND JUSTIFICATION.—The Secretary of State shall be responsible for policy decisions regarding programs under this chapter, with respect to—

''(1) whether there will be cybersecurity and digital capacity building programs for a foreign country or entity operating in that country;

''(2) the amount of funds for each foreign country or entity; and

''(3) the scope and nature of such uses of funding.

''(d) DETAILED JUSTIFICATION FOR USES AND PURPOSES OF FUNDS.—The Secretary of State shall provide, on an annual basis, a detailed justification for the uses and purposes of the amounts provided under this chapter, including information concerning—

''(1) the amounts and kinds of grants;

''(2) the amounts and kinds of budgetary support provided, if any; and

''(3) the amounts and kinds of project assistance provided for what purpose and with such amounts.

''(e) ASSISTANCE AND FUNDING UNDER OTHER AUTHORITIES.—The authority granted under this section to provide assistance or funding for countries and organizations does not preclude the use of funds provided to carry out other authorities also available for such purpose.

''(f) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out this chapter may be used, notwithstanding any other provision of law, to strengthen civilian cybersecurity and information and communications technology capacity, including participation of foreign law enforcement and military personnel in non-military activities, provided that such support is essential to enabling civilian and law enforcement of cybersecurity and information and communication technology related activities in their respective countries.

''(g) NOTIFICATION REQUIREMENTS.—Funds made available under this section shall be obligated in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

''SEC. 593. REVIEW OF EMERGENCY ASSISTANCE CAPACITY.

''(a) IN GENERAL.—The Secretary of State, in consultation as appropriate with other relevant Federal departments and agencies is authorized to conduct a review that—

''(1) analyzes the United States Government's capacity to promptly and effectively deliver emergency support to countries experiencing major cybersecurity and ICT incidents;

''(2) identifies relevant factors constraining the support referred to in paragraph (1); and

''(3) develops a strategy to improve coordination among relevant Federal agencies and to resolve such constraints.

''(b) REPORT.—Not later than one year after the date of the enactment of this chapter, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that contains the results of the review conducted pursuant to subsection (a).

''SEC. 594. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated $150,000,000 during the 5-year period beginning on October 1, 2023, to carry out the purposes of this chapter.''.

SEC. 6309. CYBER PROTECTION SUPPORT FOR PERSONNEL OF THE DEPARTMENT OF STATE IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) DEFINITIONS.—In this section:

(1) AT-RISK PERSONNEL.—The term ''at-risk personnel'' means personnel of the Department—

(A) whom the Secretary determines to be highly vulnerable to cyber attacks and hostile information collection activities because of their positions in the Department; and

(B) whose personal technology devices or personal accounts are highly vulnerable to cyber attacks and hostile information collection activities.

(2) PERSONAL ACCOUNTS.—The term ''personal accounts'' means accounts for online and telecommunications services, including telephone, residential internet access, email, text and multimedia messaging, cloud computing, social media, health care, and financial services, used by personnel of the Department outside of the scope of their employment with the Department.

(3) PERSONAL TECHNOLOGY DEVICES.—The term ''personal technology devices'' means technology devices used by personnel of the Department outside of the scope of their employment with the Department, including networks to which such devices connect.

(b) REQUIREMENT TO PROVIDE CYBER PROTECTION SUPPORT.—The Secretary, in consultation with the Director of National Intelligence—

(1) shall offer cyber protection support for the personal technology devices and personal accounts of at-risk personnel; and

(2) may provide the support described in paragraph (1) to any Department personnel who request such support.

(c) NATURE OF CYBER PROTECTION SUPPORT.—Subject to the availability of resources, the cyber protection support provided to personnel pursuant to subsection (b) may include training, advice, assistance, and other services relating to protection against cyber attacks and hostile information collection activities.

(d) PRIVACY PROTECTIONS FOR PERSONAL DEVICES.—The Department is prohibited from accessing or retrieving any information

from any personal technology device or personal account of Department employees receiving cyber protection support described by this section unless—

(1) access or information retrieval is necessary for carrying out the cyber protection support specified in this section; and

(2) the Department has received explicit consent from the employee to access a personal technology device or personal account prior to each time such device or account is accessed.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to encourage Department personnel to use personal technology devices for official business; or

(2) to authorize cyber protection support for senior Department personnel using personal devices, networks, and personal accounts in an official capacity.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees regarding the provision of cyber protection support pursuant to subsection (b), which shall include—

(1) a description of the methodology used to make the determination under subsection (a)(1); and

(2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support pursuant to subsection (b).

TITLE LXIV—ORGANIZATION AND OPERATIONS

SEC. 6401. PERSONAL SERVICES CONTRACTORS.

(a) EXIGENT CIRCUMSTANCES AND CRISIS RESPONSE.—To assist the Department in addressing and responding to exigent circumstances and urgent crises abroad, the Department is authorized to employ, domestically and abroad, a limited number of personal services contractors in order to meet exigent needs, subject to the requirements of this section.

(b) AUTHORITY.—The authority to employ personal services contractors is in addition to any existing authorities to enter into personal services contracts and authority provided in the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117–43).

(c) EMPLOYING AND ALLOCATION OF PERSONNEL.—To meet the needs described in subsection (a) and subject to the requirements in subsection (d), the Department may—

(1) enter into contracts to employ a total of up to 100 personal services contractors at any given time for each of fiscal years 2024, 2025, and 2026; and

(2) allocate up to 20 personal services contractors to a given bureau, without regard to the sources of funding such office relies on to compensate individuals.

(d) LIMITATION.—Employment authorized by this section shall not exceed two calendar years.

(e) NOTIFICATION AND REPORTING TO CONGRESS.—

(1) NOTIFICATION.—Not later than 15 days after the use of authority under this section, the Secretary shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of the number of personal services contractors being employed, the expected length of employment, the relevant bureau, the purpose for using personal services contractors, and the justification, including the exigent circumstances requiring such use.

(2) ANNUAL REPORTING.—Not later than 60 days after the end of each fiscal year, the Department shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing the number of personal services contractors employed pursuant to this section for the prior fiscal year, the length of employment, the relevant bureau by which they were employed pursuant to this section, the purpose for using personal services contractors, disaggregated demographic data of such contractors, and the justification for the employment, including the exigent circumstances.

SEC. 6402. HARD-TO-FILL POSTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the number of hard-to-fill vacancies at United States diplomatic missions is far too high, particularly in Sub-Saharan Africa;

(2) these vacancies—

(A) adversely impact the Department's execution of regional strategies;

(B) hinder the ability of the United States to effectively compete with strategic competitors, such as the People's Republic of China and the Russian Federation; and

(C) present a clear national security risk to the United States; and

(3) if the Department is unable to incentivize officers to accept hard-to-fill positions, the Department should consider directed assignments, particularly for posts in Africa, and other means to more effectively advance the national interests of the United States.

(b) REPORT ON DEVELOPMENT OF INCENTIVES FOR HARD-TO-FILL POSTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on efforts to develop new incentives for hard-to-fill positions at United States diplomatic missions. The report shall include a description of the incentives developed to date and proposals to try to more effectively fill hard-to-fill posts.

(c) STUDY ON FEASIBILITY OF ALLOWING NON-CONSULAR FOREIGN SERVICE OFFICERS GIVEN DIRECTED CONSULAR POSTS TO VOLUNTEER FOR HARD-TO-FILL POSTS IN UNDERSTAFFED REGIONS.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a study on—

(i) the number of Foreign Service positions vacant for six months or longer at overseas posts, including for consular, political, and economic positions, over the last five years, broken down by region, and a comparison of the proportion of vacancies between regions; and

(ii) the feasibility of allowing first-tour Foreign Service generalists in non-Consular cones, directed for a consular tour, to volunteer for reassignment at hard-to-fill posts in understaffed regions.

(B) MATTERS TO BE CONSIDERED.—The study conducted under subparagraph (A) shall consider whether allowing first-tour Foreign Service generalists to volunteer as described in such subparagraph would address current vacancies and what impact the new mechanism would have on consular operations.

(2) REPORT.—Not later than 60 days after completing the study required under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report containing the findings of the study.

SEC. 6403. ENHANCED OVERSIGHT OF THE OFFICE OF CIVIL RIGHTS.

(a) REPORT WITH RECOMMENDATIONS AND MANAGEMENT STRUCTURE.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report with any recommendations for the long-term structure and management of the Office of Civil Rights (OCR), including—

(1) an assessment of the strengths and weaknesses of OCR's investigative processes and procedures;

(2) any changes made within OCR to its investigative processes to improve the integrity and thoroughness of its investigations; and

(3) any recommendations to improve the management structure, investigative process, and oversight of the Office.

SEC. 6404. CRISIS RESPONSE OPERATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall institute the following changes and ensure that the following elements have been integrated into the ongoing crisis response management and response by the Crisis Management and Strategy Office:

(1) The Department's crisis response planning and operations shall conduct, maintain, and update on a regular basis contingency plans for posts and regions experiencing or vulnerable to conflict or emergency conditions, including armed conflict, national disasters, significant political or military upheaval, and emergency evacuations.

(2) The Department's crisis response efforts shall be led by an individual with significant experience responding to prior crises, who shall be so designated by the Secretary.

(3) The Department's crisis response efforts shall provide at least quarterly updates to the Secretary and other relevant senior officials, including a plan and schedule to develop contingency planning for identified posts and regions consistent with paragraph (1).

(4) The decision to develop contingency planning for any particular post or region shall be made independent of any regional bureau.

(5) The crisis response team shall develop and maintain best practices for evacuations, closures, and emergency conditions.

(b) UPDATE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for the next five years, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an update outlining the steps taken to implement this section, along with any other recommendations to improve the Department's crisis management and response operations.

(2) CONTENTS.—Each update submitted pursuant to paragraph (1) should include—

(A) a list of the posts whose contingency plans, including any noncombatant evacuation contingencies, has been reviewed and updated as appropriate during the preceding 180 days; and

(B) an assessment of the Secretary's confidence that each post—

(i) has continuously reached out to United States persons in country to maintain and update contact information for as many such persons as practicable; and

(ii) is prepared to communicate with such persons in an emergency or crisis situation.

(3) FORM.—Each update submitted pursuant to paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6405. SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States must increase its diplomatic activity and presence in the Pacific, particularly among Pacific Island nations; and

(2) the Special Envoy to the Pacific Islands Forum—

(A) should advance the United States partnership with Pacific Island Forum nations and with the organization itself on key issues of importance to the Pacific region; and

(B) should coordinate policies across the Pacific region with like-minded democracies.

(b) APPOINTMENT OF SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 6304, is further amended by adding at the end the following new subsection:

''(o) SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.—

''(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a qualified individual to serve as Special Envoy to the Pacific Islands Forum (referred to in this section as the 'Special Envoy').

''(2) CONSIDERATIONS.—

''(A) SELECTION.—The Special Envoy shall be—

''(i) a United States Ambassador to a country that is a member of the Pacific Islands Forum; or

''(ii) a qualified individual who is not described in clause (i).

''(B) LIMITATIONS.—If the President appoints an Ambassador to a country that is a member of the Pacific Islands Forum to serve concurrently as the Special Envoy to the Pacific Islands Forum, such Ambassador—

''(i) may not begin service as the Special Envoy until he or she has been confirmed by the Senate for an ambassadorship to a country that is a member of the Pacific Islands Forum; and

''(ii) shall not receive additional compensation for his or her service as Special Envoy.

''(3) DUTIES.—The Special Envoy shall—

''(A) represent the United States in its role as dialogue partner to the Pacific Islands Forum; and

''(B) carry out such other duties as the President or the Secretary of State may prescribe.''.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that describes how the Department will increase its ability to recruit and retain highly-qualified ambassadors, special envoys, and other senior personnel in posts in Pacific island countries as the Department expands its diplomatic footprint throughout the region.

SEC. 6406. SPECIAL ENVOY FOR BELARUS.

(a) SPECIAL ENVOY.—The President shall appoint a Special Envoy for Belarus within the Department (referred to in this section as the ''Special Envoy''). The Special Envoy should be a person of recognized distinction in the field of European security, geopolitics, democracy and human rights, and may be a career Foreign Service officer.

(b) CENTRAL OBJECTIVE.—The central objective of the Special Envoy is to coordinate and promote efforts—

(1) to improve respect for the fundamental human rights of the people of Belarus;

(2) to sustain focus on the national security implications of Belarus's political and military alignment for the United States; and

(3) to respond to the political, economic, and security impacts of events in Belarus upon neighboring countries and the wider region.

(c) DUTIES AND RESPONSIBILITIES.—The Special Envoy shall—

(1) engage in discussions with Belarusian officials regarding human rights, political, economic and security issues in Belarus;

(2) support international efforts to promote human rights and political freedoms in Belarus, including coordination and dialogue between the United States and the United Nations, the Organization for Security and Cooperation in Europe, the European Union, Belarus, and the other countries in Eastern Europe;

(3) consult with nongovernmental organizations that have attempted to address human rights and political and economic instability in Belarus;

(4) make recommendations regarding the funding of activities promoting human rights, democracy, the rule of law, and the development of a market economy in Belarus;

(5) review strategies for improving protection of human rights in Belarus, including technical training and exchange programs;

(6) develop an action plan for holding to account the perpetrators of the human rights violations documented in the United Nations High Commissioner for Human Rights report on the situation of human rights in Belarus in the run-up to the 2020 presidential election and its aftermath (Human Rights Council Resolution 49/36);

(7) engage with member countries of the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe and the European Union with respect to the implications of Belarus's political and security alignment for transatlantic security; and

(8) work within the Department and among partnering countries to sustain focus on the political situation in Belarus.

(d) ROLE.—The position of Special Envoy—

(1) shall be a full-time position;

(2) may not be combined with any other position within the Department;

(3) shall only exist as long as United States diplomatic operations in Belarus at United States Embassy Minsk have been suspended; and

(4) shall oversee the operations and personnel of the Belarus Affairs Unit.

(e) REPORT ON ACTIVITIES.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary, in consultation with the Special Envoy, shall submit a report to the appropriate congressional committees that describes the activities undertaken pursuant to subsection (c) during the reporting period.

(f) SUNSET.—The position of Special Envoy for Belarus Affairs and the authorities provided by this section shall terminate 5 years after the date of the enactment of this Act.

SEC. 6407. OVERSEAS PLACEMENT OF SPECIAL APPOINTMENT POSITIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on current special appointment positions at United States diplomatic missions that do not exercise significant authority, and all positions under schedule B or schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, at United States diplomatic missions. The report shall include the title and responsibilities of each position, the expected duration of the position, the name of the individual currently appointed to the position, and the hiring authority utilized to fill the position.

TITLE LXV—ECONOMIC DIPLOMACY

SEC. 6501. DUTIES OF OFFICERS PERFORMING ECONOMIC FUNCTIONS.

(a) IN GENERAL.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

''SEC. 506. DUTIES OF OFFICERS PERFORMING ECONOMIC FUNCTIONS.

''(a) DEFINED TERM.—In this section, the term 'United States person' means—

''(1) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

''(2) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

''(b) IN GENERAL.—The Secretary is authorized to direct the officers performing economic functions of the Foreign Service as appropriate to carry out the full spectrum of economic statecraft and commercial diplomacy work that advances United States foreign policy priorities in the host country or domestic posting to which they are assigned, including—

''(1) to negotiate economic and other related agreements with foreign governments and international organizations;

''(2) to inform the Department, and when appropriate, the Washington, D.C., headquarters offices of Federal agencies, with respect to the positions of foreign governments and international organizations in negotiations on such matters as economic, energy, environment, science and health;

''(3) to advance—

''(A) the routine implementation and maintenance of economic, environment, science, and health agreements; and

''(B) other initiatives in the countries to which such officers are assigned related to improving economic or commercial relations for the benefit of United States persons, including businesses;

''(4) to identify, help design and execute, and advance, in consultation with other Federal agencies, United States policies, programs, and initiatives, including capacity-building efforts, to advance policies of foreign governments that improve local economic governance, market-based business environments, and market access, increase trade and investment opportunities, or provide a more level playing field for United States persons, including with respect to—

''(A) improving revenue collection;

''(B) streamlining customs processes and improving customs transparency and efficiency;

''(C) improving regulatory management;

''(D) improving procurement processes, including facilitating transparency in tendering, bidding, and contact negotiation;

''(E) advancing intellectual property protections;

''(F) eliminating anticompetitive subsidies and improving the transparency of remaining subsidies;

''(G) improving budget management and oversight; and

''(H) strengthening management of important economic sectors;

''(5) to prioritize active support of economic and commercial goals of the United States, and as appropriate, United States persons abroad, in conjunction with the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721);

''(6) to provide United States persons with information on all United States Government support with respect to international economic matters;

''(7) to receive feedback from United States persons with respect to support described in paragraphs (5) and (6), and report that feedback to the chief of mission and to the headquarters of the Department;

''(8) to consult closely and regularly with the private sector in accordance with section 709 of the Championing American Business through Diplomacy Act of 2019 (22 U.S.C. 9905);

''(9) to identify and execute opportunities for the United States to counter policies, initiatives, or activities by authoritarian governments or enterprises affiliated with such governments that are anticompetitive or undermine the sovereignty or prosperity of the United States or a partner country;

''(10) to identify and execute opportunities for the United States in new and emerging areas of trade and investment, such as digital trade, critical minerals extraction, refining, and processing, energy, and innovation;

''(11) to monitor the development and implementation of bilateral and multilateral economic and other related agreements and provide recommendations to the Secretary and the heads of other relevant Federal agencies with respect to United States actions and initiatives relating to those agreements;

''(12) to maintain complete and accurate records of the performance measurements of the Department for economic and commercial diplomacy activities, as directed by the chief of mission and other senior officials of the Department;

''(13) to report on issues and developments related to economic, commercial, trade, investment, energy, environment, science, and health matters with direct relevance to United States economic and national security interests, especially when accurate, reliable, timely, and cost-effective information is unavailable from non-United States Government sources; and

''(14) to coordinate all activities, as necessary and appropriate, with counterparts in other agencies.

''(c) REGULATORY UPDATES.—The Secretary shall update guidance in the Foreign Affairs Manual and other regulations and guidance as necessary to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Foreign Service Act of 1980 is amended by inserting after the item relating to section 505 the following:

''Sec. 506. Duties of economic officers.''.

SEC. 6502. REPORT ON RECRUITMENT, RETENTION, AND PROMOTION OF FOREIGN SERVICE ECONOMIC OFFICERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees regarding the recruitment, retention, and promotion of economic officers in the Foreign Service.

(b) ELEMENTS.—The report required under subsection (b) shall include—

(1) an overview of the key challenges the Department faces in—

(A) recruiting individuals to serve as economic officers in the Foreign Service; and

(B) retaining individuals serving as economic officers in the Foreign Service, particularly at the level of GS–14 of the General Schedule and higher;

(2) an overview of the key challenges in recruiting and retaining qualified individuals to serve in economic positions in the Civil Service;

(3) a comparison of promotion rates for economic officers in the Foreign Service relative to other officers in the Foreign Service;

(4) a summary of the educational history and training of current economic officers in the Foreign Service and Civil Service officers serving in economic positions;

(5) the identification, disaggregated by region, of hard-to-fill posts and proposed incentives to improve staffing of economic officers in the Foreign Service at such posts;

(6) a summary and analysis of the factors that lead to the promotion of—

(A) economic officers in the Foreign Service; and

(B) individuals serving in economic positions in the Civil Service; and

(7) a summary and analysis of current Department-funded or run training opportunities and externally-funded programs, including the Secretary's Leadership Seminar at Harvard Business School, for—

(A) economic officers in the Foreign Service; and

(B) individuals serving in economic positions in the Civil Service.

SEC. 6503. MANDATE TO REVISE DEPARTMENT OF STATE METRICS FOR SUCCESSFUL ECONOMIC AND COMMERCIAL DIPLOMACY.

(a) MANDATE TO REVISE DEPARTMENT OF STATE PERFORMANCE MEASURES FOR ECONOMIC AND COMMERCIAL DIPLOMACY.—The Secretary shall, as part of the Department's next regularly scheduled review on metrics and performance measures, include revisions of Department performance measures for economic and commercial diplomacy, by identifying outcome-oriented, and not process-oriented, performance metrics, including metrics that—

(1) measure how Department efforts advanced specific economic and commercial objectives and led to successes for the United States or other private sector actors overseas; and

(2) focus on customer satisfaction with Department services and assistance.

(b) PLAN FOR ENSURING COMPLETE DATA FOR PERFORMANCE MEASURES.—As part of the review required under subsection (a), the Secretary shall include a plan for ensuring that—

(1) the Department, both at its main headquarters and at domestic and overseas posts, maintains and fully updates data on performance measures; and

(2) Department leadership and the appropriate congressional committees can evaluate the extent to which the Department is advancing United States economic and commercial interests abroad through meeting performance targets.

(c) REPORT ON PRIVATE SECTOR SURVEYS.—The Secretary shall prepare a report that lists and describes all the methods through which the Department conducts surveys of the private sector to measure private sector satisfaction with assistance and services provided by the Department to advance private sector economic and commercial goals in foreign markets.

(d) REPORT.—Not later than 90 days after conducting the review pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees—

(1) the revised performance metrics required under subsection (a); and

(2) the report required under subsection (c).

SEC. 6504. CHIEF OF MISSION ECONOMIC RESPONSIBILITIES.

Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended by adding at the end the following:

''(e) EMBASSY ECONOMIC TEAM.—

''(1) COORDINATION AND SUPERVISION.—Each chief of mission shall coordinate and supervise the implementation of all United States economic policy interests within the host country in which the diplomatic mission is located, among all United States Government departments and agencies present in such country.

''(2) ACCOUNTABILITY.—The chief of mission is responsible for the performance of the diplomatic mission in advancing United States economic policy interests within the host country.

''(3) MISSION ECONOMIC TEAM.—The chief of mission shall designate appropriate embassy staff to form a mission economic team that—

''(A) monitors notable economic, commercial, and investment-related developments in the host country; and

''(B) develops plans and strategies for advancing United States economic and commercial interests in the host country, including—

''(i) tracking legislative, regulatory, judicial, and policy developments that could affect United States economic, commercial, and investment interests;

''(ii) advocating for best practices with respect to policy and regulatory developments;

''(iii) conducting regular analyses of market systems, trends, prospects, and opportunities for value-addition, including risk assessments and constraints analyses of key sectors and of United States strategic competitiveness, and other reporting on commercial opportunities and investment climate; and

''(iv) providing recommendations for responding to developments that may adversely affect United States economic and commercial interests.''.

SEC. 6505. DIRECTION TO EMBASSY DEAL TEAMS.

(a) PURPOSES.—The purposes of deal teams at United States embassies and consulates are—

(1) to promote a private sector-led approach—

(A) to advance economic growth and job creation that is tailored, as appropriate, to specific economic sectors; and

(B) to advance strategic partnerships;

(2) to prioritize efforts—

(A) to identify commercial and investment opportunities;

(B) to advocate for improvements in the business and investment climate;

(C) to engage and consult with private sector partners; and

(D) to report on the activities described in subparagraphs (A) through (C), in accordance with the applicable requirements under sections 706 and 707 of the Championing American Business Through Diplomacy Act of 2019 (22 U.S.C. 9902 and 9903);

(3)(A)(i) to identify trade and investment opportunities for United States companies in foreign markets; or

(ii) to assist with existing trade and investment opportunities already identified by United States companies; and

(B) to deploy United States Government economic and other tools to help such United States companies to secure their objectives;

(4) to identify and facilitate opportunities for entities in a host country to increase exports to, or investment in, the United States in order to grow two-way trade and investment;

(5) to modernize, streamline, and improve access to resources and services designed to promote increased trade and investment opportunities;

(6) to identify and secure United States or allied government support of strategic projects, such as ports, railways, energy production and distribution, critical minerals development, telecommunications networks, and other critical infrastructure projects vulnerable to predatory investment by an authoritarian country or entity in such country where support or investment serves an important United States interest;

(7) to coordinate across the Unites States Government to ensure the appropriate and most effective use of United States Government tools to support United States economic, commercial, and investment objectives; and

(8) to coordinate with the multi-agency DC Central Deal Team, established in February 2020, on the matters described in paragraphs (1) through (7) and other relevant matters.

(b) CLARIFICATION.—A deal team may be composed of the personnel comprising the mission economic team formed pursuant to section 207(e)(3) of the Foreign Service Act of 1980, as added by section 6504.

(c) RESTRICTIONS.—A deal team may not provide support for, or assist a United States person with a transaction involving, a government, or an entity owned or controlled by a government, if the Secretary determines that such government—

(1) has repeatedly provided support for acts of international terrorism, as described in—

(A) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (subtitle B of title XVII of Public Law 115–232);

(B) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(D) any other relevant provision of law; or

(2) has engaged in an activity that would trigger a restriction under section 116(a) or 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a) and 2304(a)(2)) or any other relevant provision of law.

(d) FURTHER RESTRICTIONS.—

(1) PROHIBITION ON SUPPORT OF SANCTIONED PERSONS.—Deal teams may not carry out activities prohibited under United States sanctions laws or regulations, including dealings with persons on the list of specially designated persons and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, except to the extent otherwise authorized by the Secretary of the Treasury or the Secretary.

(2) PROHIBITION ON SUPPORT OF ACTIVITIES SUBJECT TO SANCTIONS.—Any person receiving support from a deal team must be in compliance with all United States sanctions laws and regulations as a condition for receiving such assistance.

(e) CHIEF OF MISSION AUTHORITY AND ACCOUNTABILITY.—The chief of mission to a foreign country—

(1) is the designated leader of a deal team in such country; and

(2) shall be held accountable for the performance and effectiveness of United States deal teams in such country.

(f) GUIDANCE CABLE.—The Department shall send out regular guidance on Deal Team efforts by an All Diplomatic and Consular Posts (referred to in this section as ''ALDAC'') that—

(1) describes the role of deal teams; and

(2) includes relevant and up-to-date information to enhance the effectiveness of deal teams in a country.

(g) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—In preparing the cable required under subsection (f), the Secretary shall protect from disclosure any proprietary information of a United States person marked as business confidential information unless the person submitting such information—

(A) had notice, at the time of submission, that such information would be released by; or

(B) subsequently consents to the release of such information.

(2) TREATMENT AS TRADE SECRETS.—Proprietary information obtained by the United States Government from a United States person pursuant to the activities of deal teams shall be—

(A) considered to be trade secrets and commercial or financial information (as such terms are used under section 552b(c)(4) of title 5, United States Code); and

(B) exempt from disclosure without the express approval of the person.

(h) SUNSET.—The requirements under subsections (f) through (h) shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 6506. ESTABLISHMENT OF A "DEAL TEAM OF THE YEAR" AWARD.

(a) ESTABLISHMENT.—The Secretary shall establish a new award, to be known as the ''Deal Team of the Year Award'', and annually present the award to a deal team at one United States mission in each region to recognize outstanding achievements in supporting a United States company or companies pursuing commercial deals abroad or in identifying new deal prospects for United States companies.

(b) AWARD CONTENT.—

(1) DEPARTMENT OF STATE.—Each member of a deal team receiving an award pursuant to subsection (a) shall receive a certificate that is signed by the Secretary and—

(A) in the case of a member of the Foreign Service, is included in the next employee evaluation report; or

(B) in the case of a Civil Service employee, is included in the next annual performance review.

(2) OTHER FEDERAL AGENCIES.—If an award is presented pursuant to subsection (a) to a Federal Government employee who is not employed by the Department, the employing agency may determine whether to provide such employee any recognition or benefits in addition to the recognition or benefits provided by the Department.

(c) ELIGIBILITY.—Any interagency economics team at a United States overseas mission under chief of mission authority that assists United States companies with identifying, navigating, and securing trade and investment opportunities in a foreign country or that facilitates beneficial foreign investment into the United States is eligible for an award under this section.

(d) REPORT.—Not later than the last day of the fiscal year in which awards are presented pursuant to subsection (a), the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) each mission receiving a Deal Team of the Year Award.

(2) the names and agencies of each awardee within the recipient deal teams; and

(3) a detailed description of the reason such deal teams received such award.

TITLE LXVI—PUBLIC DIPLOMACY

SEC. 6601. PUBLIC DIPLOMACY OUTREACH.

(a) COORDINATION OF RESOURCES.—The Administrator of the United States Agency for International Development and the Secretary shall direct public affairs sections at United States embassies and USAID Mission Program Officers at USAID missions to coordinate, enhance and prioritize resources for public diplomacy and awareness campaigns around United States diplomatic and development efforts, including through—

(1) the utilization of new media technology for maximum public engagement; and

(2) enact coordinated comprehensive community outreach to increase public awareness and understanding and appreciation of United States diplomatic and development efforts.

(b) DEVELOPMENT OUTREACH AND COORDINATION OFFICERS.—USAID should prioritize hiring of additional Development Outreach and Coordination officers in USAID missions to support the purposes of subsection (a).

(c) BEST PRACTICES.—The Secretary and the Administrator of USAID shall identify 10 countries in which Embassies and USAID missions have successfully executed efforts, including monitoring and evaluation of such efforts, described in (a) and develop best practices to be turned into Department and USAID guidance.

SEC. 6602. MODIFICATION ON USE OF FUNDS FOR RADIO FREE EUROPE/RADIO LIBERTY.

In section 308(h) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)) is amended—

(1) by striking subparagraphs (1), (3), and (5); and

(2) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively.

SEC. 6603. INTERNATIONAL BROADCASTING.

(a) VOICE OF AMERICA.—Section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) is amended by adding at the end the following:

''(d) VOICE OF AMERICA OPERATIONS AND STRUCTURE.—

''(1) OPERATIONS.—The Director of the Voice of America (VOA)—

''(A) shall direct and supervise the operations of VOA, including making all major decisions relating its staffing; and

''(B) may utilize any authorities made available to the United States Agency for Global Media or to its Chief Executive Officer under this Act or under any other Act to carry out its operations in an effective manner.

''(2) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of VOA shall submit a plan to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to ensure that the personnel structure of VOA is sufficient to effectively carry out the principles described in subsection (c).''.

(b) APPOINTMENT OF CHIEF EXECUTIVE OFFICER.—Section 304 of such Act (22 U.S.C. 6203) is amended—

(1) in subsection (a), by striking ''as an entity described in section 104 of title 5, United States Code'' and inserting ''under the direction of the International Broadcasting Advisory Board''; and

(2) in subsection (b)(1), by striking the second sentence and inserting the following: ''Notwithstanding any other provision of law, when a vacancy arises, until such time as a Chief Executive Officer, to whom sections 3345 through 3349b of title 5, United States Code, shall not apply, is appointed and confirmed by the Senate, an acting Chief Executive Officer shall be appointed by the International Broadcasting Advisory Board and shall continue to serve and exercise the authorities and powers under this title as the sole means of filling such vacancy, for the duration of the vacancy. In the absence of a quorum on the International Broadcasting Advisory Board, the first principal deputy of the United States Agency for Global Media shall serve as acting Chief Executive Officer.''.

(c) CHIEF EXECUTIVE OFFICER AUTHORITIES.—Section 305(a)(1) of such Act (22 U.S.C. 6204(a)(1)) is amended by striking ''To supervise all'' and inserting ''To oversee, coordinate, and provide strategic direction for''.

(d) INTERNATIONAL BROADCASTING ADVISORY BOARD.—Section 306(a) of such Act (22 U.S.C. 6205(a)) is amended by striking ''advise the Chief Executive Officer of'' and inserting ''oversee and advise the Chief Executive Officer and''.

(e) RADIO FREE AFRICA; RADIO FREE AMERICAS.—Not later than 180 days after the date of the enactment of this Act, the Chief Executive Officer of the United States Agency for Global Media shall submit a report to 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 that details the financial and other resources that would be required to establish and operate 2 nonprofit organizations, modeled after Radio Free Europe/Radio Liberty and Radio Free Asia, for the purposes of providing accurate, uncensored, and reliable news and information to—

(1) the region of Africa, with respect to Radio Free Africa; and

(2) the region of Latin America and the Caribbean, with respect to Radio Free Americas.

SEC. 6604. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

''SEC. 115. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

''(a) ESTABLISHMENT.—There is established the John Lewis Civil Rights Fellowship Program (referred to in this section as the 'Fellowship Program') within the J. William Fulbright Educational Exchange Program.

''(b) PURPOSES.—The purposes of the Fellowship Program are—

''(1) to honor the legacy of Representative John Lewis by promoting a greater understanding of the history and tenets of nonviolent civil rights movements; and

''(2) to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.

''(c) ADMINISTRATION.—The Bureau of Educational and Cultural Affairs (referred to in this section as the 'Bureau') shall administer the Fellowship Program in accordance with policy guidelines established by the Board, in consultation with the binational Fulbright Commissions and United States Embassies.

''(d) SELECTION OF FELLOWS.—

''(1) IN GENERAL.—The Board shall annually select qualified individuals to participate in the Fellowship Program. The Bureau may determine the number of fellows selected each year, which, whenever feasible, shall be not fewer than 25.

''(2) OUTREACH.—

''(A) IN GENERAL.—To the extent practicable, the Bureau shall conduct outreach at institutions, including—

''(i) minority serving institutions, including historically Black colleges and universities; and

''(ii) other appropriate institutions, as determined by the Bureau.

''(B) DEFINITIONS.—In this paragraph:

''(i) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(ii) MINORITY SERVING INSTITUTION.—The term 'minority-serving institution' means an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

''(e) FELLOWSHIP ORIENTATION.—Annually, the Bureau shall organize and administer a fellowship orientation, which shall—

''(1) be held in Washington, D.C., or at another location selected by the Bureau; and

''(2) include programming to honor the legacy of Representative John Lewis.

''(f) STRUCTURE.—

''(1) WORK PLAN.—To carry out the purposes described in subsection (b)—

''(A) each fellow selected pursuant to subsection (d) shall arrange an internship or research placement—

''(i) with a nongovernmental organization, academic institution, or other organization approved by the Bureau; and

''(ii) in a country with an operational Fulbright U.S. Student Program; and

''(B) the Bureau shall, for each fellow, approve a work plan that identifies the target objectives for the fellow, including specific duties and responsibilities relating to those objectives.

''(2) CONFERENCES; PRESENTATIONS.—Each fellow shall—

''(A) attend a fellowship orientation organized and administered by the Bureau under subsection (e);

''(B) not later than the date that is 1 year after the end of the fellowship period, attend a fellowship summit organized and administered by the Bureau, which—

''(i) whenever feasible, shall be held in Atlanta, Georgia, or another location of importance to the civil rights movement in the United States; and

''(ii) may coincide with other events facilitated by the Bureau; and

''(C) at such summit, give a presentation on lessons learned during the period of fellowship.

''(3) FELLOWSHIP PERIOD.—Each fellowship under this section shall continue for a period determined by the Bureau, which, whenever feasible, shall be not fewer than 10 months.

''(g) FELLOWSHIP AWARD.—The Bureau shall provide each fellow under this section with an allowance that is equal to the amount needed for—

''(1) the reasonable costs of the fellow during the fellowship period; and

''(2) travel and lodging expenses related to attending the orientation and summit required under subsection (e)(2).

''(h) ANNUAL REPORT.—Not later than 1 year after the date of the completion of the Fellowship Program by the initial cohort of fellows selected under subsection (d), and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation of the Fellowship Program, including—

''(1) a description of the demographics of the cohort of fellows who completed a fellowship during the preceding 1-year period;

''(2) a description of internship and research placements, and research projects selected by such cohort, under the Fellowship Program, including feedback from—

''(A) such cohort on implementation of the Fellowship Program; and

''(B) the Secretary on lessons learned; and

''(3) an analysis of trends relating to the diversity of each cohort of fellows and the topics of projects completed since the establishment of the Fellowship Program.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(10) the John Lewis Civil Rights Fellowship Program established under section 115, which provides funding for international internships and research placements for early- to mid-career individuals from the United States to study nonviolent civil rights movements in self-arranged placements with universities or nongovernmental organizations in foreign countries.''.

SEC. 6605. DOMESTIC ENGAGEMENT AND PUBLIC AFFAIRS.

(a) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a strategy to explain to the American people the value of the work of the Department and United States foreign policy to advancing the national security of the United States. The strategy shall include—

(1) tools to inform the American people about the non-partisan importance of United States diplomacy and foreign relations and to utilize public diplomacy to meet the United States' national security priorities;

(2) efforts to reach the widest possible audience of Americans, including those who historically have not had exposure to United States foreign policy efforts and priorities;

(3) additional staffing and resource needs including—

(A) domestic positions within the Bureau of Global Public Affairs to focus on engagement with the American people as outlined in paragraph (1);

(B) positions within the Bureau of Educational and Cultural Affairs to enhance program and reach the widest possible audience;

(C) increasing the number of fellowship and detail programs that place Foreign Service and civil service employees outside the Department for a limited time, including Pearson Fellows, Reta Joe Lewis Local Diplomats, Brookings Fellows, and Georgetown Fellows; and

(D) recommendations for increasing participation in the Hometown Diplomats program and evaluating this program as well as other opportunities for Department officers to engage with American audiences while traveling within the United States.

SEC. 6606. EXTENSION OF GLOBAL ENGAGEMENT CENTER.

Section 1287(j) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended by striking ''on the date that is 8 years after the date of the enactment of this Act'' and inserting ''on September 30, 2033''.

SEC. 6607. PAPERWORK REDUCTION ACT.

Section 5603(d) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended by adding at the end the following new paragraph:

''(4) United States Information and Educational Exchange Act of 1948 (Public Law 80–402).''.

SEC. 6608. MODERNIZATION AND ENHANCEMENT STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy to the appropriate congressional committees for—

(1) modernizing and increasing the operational and programming capacity of American Spaces and American Corners throughout the world, including by leveraging public-private partnerships;

(2) providing salaries to locally employed staff of American Spaces and American Corners; and

(3) providing opportunities for United States businesses and nongovernmental organizations to better utilize American Spaces.

TITLE LXVII—OTHER MATTERS

SEC. 6701. EXPANDING THE USE OF DDTC LICENSING FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) by striking ''100 percent of the registration fees collected by the Office of Trade Controls of the Department of State'' and inserting ''100 percent of the defense trade control registration fees collected by the Department of State'';

(2) by inserting ''management, licensing, compliance, and policy activities in the defense trade controls function, including'' after ''expenses incurred for'';

(3) in paragraph (1), by striking ''contract personnel to assist in'';

(4) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(5) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

''(4) the facilitation of defense trade policy development and implementation, review of commodity jurisdiction determinations, public outreach to industry and foreign parties, and analysis of scientific and technological

developments as they relate to the exercise of defense trade control authorities; and

''(5) contract personnel to assist in such activities.''.

SEC. 6702. PROHIBITION ON ENTRY OF OFFICIALS OF FOREIGN GOVERNMENTS INVOLVED IN SIGNIFICANT CORRUPTION OR GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) INELIGIBILITY.—

(1) IN GENERAL.—Officials of foreign governments, and their immediate family members, about whom the Secretary has credible information have been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights, including the wrongful detention of locally employed staff of a United States diplomatic mission or a United States citizen or national, shall be ineligible for entry into the United States.

(2) ADDITIONAL SANCTIONS.—Concurrent with the application of paragraph (1), the Secretary shall, as appropriate, refer the matter to the Office of Foreign Assets Control of the Department of the Treasury to determine whether to apply sanctions authorities in accordance with United States law to block the transfer of property and interests in property, and all financial transactions, in the United States involving any person described in such paragraph.

(3) DESIGNATION.—The Secretary shall also publicly or privately designate or identify the officials of foreign governments about whom the Secretary has such credible information, and their immediate family members, without regard to whether the individual has applied for a visa.

(b) EXCEPTIONS.—

(1) SPECIFIC PURPOSES.—Individuals shall not be ineligible for entry into the United States pursuant to subsection (a) if such entry would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement.

(2) RULE OF CONSTRUCTION REGARDING INTERNATIONAL OBLIGATIONS.—Nothing in subsection (a) shall be construed to derogate from United States obligations under applicable international agreements.

(c) WAIVER.—The Secretary may waive the application of subsection (a) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances that caused the individual to be ineligible have changed sufficiently.

(d) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report, including a classified annex if necessary, that includes—

(A) a description of information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to subsection (a)(1) as well as the individuals who the Secretary designated or identified pursuant to subsection (a)(3), or who would be ineligible but for the application of subsection (b); and

(B) a list of any waivers provided under subsection (c), together with a justification for each waiver.

(2) FORM AND PUBLICATION.—

(A) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public on a publicly accessible internet website of the Department the unclassified portion of each report required under paragraph (1).

(e) CLARIFICATION.—For purposes of subsections (a) and (d), the records of the Department and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

SEC. 6703. PROTECTION OF CULTURAL HERITAGE DURING CRISES.

Notwithstanding the limitations specified in section 304(c) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603(c)) and without regard to whether a country is a State Party to the Convention (as defined in sections 302 of such Act (19 U.S.C. 2601)), the Secretary may exercise the authority under section 304 of such Act (19 U.S.C. 2603) to impose import restrictions set forth in section 307 of such Act (19 U.S.C. 2606) if the Secretary determines that—

(1) imposition of such restrictions is in the national interest of the United States; and

(2) an emergency condition (as defined in section 304 of such Act (19 U.S.C. 2603)) applies.

SEC. 6704. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 64. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

''(a) ACTIVITIES.—

''(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide, by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services and related events, including organizing programs and conference activities, creating, designing, and installing exhibits, and conducting museum shop services and food services in the public exhibition and related physical and virtual space utilized by the National Museum of American Diplomacy.

''(2) RECOVERY OF COSTS.—The Secretary of State is authorized to recover any revenues generated under the authority of paragraph (1) for visitor and educational outreach services and related events referred to in such paragraph, including fees for use of facilities at the National Museum for American Diplomacy. Any such revenues may be retained as a recovery of the costs of operating the museum, credited to any Department of State appropriation, and shall remain available until expended.

''(b) DISPOSITION OF DOCUMENTS, ARTIFACTS, AND OTHER ARTICLES.—

''(1) PROPERTY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display by the National Museum of American Diplomacy shall be considered to be the property of the United States Government and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE, TRADE, OR TRANSFER.—Whenever the Secretary of State makes a determination described in paragraph (3) with respect to a document, artifact, or other article under paragraph (1), taking into account considerations such as the museum's collections management policy and best professional museum practices, the Secretary may sell at fair market value, trade, or transfer such document, artifact, or other article without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the mission of the National Museum of American Diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the Museum.

''(3) DETERMINATIONS PRIOR TO SALE, TRADE, OR TRANSFER.—The determination described in this paragraph with respect to a document, artifact, or other article under paragraph (1) is a determination that—

''(A) the document, artifact, or other article no longer serves to further the purposes of the National Museum of American Diplomacy as set forth in the collections management policy of the Museum;

''(B) the sale, trade, or transfer of the document, artifact, or other article would serve to maintain the standards of the collection of the Museum; or

''(C) the sale, trade, or transfer of the document, artifact, or other article would be in the best interests of the United States.

''(4) LOANS.—In addition to the authorization under paragraph (2) relating to the sale, trade, or transfer of documents, artifacts, or other articles under paragraph (1), the Secretary of State may loan the documents, artifacts, or other articles, when not needed for use or display by the National Museum of American Diplomacy, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''.

SEC. 6705. EXTRATERRITORIAL OFFENSES COMMITTED BY UNITED STATES NATIONALS SERVING WITH INTERNATIONAL ORGANIZATIONS.

(a) JURISDICTION.—Whoever, while a United States national or lawful permanent resident serving with the United Nations, its specialized agencies, or other international organization the Secretary has designated for purposes of this section and published in the Federal Register, or while accompanying such an individual, engages in conduct, or conspires or attempts to engage in conduct, outside the United States that would constitute an offense punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to United States jurisdiction in order to be tried for that offense.

(b) DEFINITIONS.—In this section:

(1) ACCOMPANYING SUCH INDIVIDUAL.—The term ''accompanying such individual'' means—

(A) being a dependent, or family member of a United States national or lawful permanent resident serving with the United Nations, its specialized agencies, or other international organization designated under subsection (a);

(B) residing with such United States national or lawful permanent resident serving with the United Nations, its specialized agencies, or other international organization designated under subsection (a); and

(C) not being a national of or ordinarily resident in the country where the offense is committed.

(2) SERVING WITH THE UNITED NATIONS, ITS SPECIALIZED AGENCIES, OR OTHER INTERNATIONAL ORGANIZATION AS THE SECRETARY OF STATE MAY DESIGNATE.—The term ''serving with the United Nations, its specialized agencies, or other international organization as the Secretary of State may designate'' under subsection (a) means—

(A) being a United States national or lawful permanent resident employed as an employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), an expert on mission, or an unpaid intern or volunteer of the United Nations, including any of its funds, programs or subsidiary bodies, or any of the United Nations specialized agencies, or of any international organization designated under subsection (a)(1); and

(B) being present or residing outside the United States in connection with such employment.

(3) UNITED STATES NATIONAL.—The term ''United States national'' has the meaning given the term ''national of the United States'' in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit or affect the application of extraterritorial jurisdiction related to any other Federal law.

SEC. 6706. EXTENSION OF CERTAIN PRIVILEGES AND IMMUNITIES TO THE INTERNATIONAL ENERGY FORUM.

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

''SEC. 20. Under such terms and conditions as the President shall determine, the President is authorized to extend the provisions of this subchapter to the International Energy Forum Secretariat in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.''.

SEC. 6707. EXTENSION OF CERTAIN PRIVILEGES AND IMMUNITIES TO THE CONSEIL EUROPÉEN POUR LA RECHERCHE NUCLÉAIRE (CERN; THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH).

The International Organizations Immunities Act (22 U.S.C. 288 et seq.), as amended by section 6706, is further amended by adding at the end the following new section:

''SEC. 21. Under such terms and conditions as the President shall determine, the President is authorized to extend the provisions of this title to the European Organization for Nuclear Research (CERN) in the same manner, to the same extent, and subject to the same conditions, as it may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.''.

SEC. 6708. INTERNSHIPS OF UNITED STATES NATIONALS AT INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The Secretary of State is authorized to bolster efforts to increase the number of United States citizens representative of the American people occupying positions in the United Nations system, agencies, and commissions, and in other international organizations, including by awarding grants to educational institutions and students.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that identifies—

(1) the number of United States citizens who are involved in internship programs at international organizations;

(2) the distribution of the individuals described in paragraph (1) among various international organizations; and

(3) grants, programs, and other activities that are being utilized to recruit and fund United States citizens to participate in internship programs at international organizations.

(c) ELIGIBILITY.—An individual referred to in subsection (a) is an individual who—

(1) is enrolled at or received their degree within two years from—

(A) an institution of higher education; or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State; and

(2) is a citizen of the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,500,000 for the Department of State for fiscal year 2024 to carry out the grant program authorized under subsection (a).

SEC. 6709. TRAINING FOR INTERNATIONAL ORGANIZATIONS.

(a) TRAINING PROGRAMS.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end of the following new subsection:

''(e) TRAINING IN MULTILATERAL DIPLOMACY.—

''(1) IN GENERAL.—The Secretary, in consultation with other senior officials as appropriate, shall establish training courses on—

''(A) the conduct of diplomacy at international organizations and other multilateral institutions; and

''(B) broad-based multilateral negotiations of international instruments.

''(2) REQUIRED TRAINING.—Members of the Service, including appropriate chiefs of mission and other officers who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in other positions that have as their primary responsibility formulation of policy related to such organizations and institutions, or participation in negotiations of international instruments, shall receive specialized training in the areas described in paragraph (1) prior to the beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.''.

(b) TRAINING FOR DEPARTMENT EMPLOYEES.—The Secretary of State shall ensure that employees of the Department of State who are assigned to positions described in paragraph (2) of subsection (e) of section 708 of the Foreign Service Act of 1980 (as added by subsection (a) of this section), including members of the civil service or general service, or who are seconded to international organizations for a period of at least one year, receive training described in such subsection and participate in other such courses as the Secretary may recommend to build or augment identifiable skills that would be useful for such Department officials representing United States interests at these institutions and organizations.

SEC. 6710. MODIFICATION TO TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

Section 112b of title 1, United States Code, as most recently amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3476), is further amended—

(1) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively; and

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

''(h)(1) If the Secretary is aware or has reason to believe that the requirements of subsection (a), (b), or (c) have not been fulfilled with respect to an international agreement or qualifying non-binding instrument, the Secretary shall—

''(A) immediately bring the matter to the attention of the office or agency responsible for the agreement or qualifying non-binding instrument; and

''(B) request the office or agency to provide within 7 days the text or other information necessary to fulfill the requirements of the relevant subsection.

''(2) Upon receiving the text or other information requested pursuant to paragraph (1), the Secretary shall—

''(A) fulfill the requirements of subsection (a), (b), or (c), as the case may be, with respect to the agreement or qualifying non-binding instrument concerned—

''(i) by including such text or other information in the next submission required by subsection (a)(1);

''(ii) by providing such information 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 before provision of the submission described in clause (i); or

''(iii) in relation to subsection (b), by making the text of the agreement or qualifying non-binding instrument and the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to the agreement or instrument available to the public on the website of the Department of State within 15 days of receiving the text or other information requested pursuant to paragraph (1); and

''(B) provide 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, either in the next submission required by subsection (a)(1) or before such submission, a written statement explaining the reason for the delay in fulfilling the requirements of subsection (a), (b), or (c), as the case may be.''.

SEC. 6711. STRATEGY FOR THE EFFICIENT PROCESSING OF ALL AFGHAN SPECIAL IMMIGRANT VISA APPLICATIONS AND APPEALS.

Section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''In this section'' and inserting ''Except as otherwise explicitly provided, in this section''; and

(2) in subsection (b), by adding at the end the following:

''(16) DEPARTMENT OF STATE STRATEGY FOR EFFICIENT PROCESSING OF APPLICATIONS AND APPEALS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the head of any other relevant Federal agency, the appropriate committees of Congress, and civil society organizations (including legal advocates), shall develop a strategy to address applications pending at all steps of the special immigrant visa process under this section.

''(B) ELEMENTS.—The strategy required by subparagraph (A) shall include the following:

''(i) A review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process under this section.

''(ii) An analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this Act during the several years after the date of the enactment of this paragraph.

''(iii) A plan for collecting and disaggregating data on—

''(I) individuals who have applied for special immigrant visas under this section; and

''(II) individuals who have been issued visas under this section.

''(iv) An assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas under this section in appropriate circumstances and consistent with applicable laws.

''(v) An assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

''(C) FORM.—The strategy required by subparagraph (A) shall be submitted in unclassified form but may include an classified annex.

''(D) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Armed Services of the Senate; and

''(ii) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.''.

SEC. 6712. REPORT ON PARTNER FORCES UTILIZING UNITED STATES SECURITY ASSISTANCE IDENTIFIED AS USING HUNGER AS A WEAPON OF WAR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States recognizes the link between armed conflict and conflict-induced food insecurity;

(2) Congress recognizes and condemns the role of nefarious security actors, including state and non-state armed groups, who have utilized hunger as a weapon of war, including through the unanimous adoption of House of Representatives Resolution 922 and Senate Resolution 669 relating to ''[c]ondemning the use of hunger as a weapon of war and recognizing the effect of conflict on global food security and famine'';

(3) United Nations Security Council Resolution 2417 articulates principles that should serve as an important framework for holding perpetrators that use hunger as a weapon of war accountable; and

(4) the United States should use the diplomatic and humanitarian tools at our disposal to not only fight global hunger, mitigate the spread of conflict, and promote critical, lifesaving assistance, but also hold perpetrators using hunger as a weapon of war to account.

(b) DEFINITIONS.—In this paragraph:

(1) HUNGER AS A WEAPON OF WAR.—The term ''hunger as a weapon of war'' means—

(A) intentional starvation of civilians;

(B) intentional and reckless destruction, removal, looting, or rendering useless objects necessary for food production and distribution, such as farmland, markets, mills, food processing and storage facilities, food stuffs, crops, livestock, agricultural assets, waterways, water systems, drinking water facilities and supplies, and irrigation networks;

(C) undue denial of humanitarian access and deprivation of objects indispensable to people's survival, such as food supplies and nutrition resources; and

(D) willful interruption of market systems for populations in need, including through the prevention of travel and manipulation of currency exchange.

(2) SECURITY ASSISTANCE.—The term ''security assistance'' means assistance meeting the definition of ''security assistance'' under section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the United States Agency for International Development, and the Secretary of Defense shall submit a report to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives regarding—

(1) United States-funded security assistance and cooperation; and

(2) whether the governments and entities receiving such assistance have or are currently using hunger as a weapon of war.

(d) ELEMENTS.—The report required under subsection (c) shall—

(1) identify countries receiving United States-funded security assistance or participating in security programs and activities, including in coordination with the Department of Defense, that are currently experiencing famine-like conditions as a result of conflict;

(2) describe the actors and actions taken by such actors in the countries identified pursuant to paragraph (1) who are utilizing hunger as a weapon of war; and

(3) describe any current or existing plans to continue providing United States-funded security assistance to recipient countries.

(e) FORM.—The report required under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6713. INFRASTRUCTURE PROJECTS AND INVESTMENTS BY THE UNITED STATES AND PEOPLE'S REPUBLIC OF CHINA.

Not later than 1 year after the date of the enactment of this Act, the Secretary, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees regarding the opportunities and costs of infrastructure projects in Middle East, African, and Latin American and Caribbean countries, which shall—

(1) describe the nature and total funding of United States infrastructure investments and construction in Middle East, African, and Latin American and Caribbean countries, and that of United States allies and partners in the same regions;

(2) describe the nature and total funding of infrastructure investments and construction by the People's Republic of China in Middle East, African, and Latin American and Caribbean countries;

(3) assess the national security threats posed by the infrastructure investment gap between the People's Republic of China and the United States and United States allies and partners, including—

(A) infrastructure, such as ports;

(B) access to critical and strategic minerals;

(C) digital and telecommunication infrastructure;

(D) threats to supply chains; and

(E) general favorability towards the People's Republic of China and the United States and United States' allies and partners among Middle East, African, and Latin American and Caribbean countries;

(4) assess the opportunities and challenges for companies based in the United States to invest in infrastructure projects in Middle East, African, and Latin American and Caribbean countries;

(5) describe options for the United States Government to undertake to increase support for United States businesses engaged in large-scale infrastructure projects in Middle East, African, and Latin American and Caribbean countries; and

(6) identify regional infrastructure priorities, ranked according to United States national interests, in Middle East, African, and Latin American and Caribbean countries.

SEC. 6714. SPECIAL ENVOYS.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a review of all special envoy positions to determine—

(1) which special envoy positions are needed to accomplish the mission of the Department;

(2) which special envoy positions could be absorbed into the Department's existing bureau structure;

(3) which special envoy positions were established by an Act of Congress; and

(4) which special envoy positions were created by the Executive Branch without explicit congressional approval.

(b) REPORT.—Not later than 60 days after the completion of the review required under subsection (a), the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) a list of every special envoy position in the Department;

(2) a detailed justification of the need for each special envoy, if warranted;

(3) a list of the special envoy positions that could be absorbed into the Department's existing bureau structure without compromising the mission of the Department;

(4) a list of the special envoy positions that were created by an Act of Congress; and

(5) a list of the special envoy positions that are not expressly authorized by statute.

SEC. 6715. US-ASEAN CENTER.

(a) DEFINED TERM.—In this section, the term ''ASEAN'' means the Association of Southeast Asian Nations.

(b) ESTABLISHMENT.—The Secretary is authorized to enter into a public-private partnership for the purposes of establishing a US-ASEAN Center in the United States to support United States economic and cultural engagement with Southeast Asia.

(c) FUNCTIONS.—Notwithstanding any other provision of law, the US-ASEAN Center established pursuant to subsection (b) may—

(1) provide grants for research to support and elevate the importance of the US-ASEAN partnership;

(2) facilitate activities to strengthen US-ASEAN trade and investment;

(3) expand economic and technological relationships between ASEAN countries and the United States into new areas of cooperation;

(4) provide training to United States citizens and citizens of ASEAN countries that improve people-to-people ties;

(5) develop educational programs to increase awareness for the United States and ASEAN countries on the importance of relations between the United States and ASEAN countries; and

(6) carry out other activities the Secretary considers necessary to strengthen ties between the United States and ASEAN countries and achieve the objectives of the US-ASEAN Center.

SEC. 6716. REPORT ON VETTING OF STUDENTS FROM NATIONAL DEFENSE UNIVERSITIES AND OTHER ACADEMIC INSTITUTIONS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the screening process of foreign nationals entering the United States from the People's Republic of China who attend or have attended—

(A) a top tier university administered by the Ministry of Industry and Information

Technology of the People's Republic of China; or

(B) an academic institution of the People's Republic of China identified on the list required by section 1286(c)(8) of the John S. McCain National Defense Authorization Act of 2019 (Public Law 115–232; 10 U.S.C. 2358 note);

(2) an assessment of any vulnerabilities in the screening process, and recommendations for legal, regulatory, or other changes or steps to address such vulnerabilities; and

(3) the number of visas approved and denied by the Department, to the extent possible, for students from the People's Republic of China in science, technology, engineering, and mathematics fields, including the number of such students who are pursuing an advanced degree or repeating a degree in such fields over the last five years.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SEC. 6717. BRIEFINGS ON THE UNITED STATES-EUROPEAN UNION TRADE AND TECHNOLOGY COUNCIL.

It is the sense of Congress that the United States-European Union Trade and Technology Council is an important forum for the United States and in the European Union to engage on transatlantic trade, investment, and engagement on matters related to critical and emerging technology and that the Department should provide regular updates to the appropriate congressional committees on the deliverables and policy initiatives announced at United States-European Union Trade and Technology Council ministerials.

SEC. 6718. REPORT ON PARTICIPATION IN EXERCISES WITH GOVERNMENTS THAT HAVE SUPPORTED INTERNATIONAL TERRORISM .

To the extent the United States Government is engaging in military or maritime training or exercises with a government the Secretary has determined has repeatedly provided support for acts of international terrorism, not later than 180 days after the date enactment of this Act, the Department shall provide to the appropriate congressional committees a report that includes a justification for such participation, and whether any United States Government funds go to the government of such country in relation to such exercises.

SEC. 6719. CONGRESSIONAL OVERSIGHT, QUARTERLY REVIEW, AND AUTHORITY RELATING TO CONCURRENCE PROVIDED BY CHIEFS OF MISSION FOR SUPPORT OF CERTAIN GOVERNMENT OPERATIONS.

(a) NOTIFICATION REQUIRED.—Not later than 30 days after the date on which a chief of mission concurs with providing United States Government support to entities or individuals engaged in facilitating or supporting United States Government military- or security-related operations within the area of responsibility of the chief of mission, the Secretary shall notify the appropriate congressional committees of such concurrence.

(b) SEMIANNUAL REVIEW, DETERMINATION, AND BRIEFING REQUIRED.—Not less frequently than semiannually, the Secretary, in order to ensure that the support described in subsection (a) continues to align with United States foreign policy objectives and the objectives of the Department, shall—

(1) conduct a review of any concurrence described in subsection (a) that is in effect;

(2) determine, based on such review, whether to revoke any such concurrence pending further study and review; and

(3) brief the appropriate congressional committees regarding the results of such review.

(c) REVOCATION OF CONCURRENCE.—If the Secretary determines, pursuant to a review conducted under subsection (b), that any concurrence described in subsection (a) should be revoked, the Secretary may revoke such concurrence.

(d) ANNUAL REPORT REQUIRED.—Not later than January 31 of each year, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) a description of any support described in subsection (a) that was provided with the concurrence of a chief of mission during the calendar year preceding the calendar year in which the report is submitted; and

(2) an analysis of the effects of such support on diplomatic lines of effort, including with respect to—

(A) nonproliferation, anti-terrorism, demining, and related programs and associated anti-terrorism assistance programs;

(B) international narcotics control and law enforcement programs; and

(C) foreign military sales, foreign military financing, and associated training programs.

SEC. 6720. MODIFICATION AND REPEAL OF REPORTS.

(a) COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—

(1) IN GENERAL.—The Secretary shall examine the production of the 2023 and subsequent annual Country Reports on Human Rights Practices by the Assistant Secretary for Democracy, Human Rights, and Labor as required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d), 2304(b)) to maximize—

(A) cost and personnel efficiencies;

(B) the potential use of data and analytic tools and visualization; and

(C) advancement of the modernization agenda for the Department announced by the Secretary on October 27, 2021.

(2) TRANSNATIONAL REPRESSION AMENDMENTS TO ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended by adding at the end the following new paragraph:

''(13) Wherever applicable, a description of the nature and extent of acts of transnational repression that occurred during the preceding year, including identification of—

''(A) incidents in which a government harassed, intimidated, or killed individuals outside of their internationally recognized borders and the patterns of such repression among repeat offenders;

''(B) countries in which such transnational repression occurs and the role of the governments of such countries in enabling, preventing, mitigating, and responding to such acts;

''(C) the tactics used by the governments of countries identified pursuant to subparagraph (A), including the actions identified and any new techniques observed;

''(D) in the case of digital surveillance and harassment, the type of technology or platform, including social media, smart city technology, health tracking systems, general surveillance technology, and data access, transfer, and storage procedures, used by the governments of countries identified pursuant to subparagraph (A) for such actions; and

''(E) groups and types of individuals targeted by acts of transnational repression in each country in which such acts occur.''.

(b) ELIMINATION OF OBSOLETE REPORTS.—

(1) ANNUAL REPORTS RELATING TO FUNDING MECHANISMS FOR TELECOMMUNICATIONS SECURITY AND SEMICONDUCTORS.—Division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(A) in section 9202(a)(2) (47 U.S.C. 906(a)(2))—

(i) by striking subparagraph (C); and

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

(B) in section 9905 (15 U.S.C. 4655)—

(i) by striking subsection (c); and

(ii) by redesignating subsection (d) as subsection (c).

(2) REPORTS RELATING TO FOREIGN ASSISTANCE TO COUNTER RUSSIAN INFLUENCE AND MEDIA ORGANIZATIONS CONTROLLED BY RUSSIA.—The Countering Russian Influence in Europe and Eurasia Act of 2017 (title II of Public Law 115–44) is amended—

(A) in section 254(e)—

(i) in paragraph (1)—

(I) by striking ''IN GENERAL.—'';

(II) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving such paragraphs 2 ems to the left; and

(ii) by striking paragraph (2); and

(B) by striking section 255.

(3) ANNUAL REPORT ON PROMOTING THE RULE OF LAW IN THE RUSSIAN FEDERATION.—Section 202 of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112–208) is amended by striking subsection (a).

(4) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—Section 2121 of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007 (title XXI of Public Law 110–53) is amended by striking subsection (c).

(5) ANNUAL REPORTS ON UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE MEETINGS.—Section 702 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n note) is repealed.

TITLE LXVIII—COMBATING GLOBAL CORRUPTION

SEC. 6801. SHORT TITLE.

This title may be cited as the ''Combating Global Corruption Act''.

SEC. 6802. DEFINITIONS.

In this title:

(1) CORRUPT ACTOR.—The term ''corrupt actor'' means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) CORRUPTION.—The term ''corruption'' means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(3) SIGNIFICANT CORRUPTION.—The term ''significant corruption'' means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

SEC. 6803. PUBLICATION OF TIERED RANKING LIST.

(a) IN GENERAL.—The Secretary of State shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(b) TIER 1 COUNTRIES.—A country shall be ranked as a tier 1 country in the ranking

published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 804.

(c) TIER 2 COUNTRIES.—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 804, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) TIER 3 COUNTRIES.—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is making de minimis or no efforts to comply with the minimum standards set forth in section 804.

SEC. 6804. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.

(a) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to address corruption, including through prevention.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELEVANT INTERNATIONAL COMMITMENTS.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country's compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, done at Caracas March 29, 1996.

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of Economic Co-operation and Development, done at Paris December 21, 1997 (commonly referred to as the ''Anti-Bribery Convention'').

(3) The United Nations Convention against Transnational Organized Crime, done at New York November 15, 2000.

(4) The United Nations Convention against Corruption, done at New York October 31, 2003.

(5) Such other treaties, agreements, and international standards as the Secretary of State considers appropriate.

SEC. 6805. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note)—

(1) in all countries identified as tier 3 countries under section 6803(d); or

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) REPORT REQUIRED.—Not later than 180 days after publishing the list required by section 6803(a) and annually thereafter, the Secretary of State shall submit to the committees specified in subsection (e) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons that have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) BRIEFING IN LIEU OF REPORT.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by subsection (b)(4)) provide a briefing to the committees specified in subsection (e) instead of submitting a written report required under subsection (b), if doing so would better serve existing United States anti-corruption efforts or the national interests of the Untied States.

(e) TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

SEC. 6806. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 6803, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

(B) to develop and implement corruption risk assessment tools and mitigation strategies.

(c) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

TITLE LXIX—AUKUS MATTERS

SEC. 6901. DEFINITIONS.

In this title:

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

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

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

(2) AUKUS PARTNERSHIP.—

(A) IN GENERAL.—The term ''AUKUS partnership'' means the enhanced trilateral security partnership between Australia, the

United Kingdom, and the United States announced in September 2021.

(B) PILLARS.—The AUKUS partnership includes the following two pillars:

(i) Pillar One is focused on developing a pathway for Australia to acquire conventionally armed, nuclear-powered submarines.

(ii) Pillar Two is focused on enhancing trilateral collaboration on advanced defense capabilities, including hypersonic and counter hypersonic capabilities, quantum technologies, undersea technologies, and artificial intelligence.

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means subchapter M of chapter I of title 22, Code of Federal Regulations (or successor regulations).

Subtitle A—Outlining the AUKUS Partnership

SEC. 6911. STATEMENT OF POLICY ON THE AUKUS PARTNERSHIP.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the AUKUS partnership is integral to United States national security, increasing United States and allied capability in the undersea domain of the Indo-Pacific, and developing cutting edge military capabilities;

(2) the transfer of conventionally armed, nuclear-powered submarines to Australia will position the United States and its allies to maintain peace and security in the Indo-Pacific;

(3) the transfer of conventionally armed, nuclear-powered submarines to Australia will be safely implemented with the highest nonproliferation standards in alignment with—

(A) safeguards established by the International Atomic Energy Agency; and

(B) the Additional Protocol to the Agreement between Australia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Vienna September 23, 1997;

(4) the United States will enter into a mutual defense agreement with Australia, modeled on the 1958 bilateral mutual defense agreement with the United Kingdom, for the sole purpose of facilitating the transfer of naval nuclear propulsion technology to Australia;

(5) working with the United Kingdom and Australia to develop and provide joint advanced military capabilities to promote security and stability in the Indo-Pacific will have tangible impacts on United States military effectiveness across the world;

(6) in order to better facilitate cooperation under Pillar 2 of the AUKUS partnership, it is imperative that every effort be made to streamline United States export controls consistent with necessary and reciprocal security safeguards on United States technology at least comparable to those of the United States;

(7) the trade authorization mechanism for the AUKUS partnership administered by the Department is a critical first step in reimagining the United States export control system to carry out the AUKUS partnership and expedite technology sharing and defense trade among the United States, Australia, and the United Kingdom; and

(8) the vast majority of United States defense trade with Australia is conducted through the Foreign Military Sales (FMS) process, the preponderance of defense trade with the United Kingdom is conducted through Direct Commercial Sales (DCS), and efforts to streamline United States export controls should focus on both Foreign Military Sales and Direct Commercial Sales.

SEC. 6912. SENIOR ADVISOR FOR THE AUKUS PARTNERSHIP AT THE DEPARTMENT OF STATE.

(a) IN GENERAL.—There shall be a Senior Advisor for the AUKUS partnership at the Department, who—

(1) shall report directly to the Secretary; and

(2) may not hold another position in the Department concurrently while holding the position of Senior Advisor for the AUKUS partnership.

(b) DUTIES.—The Senior Advisor shall—

(1) be responsible for coordinating efforts related to the AUKUS partnership across the Department, including the bureaus engaged in nonproliferation, defense trade, security assistance, and diplomatic relations in the Indo-Pacific;

(2) serve as the lead within the Department for implementation of the AUKUS partnership in interagency processes, consulting with counterparts in the Department of Defense, the Department of Commerce, the Department of Energy, the Office of Naval Reactors, and any other relevant agencies;

(3) lead diplomatic efforts related to the AUKUS partnership with other governments to explain how the partnership will enhance security and stability in the Indo-Pacific; and

(4) consult regularly with the appropriate congressional committees, and keep such committees fully and currently informed, on issues related to the AUKUS partnership, including in relation to the AUKUS Pillar 1 objective of supporting Australia's acquisition of conventionally armed, nuclear-powered submarines and the Pillar 2 objective of jointly developing advanced military capabilities to support security and stability in the Indo-Pacific, as affirmed by the President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Australia on April 5, 2022.

(c) PERSONNEL TO SUPPORT THE SENIOR ADVISOR.—The Secretary shall ensure that the Senior Advisor is adequately staffed, including through encouraging details, or assignment of employees of the Department, with expertise related to the implementation of the AUKUS partnership, including staff with expertise in—

(1) nuclear policy, including nonproliferation;

(2) defense trade and security cooperation, including security assistance; and

(3) relations with respect to political-military issues in the Indo-Pacific and Europe.

(d) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and not later than 90 days after a Senior Advisor assumes such position, the Secretary shall notify the appropriate congressional committees of the number of full-time equivalent positions, relevant expertise, and duties of any employees of the Department or detailees supporting the Senior Advisor.

(e) SUNSET.—

(1) IN GENERAL.—The position of the Senior Advisor for the AUKUS partnership shall terminate on the date that is 8 years after the date of the enactment of this Act.

(2) RENEWAL.—The Secretary may renew the position of the Senior Advisor for the AUKUS partnership for 1 additional period of 4 years, following notification to the appropriate congressional committees of the renewal.

Subtitle B—Authorization for Submarine Transfers, Support, and Infrastructure Improvement Activities

SEC. 6921. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES.

(a) AUTHORIZATION TO TRANSFER SUBMARINES.—

(1) IN GENERAL.—Subject to paragraphs (3), (4), and (11), the President may, under section 21 of the Arms Export Control Act (22 U.S.C. 2761)—

(A) transfer not more than two Virginia class submarines from the inventory of the United States Navy to the Government of Australia on a sale basis; and

(B) transfer not more than one additional Virginia class submarine to the Government of Australia on a sale basis.

(2) REQUIREMENTS NOT APPLICABLE.—A sale carried out under paragraph (1)(B) shall not be subject to the requirements of—

(A) section 36 of the Arms Export Control Act (22 U.S.C. 2776); or

(B) section 8677 of title 10, United States Code.

(3) CERTIFICATION; BRIEFING.—

(A) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided by paragraph (1) not earlier than 60 days after the date on which the President certifies to the appropriate congressional committees that any submarine transferred under such authority shall be used to support the joint security interests and military operations of the United States and Australia.

(B) WAIVER OF CHIEF OF NAVAL OPERATIONS CERTIFICATION.—The requirement for the Chief of Naval Operations to make a certification under section 8678 of title 10, United States Code, shall not apply to a transfer under paragraph (1).

(C) BRIEFING.—Not later than 90 days before the sale of any submarine under paragraph (1), the Secretary of the Navy shall provide to the appropriate congressional committees a briefing on—

(i) the impacts of such sale to the readiness of the submarine fleet of the United States, including with respect to maintenance timelines, deployment-to-dwell ratios, training, exercise participation, and the ability to meet combatant commander requirements;

(ii) the impacts of such sale to the submarine industrial base of the United States, including with respect to projected maintenance requirements, acquisition timelines for spare and replacement parts, and future procurement of Virginia class submarines for the submarine fleet of the United States; and

(iii) other relevant topics as determined by the Secretary of the Navy.

(4) REQUIRED MUTUAL DEFENSE AGREEMENT.—Before any transfer occurs under subsection (a), the United States and Australia shall have a mutual defense agreement in place, which shall—

(A) provide a clear legal framework for the sole purpose of Australia's acquisition of conventionally armed, nuclear-powered submarines; and

(B) meet the highest nonproliferation standards for the exchange of nuclear materials, technology, equipment, and information between the United States and Australia.

(5) SUBSEQUENT SALES.—A sale of a Virginia class submarine that occurs after the sales described in paragraph (1) may occur only if such sale is explicitly authorized in legislation enacted after the date of the enactment of this Act.

(6) COSTS OF TRANSFER.—Any expense incurred by the United States in connection with a transfer under paragraph (1) shall be charged to the Government of Australia.

(7) CREDITING OF RECEIPTS.—Notwithstanding any provision of law pertaining to the crediting of amounts received from a sale under section 21 of the Arms Export Control Act (22 U.S.C. 2761), any funds received by the United States pursuant to a transfer under paragraph (1) shall—

(A) be credited, at the discretion of the President, to—

(i) the fund or account used in incurring the original obligation for the acquisition of submarines transferred under paragraph (1);

(ii) an appropriate fund or account available for the purposes for which the expenditures for the original acquisition of submarines transferred under paragraph (1) were made; or

(iii) any other fund or account available for the purpose specified in paragraph (8)(B); and

(B) remain available for obligation until expended.

(8) USE OF FUNDS.—Subject to paragraphs (9) and (10), the President may use funds received pursuant to a transfer under paragraph (1)—

(A) for the acquisition of submarines to replace the submarines transferred to the Government of Australia; or

(B) for improvements to the submarine industrial base of the United States.

(9) PLAN FOR USE OF FUNDS.—Before any use of any funds received pursuant to a transfer under paragraph (1), the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing how such funds will be used, including specific amounts and purposes.

(10) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—Not later than 30 days after the date of any transfer under paragraph (1), and upon any transfer or depositing of funds received pursuant to such a transfer, the President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) the amount of funds received pursuant to the transfer; and

(ii) the specific account or fund into which the funds described in clause (i) are deposited.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds received pursuant to transfers under paragraph (1) have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes an accounting of how funds received pursuant to transfers under paragraph (1) were used in the fiscal year preceding the fiscal year in which the report is submitted.

(11) APPLICABILITY OF EXISTING LAW TO TRANSFER OF SPECIAL NUCLEAR MATERIAL AND UTILIZATION FACILITIES FOR MILITARY APPLICATIONS.—

(A) IN GENERAL.—With respect to any special nuclear material for use in utilization facilities or any portion of a submarine transferred under paragraph (1) constituting utilization facilities for military applications under section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121), transfer of such material or such facilities shall occur only in accordance with such section 91.

(B) USE OF FUNDS.—The President may use proceeds from a transfer described in subparagraph (A) for the acquisition of submarine naval nuclear propulsion plants and nuclear fuel to replace propulsion plants and fuel transferred to the Government of Australia.

(b) REPAIR AND REFURBISHMENT OF AUKUS SUBMARINES.—Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) REPAIR AND REFURBISHMENT OF CERTAIN SUBMARINES.—

''(1) SHIPYARD.—Notwithstanding any other provision of this section, the President shall—

''(A) determine the appropriate shipyard in the United States, Australia, or the United Kingdom to perform any repair or refurbishment of a United States submarine involved in submarine security activities between the United States, Australia, and the United Kingdom; and

''(B) in making a determination under subparagraph (A) with respect whether a shipyard is appropriate, consider the significance of the shipyard to strategically important areas of operations.

''(2) PERSONNEL.—Repair or refurbishment described in paragraph (1)(A) may be carried out by personnel of the United States, the United Kingdom, or Australia in accordance with the international arrangements governing the submarine security activities described in such paragraph.''.

SEC. 6922. ACCEPTANCE OF CONTRIBUTIONS FOR AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES; AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.

(a) ACCEPTANCE AUTHORITY.—The President may accept from the Government of Australia contributions of money made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities between Australia, the United Kingdom, and the United States (AUKUS).

(b) ESTABLISHMENT OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a special account to be known as the ''AUKUS Submarine Security Activities Account''.

(2) CREDITING OF CONTRIBUTIONS OF MONEY.—Contributions of money accepted by the President under subsection (a) shall be credited to the AUKUS Submarine Security Activities Account.

(3) AVAILABILITY.—Amounts credited to the AUKUS Submarine Security Activities Account shall remain available until expended.

(c) USE OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the President may use funds in the AUKUS Submarine Security Activities Account—

(A) for any purpose authorized by law that the President determines would support submarine security activities between Australia, the United Kingdom, and the United States; or

(B) to carry out a military construction project related to the AUKUS partnership that is not otherwise authorized by law.

(2) PLAN FOR USE OF FUNDS.—Before any use of any funds in the AUKUS Submarine Security Activities Account, the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing—

(A) the amount of funds in the AUKUS Submarine Security Activities Account; and

(B) how such funds will be used, including specific amounts and purposes.

(d) TRANSFERS OF FUNDS.—

(1) IN GENERAL.—In carrying out subsection (c) and subject to paragraphs (2) and (5), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Defense or any other appropriate agency.

(2) DEPARTMENT OF ENERGY.—In carrying out subsection (c), and in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Energy to carry out activities related to submarine security activities between Australia, the United Kingdom, and the United States.

(3) AVAILABILITY FOR OBLIGATION.—Funds transferred under this subsection shall be available for obligation for the same time period and for the same purpose as the account or fund to which transferred.

(4) TRANSFER BACK TO ACCOUNT.—Upon a determination by the President that all or part of the funds transferred from the AUKUS Submarine Security Activities Account are not necessary for the purposes for which such funds were transferred, and subject to paragraph (5), all or such part of such funds shall be transferred back to the AUKUS Submarine Security Activities Account.

(5) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—The President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) before the transfer of any funds under this subsection—

(I) the amount of funds to be transferred; and

(II) the planned or anticipated purpose of such funds; and

(ii) before the obligation of any funds transferred under this subsection—

(I) the amount of funds to be obligated; and

(II) the purpose of the obligation.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds transferred under this subsection have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes a detailed accounting of—

(i) the amount of funds transferred under this subsection during the fiscal year preceding the fiscal year in which the report is submitted; and

(ii) the purposes for which such funds were used.

(e) INVESTMENT OF MONEY.—

(1) AUTHORIZED INVESTMENTS.—The President may invest money in the AUKUS Submarine Security Activities Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

(2) INTEREST AND OTHER INCOME.—Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the AUKUS Submarine Security Activities Account.

(f) RELATIONSHIP TO OTHER LAWS.—The authority to accept or transfer funds under this section is in addition to any other authority to accept or transfer funds.

SEC. 6923. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY TRAINING.

(a) IN GENERAL.—The President may transfer or export directly to private individuals in Australia defense services that may be transferred to the Government of Australia under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to support the development of the submarine industrial base of Australia necessary for submarine security activities between Australia, the United Kingdom, and the United States, including if such individuals are not officers, employees, or agents of the Government of Australia.

(b) SECURITY CONTROLS.—

(1) IN GENERAL.—Any defense service transferred or exported under subsection (a) shall be subject to appropriate security controls to ensure that any sensitive information

conveyed by such transfer or export is protected from disclosure to persons unauthorized by the United States to receive such information.

(2) CERTIFICATION.—Not later than 30 days before the first transfer or export of a defense service under subsection (a), and annually thereafter, the President shall certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the controls described in paragraph (1) will protect the information described in such paragraph for the defense services so transferred or exported.

(c) APPLICATION OF REQUIREMENTS FOR RETRANSFER AND REEXPORT.—Any person who receives any defense service transferred or exported under subsection (a) may retransfer or reexport such service to other persons only in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

Subtitle C—Streamlining and Protecting Transfers of United States Military Technology From Compromise

SEC. 6931. PRIORITY FOR AUSTRALIA AND THE UNITED KINGDOM IN FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

(a) IN GENERAL.—The President shall institute policies and procedures for letters of request from Australia and the United Kingdom to transfer defense articles and services under section 21 of the Arms Export Control Act (22 U.S.C. 2761) related to the AUKUS partnership to receive expedited consideration and processing relative to all other letters of request other than from Taiwan and Ukraine.

(b) TECHNOLOGY TRANSFER POLICY FOR AUSTRALIA, CANADA, AND THE UNITED KINGDOM.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Defense, shall create an anticipatory release policy for the transfer of technologies described in paragraph (2) to Australia, the United Kingdom, and Canada through Foreign Military Sales and Direct Commercial Sales that are not covered by an exemption under the International Traffic in Arms Regulations.

(2) CAPABILITIES DESCRIBED.—The capabilities described in this paragraph are—

(A) Pillar One-related technologies associated with submarine and associated combat systems; and

(B) Pillar Two-related technologies, including hypersonic missiles, cyber capabilities, artificial intelligence, quantum technologies, undersea capabilities, and other advanced technologies.

(3) EXPEDITED DECISION-MAKING.—Review of a transfer under the policy established under paragraph (1) shall be subject to an expedited decision-making process.

(c) INTERAGENCY POLICY AND GUIDANCE.—The Secretary and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to requests for Foreign Military Sales and Direct Commercial Sales, including by incorporating the anticipatory release provisions of this section.

SEC. 6932. IDENTIFICATION AND PRE-CLEARANCE OF PLATFORMS, TECHNOLOGIES, AND EQUIPMENT FOR SALE TO AUSTRALIA AND THE UNITED KINGDOM THROUGH FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

Not later than 90 days after the date of the enactment of this Act, and on a biennial basis thereafter for 8 years, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a list of advanced military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Australia, the United Kingdom and Canada through the Foreign Military Sales and Direct Commercial Sales programs without regard to whether a letter of request or license to purchase such platforms, technologies, or equipment has been received from any of such country. Each list may include items that are not related to the AUKUS partnership but may not include items that are not covered by an exemption under the International Traffic in Arms Regulations.

SEC. 6933. EXPORT CONTROL EXEMPTIONS AND STANDARDS.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(l) AUKUS DEFENSE TRADE COOPERATION.—

''(1) EXEMPTION FROM LICENSING AND APPROVAL REQUIREMENTS.—Subject to paragraph (2) and notwithstanding any other provision of this section, the Secretary of State may exempt from the licensing or other approval requirements of this section exports and transfers (including reexports, retransfers, temporary imports, and brokering activities) of defense articles and defense services between or among the United States, the United Kingdom, and Australia that—

''(A) are not excluded by those countries;

''(B) are not referred to in subsection(j)(1)(C)(ii); and

''(C) involve only persons or entities that are approved by—

''(i) the Secretary of State; and

''(ii) the Ministry of Defense, the Ministry of Foreign Affairs, or other similar authority within those countries.

''(2) LIMITATION.—The authority provided in subparagraph (1) shall not apply to any activity, including exports, transfers, reexports, retransfers, temporary imports, or brokering, of United States defense articles and defense services involving any country or a person or entity of any country other than the United States, the United Kingdom, and Australia.''.

(b) REQUIRED STANDARDS OF EXPORT CONTROLS.—The Secretary may only exercise the authority under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, with respect to the United Kingdom or Australia 30 days after the Secretary submits to the appropriate congressional committees an unclassified certification and detailed unclassified assessment (which may include a classified annex) that the country concerned has implemented standards for a system of export controls that satisfies the elements of section 38(j)(2) of the Arms Export Control Act (22 U.S.C. 2778(j)(2)) for United States-origin defense articles and defense services, and for controlling the provision of military training, that are comparable to those standards administered by the United States in effect on the date of the enactment of this Act.

(c) CERTAIN REQUIREMENTS NOT APPLICABLE.—

(1) IN GENERAL.—Paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) shall not apply to any export or transfer that is the subject of an exemption under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section.

(2) QUARTERLY REPORTS.—The Secretary shall—

(A) require all exports and transfers that would be subject to the requirements of paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) but for the application of subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, to be reported to the Secretary; and

(B) submit such reports to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives on a quarterly basis.

(d) SUNSET.—Any exemption under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, shall terminate on the date that is 15 years after the date of the enactment of this Act. The Secretary of State may renew such exemption for 5 years upon a certification to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such exemption is in the vital national interest of the United States with a detailed justification for such certification.

(e) REPORTS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter until no exemptions under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, remain in effect, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the operation of exemptions issued under such subsection (l)(1), including whether any changes to such exemptions are likely to be made in the coming year.

(B) INITIAL REPORT.—The first report submitted under subparagraph (A) shall also include an assessment of key recommendations the United States Government has provided to the Governments of Australia and the United Kingdom to revise laws, regulations, and policies of such countries that are required to implement the AUKUS partnership.

(2) REPORT ON EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall report on the practical application of a possible ''fast track'' decision-making process for applications, classified or unclassified, to export defense articles and defense services to Australia, the United Kingdom, and Canada.

SEC. 6934. EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES TO AUSTRALIA, THE UNITED KINGDOM, AND CANADA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Defense, shall initiate a rulemaking to establish an expedited decision-making process, classified or unclassified, for applications to export to Australia, the United Kingdom, and Canada commercial, advanced-technology defense articles and defense services that are not covered by an exemption under the International Traffic in Arms Regulations.

(b) ELIGIBILITY.—To qualify for the expedited decision-making process described in subsection (a), an application shall be for an export of defense articles or defense services that will take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom and the United States and with governments or corporate entities from such countries.

(c) AVAILABILITY OF EXPEDITED PROCESS.—The expedited decision-making process described in subsection (a) shall be available for both classified and unclassified items, and the process must satisfy the following criteria to the extent practicable:

(1) Any licensing application to export defense articles and services that is related to

a government to government AUKUS agreement must be approved, returned, or denied withing 30 days of submission.

(2) For all other licensing requests, any review shall be completed not later than 45 calendar days after the date of application.

SEC. 6935. UNITED STATES MUNITIONS LIST.

(a) EXEMPTION FOR THE GOVERNMENTS OF THE UNITED KINGDOM AND AUSTRALIA FROM CERTIFICATION AND CONGRESSIONAL NOTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN TRANSFERS.—Section 38(f)(3) of the Arms Export Control Act (22 U.S.C. 2778(f)(3)) is amended by inserting '', the United Kingdom, or Australia'' after ''Canada''.

(b) UNITED STATES MUNITIONS LIST PERIODIC REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through authority delegated by the President to carry out periodic reviews of items on the United States Munitions List under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) and in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Director of the Office of Management and Budget, shall carry out such reviews not less frequently than every 3 years.

(2) SCOPE.—The periodic reviews described in paragraph (1) shall focus on matters including—

(A) interagency resources to address current threats faced by the United States;

(B) the evolving technological and economic landscape;

(C) the widespread availability of certain technologies and items on the United States Munitions List; and

(D) risks of misuse of United States-origin defense articles.

(3) CONSULTATION.—The Department of State may consult with the Defense Trade Advisory Group (DTAG) and other interested parties in conducting the periodic review described in paragraph (1).

Subtitle D—Other AUKUS Matters

SEC. 6941. REPORTING RELATED TO THE AUKUS PARTNERSHIP.

(a) REPORT ON INSTRUMENTS.—

(1) IN GENERAL.—Not later than 30 days after the signature, conclusion, or other finalization of any non-binding instrument related to the AUKUS partnership, the President shall submit to the appropriate congressional committees the text of such instrument.

(2) NON-DUPLICATION OF EFFORTS; RULE OF CONSTRUCTION.—To the extent the text of a non-binding instrument is submitted to the appropriate congressional committees pursuant to subsection (a), such text does not need to be submitted to Congress pursuant to section 112b(a)(1)(A)(ii) of title 1, United States Code, as amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3476). Paragraph (1) shall not be construed to relieve the executive branch of any other requirement of section 112b of title 1, United States Code, as amended so amended, or any other provision of law.

(3) DEFINITIONS.—In this section:

(A) IN GENERAL.—The term ''text'', with respect to a 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 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 non-binding instrument.

(B) CONTEMPORANEOUSLY AND IN CONJUNCTION WITH.—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.

(b) REPORT ON AUKUS PARTNERSHIP.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Secretary, in coordination with the Secretary of Defense and other appropriate heads of agencies, shall submit to the appropriate congressional committees a report on the AUKUS partnership.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following elements:

(A) STRATEGY.—

(i) An identification of the defensive military capability gaps and capacity shortfalls that the AUKUS partnership seeks to offset.

(ii) An explanation of the total cost to the United States associated with Pillar One of the AUKUS partnership.

(iii) A detailed explanation of how enhanced access to the industrial base of Australia is contributing to strengthening the United States strategic position in Asia.

(iv) A detailed explanation of the military and strategic benefit provided by the improved access provided by naval bases of Australia.

(v) A detailed assessment of how Australia's sovereign conventionally armed nuclear attack submarines contribute to United States defense and deterrence objectives in the Indo-Pacific region.

(B) IMPLEMENT THE AUKUS PARTNERSHIP.—

(i) Progress made on achieving the Optimal Pathway established for Australia's development of conventionally armed, nuclear-powered submarines, including the following elements:

(I) A description of progress made by Australia, the United Kingdom, and the United States to conclude an Article 14 arrangement with the International Atomic Energy Agency.

(II) A description of the status of efforts of Australia, the United Kingdom, and the United States to build the supporting infrastructure to base conventionally armed, nuclear-powered attack submarines.

(III) Updates on the efforts by Australia, the United Kingdom, and the United States to train a workforce that can build, sustain, and operate conventionally armed, nuclear-powered attack submarines.

(IV) A description of progress in establishing submarine support facilities capable of hosting rotational forces in western Australia by 2027.

(V) A description of progress made in improving United States submarine production capabilities that will enable the United States to meet—

(aa) its objectives of providing up to five Virginia Class submarines to Australia by the early to mid-2030's; and

(bb) United States submarine production requirements.

(ii) Progress made on Pillar Two of the AUKUS partnership, including the following elements:

(I) An assessment of the efforts of Australia, the United Kingdom, and the United States to enhance collaboration across the following eight trilateral lines of effort:

(aa) Underseas capabilities.

(bb) Quantum technologies.

(cc) Artificial intelligence and autonomy.

(dd) Advanced cyber capabilities.

(ee) Hypersonic and counter-hypersonic capabilities.

(ff) Electronic warfare.

(gg) Innovation.

(hh) Information sharing.

(II) An assessment of any new lines of effort established.

SA 375. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. APPLICATION OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE TO QUANTUM INFORMATION SCIENCES AND TECHNOLOGY RESEARCH.

In carrying out section 1599g of title 10, United States Code, the Secretary of Defense may establish public-private exchange programs, each with up to 10 program participants, focused on private sector entities working on quantum information sciences and technology research applications.

SEC. 2___. BRIEFING ON SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall provide Congress with a briefing on participation and use of the program under section 4093 of title 10, United States Code, with a particular focus on levels of interest from students engaged in studying quantum fields.

SEC. 2___. IMPROVEMENTS TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) FELLOWSHIP PROGRAM AUTHORIZED.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4001 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FELLOWSHIPS.—

''(1) PROGRAM AUTHORIZED.—In carrying out the program required by subsection (a) and subject to the availability of appropriations to carry out this subsection, the Secretary may carry out a program of fellowships in quantum information science and technology research and development for individuals who have a graduate or post-graduate degree.

''(2) EQUAL ACCESS.—In carrying out the program under paragraph (1), the Secretary may establish procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under such program.''.

(b) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—Such section is further amended—

(1) by redesignating subsection (g), as redesignated by subsection (a)(1), as subsection (h); and

(2) by inserting after subsection (f), as added by subsection (a)(2), the following new subsection (g):

''(g) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—In carrying out the program under subsection (a), the Secretary of Defense may develop partnerships with universities to enable students to engage in multidisciplinary courses of study.''.

SEC. 2___. IMPROVEMENTS TO NATIONAL QUANTUM INITIATIVE PROGRAM.

(a) INVOLVEMENT OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY IN NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE.—

(1) QUALIFICATIONS.—Subsection (b) of section 104 of the National Quantum Initiative Act (15 U.S.C. 8814) is amended by striking ''and Federal laboratories'' and inserting ''Federal laboratories, and intelligence researchers''.

(2) INTEGRATION.—Such section is amended—

(A) by redesignating subsections (e) through (g) as subsection (f) through (h), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) INTEGRATION OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY.—The Advisory Committee shall take such actions as may be necessary, including by modifying policies and procedures of the Advisory Committee, to ensure the full integration of the Department of Defense and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in activities of the Advisory Committee.''.

(b) CLARIFICATION OF PURPOSE OF MULTIDISCIPLINARY CENTERS FOR QUANTUM RESEARCH AND EDUCATION.—Section 302(c) of the National Quantum Initiative Act (15 U.S.C. 8842(c)) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) encouraging workforce collaboration, both with private industry and among Federal entities, including Department of Defense components and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).''.

(c) COORDINATION OF NATIONAL QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.—Section 402(d) of the National Quantum Initiative Act (15 U.S.C. 8852(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) other research entities of the Federal government, including research entities in the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));''.

(d) NATIONAL QUANTUM COORDINATION OFFICE, COLLABORATION WHEN REPORTING TO CONGRESS.—Section 102 of the National Quantum Initiative Act (15 U.S.C. 8812) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) COLLABORATION WHEN REPORTING TO CONGRESS.—The Coordination Office shall ensure that when participants in the National Quantum Initiative Program prepare and submit reports to Congress that they do so in collaboration with each other and as appropriate Federal civilian, defense, and intelligence research entities.''.

(e) REPORTING TO ADDITIONAL COMMITTEES OF CONGRESS.—Paragraph (2) of section 2 of such Act (15 U.S.C. 8801) is amended to read as follows:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SA 376. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1240A. LIMITATION ON AVAILABILITY OF FUNDS FOR SUPPORT TO UKRAINE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for the Department of Defense for the support of Ukraine, not more than two percent may be obligated or expended until the date on which all member countries of North Atlantic Treaty Organization that do not spend two percent or more of their gross domestic product on defense meet or exceed such threshold.

SA 377. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. PROHIBITION ON EXPEDITED PROCEDURES OR SPECIAL TREATMENT UNDER THE FOREIGN ASSISTANCE ACT OF 1961 OR THE ARMS EXPORT CONTROL ACT FOR CERTAIN COUNTRIES.

(a) IN GENERAL.—A country described in subsection (b) may not receive expedited procedures or other special treatment under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751).

(b) COUNTRY DESCRIBED.—A country described in this subsection is any country that—

(1) has a Status of Forces Agreement with the United States; and

(2)(A) fails to extend to a member of the United States Armed Forces—

(i) the right to legal counsel for his or her defense, in accordance with such Status of Forces Agreement or other binding law or agreement with any other country;

(ii) access to competent language translation services;

(iii) a prompt and speedy trial;

(iv) the right to be confronted with the witnesses against him or her; or

(v) a compulsory process for obtaining witnesses in his or her favor if such witnesses are within the foreign country's jurisdiction; or

(B) is otherwise in violation of a provision within such active Status Forces Agreement.

SA 378. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. CLARIFICATION OF THE TERM "UNFORESEEN EMERGENCY" FOR PURPOSES OF PRESIDENTIAL DRAWDOWN AUTHORITY.

Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended by adding at the end the following new paragraphs:

''(4)(A) The President may only exercise the authority provided by this subsection during the 20-day period beginning on the date of an unforeseen emergency.

''(B) After the end of such 20-day period, the President may not further exercise the authority provided by this section, except as explicitly authorized by an Act of Congress.

''(5) In this subsection, the term 'unforeseen emergency' means a direct kinetic attack—

''(A) on a bilateral or multilateral treaty ally of the United States, undetected or reasonably unforeseen by United States intelligence assessments, by an adversary of the United States; and

''(B) that poses a direct or imminent threat to United States security interests, as outlined in the most recent national defense strategy of the United States.''.

SA 379. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON DUAL-MODALITY AUTONOMOUS VEHICLES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Navy, in coordination with the Commander of United States Central Command, shall submit to the congressional defense committees a report on the performance of dual-modality autonomous vehicles being integrated, tested, and operated under the direction of Task Force 59 and Task Force 52 of the United States Naval Forces, Central Command.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) An assessment of the military utility of dual-modality autonomous vehicles in providing new and additional military capabilities.

(2) A summary of testing conducted with respect to such vehicles as of the date on which the report is submitted.

(3) An outline of remaining development activities required to mature the desired military capabilities provided by such vehicles.

(4) A proposed profile of funding required to complete development of, acquire, field, and sustain such vehicles.

(5) An outline of the likely acquisition strategy for such vehicles.

SA 380. Mr. WICKER (for himself and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed by him

to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following

SEC. 1510. APPLICATION OF TNT EQUIVALENCY TO LAUNCH VEHICLES AND COMPONENTS USING METHANE PROPELLANT.

(a) FINDINGS.—Congress finds the following:

(1) The United States Government supports having a robust space launch services market to support national security, civil, and commercial space activities.

(2) A majority of the new launch vehicles in development, testing, and operation in the United States utilize methane and liquid oxygen as their propellants (LOX/LNG or methalox).

(3) The United States Government has access to data and scientific modeling methods that support a TNT equivalency for methalox that is less than the default 100 percent TNT equivalency that is applied when no scientific data exists to characterize the explosive yield.

(4) The United States Government is not consistently applying data that supports a TNT equivalency of 25 percent at United States Government owned or licensed facilities.

(5) The United States Government has initiated a LOX-Methane Assessment (LMA) working group, however, the working group's methodology is not grounded in launch vehicle designs or test and launch operations. Further, the working group's efforts are expected to take no less than 3 years to complete and cost the United States taxpayer no less than $80,000,000. United States launch operators are incurring significant cost and diminished opportunities to operate as a result of the United States Government's inconsistent policy on methalox.

(6) The People's Republic of China is already launching orbital launch vehicles that utilize liquid oxygen and methane.

(b) INTERIM EQUIVALENCY DETERMINATION.—Effective on the date of the enactment of this Act, the interim determination of TNT equivalency applied to launch vehicles and components of such vehicles using methane as propellant shall not exceed 25 percent for purposes of the explosive siting and hazardous operations for test and operations of such launch vehicles and their components on or from any facility owned or licensed by the Federal Government.

(c) IMPROVED PROCESS FOR YIELD DETERMINATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration shall establish a process through which scientifically valid TNT equivalency determinations can be assessed for launch vehicles while in flight.

(d) CERTIFICATION AND REPORT.—Not later than 90 days after the completion of the joint assessment process conducted by the LOX-Methane Assessment working group, the Secretary of Defense, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration shall submit to the appropriate congressional committees—

(1) a certification verifying that the Secretaries and the Administrator reviewed the results of such joint assessment process and have agreed upon a new TNT equivalency determination that will be applied by the Federal Government to launch vehicles and components of such vehicles using methane as propellant; and

(2) a report describing how the implementation of that new TNT equivalency determination is expected to affect commercial space launch activities and national security.

(e) SUNSET.—Subsection (b) shall have no force or effect after the expiration of the period of 180 days following the submittal of the certification and report required under subsection (d).

(f) DEFINITIONS.—In this section:

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

(A) The congressional defense committees.

(B) The Committee on Commerce, Science, and Transportation of the Senate.

(C) The Committee on Science, Space, and Technology of the House of Representatives.

(D) The Committee on Transportation and Infrastructure of the House of Representatives.

(2) LAUNCH VEHICLE.—The term ''launch vehicle'' has the meaning given that term in section 50902 of title 51, United States Code.

(3) LOX-METHANE ASSESSMENT WORKING GROUP.—The term ''LOX-Methane Assessment working group'' means the interagency working group that—

(A) is comprised of representatives from the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration; and

(B) as of the date of the enactment of this Act, is studying the explosive characteristics of liquid oxygen and methane.

(4) TNT EQUIVALENCY.—The term ''TNT equivalency'' means a unit of energy equivalent to the energy released during detonation of trinitrotoluene (TNT).

SA 381. Mr. WICKER (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. MODIFICATION OF COMPENSATION FOR MEMBERS OF THE AFGHANISTAN WAR COMMISSION.

Section 1094(g)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1942) is amended to read as follows:

''(1) COMPENSATION OF MEMBERS.—

''(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

''(B) FEDERAL EMPLOYEES.—

''(i) IN GENERAL.—A member of the Commission who is an employee of the Federal Government may be compensated as provided for under subparagraph (a) for periods of time during which the member is engaged in the performance of the duties of the Commission that fall outside of ordinary agency working hours, as determined by the employing agency of such member.

''(ii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize dual pay for work performed on behalf of the Commission and for a Federal agency during the same hours of the same day.''.

SA 382. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 849. COMPETITION OF SMALL BUSINESS CONCERNS FOR DEPARTMENT OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance ensuring that covered small businesses are better able to compete for Department of Defense contracts.

(b) EXEMPTIONS FROM CAPABILITY REQUIREMENTS.—

(1) WAIVER AUTHORITY.—The guidance issued under subsection (a) shall provide that the Department of Defense may waive capability requirements, including those described in paragraph (2), to allow a covered small business that does not otherwise meet such requirements to bid on a contract, provided that it makes the certification described under paragraph (3).

(2) TYPES OF WAIVERS.—The waivers referred to in paragraph (1) are as follows:

(A) EVALUATION OF PAST PERFORMANCE.—A waiver to ensure that the lack of prior performance history of a covered small business does not adversely affect its opportunity to receive a contract award.

(B) AUTHORITY TO PROVIDE TEMPORARY ACCESS TO CLASSIFIED INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTORS WITHOUT SECURITY CLEARANCES.—Notwithstanding section 801 of the National Security Act of 1947 (50 U.S.C. 3161) and the procedures established pursuant to such section, a waiver providing a covered small business that has not been determined eligible to access classified information pursuant to such procedures temporary access to classified information under such terms and conditions as the Secretary considers appropriate.

(C) TRAINING REQUIREMENTS.—A waiver allowing a covered small business to meet employee training requirements after the award of a Department of Defense contract.

(D) FACILITY SECURITY ASSESSMENTS.—A waiver allowing a covered small business to meet facility security requirements after the award of a Department of Defense contract.

(E) OTHER.—Any other waiver determined appropriate by the Secretary of Defense and provided for in the guidance issued under subsection (a).

(3) CERTIFICATION REQUIREMENT.— In order to qualify for a waiver under paragraph (1), a covered small business shall certify that it will be able to meet the exempted capability requirements within 180 days after the contract award date. The certification shall include a detailed project and financial plan outlining the tasks to be completed, milestones to be achieved, and resources required.

(4) MONITORING AND COMPLIANCE.—

(A) IN GENERAL.—The contracting officer for a contract awarded pursuant to a waiver under paragraph (1) shall closely monitor the contract performance of the covered small business to ensure that sufficient progress is being made and that any issues that arise are promptly addressed.

(B) FAILURE TO MEET CAPABILITY REQUIREMENTS.—If a covered small business awarded a contract pursuant to a waiver under paragraph (1) fails to meet the requirements promised in the certification required under paragraph (3) within 180 days, the covered small business shall be subject to disqualification from consideration for future contracts of similar scope pursuant to ''Termination for Default'' provisions under subpart 49.4 of the Federal Acquisition Regulation.

(c) COVERED SMALL BUSINESS DEFINED.—In this section, the term ''covered small business'' means—

(1) a nontraditional defense contractor, as that term is defined in section 3014 of title 10, United States Code;

(2) a small business concern, as that term is defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

(3) any other contractor that has not been awarded a Department of Defense contract in the five-year period preceding the solicitation of sources by the Department of Defense.

SA 383. Mr. LANKFORD (for himself and Mr. MULLIN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PROHIBITION ON CERTAIN REDUCTIONS TO INVENTORY OF E–3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or in backup aircraft inventory any E–3 aircraft if such actions would reduce the total aircraft inventory for such aircraft below 16.

(b) EXCEPTION FOR PLAN.—If the Secretary of the Air Force submits to the congressional defense committees a plan for maintaining readiness and ensuring there is no lapse in mission capabilities, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to below 16, beginning 30 days after the date on which the plan is so submitted.

(c) EXCEPTION FOR E–7 PROCUREMENT.—If the Secretary of the Air Force procures enough E–7 Wedgetail aircraft to accomplish the required mission load, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to below 16 after the date on which such E–7 Wedgetail aircraft are delivered.

SA 384. Mr. LANKFORD (for himself, Ms. SINEMA, Mr. OSSOFF, Mr. LEE, Mr. ROMNEY, Mr. WARNOCK, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1049. LIMITATION ON APPOINTMENT OF RETIRED MEMBERS OF THE ARMED FORCES TO CERTAIN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 3326 of title 5, United States Code, is amended—

(1) in the section heading, by inserting ''**CERTAIN**'' before ''**POSITIONS**''; and

(2) in subsection (b)—

(A) by striking ''appointed'' and all that follows through ''Defense'' and inserting ''appointed to a position in the excepted or competitive service classified at or above GS–14 of the General Schedule (or equivalent) in or under the Department of Defense''; and

(B) in paragraph (1), by striking ''for the purpose'' and all that follows through ''Management''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 33 of such title is amended in the item relating to section 3326 by inserting ''certain'' before ''positions''.

SA 385. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REQUIREMENT TO POST A 100 WORD SUMMARY TO REGULATIONS.GOV.

Section 553(b) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3) the following:

''(4) the internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as regulations.gov).''.

SA 386. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ___—Belt and Road Initiative Oversight

SEC. 12__1. SHORT TITLE.

This subtitle may be cited as the ''Belt and Road Oversight Act''.

SEC. 12__2. COUNTRY CHINA OFFICER.

(a) DESIGNATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall direct all Chiefs of Mission to designate not fewer than 1 Foreign Service Officer in a United States embassy or other diplomatic post in each country with whom the United States has diplomatic relations as Country China Officer.

(b) DUTIES.—Each Country China Officer shall monitor and report on the activity of the People's Republic of China in his or her country of responsibility, including capital investment in critical infrastructure and other projects associated with the People's Republic of China, including the Belt and Road Initiative.

(c) SUNSET PROVISION.—The requirement to designate Country China Officers under subsection (a) shall expire on the date that is 10 years after the date of the enactment of this Act.

SEC. 12__3. COMPREHENSIVE REVIEW OF BELT AND ROAD INITIATIVE PROJECTS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall direct all United States embassies to prepare a report that details assets within their country of operation that are controlled or financed by the Government of the People's Republic of China or a state-owned enterprise in the People's Republic of China. Each such report shall be prepared by a Country China Officer designated pursuant to section 12__2(a) and shall include the information described in subsection (b).

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) an assessment of the respective country's debt obligations to the People's Republic of China;

(2) a list of known infrastructure projects in the respective country that are financed from capital provided by—

(A) the banking system of the People's Republic of China, including—

(i) policy banks, including—

(I) the China Development Bank;

(II) the Export-Import Bank of China; and

(III) the Agricultural Development Bank of China;

(ii) state-owned commercial banks, including—

(I) the Industrial and Commercial Bank of China;

(II) the Agricultural Bank of China;

(III) the China Construction Bank;

(IV) the Bank of Communications Limited; and

(V) the Bank of China;

(iii) sovereign wealth funds, including—

(I) the China Investment Corporation;

(II) China Life Insurance Company;

(III) the China National Social Security Fund; and

(IV) the Silk Road Fund; and

(iv) urban commercial banks; and

(v) rural financial institutions; and

(B) international financing institutions, including—

(i) the Asian Infrastructure Investment Bank; and

(ii) the New Development Bank; and

(C) any other financial institution or entity otherwise controlled, overseen, or managed by the Government of the People's Republic of China;

(3) the identification of the infrastructure projects referred to in paragraph (2) that are projects under the Belt and Road Initiative;

(4) an assessment of projects that have caused the country to incur significant debt that has the potential to harm its economic prosperity and national sovereignty;

(5) a list of the known or speculated collateral listed by the respective country for the debts incurred by Belt and Road Initiative projects referred to in paragraph (1);

(6) a list of the known assets owned by the Government of the People's Republic of China or state-owned enterprises in the People's Republic of China, including telecommunications and critical infrastructure; and

(7) a list of known activities at research institutions or institutions of higher education controlled or financed by the Government of the People's Republic of China or state-owned enterprises in the People's Republic of China.

(c) SUBMISSION AND DISTRIBUTION OF REPORT.—

(1) INITIAL SUBMISSION.—Not later than 1 year after the date on which the Secretary of State issues the directive described in subsection (a), the Chief of Mission in each country shall submit the report required under subsection (a) to the Under Secretary of State for Political Affairs.

(2) DISTRIBUTION.—The Under Secretary shall prepare and distribute a report that includes all of the information from the individual country reports received pursuant to paragraph (1) to—

(A) the heads of other Bureaus and agencies of the Department of State, as appropriate;

(B) the United States International Development Finance Corporation;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Select Committee on Intelligence of the Senate;

(F) the Committee on Finance of the Senate;

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Committee on Armed Services of the House of Representatives;

(I) the Permanent Select Committee on Intelligence of the House of Representatives; and

(J) the Committee on Ways and Means of the House of Representatives.

SEC. 12__4. NOTIFICATION OF FUTURE BELT AND ROAD INITIATIVE PROJECTS.

After the reports required under section 12__3 have been prepared and submitted, the Secretary of State shall require the respective Embassy and the China Desk at the Department of State of any project described in section 12__3(b)(2) not later than 30 days after the date on which the Country China Officer is informed of such project.

SEC. 12__5. ANNUAL COMPREHENSIVE REPORT OF BELT AND ROAD INITIATIVE PROJECTS.

During the 10-year period beginning on the date of the enactment of this Act, the Under Secretary of State for Political Affairs shall submit an annual report to Congress that—

(1) contains all findings related to projects controlled or financed by the Government of the People's Republic of China or state-owned enterprises in the People's Republic of China submitted by Country China Officers through the process described in section 12__3(b)(2) during the 12-month reporting period; and

(2) includes updated findings and analyses related to paragraphs (3), (4), and (5) of section 12__3(b).

SEC. 12__6. ANNUAL STRATEGY TO COUNTER PRC INFLUENCE.

(a) IN GENERAL.—The Country China Officer at each respective embassy, in consultation with the Chief of Mission for the respective country, shall develop a comprehensive, country-specific strategy to counter the influence of the People's Republic of China, including a plan to counter anti-American messaging by the People's Republic of China, within their country of responsibility.

(b) USE OF STRATEGY.—The strategy developed pursuant to subsection (a) shall be used to equip all personnel across all embassies, consulates, and other diplomatic posts in the respective country of responsibility with the tools needed to effectively counter the influence of the People's Republic of China in their respective context and country of responsibility.

(c) SUBMISSION.—The Chief of Mission, during the 10-year period beginning on the date of the enactment of this Act, shall submit an annual report to the Under Secretary of State for Political Affairs that—

(1) describes the implementation of the strategy developed pursuant to subsection (a) during the reporting period; and

(2) assesses specific challenges and opportunities relating to the People's Republic of China in the respective country of responsibility.

(d) DISTRIBUTION.—The Under Secretary shall submit an annual report that summarizes the information contained in the reports received pursuant to subsection (c) to the heads of the Bureaus of the Department of State, as appropriate.

(e) EXCLUSIONS.—Countries with limited or no investments by the Government of the People's Republic of China shall be excluded from the strategy developed pursuant to subsection (a)

SEC. 12__7. PROCUREMENT PROJECTIONS.

(a) ANNUAL REPORT.—The Country China Officer at each respective embassy, in consultation with other embassy personnel, shall submit, during the 10-year period beginning on the date of the enactment of this Act, an annual report to the Under Secretary of State for Political Affairs that—

(1) describes the procurement and infrastructure needs of their respective country of responsibility; and

(2) assesses specific challenges and opportunities relating to potential financing by the People's Republic of China for procurement and infrastructure projects to meet such needs.

(b) DISTRIBUTION.—The Under Secretary shall submit an annual report that summarizes the information contained in the reports received pursuant to subsection (a) to—

(1) the heads of the Bureaus of the Department of State, as appropriate; and

(2) other instrumentalities of the Federal Government, including the United States International Development Finance Corporation.

SEC. 12__8. SENSE OF CONGRESS REGARDING DEVELOPMENT FINANCE.

It is the sense of Congress that, as the People's Republic of China's influence grows through infrastructure (particularly infrastructure that can easily be shifted from economic to military uses), the United States International Development Finance Corporation should prioritize providing alternative financing opportunities that increase port and air field capacity of countries that—

(1) meet the investment criteria set forth in the BUILD Act of 2018 (division F of Public Law 115–254); and

(2) are targets of the predatory infrastructure development scheme of the People's Republic of China commonly known as the Belt and Road Initiative.

SA 387. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7___. CONSCIENCE PROTECTIONS FOR MEMBERS OF ARMED FORCES WHO PROVIDE OR ASSIST WITH PROVISION OF HEALTH CARE.

(a) IN GENERAL.—The Secretary of Defense shall not take any adverse action against a member of the Armed Forces who provides or assists in the provision of health care for the Department of Defense (including as a behavioral, mental, or physical health professional) on the basis that such member declines to perform, assist, refer for, or otherwise participate in a particular medical procedure, counseling activity, or course of treatment because of a sincere religious belief or moral conviction of such member or because the particular medical procedure, counseling activity, or course of treatment would, in the professional medical judgment of such member, be harmful to the patient.

(b) NO IMPACT ON CARE.—The Secretary shall ensure that no patient is unduly delayed in receiving any medically indicated care they are otherwise eligible to receive, including preventative, emergency, and routine care, because of compliance by the Secretary with subsection (a).

(c) ADVERSE ACTION DEFINED.—In this section, the term ''adverse action'' includes any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

SA 388. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GUIDANCE CLARITY.

(a) REQUIREMENT.—Each agency, as defined in section 551 of title 5, United States Code, shall include a guidance clarity statement as described in subsection (b) on any guidance issued by that agency under section 553(b)(3)(A) of title 5, United States Code, on and after the date that is 30 days after the date on which the Director of the Office of Management and Budget issues the guidance required under subsection (c).

(b) GUIDANCE CLARITY STATEMENT.—A guidance clarity statement required under subsection (a) shall—

(1) be displayed prominently on the first page of the document; and

(2) include the following: ''The contents of this document do not have the force and effect of law and do not, of themselves, bind the public or the agency. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.''.

(c) OMB GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue guidance to implement this section.

SA 389. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. USE OF OFFICIAL TIME.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''agency'' means an agency, as that term is defined in section 7103(a) of title 5, United States Code, that is in the executive branch of the Federal Government.

(B) EXCEPTION.—For the purposes of subsection (c), the term ''agency''—

(i) has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(ii) does not include the Government Accountability Office.

(2) AGENCY BUSINESS.—The term ''agency business''—

(A) means work performed by an employee on behalf of an agency; and

(B) does not include work performed during official time.

(3) BARGAINING UNIT.—The term ''bargaining unit'' means a group of employees represented by an exclusive representative in an appropriate unit for collective bargaining under subchapter II of chapter 71 of title 5, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(5) DISCOUNTED USE OF GOVERNMENT PROPERTY.—The term ''discounted use of Government property'' means a lesser charge to use Federal Government property (as compared with the value of the use of that property), as determined by—

(A) the Administrator of General Services, where applicable; or

(B) comparing the charged use with the generally prevailing commercial cost of using that property.

(6) EMPLOYEE.—The term ''employee'' has the meaning given the term in section 7103(a) of title 5, United States Code, with respect to an agency.

(7) GRIEVANCE; LABOR ORGANIZATION.—The terms ''grievance'' and ''labor organization'' have the meanings given the terms in section 7103(a) of title 5, United States Code.

(8) OFFICIAL TIME.—The term ''official time'' means official time authorized for an employee under section 7131 of title 5, United States Code.

(9) PAID TIME.—The term ''paid time'', with respect to an employee—

(A) means time for which the employee is paid by the employing agency of the employee;

(B) includes—

(i) duty time during which the employee performs agency business; and

(ii) official time; and

(C) does not include—

(i) time spent on paid or unpaid leave; or

(ii) off-duty hours of the employee.

(10) UNION TIME RATE.—The term ''union time rate'' means, with respect to a bargaining unit and a fiscal year, the quotient obtained by dividing—

(A) the total number of hours in that fiscal year during which employees in the bargaining unit performed duties under official time while in a duty status; by

(B) the total number of employees in the bargaining unit.

(b) STANDARDS.—

(1) IN GENERAL.—

(A) REQUIREMENT FOR AUTHORIZATION.—No agency may agree to authorize any amount of official time under section 7131(d) of title 5, United States Code, unless that time is reasonable, necessary, and in the public interest.

(B) CONSIDERATION.—For the purposes of subparagraph (A), an agreement authorizing official time under section 7131(d) of title 5, United States Code, that would cause the union time rate in a bargaining unit to exceed 1 hour per employee shall, taking into account the size of the bargaining unit, and the amount of official time anticipated to be authorized in the applicable fiscal year under subsections (a) and (c) of such section 7131, ordinarily not be considered to—

(i) be reasonable, necessary, and in the public interest; or

(ii) satisfy the goal described in section 7101(b) of title 5, United States Code.

(C) AGENCY REQUIREMENT.—The head of each agency shall—

(i) commit the time and resources necessary to strive for a negotiated union time rate of not greater than 1; and

(ii) fulfill the obligation of the agency to bargain in good faith.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—If the head of an agency agrees to authorize official time under section 7131(d) of title 5, United States Code, in an amount such that the authorization would cause the union time rate in a bargaining unit to exceed 1 hour per employee (or proposes to the Federal Service Impasses Panel or an arbitrator engaging in interest arbitration an amount that would cause the union time rate in a bargaining unit to exceed 1 hour per employee), the agency head shall, not later than 15 days after the date on which that agreement or proposal is authorized or proposed, as applicable, submit to the President, through the Director, a report regarding the agreement or proposal.

(B) CONTENTS.—A report submitted by the head of an agency under subparagraph (A) shall—

(i) explain why the authorized or proposed expenditures to which the report relates are reasonable, necessary, and in the public interest;

(ii) describe the benefit, if any, that the public will receive from the activities conducted by employees during the official time to which the report relates; and

(iii) identify the total cost to the agency of the official time to which the report relates.

(C) NON-DELEGATION.—The head of an agency may not delegate to any other employee or officer the requirement to submit a report under subparagraph (A).

(D) NOTIFICATION.—The head of each agency shall require relevant subordinate officials in the agency to inform the agency head 5 business days before the date on which the agency presents or accepts a proposal that would result in a union time rate of greater than 1 for any bargaining unit if those subordinate officials anticipate that the officials will present or agree to such a provision.

(E) APPLICABILITY.—This paragraph shall not apply to a union time rate established under an order of the Federal Service Impasses Panel or an arbitrator engaging in interest arbitration if the applicable agency had proposed that the Panel or arbitrator, as applicable, establish a union time rate of not greater than 1.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to—

(A) prohibit an agency from authorizing official time as required under subsections (a) and (c) of section 7131 of title 5, United States Code; or

(B) direct an agency to negotiate to include in a collective bargaining agreement a term that precludes the agency from granting official time under subsections (a) and (c) of section 7131 of title 5, United States Code.

(c) EMPLOYEE CONDUCT.—

(1) IN GENERAL.—To ensure that Federal resources are used effectively and efficiently, and in a manner consistent with the public interest and subsection (g), each employee shall comply with the following requirements:

(A) An employee may not engage in lobbying activities during paid time, except in the official capacity of the employee.

(B)(i) Except as provided in clause (ii), an employee shall spend not less than ¾ of the paid time of the employee each fiscal year performing agency business or attending necessary training (as required by the head of the employing agency) to ensure that the employee develops and maintains the skills necessary to perform the duties of the employee efficiently and effectively.

(ii) An employee who has spent ¼ of the paid time of the employee in a fiscal year performing duties that are not agency business may continue to use official time during that fiscal year for a purpose described in subsection (a) or (c) of section 7131 of title 5, United States Code.

(iii) Any time in excess of ¼ of the paid time of an employee that is used to perform duties that are not agency business in a fiscal year shall count toward the limitation under clause (i) in the subsequent fiscal year.

(C)(i) An employee, when acting on behalf of a Federal labor organization, may not be permitted the free or discounted use of Government property, or any other agency resource, if that use is not generally available for business other than agency business by employees when acting on behalf of non-Federal organizations.

(ii) For the purposes of clause (i), Government property and other agency resources includes office or meeting space, reserved parking spaces, telephones, computers, and computer systems.

(D) An employee who incurs expenses while performing duties other than agency business may not be reimbursed for those expenses, unless reimbursement is required by law or regulation.

(E)(i) An employee may not use official time to prepare or pursue a grievance, including arbitration with respect to a grievance, brought against an agency under procedures negotiated under section 7121 of title 5, United States Code, except where that use is otherwise authorized by law or regulation.

(ii) Clause (i) shall not apply to a situation in which an employee uses official time to—

(I) prepare for, confer with an exclusive representative regarding, or present a grievance brought on behalf of the employee;

(II) appear as a witness in a grievance proceeding; or

(III) challenge an adverse personnel action taken against the employee in retaliation for engaging in federally protected whistleblower activity, including for engaging in an activity that is protected under—

(aa) section 2302(b)(8) of title 5, United States Code;

(bb) section 21F(h)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–6(h)(1));

(cc) section 3730(h) of title 31, United States Code; or

(dd) any other similar provision of law.

(2) AUTHORIZATION.—

(A) IN GENERAL.—An employee may not use official time without advance written authorization from the head of the employing agency, unless prior approval is impracticable under rules or guidance issued under paragraph (3).

(B) REVIEW.—Any use of official time without written advance authorization from the

head of the employing agency because of impracticality, as described in subparagraph (A), shall be reviewed by the head of the employing agency, who, not later than 15 days after the date on which the official time is first used, shall make a determination regarding whether to certify that providing the advance written authorization was impracticable.

(C) RESTRICTION.—If an employee uses official time without advance written authorization from the head of the employing agency because of impracticality, as described in subparagraph (A), and the head of the employing agency does not make a certification described in subparagraph (B) within the time frame established under that subparagraph, the employee may not use official time for the remainder of the fiscal year in which the official time was used or for 90 days, whichever is longer.

(3) OPM RESPONSIBILITIES.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director shall examine whether rules that are in existence, as of the date on which the Director performs the examination, are consistent with the requirements of this subsection.

(B) ADDITIONAL RULES.—If, after performing the examination required under subparagraph (1), the Director determines that existing rules, as described in that subparagraph, are not consistent with the requirements of this subsection, the Director, as soon as is practicable, shall propose for notice and comment appropriate rules to clarify and assist agencies in implementing this subsection, consistent with applicable law.

(4) AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The head of each agency shall ensure compliance by employees of the agency with the requirements of this subsection, to the extent consistent with applicable law and collective bargaining agreements.

(B) REVIEWS.—The head of each agency shall—

(i) examine whether rules, policies, and practices that are in existence, as of the effective date of this subsection, are consistent with the requirements of this subsection; and

(ii) if, after performing the review required under clause (i), the agency head determines that existing rules, policies, and procedures, as described in that clause, are not consistent with the requirements of this subsection, as soon as is practicable, take all appropriate actions consistent with applicable law to bring those rules, policies, and procedures into compliance with this subsection.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the head of an agency from permitting an employee to perform representational activities under chapter 71 of title 5, United States Code, including for activities described in section 7121(b)(1)(C) of that title.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date that is 45 days after the date of enactment of this Act, except with respect to paragraph (3), which shall take effect on that date of enactment.

(d) PREVENTING UNLAWFUL OR UNAUTHORIZED EXPENDITURES.—

(1) IN GENERAL.—An employee who uses official time without the advance written authorization required under subsection (c)(2), or for purposes not specifically authorized by the head of the employing agency, shall be—

(A) considered absent without leave;

(B) in cases of repeated such misuses, considered to have engaged in serious misconduct that impairs the efficiency of the Federal service; and

(C) subject to appropriate disciplinary action to address the misconduct described in subparagraph (A) or (B), as applicable.

(2) PROCEDURES.—

(A) IN GENERAL.—As soon as is practicable, and not later than 180 days after the date of enactment of this Act, and to the extent permitted by law, the head of each agency shall develop and implement a procedure governing the authorization of official time under subsection (c)(2).

(B) CONTENTS.—A procedure developed under subparagraph (A) shall, at a minimum—

(i) require an employee requesting official time to specify the number of hours of official time to be used and the specific purposes for which that time will be used, providing sufficient detail to identify the tasks that the employee will undertake;

(ii) allow the authorizing official to assess whether it is reasonable and necessary to grant the amount of time requested to accomplish the tasks described in clause (i); and

(iii) with respect to a continuing or ongoing request, require—

(I) the renewal of the request to be submitted not less frequently than once per pay period; and

(II) separate advance authorization for any use of official time that is in excess of previously authorized hours or purposes for which the time was not previously authorized.

(3) MONITORING.—

(A) IN GENERAL.—As soon as is practicable, and not later than 180 days after the date of enactment of this Act, the head of each agency shall develop and implement a system to monitor the use of official time to ensure that such time—

(i) is used only for authorized purposes; and

(ii) is not used contrary to law or regulation.

(B) REQUIREMENTS.—In developing a system under subparagraph (A), the head of an agency shall give special attention to ensuring that official time is not used for—

(i) internal labor organization business in violation of section 7131(b) of title 5, United States Code;

(ii) lobbying activities in violation of section 1913 of title 18, United States Code, or subsection (c)(1) of this section; or

(iii) political activities in violation of subchapter III of chapter 73 of title 5, United States Code.

(e) AGENCY REPORTING REQUIREMENTS.—

(1) IN GENERAL.—To the extent permitted by law, the head of each agency shall submit to the Director an annual report that addresses each of the following for the fiscal year covered by the report:

(A) The purposes for which the agency head has authorized the use of official time, including the amounts of time used for each such purpose.

(B) The job title and total compensation of each employee who has used official time, including the total number of hours each such employee spent on those activities and the proportion of the total paid hours of each such employee that number of hours represents.

(C) If the agency has allowed labor organizations or individuals, during official time, the free or discounted use of Government property, the total value of that use.

(D) Any expenses that the agency paid for activities conducted during official time.

(E) The amount of any reimbursement paid by labor organizations for the use of property described in subparagraph (C).

(F) Whether the aggregate union rate time of the agency has increased, as compared with the most recent report submitted under this paragraph and, if that aggregate rate has so increased, an explanation for the increase.

(2) NOTIFICATION.—If the union time rate with respect to a bargaining unit exceeds 1 hour per employee, the head of the applicable agency shall submit a notification regarding that fact to the Interagency Labor Relations Working Group established under section 3 of Executive Order 13836 (83 Fed. Reg. 25329; relating to developing efficient, effective, and cost-reducing approaches to Federal sector collective bargaining).

(3) DEADLINE.—The Director shall establish the date on which the reports required under this subsection shall be submitted.

(f) PUBLIC DISCLOSURE AND TRANSPARENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall publish a standardized form that the head of each agency shall use in preparing the reports required under subsection (e).

(2) ANALYSIS OF REPORTS.—The Director shall analyze each report submitted under subsection (e) and produce an annual report that details each of the following for the fiscal year covered by the report:

(A) For each agency, and for all agencies in the aggregate—

(i) the number of employees using official time;

(ii) the number of employees using official time, separately listed by intervals of the proportion of paid time spent on those activities;

(iii) the number of hours spent on official time;

(iv) the cost of official time, as measured by the compensation of the employees involved;

(v) the aggregate union time rate;

(vi) the number of bargaining unit employees; and

(vii) the percentage change in each of the values described in clauses (i) through (vi), as compared with the previous year.

(B) For each agency, and for all agencies in the aggregate—

(i) the value of the free or discounted use of Government property the agency has provided to labor organizations;

(ii) any expenses, such as travel expenses, paid for activities conducted during official time;

(iii) the amount of any reimbursement paid for the use described in clause (ii); and

(iv) the percentage change in each of the values described in clauses (i), (ii), and (iii), as compared with the previous year.

(C) The purposes for which official time was granted.

(D) The information required under subsection (e)(1)(B) with respect to employees using official time, which shall be sufficiently aggregated to ensure that the disclosure would not unduly risk disclosing information protected under law, including personally identifiable information.

(3) PUBLICATION.—

(A) IN GENERAL.—Not later than June 30 of each year, the Director shall publish on the website of the Office of Personnel Management the report required under this subsection.

(B) FIRST REPORT.—The first report required under this subsection shall—

(i) apply with respect to the first fiscal year that begins after the date of enactment of this Act; and

(ii) be published not later than 240 days after the end of the fiscal year described in clause (i).

(4) GUIDANCE.—The Director, after consulting with the Chief Human Capital Officers appointed or designated under chapter

14 of title 5, United States Code, shall promulgate any additional guidance that may be necessary or appropriate to assist the heads of agencies in complying with the requirements of this subsection.

(g) IMPLEMENTATION AND RENEGOTIATION OF COLLECTIVE BARGAINING AGREEMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and subject to subparagraph (B), the head of each agency shall implement the requirements of this section, except with respect to subsection (c)(2), which shall be effective for employees in a particular agency when the head of that agency implements the procedure required under subsection (d)(2), to the extent permitted by law and consistent with obligations under collective bargaining agreements that are in effect, as of the date of enactment of this Act.

(B) DESIGNATION.—The head of each agency shall—

(i) designate an official within the agency to implement this section; and

(ii) not later than 30 days after the date of enactment of this Act, notify the Director regarding the identity of the official designated under clause (i).

(2) CONSULTATION WITH LABOR REPRESENTATIVES.—

(A) IN GENERAL.—The head of each agency shall consult with employee labor representatives regarding the implementation of this section.

(B) ALTERATIONS TO COLLECTIVE BARGAINING AGREEMENTS.—On the earliest date permitted under law, and to effectuate the terms of this section, the head of any agency that is party to a collective bargaining agreement that has not less than 1 provision that is inconsistent with any provision of this section shall give any contractually required notice of the intent of the agency to alter the terms of that agreement and—

(i) reopen negotiations to obtain provisions consistent with this section; or

(ii) terminate any such inconsistent provision and implement the requirements of this section.

(h) GENERAL PROVISIONS.—

(1) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

(A) abrogate any collective bargaining agreement that is in effect, as of the date of enactment of this Act;

(B) interfere with, restrain, or coerce any employee in the exercise by the employee of any right under chapter 71 of title 5, United States Code;

(C) encourage or discourage membership in any labor organization by discrimination in connection with appointment, tenure, promotion, or other conditions of employment;

(D) impair or otherwise affect the authority granted by law to an agency or the head of an agency; or

(E) create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against—

(i) the United States;

(ii) a department, agency, entity, officer, employee, or agent of the United States; or

(iii) any other person.

(2) IMPLEMENTATION.—This section shall be implemented consistent with applicable law and subject to the availability of appropriations.

(3) SEVERABILITY.—If any provision of this section, including any application of this section, is held to be invalid, the remainder of this section, and all other applications of this section, shall not be affected by that holding.

SA 390. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place title X, insert the following:

SEC. _____. IMPROVING THE ANALYSIS AND REPORTING OF COST AND UNIT-LEVEL READINESS IMPACTS OF SUPPORTING SOUTHWEST BORDER OPERATIONS.

The Secretary of Defense shall—

(1) ensure that the Under Secretary of Defense (Comptroller) follows best practices for—

(A) completing well-documented cost estimates when assessing the Department of Homeland Security's requests for assistance (referred to in this sections as ''RFAs'') related to the southwest border by documenting its estimated methods for future RFAs; and

(B) credible estimates when assessing RFAs related to the southwest border by completing a robust sensitivity analysis of key cost drivers, a risk and uncertainty analysis, and cross checks for future RFAs;

(2) ensure that the Chairman of the Joint Chiefs of Staff, in collaboration with the Secretaries of the military departments, identifies—

(A) units likely to be sourced to support U.S. Customs and Border Protection along the southwest border; and

(B) the potential unit-level readiness impacts of assigning such units before the Secretary of Defense responds to pending RFAs, when conditions permit;

(3) ensure that the Under Secretary of Defense for Policy, in coordination with the Under Secretary of Defense (Comptroller), submits the annual reports required under section 1014(d)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) to the congressional defense committees on time;

(4) ensure that the Under Secretary of Defense (Comptroller) clarifies guidance to ensure that the military services and the National Guard Bureau track all costs associated with the Department of Defense's support to U.S. Customs and Border Protection's border security mission, including costs associated with installation support, oversight of border construction projects, and National Guard personnel benefits, and includes such costs in future reports referred to in paragraph (3); and

(5) in coordination with the Secretary of Homeland Security, develop a memorandum of understanding, which shall—

(A) ensure that field operations of the Department of Homeland Security are consistent with directives of the Department of Homeland Security;

(B) define a common outcome for the Department of Defense's support to the Department of Homeland Security, consistent with best practices for interagency collaboration;

(C) ensure all RFAs clearly define the role of the Department of Defense in an operation, including contingency plans for circumstances in which the Department of Defense's support may need to be increased or decreased; and

(D) articulate how such common outcome will enable the Department of Homeland Security to achieve its southwest border security mission; and

(6) annually submit to the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and Homeland Security of the House of Representatives a report on the costs incurred by the Department of Defense in support of activities by the Department of Homeland Security on the southwest border.

SA 391. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRITERIA FOR GRANTING DIRECT-HIRE AUTHORITY TO AGENCIES.

Section 3304(a)(3)(B) of title 5, United States Code, is amended by striking ''shortage of candidates'' and all that follows through ''highly qualified candidates)'' and inserting ''shortage of highly qualified candidates''.

SA 392. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12____. MODIFICATION TO ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM AND NATIONAL TRADE POLICY AGENDA.

Section 163(a)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2213(a)(3)(A)) is amended—

(1) by redesignating clause (iv) as clause (v);

(2) in clause (iii), by striking ''and'' at the end; and

(3) by inserting after clause (iii) the following:

''(iv) how such objectives and priorities support and advance the objectives of—

''(I) the national defense strategy under 113(g) of title 10, United States Code; and

''(II) the national security strategy of the United States under section 108 of the National Security Act of 1947 (50 U.S.C. 3043); and''.

SA 393. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. REPORTS ON AND INVESTMENTS IN PHARMACEUTICAL SUPPLY CHAIN RESILIENCY TO REDUCE RELIANCE ON THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT ON PHARMACEUTICALS IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of

Food and Drugs, in consultation with the United States Trade Representative, shall submit to the appropriate congressional committees a report that sets forth a list of—

(1) each finished pharmaceutical product that is imported into the United States from the People's Republic of China in a quantity that exceeds 20 percent of the quantity of the product available for use in the United States; and

(2) each active pharmaceutical ingredient that is imported into the United States from the People's Republic of China in a quantity that exceeds 20 percent of the quantity of the ingredient available for use in the United States.

(b) STRATEGY FOR PHARMACEUTICAL SUPPLY CHAIN RESILIENCY.—

(1) IN GENERAL.—The President shall develop a comprehensive strategy to address the national security threat posed by the control by the People's Republic of China of the global supply of finished pharmaceutical products and active pharmaceutical ingredients.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include efforts to develop a more reliable and secure supply chain for finished pharmaceutical products and active pharmaceutical ingredients, including manufacturing and production projects that—

(A) contribute to the development of a more reliable and secure supply chain for such products and ingredients;

(B) reduce reliance on the People's Republic of China for such products and ingredients; and

(C) facilitate cooperation with the governments of other countries in a concerted effort to make significant strategic investments in development projects, production technologies, and refining facilities for such products and ingredients.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the strategy required by paragraph (1).

(B) ELEMENTS.—The report required in paragraph (1) shall include—

(i) a description of the extent of the engagement of the United States International Development Finance Corporation with the governments of the other countries of the Quadrilateral Security Dialogue to promote shared investment in and development of finished pharmaceutical products and active pharmaceutical ingredients; and

(ii) a description of the work of the United States Trade Representative to engage with the government of those countries to decrease trade barriers for the development, production, refinement, and transportation of such products and ingredients.

(c) INVESTMENTS IN PHARMACEUTICAL SUPPLY CHAIN RESILIENCY.—

(1) IN GENERAL.—In support of the strategy required by subsection (b), the United States International Development Finance Corporation shall prioritize providing support under title II of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9621 et seq.) for manufacturing and production of finished pharmaceutical products and active pharmaceutical ingredients, including projects that—

(A) contribute to the development of a more reliable and secure supply chain for such products and ingredients;

(B) reduce reliance on the People's Republic of China for such products and ingredients; and

(C) facilitate cooperation with the governments of other countries in a concerted effort to make significant strategic investments in development projects, production technologies, and refining facilities for such products and ingredients.

(2) CERTIFICATION REQUIREMENT.—The United States International Development Finance Corporation may not provide support under paragraph (1) for a project relating to the manufacturing or production of a finished pharmaceutical product unless the entity receiving the support certifies that—

(A) not more than 25 percent of the active pharmaceutical ingredients used in the product are sourced from a single country of origin that is a nonmarket economy country, as defined by the Secretary of Commerce; and

(B) the entity is not controlled, in whole or in part, by an entity organized under the laws of, or otherwise subject to the jurisdiction of, a nonmarket economy country.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, Science, and Transportation, and the Committee on Finance of the Senate; and

(2) the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives.

SA 394. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXPEDITED HIRING AUTHORITY.

(a) EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES.—Section 3115(e)(1) of title 5, United States Code, is amended by striking ''15 percent'' and inserting ''25 percent''.

(b) EXPEDITED HIRING AUTHORITY FOR POSTSECONDARY STUDENTS.—Section 3116(d)(1) of title 5, United States Code, is amended by striking ''15 percent'' and inserting ''25 percent''.

SA 395. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BLENDED FEDERAL WORKFORCE.

(a) IN GENERAL.—Section 1103(c) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''(c)(1)'' and inserting ''(c)(1)(A)''; and

(B) by adding at the end the following:

''(B)(i) The Office of Personnel Management shall collect from Executive agencies, other than elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), on at least an annual basis the following:

''(I) The total number of persons employed directly by the Executive agency.

''(II) The total number of prime contractor employees and subcontractor employees, as those terms are defined in section 8701 of title 41, issued credentials allowing access to Executive agency property or computer systems.

''(III) The total number of employees of Federal grant and cooperative agreement recipients, as those legal instruments are described in sections 6304 and 6305 of title 31, respectively, who are issued credentials allowing access to Executive agency property or computer systems.

''(IV) A total count of the workforce of the Executive agency, including employees, prime contractor employees, subcontractor employees, grantee employees, and cooperative agreement employees.

''(ii) The Office of Personnel Management shall compile the data collected under clause (i) and issue, and post on its website, an annual report containing the data.''; and

(2) in paragraph (2), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

(b) SENSE OF CONGRESS ON EFFECTIVE AND EFFICIENT MANAGEMENT OF THE BLENDED FEDERAL WORKFORCE.—

(1) DEFINITION.—In this subsection, the term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(2) FINDINGS.—Congress finds the following:

(A) The implementation of Federal laws and the competent administration of Federal programs require skilled and capable personnel.

(B) Executive agencies depend on a blended workforce that includes Federal employees, employees of prime contractors and subcontractors performing services to Executive agencies, and employees of State or local governments, nonprofit organizations, or institutions of higher education performing services to Executive agencies under the terms of grants and cooperative agreements (in this subsection referred to as ''grantees''), all of whom make essential contributions to achieving the missions of the Government in service to the people of the United States.

(C) Approximately 2,000,000 Federal employees help to execute the laws of the United States, supplemented by an unknown number, estimated to exceed 5,000,000, of employees of prime contractors, subcontractors, and grantees providing services to Executive agencies.

(D) Policymakers, Executive agencies, and observers have often focused on individual components of the blended workforce, such as employees, without considering all components or considering the entire blended workforce and how all 3 components can work most effectively together.

(E) Executive agencies inhibit their own workforce planning and risk making decisions that may reduce the overall efficiency and cost effectiveness of the blended workforce by focusing on only 1 component in isolation.

(F) Establishing artificial limits on headcounts or full-time equivalent positions for Federal employees, administrators, and managerial employees of Executive agencies may discourage the employment of interns or entry-level employees to build a balanced employment pipeline and may inadvertently encourage managers to shift work to contractors and grantees for the purpose of complying with such numerical limits, even if those decisions are not justified by an approach to improve the efficiency or cost effectiveness of the Executive agency's work.

(G) The Government Accountability Office has identified strategic human capital management as a high-risk area for the Federal Government, adding that critical skills gaps ''impede the government from cost-effectively serving the public and achieving results''.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Executive agencies should—

(A) manage the entire Federal blended workforce, including employees, contractors, and grantees, using a comprehensive and holistic approach to advance their missions as effectively and cost efficiently as possible, within appropriated budgets and without using artificial numerical limits on headcounts or full-time-equivalent positions; and

(B) conduct a holistic review of their blended workforce and develop a comprehensive plan to ensure an efficient and cost-effective blended workforce.

SA 396. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title X, insert the following:

SEC. 101___. NATIONAL SECURITY-BASED THREAT ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Chief of the U.S. Border Patrol, in conjunction with the Under Secretary of Commerce for Industry and Security and the Director of National Intelligence, shall develop and submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Armed Services of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Armed Services of the House of Representatives a threat assessment that—

(1) is related to the technologies that are commonly used to construct illicit, cross-border tunnels;

(2) is focused on—

(A) identifying the technologies that could be used to construct such tunnels;

(B) how such technologies can be acquired; and

(C) whether such technologies should be subject to additional regulations, export controls, or other regulatory measures to safeguard the national security of the United States; and

(3) considers whether any entities should be added to 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 title 15, Code of Federal Regulations.

SA 397. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENSURING RELIABLE SUPPLY OF RARE EARTH MINERALS.

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

(1) The People's Republic of China is the global leader in mining, refining, and component manufacturing of critical minerals, possessing 60 percent of mine production, 85 percent of processing capacity, and 90 percent of permanent magnet production as of 2022.

(2) In 2022, the United States was more than 50 percent reliant on imports of 12 minerals classified as ''critical'' by the United States Geological Survey, 30 of which sourced from the People's Republic of China.

(3) On March 26, 2014, the World Trade Organization ruled that the People's Republic of China's export restraints on critical minerals violated its obligations under its protocol of accession to the World Trade Organization, thereby harming United States manufacturers and workers.

(4) The Chinese Communist Party has threatened to leverage the People's Republic of China's dominant position in the critical minerals market to ''strike back'' at the United States.

(5) The Quadrilateral Security Dialogue is an effective partnership for reliable multilateral financing, development, and distribution of goods for global consumption, as evidenced by the Quad Vaccine Partnership announced on March 12, 2021.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People's Republic of China's dominant share of the global rare earth mining market is a threat to the economic stability, well being, and competitiveness of key industries in the United States;

(2) the United States should reduce reliance on the People's Republic of China for rare earth minerals through—

(A) strategic investments in development projects, production technologies, and refining facilities in the United States; or

(B) in partnership with strategic allies of the United States that are reliable trading partners, including members of the Quadrilateral Security Dialogue; and

(3) the United States Trade Representative should initiate multilateral talks among the countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the United States Trade Representative, in consultation with the officials specified in paragraph (3), shall submit to the appropriate congressional committees a report on the work of the Trade Representative to address the national security threat posed by the People's Republic of China's control of nearly ⅔ of the global supply of rare earth minerals.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of the extent of the engagement of the United States with the other countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals during the period beginning on the date of the enactment of this Act and ending on the date of the report; and

(B) a description of the plans of the President to leverage the partnership of the countries of the Quadrilateral Security Dialogue to produce a more reliable and secure global supply chain of rare earth minerals.

(3) OFFICIALS SPECIFIED.—The official specified in this paragraph are the following:

(A) The Secretary of State.

(B) the Secretary of Commerce.

(C) The Chief Executive Officer of the United States International Development Finance Corporation.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Finance, the Committee on Foreign Relations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Ways and Means, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 398. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FLEXIBILITY FOR TEMPORARY AND TERM APPOINTMENTS.

(a) TEMPORARY AND TERM APPOINTMENTS.—Subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

''§ 3117. Temporary and term appointments

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

''(2) TEMPORARY APPOINTMENT.—The term 'temporary appointment' means an appointment in the competitive service for a period of not more than 1 year.

''(3) TERM APPOINTMENT.—The term 'term appointment' means an appointment in the competitive service for a period of more than 1 year and not more than 5 years.

''(b) APPOINTMENT.—

''(1) IN GENERAL.—The head of an Executive agency may make a temporary appointment or term appointment to a position in the competitive service when the need for the services of an employee in the position is not permanent.

''(2) EXTENSION.—Under conditions prescribed by the Director, the head of an Executive agency may—

''(A) extend a temporary appointment made under paragraph (1) in increments of not more than 1 year each, up to a maximum of 3 total years of service; and

''(B) extend a term appointment made under paragraph (1) in increments determined appropriate by the head of the Executive agency, up to a maximum of 6 total years of service.

''(c) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

''(1) IN GENERAL.—Under conditions prescribed by the Director, the head of an Executive agency may make a noncompetitive temporary appointment, or a noncompetitive term appointment for a period of not more than 18 months, to a position in the competitive service for which a critical hiring need exists, as determined under section 3304, without regard to the requirements of sections 3327 and 3330.

''(2) NO EXTENSIONS.—An appointment made under paragraph (1) may not be extended.

''(d) REGULATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Director may prescribe regulations to carry out this section.

''(2) APPLICATION.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Secretary of Defense in the exercise of the authorities granted under section 1105 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2447).

''(e) SPECIAL PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—Nothing in this section shall preclude the Secretary of Defense from making temporary and term appointments in the competitive service pursuant to section 1105 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2447).

''(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authorities granted under section 3109.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3116 the following:

''3117. Temporary and term appointments.''.

SA 399. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NONCOMPETITIVE ELIGIBILITY FOR HIGH-PERFORMING CIVILIAN EMPLOYEES.

(a) DEFINITIONS.—In this section—

(1) the term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code; and

(2) the term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(b) REGULATIONS.—Under such regulations as the Director of the Office of Personnel Management shall issue, an Executive agency may noncompetitively appoint, for other than temporary employment, to a position in the competitive service any individual who—

(1) is certified by the Director as having been a high-performing employee in a former position in the competitive service;

(2) has been separated from the former position described in paragraph (1) for less than 6 years; and

(3) is qualified for the new position in the competitive service, as determined by the head of the Executive agency making the noncompetitive appointment.

(c) LIMITATION ON AUTHORITY.—An individual may not be appointed to a position under subsection (b) more than once.

(d) DESIGNATION OF HIGH-PERFORMING EMPLOYEES.—The Director of the Office of Personnel Management shall, in the regulations issued under subsection (b), set forth the criteria for certifying an individual as a ''high-performing employee'' in a former position, which shall be based on—

(1) the final performance appraisal of the individual in that former position; and

(2) a recommendation by the immediate or other supervisor of the individual in that former position.

SA 400. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. GOLDEN VISA TRANSPARENCY.

(a) DEFINITIONS.—In this section:

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

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

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

(C) the Committee on Appropriations of the Senate;

(D) the Select Committee on Intelligence of the Senate;

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

(F) the Committee on the Judiciary of the House of Representatives;

(G) the Committee on Appropriations of the House of Representatives; and

(H) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED CONTRIBUTION.—The term ''covered contribution'' means—

(A) a monetary donation to, investment in, or any other form of direct or indirect capital transfer, including through the purchase or rental of real estate, to—

(i) the government of a foreign country; or

(ii) any person, business, or entity in such a foreign country; and

(B) a donation to, or endowment of, any activity contributing to the public good in such a foreign country.

(3) GOLDEN VISA PROGRAM.—The term ''golden visa program'' means an immigration, investment, or other program of a foreign country that, in exchange for a covered contribution authorizes the individual making the covered contribution to acquire citizenship in such country or receive any other immigration benefit in the foreign country, including temporary or permanent residence that may serve as the basis for subsequent naturalization.

(4) VISA WAIVER PROGRAM.—The term ''visa waiver program'' means the program authorized under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(b) NOTIFICATION REQUIREMENT FOR VISA WAIVER PROGRAM PARTICIPANT COUNTRIES THAT OPERATE GOLDEN VISA PROGRAMS.—

(1) IN GENERAL.—As a condition of continued participation in the visa waiver program, each foreign country participating in the visa waiver program that operates a golden visa program shall—

(A) not later than 90 days after the date of the enactment of this Act, provide to the Secretary of Homeland Security a description of the laws, regulations, and policies governing the golden visa program of the country, including, as applicable, such laws, regulations, and policies relating to—

(i) the physical presence of a golden visa program applicant in the country;

(ii) residence requirements;

(iii) covered contribution requirements;

(iv) security and background check procedures for applicants and intermediaries;

(v) risk management practices or measures, control systems, and oversight mechanisms;

(vi) information sharing with other foreign countries regarding application rejections;

(vii) anti-money laundering measures; and

(viii) information sharing with the tax residence of an applicant; and

(B) not later than 90 days after the date of the enactment of this Act, provide notice to the Secretary of Homeland Security and the Secretary of State of the name of each individual to whom the foreign country has ever provided citizenship, residence, or any other immigration benefit through such golden visa program before the date of the first such notice;

(C) promptly provide notice to the Secretary of Homeland Security and the Secretary of State of the name of each individual to whom the foreign country provides citizenship, residence, or any other immigration benefit through such golden visa program after the date of the first such notice; and

(D) with respect to each such individual, details regarding—

(i) any identity assumed by the individual before the individual applied for such golden visa program; and

(ii) any identity the individual has assumed since receiving such immigration benefit.

(2) EFFECT OF NONCOMPLIANCE.—The Secretary of Homeland Security shall suspend from participation in the visa waiver program any foreign country described in paragraph (1) that does not comply with such paragraph.

(3) PROCEDURES TO ENSURE SANCTIONED INDIVIDUALS ARE NOT ADMITTED OR PAROLED INTO THE UNITED STATES.—The Secretary of Homeland Security and the Secretary of State, in consultation with the Secretary of the Treasury, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall develop procedures to ensure that an individual whose entry into the United States has been prohibited pursuant to sanctions imposed by the United States Government and who has received an immigration benefit through a foreign country's golden visa program is not admitted or paroled into the United States as a national of such foreign country.

(4) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and at the beginning of each fiscal year thereafter for the subsequent 3 years, the Secretary of Homeland Security, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a report that—

(i) with respect to each visa waiver program participant country that operates a golden visa program, describes the laws, regulations, and policies governing the golden visa program including, as applicable, such laws, regulations, and policies with respect to—

(I) the physical presence of a golden visa program applicant in the country;

(II) residence requirements;

(III) covered contribution requirements;

(IV) security and background check procedures for applicants and intermediaries;

(V) risk management practices or measures, control systems, and oversight mechanisms;

(VI) information sharing with other foreign countries regarding application rejections;

(VII) anti-money laundering measures; and

(VIII) information sharing with the tax residence of an applicant;

(ii) includes the number of individuals whose entry into the United States has been prohibited pursuant to sanctions imposed by the United States Government and who have received an immigration benefit pursuant to a golden visa program of a visa waiver program country, disaggregated by country that granted such benefit;

(iii) with respect to each such individual, a description of the specific type of sanction to which the individual is subject;

(iv) describes the procedures developed and implemented pursuant to paragraph (3); and

(v) includes an intelligence assessment of national security and criminal threats posed by the use of golden visa programs by foreign nationals and by United States citizens.

(B) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(c) MODIFICATIONS TO VISA WAIVER PROGRAM.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(H) OPERATION OF GOLDEN VISA PROGRAM.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, no country that operates a golden visa program may be designated as a program country unless the country submits, as a condition of its participation, the information described in section 1083(b)(1) of such Act.'';

(2) in paragraph (5)—

(A) in subparagraph (A)(i)—

(i) in subclause (IV), by striking ''; and'' and inserting a semicolon;

(ii) by redesignating subclause (V) as subclause (VI); and

(iii) by inserting after subclause (IV) the following:

''(V) shall evaluate whether the program country operates a golden visa program and, as applicable, whether the program country has complied with the requirements of the National Defense Authorization Act for Fiscal Year 2024; and'';

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

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

''(C) TERMINATIONS RELATING TO GOLDEN VISA PROGRAMS.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall immediately terminate the designation of a program country if the country—

''(I) establishes a golden visa program (or in the case of a program country with an existing golden visa program, modifies the golden visa program or the terms and conditions of the golden visa program) without providing to the Secretary the information described in section 1083(b)(1) of the National Defense Authorization Act for Fiscal Year 2024;

''(II) refuses to provide such information; or

''(III) provides such information but the information is of insufficient quality, as determined by the Secretary.

''(ii) REDESIGNATION.—With respect to a country the designation of which has been terminated under this subparagraph, the Secretary of Homeland Security may redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), if the Secretary of Homeland Security, in consultation with the Secretary of State, determines that—

''(I) the country—

''(aa) has resumed sharing the information described in section 1083(b)(1) of the National Defense Authorization Act for Fiscal Year 2024; and

''(bb) has shared such information that was withheld before the date of termination and such information that has accumulated since that date; and

''(II) the quality of such information is sufficient, as determined by the Secretary of Homeland Security.''; and

(D) in subparagraph (D)(i), as redesignated, by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''; and

(3) in paragraph (11)(C)—

(A) in clause (iv), by striking ''; and'' and inserting a semicolon;

(B) in clause (v), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vi) with respect to a subject country that operates a golden visa program—

''(I) an assessment of any threat posed by the golden visa program;

''(II) recommendations to mitigate any such threat; and

''(III) an assessment of the quality of the subject country's information sharing relating to the golden visa program.''; and

(4) by adding at the end the following:

''(13) DEFINITION OF GOLDEN VISA PROGRAM.—In this subsection, the term 'golden visa program' has the meaning given such term in section 1083(a) of the National Defense Authorization Act for Fiscal Year 2024.''.

SA 401. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. USE OF SCIENTIFIC INFORMATION IN RULEMAKING.

Section 553 of title 5, United States Code, is amended by adding at the end the following:

''(f) To the extent that an agency makes a decision based on science when issuing a rule under this section, the agency shall use scientific information, technical procedures, measures, methods, protocols, methodologies, or models, employed in a manner consistent with the best available science, and shall consider as applicable—

''(1) the extent to which the scientific information, technical procedures, measures, methods, protocols, methodologies, or models employed to generate the information are reasonable for and consistent with the intended use of the information;

''(2) the extent to which the information is relevant for use by the head of the agency in making a decision related to issuing the rule;

''(3) the degree of clarity and completeness with which the data, assumptions, methods, quality assurance, and analyses employed to generate the information are documented;

''(4) the extent to which the variability and uncertainty in the information, or in the procedures, measures, methods, protocols, methodologies, or models, are evaluated and characterized; and

''(5) the extent of independent verification or peer review of the information or of the procedures, measures, methods, protocols, methodologies, or models.

''(g) An agency shall make a decision described in subsection (f) based on the weight of the scientific evidence.

''(h) Each agency shall make available to the public—

''(1) all notices, determinations, findings, rules, consent agreements, and orders of the head of the agency in connection with a rule;

''(2) a nontechnical summary of each risk evaluation conducted in connection with a rule; and

''(3) a list of the studies considered by the agency in carrying out each risk evaluation described in paragraph (2), along with a description of the results of those studies.''.

SA 402. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1109 and insert the following:

SEC. ____. EXTENSION OF DIRECT HIRE AUTHORITY FOR DOMESTIC INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE.

(a) EXTENSION.—Section 1125(a) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.; Public Law 114–328) is amended by striking ''2025'' and inserting ''2035''.

(b) DEFINITION OF DEFENSE INDUSTRIAL BASE FACILITY.—Section 1125(c) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.; Public Law 114–328) is amended by inserting ''and includes supporting units of a facility at an installation or base'' after ''United States''.

(c) BRIEFING.—Section 1102(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended by striking ''2025'' and inserting ''2035''.

SA 403. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. SOCIOECONOMIC LABOR THRESHOLD FOR THE SERVICE CONTRACT ACT.

(a) SOCIOECONOMIC LABOR THRESHOLD.—

(1) IN GENERAL.—For purposes of this section, the socioeconomic labor threshold is—

(A) for the period beginning on the date of enactment of this Act and ending on October 1 following such date of enactment, the amount determined by the Secretary of Labor under paragraph (2)(A); and

(B) for each 1-year period beginning on October 1 following such date of enactment, the amount determined by the Secretary of Labor under paragraph (2)(B).

(2) INFLATION ADJUSTMENTS.—

(A) INITIAL PERIOD.—The amount determined under this paragraph for the period described in paragraph (1)(A) shall be $2,500 as—

(i) increased by the percentage increase in the Consumer Price Index for All Urban Consumers (all items; United States city average), as published by the Bureau of Labor Statistics, comparing—

(I) such Consumer Price Index for October of 1965; and

(II) such Consumer Price Index for the most recent month as of the date of enactment of this Act for which such Consumer Price Index is available; and

(ii) (if applicable), rounded to the nearest multiple of $100.

(B) SUBSEQUENT PERIODS.—

(i) IN GENERAL.—The amount determined under this subparagraph for the applicable period described in paragraph (1)(B) shall be the amount in effect on the date of such determination as—

(I) increased (if applicable) from such amount by the annual percentage increase, if any, in the Consumer Price Index for All Urban Consumers (all items; United States

city average), as published by the Bureau of Labor Statistics, from the preceding year as calculated in accordance with clause (ii); and

(II) (if applicable) rounded to the nearest multiple of $100.

(ii) CONSUMER PRICE INDEX.—In making the determination under clause (i) and calculating the percentage increase in the Consumer Price Index for All Urban Consumers under clause (i)(I), the Secretary of Labor shall compare the Consumer Price Index for All Urban Consumers (all items; United States city average), as determined by the Bureau of Labor Statistics, for June of the calendar year in which such determination is made with the Consumer Price Index for All Urban Consumers (all items; United States city average), as determined by the Bureau of Labor Statistics, for June of the preceding calendar year.

(iii) RULE OF CONSTRUCTION.—With respect to a determination under clause (i) of the amount in effect under this paragraph for an applicable period under paragraph (1)(B), if there is not an annual percentage increase in the Consumer Price Index for All Urban Consumers (all items; United States city average) from the preceding year as described in clause (i)(I), the amount in effect under this paragraph for such applicable period shall be the amount in effect under paragraph (1) on the date of such determination.

(b) AMENDMENTS TO THE MCNAMARA-O'HARA SERVICE CONTRACT ACT.—

(1) DEFINITION.—Section 6701 of title 41, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

''(4) SOCIOECONOMIC LABOR THRESHOLD.—The term 'socioeconomic labor threshold' means the socioeconomic labor threshold established under section 1083(a) of the National Defense Authorization Act for Fiscal Year 2024.''.

(2) APPLICABILITY THRESHOLD.—Section 6702(a)(2) of title 41, United States Code, is amended to read as follows:

''(2) involves an amount exceeding—

''(A) for contracts and bid specifications made prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2024, $2,500; and

''(B) for contracts and bid specifications made on or after such date of enactment, the socioeconomic labor threshold.''.

SA 404. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. INTERAGENCY STRATEGY FOR CREATING A UNIFIED POSTURE ON COUNTER-UNMANNED AIRCRAFT SYSTEMS CAPABILITIES AND PROTECTIONS AT INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) SHORT TITLE.—This section may be cited as the ''Protecting the Border from Unmanned Aircraft Systems Act''

(b) DEFINITIONS.— In this section:

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

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

(B) the Committee on Commerce, Science, and Transportation of the Senate;

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

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Appropriations of the Senate;

(F) the Committee on Foreign Relations of the Senate;

(G) the Select Committee on Intelligence of the Senate;

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

(I) the Committee on the Judiciary of the House of Representatives;

(J) the Committee on Transportation and Infrastructure of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives;

(L) the Committee on Foreign Affairs of the House of Representatives;

(M) the Permanent Select Committee on Intelligence of the House of Representatives;

(N) the Committee on Armed Services of the House of Representatives; and

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

(2) COVERED FACILITY OR ASSET.—The term ''covered facility or asset'' has the meaning given such term in section 210G(k)(3) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)).

(3) C-UAS.—The term ''C-UAS'' means counter-unmanned aircraft system.

(4) NATIONAL AIRSPACE SYSTEM; NAS.—The terms ''National Airspace System'' and ''NAS'' have the meaning given such terms in section 245.5 of title 32, Code of Federal Regulations.

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

(c) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, the Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense to develop a strategy for creating a unified posture on C-UAS capabilities and protections at—

(1) covered facilities or assets along international borders of the United States; and

(2) any other border-adjacent facilities or assets at which such capabilities maybe utilized under Federal law.

(d) ELEMENTS.—The strategy required to be developed under subsection (c) shall include the following elements:

(1) An examination of C-UAS capabilities at covered facilities or assets along the border, or such other border-adjacent facilities or assets at which such capabilities may be utilized under Federal law, and their usage to detect or mitigate credible threats to homeland security, including the facilitation of illicit activities, or for other purposes authorized by law.

(2) An examination of efforts to protect privacy and civil liberties in the context of C-UAS operations, including with respect to impacts on border communities and protections of the First and Fourth Amendments to the United States Constitution.

(3) An examination of unmanned aircraft system tactics, techniques, and procedures being used in the border environment by malign actors to include how unmanned aircraft systems are acquired, modified, and utilized to conduct malicious activity such, as attacks, surveillance, conveyance of contraband, or other forms of threats.

(4) An assessment of the C-UAS systems necessary to identify illicit activity and protect against the threats from unmanned aircraft systems at international borders of the United States, including the availability, feasibility, and interoperatbility of C-UAS.

(5) An description of the training required or recommended at international borders of the United States, including how such training—

(A) fits into broader training standards and norms; and

(B) relates to the protection of privacy and civil liberties.

(6) Recommendations for additional authorities and resources to protect against illicit unmanned aircraft systems, including systems that may be necessary to detect illicit activity and mitigate credible threats along international borders of the United States.

(7) An assessment of interagency research and development efforts, including the potential for expanding such efforts.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense, shall submit the strategy developed pursuant to subsection (c) to the appropriate congressional committees.

(f) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter for the following 7 years, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense, shall submit a report to the appropriate congressional committees that describes—

(A) the resources necessary to carry out the strategy developed pursuant to subsection (c); and

(B) any significant developments relating to the elements described in subsection (d).

(2) CONGRESSIONAL BRIEFINGS.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall include the elements regarding C-UAS described in paragraph (1) in the semiannual briefings to the appropriate congressional committees required under section 210G(g) of the Homeland Security Act of 2002 (6 U.S.C. 124n(g)).

SA 405. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MILITARY SPOUSE EMPLOYMENT.

(a) IN GENERAL.—Section 3330d of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (3) as paragraph (4);

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

''(3) The term 'remote work' refers to a particular type of telework under which an

employee is not expected to report to an officially established agency location on a regular and recurring basis.''; and

(C) by adding at the end the following:

''(5) The term 'telework' has the meaning given the term in section 6501.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(3) a spouse of a member of the Armed Forces on active duty, or a spouse of a disabled or deceased member of the Armed Forces, to a position in which the spouse will engage in remote work.''; and

(3) in subsection (c)(1), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

(b) GAO STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' means an agency described in paragraph (1) or (2) of section 901(b) of title 31, United States Code;

(B) the term ''employee'' means an employee of an agency;

(C) the term ''remote work'' means a particular type of telework under which an employee is not expected to report to an officially established agency location on a regular and recurring basis; and

(D) the term ''telework'' means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

(2) REQUIREMENT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and publish a report regarding the use of remote work by agencies, which shall include a discussion of what is known regarding—

(A) the number of employees who are engaging in remote work;

(B) the role of remote work in agency recruitment and retention efforts;

(C) the geographic location of employees who engage in remote work;

(D) the effect that remote work has had on how often employees are reporting to officially established agency locations to perform the duties and responsibilities of the positions of those employees and other authorized activities; and

(E) how the use of remote work has affected Federal office space utilization and spending.

SA 406. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. PORT MAINTENANCE.

(a) IN GENERAL.—Section 411(o) of the Homeland Security Act of 2002 (6 U.S.C. 211(o)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) PORT MAINTENANCE.—

''(A) PROCEDURES.—

''(i) IN GENERAL.—Subject to subparagraphs (B) and (C), the Commissioner, in consultation with the Administrator of the General Services Administration—

''(I) shall establish procedures by which U.S. Customs and Border Protection may conduct maintenance and repair projects costing not more than $300,000 at any Federal Government-owned port of entry where the Office of Field Operations performs any of the activities described in subparagraphs (A) through (G) of subsection (g)(3); and

''(II) is authorized to perform such maintenance and repair projects, subject to the procedures described in clause (ii).

''(ii) PROCEDURES DESCRIBED.—The procedures established pursuant to clause (i) shall include—

''(I) a description of the types of projects that may be carried out pursuant to clause (i); and

''(II) the procedures for identifying and addressing any impacts on other tenants of facilities where such projects will be carried out.

''(iii) PUBLICATION OF PROCEDURES.—All of the procedures established pursuant to clause (i) shall be published in the *Federal Register*.

''(iv) RULE OF CONSTRUCTION.—The publication of procedures under clause (iii) shall not impact the authority of the Commissioner to update such procedures, in consultation with the Administrator, as appropriate.

''(B) LIMITATION.—The authority under subparagraph (A) shall only be available for maintenance and repair projects involving existing infrastructure, property, and capital at any port of entry described in subparagraph (A).

''(C) ANNUAL ADJUSTMENTS.—The Commissioner shall annually adjust the amount described in subparagraph (A) by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of June preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the preceding calendar year.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to affect the availability of funding from—

''(i) the Federal Buildings Fund established under section 592 of title 40, United States Code;

''(ii) the Donation Acceptance Program established under section 482; or

''(iii) any other statutory authority or appropriation for projects described in subparagraph (A).''.

(b) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the elements described in paragraph (2).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a summary of all maintenance projects conducted pursuant to section 411(o)(3) of the Homeland Security Act of 2002, as added by subsection (a) during the prior fiscal year;

(B) the cost of each project referred to in subparagraph (A);

(C) the account that funded each such project, if applicable; and

(D) any budgetary transfers, if applicable, that funded each such project.

(c) TECHNICAL AMENDMENT.—Section 422(a) of the Homeland Security Act of 2002 (6 U.S.C. 232(a)) is amended by inserting ''section 411(o)(3) of this Act and'' after ''Administrator under''.

SA 407. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. SOIL ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''Security and Oversight for International Landholdings Act of 2023'' or the ''SOIL Act of 2023''.

(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN AGRICULTURAL REAL ESTATE HOLDINGS.—No assistance, including subsidies, may be provided by any Federal agency to a person for an agricultural real estate holding wholly or partly owned by a person that is a national of, or is organized under the laws or otherwise subject to the jurisdiction of, a country—

(1) designated as a nonmarket economy country pursuant to section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)); or

(2) identified as a country that poses as risk to the national security of the United States in the most recent annual report on worldwide threats issued by the Director of National Intelligence pursuant to section 108B of the National Security Act of 1947 (50 U.S.C. 3043b)(commonly known as the ''Annual Threat Assessment'').

(c) DISCLOSURE REQUIREMENTS FOR FOREIGN AGRICULTURAL REAL ESTATE HOLDINGS.—

(1) REPORTING REQUIREMENTS.—Section 2(a) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501(a)) is amended—

(A) in the first sentence of the matter preceding paragraph (1)—

(i) by inserting '', or enters into a leasing agreement the period of which is longer than 5 years with respect to agricultural land,'' after ''agricultural land''; and

(ii) by striking ''acquisition or transfer'' and inserting ''acquisition, transfer, or lease''; and

(B) in paragraph (4), by striking ''acquired or transferred'' and inserting ''acquired, transferred, or leased''.

(2) REVOCATION OF MINIMUM ACREAGE REQUIREMENT.—Section 9(1) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(1)) is amended by inserting '', subject to the condition that the Secretary may not exclude land from this definition based on the acreage of the land'' before the semicolon at the end.

(d) REPORTS OF HOLDINGS OF AGRICULTURAL LAND IN THE UNITED STATES BY FOREIGN PERSONS.—Section 6 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3505) is amended—

(1) by striking the section designation and heading and all that follows through ''Not later than'' and inserting the following:

''SEC. 6. REPORTS.

''(a) TRANSMISSION OF REPORTS TO STATES.—Not later than''; and

(2) by adding at the end the following:

''(b) ANNUAL REPORT.—

''(1) IN GENERAL.—Annually, the Secretary shall prepare and make publicly available a report describing holdings of agricultural land by foreign persons, as determined by reports submitted under section 2, including—

''(A) an analysis of the countries with the most extensive agricultural land holdings on

a State-by-State and county-by-county basis;

''(B) data and an analysis of agricultural land holdings in each county in the United States by a foreign person from—

''(i) the People's Republic of China;

''(ii) the Russian Federation; or

''(iii) any other country that the Secretary determines to be appropriate;

''(C) an analysis of the sectors and industries for which the agricultural land holdings are used; and

''(D) in consultation with the Director of the United States Geological Survey, an identification of countries that own or lease water rights and mineral deposits on a State-by-State and county-by-county basis.

''(2) TRANSMISSION TO STATES.—The Secretary shall transmit the report prepared under paragraph (1) to each State department of agriculture or appropriate State agency described in subsection (a) in conjunction with the applicable reports transmitted under that subsection.''.

SA 408. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SOIL ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''Security and Oversight for International Landholdings Act of 2023'' or the ''SOIL Act of 2023''.

(b) REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN AGRICULTURAL REAL ESTATE TRANSACTIONS.—Section 721(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''; and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) any transaction described in clause (vi) or (vii) of subparagraph (B) proposed or pending on or after the date of the enactment of this clause.''; and

(2) in subparagraph (B), by adding at the end the following:

''(vi) Any acquisition or transfer of an interest, other than a security, in agricultural land held by a person that is a national of, or is organized under the laws or otherwise subject to the jurisdiction of, a country—

''(I) designated as a nonmarket economy country pursuant to section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)); or

''(II) identified as a country that poses as risk to the national security of the United States in the most recent annual report on worldwide threats issued by the Director of National Intelligence pursuant to section 108B of the National Security Act of 1947 (50 U.S.C. 3043b)(commonly known as the 'Annual Threat Assessment').''.

(c) REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF REAL ESTATE TRANSACTIONS NEAR MILITARY INSTALLATIONS.—Section 721(a)(4)(B) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(B)), as amended by subsection (b), is amended by adding at the end the following:

''(vii) Any acquisition or transfer of an interest, other than a security, in any form of real estate that is located not more than 50 miles from a military installation (as that term is defined in section 2801(c)(4) of title 10, United States Code) other than residential property held by a person that is a national of, or is organized under the laws or otherwise subject to the jurisdiction of, a country—

''(I) designated as a nonmarket economy country pursuant to section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)); or

''(II) identified as a country that poses as risk to the national security of the United States in the most recent annual report on worldwide threats issued by the Director of National Intelligence pursuant to section 108B of the National Security Act of 1947 (50 U.S.C. 3043b)(commonly known as the 'Annual Threat Assessment').''.

(d) EXPANSION OF MEMBERSHIP IN COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—Section 721(k)(6) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(6)) is amended to read a follows:

''(6) OTHER MEMBERS.—The chairperson shall include the heads of relevant departments, agencies, and offices (or the designee of any such head) in any review or investigation under subsection (a), on the basis of the facts and circumstances of the covered transaction under review or investigation.''.

SA 409. Ms. ROSEN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. FEDERAL DATA CENTER ENHANCEMENT.

(a) FINDINGS.—Congress finds the following:

(1) The statutory authorization for the Federal Data Center Optimization Initiative under section 834 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) expires at the end of fiscal year 2022.

(2) The expiration of the authorization described in paragraph (1) presents Congress with an opportunity to review the objectives of the Federal Data Center Optimization Initiative to ensure that the initiative is meeting the current needs of the Federal Government.

(3) The initial focus of the Federal Data Center Optimization Initiative, which was to consolidate data centers and create new efficiencies, has resulted in, since 2010—

(A) the consolidation of more than 6,000 Federal data centers; and

(B) cost savings and avoidance of $5,800,000,000.

(4) The need of the Federal Government for access to data and data processing systems has evolved since the date of enactment in 2014 of subtitle D of title VIII of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015.

(5) Federal agencies and employees involved in mission critical functions increasingly need reliable access to secure, reliable, sustainable, and protected facilities to house mission critical data and data operations to meet the immediate needs of the people of the United States.

(6) As of the date of enactment of this Act, there is a growing need for Federal agencies to use data centers and cloud applications that meet high standards for cybersecurity, resiliency, availability, and sustainability.

(b) MINIMUM REQUIREMENTS FOR NEW DATA CENTERS.—Section 834 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

''(3) NEW DATA CENTER.—The term 'new data center' means—

''(A)(i) a data center or a portion thereof that is owned, operated, or maintained by a covered agency; or

''(ii) to the extent practicable, a data center or portion thereof—

''(I) that is owned, operated, or maintained by a contractor on behalf of a covered agency on the date on which the contract between the covered agency and the contractor expires; and

''(II) with respect to which the covered agency extends the contract, or enters into a new contract, with the contractor; and

''(B) on or after the date that is 180 days after the date of enactment of this paragraph, a data center or portion thereof that is—

''(i) established; or

''(ii) substantially upgraded or expanded.'';

(2) by striking subsection (b) and inserting the following:

''(b) MINIMUM REQUIREMENTS FOR NEW DATA CENTERS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall establish minimum requirements for new data centers in consultation with the Administrator of General Services and the Federal Chief Information Officers Council.

''(2) CONTENTS.—

''(A) IN GENERAL.—The minimum requirements established under paragraph (1) shall include requirements relating to—

''(i) the availability of new data centers;

''(ii) the use of new data centers;

''(iii) the use of sustainable energy sources;

''(iv) uptime percentage;

''(v) protections against power failures, including on-site energy generation and access to multiple transmission paths;

''(vi) protections against physical intrusions and natural disasters;

''(vii) information security protections required by subchapter II of chapter 35 of title 44, United States Code, and other applicable law and policy; and

''(viii) any other requirements the Administrator determines appropriate.

''(B) CONSULTATION.—In establishing the requirements described in subparagraph (A)(vii), the Administrator shall consult with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director.

''(3) INCORPORATION OF MINIMUM REQUIREMENTS INTO CURRENT DATA CENTERS.—As soon as practicable, and in any case not later than 90 days after the Administrator establishes the minimum requirements pursuant to paragraph (1), the Administrator shall issue guidance to ensure, as appropriate, that covered agencies incorporate the minimum requirements established under that paragraph into the operations of any data center of a covered agency existing as of the date of enactment of this subsection.

''(4) REVIEW OF REQUIREMENTS.—The Administrator, in consultation with the Administrator of General Services and the Federal

Chief Information Officers Council, shall review, update, and modify the minimum requirements established under paragraph (1), as necessary.

''(5) REPORT ON NEW DATA CENTERS.—During the development and planning lifecycle of a new data center, if the head of a covered agency determines that the covered agency is likely to make a management or financial decision relating to any data center, the head of the covered agency shall—

''(A) notify—

''(i) the Administrator;

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

''(iii) Committee on Oversight and Accountability of the House of Representatives; and

''(B) describe in the notification with sufficient detail how the covered agency intends to comply with the minimum requirements established under paragraph (1).

''(6) USE OF TECHNOLOGY.—In determining whether to establish or continue to operate an existing data center, the head of a covered agency shall—

''(A) regularly assess the application portfolio of the covered agency and ensure that each at-risk legacy application is updated, replaced, or modernized, as appropriate, to take advantage of modern technologies; and

''(B) prioritize and, to the greatest extent possible, leverage commercial cloud environments rather than acquiring, overseeing, or managing custom data center infrastructure.

''(7) PUBLIC WEBSITE.—

''(A) IN GENERAL.—The Administrator shall maintain a public-facing website that includes information, data, and explanatory statements relating to the compliance of covered agencies with the requirements of this section.

''(B) PROCESSES AND PROCEDURES.—In maintaining the website described in subparagraph (A), the Administrator shall—

''(i) ensure covered agencies regularly, and not less frequently than biannually, update the information, data, and explanatory statements posed on the website, pursuant to guidance issued by the Administrator, relating to any new data centers and, as appropriate, each existing data center of the covered agency; and

''(ii) ensure that all information, data, and explanatory statements on the website are maintained as open Government data assets.''; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The head of a covered agency shall oversee and manage the data center portfolio and the information technology strategy of the covered agency in accordance with Federal cybersecurity guidelines and directives, including—

''(A) information security standards and guidelines promulgated by the Director of the National Institute of Standards and Technology;

''(B) applicable requirements and guidance issued by the Director of the Office of Management and Budget pursuant to section 3614 of title 44, United States Code; and

''(C) directives issued by the Secretary of Homeland Security under section 3553 of title 44, United States Code.''.

(c) EXTENSION OF SUNSET.—Section 834(e) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) is amended by striking ''2022'' and inserting ''2026''.

(d) GAO REVIEW.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall review, verify, and audit the compliance of covered agencies with the minimum requirements established pursuant to section 834(b)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) for new data centers and subsection (b)(3) of that Act for existing data centers, as appropriate.

SA 410. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. FIELDING PLAN AND ACQUISITION STRATEGY FOR THE COMBAT RESCUE HELICOPTER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall—

(1) reevaluate the fielding plan for the combat rescue helicopter; and

(2) submit to the congressional defense committees an acquisition strategy and fielding plan for the helicopter that align with the stated capability and capacity requirements of the Department of the Air Force to meet the Arctic strategy of the Department.

SA 411. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 6___. EXTENSION OF TRAVEL ALLOWANCE FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO ALASKA.

Section 603(b)(5)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 2621) is amended by striking ''December 31, 2023'' and inserting ''June 30, 2024''.

SA 412. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. DISINTERMENT OF REMAINS OF MICHAEL ALAN SILKA FROM SITKA NATIONAL CEMETERY, ALASKA.

(a) DISINTERMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall disinter the remains of Michael Alan Silka from Sitka National Cemetery, Alaska.

(b) NOTIFICATION.—The Secretary of Veterans Affairs may not carry out subsection (a) until after notifying the next of kin of Michael Alan Silka.

(c) DISPOSITION.—After carrying out subsection (a), the Secretary of Veterans Affairs shall—

(1) relinquish the remains to the next of kin described in subsection (b); or

(2) if no such next of kin responds to the notification under subsection (b), arrange for disposition of the remains as the Secretary determines appropriate.

SA 413. Ms. MURKOWSKI (for herself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ___. HHS PROGRAM ON FETAL ALCOHOL SPECTRUM DISORDERS.

(a) IN GENERAL.—Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.) is amended—

(1) by amending the part heading to read as follows: ''**FETAL ALCOHOL SPECTRUM DISORDERS PREVENTION AND SERVICES PROGRAM**'';

(2) in section 399H (42 U.S.C. 280f)—

(A) in the section heading, by striking ''**ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION**'' and inserting ''**FETAL ALCOHOL SPECTRUM DISORDERS PREVENTION, INTERVENTION,**'';

(B) by striking ''Fetal Alcohol Syndrome and Fetal Alcohol Effect'' each place it appears and inserting ''FASD'';

(C) in subsection (a)—

(i) by amending the heading to read as follows: ''IN GENERAL'';

(ii) in the matter preceding paragraph (1)—

(I) by inserting ''or continue activities to support'' after ''shall establish'';

(II) by striking ''FASD'' (as amended by subparagraph (B)) and inserting ''fetal alcohol spectrum disorders (referred to in this section as 'FASD')'';

(III) by striking ''prevention, intervention'' and inserting ''awareness, prevention, identification, intervention,''; and

(IV) by striking ''that shall'' and inserting '', which may'';

(iii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking ''medical schools'' and inserting ''health professions schools''; and

(bb) by inserting ''infants,'' after ''provision of services for''; and

(II) in subparagraph (D), by striking ''medical and mental'' and inserting ''agencies providing'';

(iv) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking ''a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate'' and inserting ''supporting and conducting research on FASD, as appropriate, including'';

(II) in subparagraph (B)—

(aa) by striking ''prevention services and interventions for pregnant, alcohol-dependent women'' and inserting ''culturally and linguistically informed evidence-based or practice-based interventions and appropriate societal supports for preventing prenatal alcohol exposure, which may co-occur with exposure to other substances''; and

(bb) by striking ''; and'' and inserting a semicolon;

(v) by striking paragraph (3) and inserting the following:

''(3) integrating into surveillance practice an evidence-based standard case definition for fetal alcohol syndrome and, in collaboration with other Federal and outside partners, support organizations of appropriate medical and mental health professionals in their development and refinement of evidence-based clinical diagnostic guidelines and criteria for all fetal alcohol spectrum disorders; and

''(4) building State and Tribal capacity for the identification, treatment, and support of individuals with FASD and their families, which may include—

''(A) utilizing and adapting existing Federal, State, or Tribal programs to include FASD identification and FASD-informed support;

''(B) developing and expanding screening and diagnostic capacity for FASD;

''(C) developing, implementing, and evaluating targeted FASD-informed intervention programs for FASD;

''(D) increasing awareness of FASD;

''(E) providing training with respect to FASD for professionals across relevant sectors; and

''(F) disseminating information about FASD and support services to affected individuals and their families.'';

(D) in subsection (b)—

(i) by striking ''described in section 399I'';

(ii) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(iii) by adding at the end the following:

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, or enter into a cooperative agreement or contract, under this section, an entity shall—

''(A) be a State, Indian Tribe or Tribal organization, local government, scientific or academic institution, or nonprofit organization; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the activities that the entity intends to carry out using amounts received under this section.

''(3) ADDITIONAL APPLICATION CONTENTS.—The Secretary may require that an entity using amounts from a grant, cooperative agreement, or contract under this section for an activity under subsection (a)(4) include in the application for such amounts submitted under paragraph (2)(B)—

''(A) a designation of an individual to serve as a FASD State or Tribal coordinator of such activity; and

''(B) a description of an advisory committee the entity will establish to provide guidance for the entity on developing and implementing a statewide or Tribal strategic plan to prevent FASD and provide for the identification, treatment, and support of individuals with FASD and their families.''; and

(E) by striking subsections (c) and (d); and

(F) by adding at the end the following:

''(c) DEFINITION OF FASD-INFORMED.—For purposes of this section, the term 'FASD-informed', with respect to support or an intervention program, means that such support or intervention program uses culturally and linguistically informed evidence-based or practice-based interventions and appropriate societal supports to support an improved quality of life for an individual with FASD and the family of such individual.''; and

(3) by striking sections 399I, 399J, and 399K (42 U.S.C. 280f–1, 280f–2, 280f–3) and inserting the following:

''SEC. 399I. FETAL ALCOHOL SPECTRUM DISORDERS CENTERS FOR EXCELLENCE.

''(a) IN GENERAL.—The Secretary shall, as appropriate, award grants, cooperative agreements, or contracts to public or nonprofit entities with demonstrated expertise in the prevention of, identification of, and intervention services with respect to, fetal alcohol spectrum disorders (referred to in this section as 'FASD') and other related adverse conditions. Such awards shall be for the purposes of establishing Fetal Alcohol Spectrum Disorders Centers for Excellence to build local, Tribal, State, and national capacities to prevent the occurrence of FASD and other related adverse conditions, and to respond to the needs of individuals with FASD and their families by carrying out the programs described in subsection (b).

''(b) PROGRAMS.—An entity receiving an award under subsection (a) may use such award for the following purposes:

''(1) Initiating or expanding diagnostic capacity for FASD by increasing screening, assessment, identification, and diagnosis.

''(2) Developing and supporting public awareness and outreach activities, including the use of a range of media and public outreach, to raise public awareness of the risks associated with alcohol consumption during pregnancy, with the goals of reducing the prevalence of FASD and improving the developmental, health (including mental health), and educational outcomes of individuals with FASD and supporting families caring for individuals with FASD.

''(3) Acting as a clearinghouse for evidence-based resources on FASD prevention, identification, and culturally and linguistically informed best practices, including the maintenance of a national data-based directory on FASD-specific services in States, Indian Tribes, and local communities, and disseminating ongoing research and developing resources on FASD to help inform systems of care for individuals with FASD across their lifespan.

''(4) Increasing awareness and understanding of efficacious, evidence-based FASD screening tools and culturally- and linguistically-appropriate evidence-based intervention services and best practices, which may include by conducting national, regional, State, Tribal, or peer cross-State webinars, workshops, or conferences for training community leaders, medical and mental health and substance use disorder professionals, education and disability professionals, families, law enforcement personnel, judges, individuals working in financial assistance programs, social service personnel, child welfare professionals, and other service providers.

''(5) Improving capacity for State, Tribal, and local affiliates dedicated to FASD awareness, prevention, and identification and family and individual support programs and services.

''(6) Providing technical assistance to recipients of grants, cooperative agreements, or contracts under section 399H, as appropriate.

''(7) Carrying out other functions, as appropriate.

''(c) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) SUBCONTRACTING.—A public or private nonprofit entity may carry out the following activities required under this section through contracts or cooperative agreements with other public and private nonprofit entities with demonstrated expertise in FASD:

''(1) Prevention activities.

''(2) Screening and identification.

''(3) Resource development and dissemination, training and technical assistance, administration, and support of FASD partner networks.

''(4) Intervention services.

''SEC. 399J. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2024 through 2028.''.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the efforts of the Department of Health and Human Services to advance public awareness on, and facilitate the identification of best practices related to, fetal alcohol spectrum disorders identification, prevention, treatment, and support.

SA 414. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. TREATMENT OF RELOCATION OF MEMBERS OF THE ARMED FORCES FOR ACTIVE DUTY OR ACTIVE SERVICE FOR PURPOSES OF MORTGAGE REFINANCING.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

''SEC. 303A. TREATMENT OF RELOCATION OF SERVICEMEMBERS FOR ACTIVE DUTY OR ACTIVE SERVICE FOR PURPOSES OF MORTGAGE REFINANCING.

''(a) DEFINITIONS.—In this section:

''(1) COVERED REFINANCING MORTGAGE.—The term 'covered refinancing mortgage' means any federally backed mortgage that—

''(A) is made for the purpose of paying or prepaying, and extinguishing, the outstanding obligations under an existing mortgage or mortgages; and

''(B) is secured by the same residence that secured such existing mortgage or mortgages described in subparagraph (A).

''(2) EXISTING MORTGAGE.—The term 'existing mortgage' means a federally backed mortgage that is secured by a 1- to 4-family residence, including a condominium or a share in a cooperative ownership housing association, that was the principal residence of a servicemember for a period that—

''(A) had a duration of 13 consecutive months or longer; and

''(B) ended upon the relocation of the servicemember caused by the servicemember receiving military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 18 months that did not allow the servicemember to continue to occupy such residence as a principal residence.

''(3) FEDERALLY BACKED MORTGAGE.—The term 'federally backed mortgage' has the meaning given the term 'Federally backed mortgage loan' in section 4022 of the CARES Act (15 U.S.C. 9056).

''(b) TREATMENT OF ABSENCE FROM RESIDENCE DUE TO ACTIVE DUTY OR ACTIVE SERVICE.—While a servicemember who is the mortgagor under an existing mortgage does not reside in the residence that secures the

existing mortgage because of a relocation described in subsection (a)(2)(B), if the servicemember inquires about or applies for a covered refinancing mortgage, the servicemember shall be considered, for all purposes relating to the covered refinancing mortgage (including such inquiry or application and eligibility for, and compliance with, any underwriting criteria and standards regarding such covered refinancing mortgage) to occupy the residence that secures the existing mortgage to be paid or prepaid by such covered refinancing mortgage as the principal residence of the servicemember during the period of such relocation.

''(c) LIMITATION.—Subsection (b) shall not apply with respect to a servicemember who inquires about or applies for a covered refinancing mortgage if, during the 5-year period preceding the date of such inquiry or application, the servicemember entered into a covered refinancing mortgage pursuant to this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 303 the following new item:

''303A. Treatment of relocation of servicemembers for active duty or active service for purposes of mortgage refinancing.''.

SA 415. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 16___. CONTROL AND MANAGEMENT OF DEPARTMENT OF DEFENSE DATA AND ESTABLISHMENT OF CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER GOVERNING COUNCIL.

(a) CONTROL AND MANAGEMENT OF DEPARTMENT OF DEFENSE DATA.—The Chief Digital and Artificial Intelligence Officer of the Department of Defense shall maintain the authority, but not the requirement, to access and control, on behalf of the Secretary of Defense, of all data collected, acquired, accessed, or utilized by Department of Defense components consistent with section 1513 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 10 U.S.C. 4001 note).

(b) CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER GOVERNING COUNCIL.—Paragraph (3) of section 238(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note prec. 4061) is amended to read as follows:

''(3) CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER GOVERNING COUNCIL.—

''(A) ESTABLISHMENT.—(i) The Secretary shall establish a council to provide policy oversight and enforcement to ensure the responsible, coordinated, and ethical employment of data and artificial intelligence capabilities.

''(ii) The council established pursuant to clause (i) shall be known as the 'Chief Digital and Artificial Intelligence Officer Governing Council' (in this paragraph the 'Council').

''(B) MEMBERSHIP.—The Council shall be composed of the following:

''(i) Joint Staff J–6.

''(ii) The Under Secretary of Defense for Acquisition and Sustainment.

''(iii) The Under Secretary of Defense for Research and Evaluation.

''(iv) The Under Secretary of Defense for Intelligence and Security.

''(v) The Under Secretary of Defense for Policy.

''(vi) The Director of Cost Analysis and Program Evaluation.

''(vii) The Chief Information Officer of the Department.

''(viii) The Director of Administration and Management.

''(ix) The service acquisition executives of each of the military departments.

''(C) HEAD OF COUNCIL.—The Council shall be headed by the Chief Digital and Artificial Intelligence Officer of the Department.

''(D) MEETINGS.—The Council shall meet not less frequently than twice each fiscal year.

''(E) DUTIES OF COUNCIL.—The duties of the Council are as follows:

''(i) To streamline the organizational structure of the Department as it relates to artificial intelligence development, implementation, and oversight.

''(ii) To improve coordination on artificial intelligence governance with the defense industry sector.

''(iii) To establish and oversee an artificial intelligence common rule across the Department that sets ethical requirements and protections for usage of artificial intelligence supported by Department funding and reduces or mitigates instances of bias in artificial intelligence algorithms.

''(iv) To establish and oversee appropriate control mechanisms for operational usage of artificial intelligence.

''(v) To create data rights protection mechanisms to support intellectual property created and maintained commercially or by the Federal Government, as well as for instances in which such intellectual property may be used in a mixed operational environment.

''(vi) To review, as the head of the Council considers necessary, artificial intelligence program funding to ensure that any Department investment in an artificial intelligence tool, system, or algorithm adheres to all established policy related to artificial intelligence.

''(vii) To provide current status updates on the efforts of the Department to develop and implement artificial intelligence into Federal Government programs and processes.

''(viii) To provide guidance on access and distribution restrictions relating to data, models, tool sets, or testing or validation infrastructure.

''(ix) to implement and oversee a data and artificial intelligence educational program for the purpose of familiarizing the Department at all levels on the applications of artificial intelligence in their operations.

''(x) To implement and oversee a data decree scorecard.

''(xi) Such other duties as the Council determines appropriate.

''(F) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024 and not less frequently than once every 18 months thereafter, the Council shall submit to the Secretary and the congressional defense committees a report on the activities of the Council during the period covered by the report.''.

SA 416. Ms. KLOBUCHAR (for herself and Mr. ROUNDS) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. IMPROVING PROCESSING BY DEPARTMENT OF VETERANS AFFAIRS OF DISABILITY CLAIMS FOR POST-TRAUMATIC STRESS DISORDER THROUGH IMPROVED TRAINING.

(a) SHORT TITLE.—This section may be cited as the ''Department of Veterans Affairs Post-Traumatic Stress Disorder Processing Claims Improvement Act of 2023''.

(b) FORMAL PROCESS FOR CONDUCT OF ANNUAL ANALYSIS OF TRAINING NEEDS BASED ON TRENDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, shall establish a formal process to analyze, on an annual basis, training needs of employees of the Department who review claims for disability compensation for service-connected post-traumatic stress disorder, based on identified processing error trends.

(c) FORMAL PROCESS FOR CONDUCT OF ANNUAL STUDIES TO SUPPORT ANNUAL ANALYSIS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Under Secretary, shall establish a formal process to conduct, on an annual basis, studies to help guide the process established under subsection (b).

(2) ELEMENTS.—Each study conducted under paragraph (1) shall cover the following:

(A) Military post-traumatic stress disorder stressors.

(B) Decision-making claims for claims processors.

SA 417. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 345. STUDY ON FACILITIES AND INFRASTRUCTURE NECESSARY TO CONDUCT MILITARY OPERATIONS AND EXTEND THE OPERATIONAL REACH OF THE ARMED FORCES INTO THE ARCTIC REGION.

(a) STUDY.—The Secretary of Defense shall conduct a study to evaluate and plan facilities and infrastructure that would be required north of the Arctic Circle to conduct military operations and extend the operational reach of the Armed Forces into the Arctic region of the United States.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Secretary shall—

(1) assess possible locations that could serve as forward bases for personnel recovery, agile combat employment, and distributed operations; and

(2) evaluate the capacity and potential of locations for infrastructure, storage and distribution points, refueling stations, staging bases for tactical operations, medical support centers, and providers of common-user logistics support.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the

Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a).

SA 418. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, add the following:

SEC. 12___. QUADRENNIAL NATIONAL SECURITY REVIEW AND NATIONAL SECURITY PLANNING GUIDANCE.

(a) PURPOSES.—The purposes of this section are—

(1) to require each Presidential administration—

(A) to conduct a strategic review of national security policies and capability requirements; and

(B) to improve interagency strategic planning; and

(2) to engage each national security agency of the Federal Government in the development of national security planning guidance and a national security strategy.

(b) QUADRENNIAL NATIONAL SECURITY REVIEW.—

(1) IN GENERAL.—Each President shall designate a national security advisor to lead an interagency process for the purpose of developing and submitting to Congress a comprehensive report on the national security strategy of the United States (in this section referred to as the ''Quadrennial National Security Review'').

(2) ELEMENTS.—Each Quadrennial National Security Review shall—

(A) include a comprehensive—

(i) assessment of the future security environment of the United States; and

(ii) description and discussion of national security objectives;

(B) set forth a national security strategy for achieving such objectives, including an identification of the capabilities required, including military, economic, diplomatic, and informational capabilities; and

(C) delineate Federal agency roles for the implementation of such strategy.

(3) TIMING.—The conduct of each Quadrennial National Security Review shall precede, and provide the conceptual basis for, the Quadrennial Defense Review and National Military Strategy.

(4) SUBMISSION TO CONGRESS.—Not later than 180 days after the date on which a term of a President commences, the President shall submit to Congress a Quadrennial National Security Review.

(c) NATIONAL SECURITY PLANNING GUIDANCE.—

(1) IN GENERAL.—Not less frequently than every 4 years, the President shall issue classified or unclassified national security planning guidance in support of the objectives described in the most recent national security strategy report submitted to Congress under section 108 of the National Security Act of 1947 (50 U.S.C. 3043)—

(A) for the purpose of setting priorities and clarifying national security roles and responsibilities of military and nonmilitary institutions of the United States so as to reduce capability gaps and eliminate redundancies; and

(B) which guidance shall serve as a strategic plan for United States and coordinated international efforts to enhance the capacity of governmental and nongovernmental entities to work toward the goal of a free, open, prosperous, and secure world.

(2) ELEMENTS.—The national security planning guidance required by paragraph (1) shall include the following:

(A) A prioritized list of specified geographic areas, and an explicit discussion of the criteria or rationale used to select and prioritize such specified geographic areas.

(B) For each specified geographic area, a description, analysis, and discussion of the following:

(i) The feasibility of conducting multilateral programs to train and equip the military forces of the 1 or more countries within the specified geographic area.

(ii) The authority and funding required to support such programs.

(iii) The manner in which such programs would—

(I) be implemented;

(II) support the national security priorities and interests of the United States; and

(III) complement other efforts of the United States Government in the specific geographic area and in one or more other specified geographic areas.

(C) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

(D) A description of the role and mission of each Federal department or agency involved in implementing such guidance, including the Department of Defense, the Department of Justice, the Department of the Treasury, the Department of State, and the Agency for International Development.

(E) A description of any capability gap of the United States with respect to the goals described in the list required by subparagraph (C), and an assessment of the extent to which any such gap may be addressed through coordination with one or more nongovernmental, international, or private sector organizations, entities, or companies.

(3) REVIEW AND UPDATE.—

(A) IN GENERAL.—The President shall review and update the guidance required by paragraph (1), as necessary.

(B) ELEMENTS.—Each review and update conducted under subparagraph (A) shall address the following:

(i) The overall progress made toward achieving the goals described in the list required by paragraph (2)(C), including an overall assessment of the progress in protecting the rules-based international order against authoritarian governments.

(ii) The performance of each Federal department or agency involved in implementing such guidance.

(iii) The performance of the one or more applicable unified country teams and combatant commands.

(iv) Any addition to, modification to the order of, or deletion from the list required by paragraph (2)(A).

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that contains a detailed summary of the national security planning guidance required by paragraph (1), including any update to such guidance.

(B) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

(5) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

(i) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(ii) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(B) SPECIFIED GEOGRAPHIC AREA.—The term ''specified geographic area'' means any country, subnational territory, or region that poses, or may potentially pose, a geopolitical risk to the rules-based international order based on an assessment by the President that the country, subnational territory, or region may be used by an international actor—

(i) to plan and launch attacks;

(ii) to engage in propaganda;

(iii) as a base from which to conduct military exercises with the intent to coerce the United States or an ally of the United States; or

(iv) as a key transit route for personnel, weapons, funding, or other support.

SA 419. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title X of division A, insert the following:

SEC. _____. RECOGNIZING THE NATIONAL DEBT AS A THREAT TO NATIONAL SECURITY.

It is the sense of Congress that—

(1) in January 2023—

(A) the total public debt outstanding was more than $31,000,000,000,000, resulting in a total interest expense of more than $717,611,000,000 for fiscal year 2022;

(B) the total public debt as a percentage of gross domestic product was about 121 percent; and

(C) the debt owed per citizen was $94,240 and $246,864 per taxpayer;

(2) the last Federal budget surplus occurred in 2001;

(3) in fiscal year 2022, Federal tax receipts totaled $4,896,000,000,000, but Federal outlays totaled $6,272,000,000,000, leaving the Federal Government with a 1-year deficit of $1,376,000,000,000;

(4) the Senate failed to pass a balanced budget for fiscal year 2022 and failed to restore regular order to the legislative process by not allowing Senators to offer and debate amendments;

(5) the Social Security and Medicare Boards of Trustees project that—

(A) the Federal Hospital Insurance Trust Fund will be depleted in 2028; and

(B) the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will be depleted in 2034;

(6) improvements in the business climate in populous countries, and aging populations around the world, will likely contribute to higher global interest rates;

(7) more than $7,270,000,000,000 of Federal debt is owned by individuals not located in the United States, including more than $870,000,000,000 of which is owned by individuals in China;

(8) China and the European Union are developing alternative payment systems to weaken the dominant position of the United States dollar as a reserve currency;

(9) rapidly increasing interest rates would squeeze all policy priorities of the United

States, including defense policy and foreign policy priorities;

(10) on April 12, 2018, former Secretary of Defense James Mattis warned that ''any Nation that can't keep its fiscal house in order eventually cannot maintain its military power'';

(11) on March 6, 2018, Director of National Intelligence Dan Coats warned: ''Our continued plunge into debt is unsustainable and represents a dire future threat to our economy and to our national security'';

(12) on November 15, 2017, former Secretaries of Defense Leon Panetta, Ash Carter, and Chuck Hagel warned: ''Increase in the debt will, in the absence of a comprehensive budget that addresses both entitlements and revenues, force even deeper reductions in our national security capabilities''; and

(13) on September 22, 2011, former Chairman of the Joint Chiefs of Staff Michael Mullen warned: ''I believe the single, biggest threat to our national security is debt''.

SA 420. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. POSTHUMOUS HONORARY PROMOTION TO GENERAL OF LIEUTENANT GENERAL FRANK MAXWELL ANDREWS, UNITED STATES ARMY.

(a) POSTHUMOUS HONORARY PROMOTION.—Notwithstanding any time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue a posthumous honorary commission promoting Lieutenant General Frank Maxwell Andrews, United States Army, to the grade of general.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The honorary promotion of Frank Maxwell Andrews under subsection (a) shall not affect the retired pay or other benefits from the United States to which Frank Maxwell Andrews would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

SA 421. Mr. CRUZ (for himself, Mr. MARSHALL, Mr. SCOTT of Florida, Mr. RISCH, Mr. PAUL, Mr. DAINES, Mr. CRAPO, Mr. BARRASSO, Mr. BRAUN, Ms. LUMMIS, and Mrs. BLACKBURN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. REMEDIES FOR MEMBERS OF THE ARMED FORCES DISCHARGED OR SUBJECT TO ADVERSE ACTION UNDER THE COVID–19 VACCINE MANDATE.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary of Defense may not issue any COVID–19 vaccine mandate as a replacement for the mandate rescinded under section 525 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 absent a further act of Congress expressly authorizing a replacement mandate.

(b) REMEDIES.—Section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 1161 note prec.) is amended—

(1) in the section heading, by striking ''**TO OBEY LAWFUL ORDER TO RECEIVE**'' and inserting ''**TO RECEIVE**'';

(2) in subsection (a)—

(A) by striking ''a lawful order'' and inserting ''an order''; and

(B) by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be an honorable discharge.'';

(3) by redesignating subsection (b) as subsection (e); and

(4) by inserting after subsection (a) the following new subsections:

''(b) PROHIBITION ON ADVERSE ACTION.—The Secretary of Defense may not take any adverse action against a covered member based solely on the refusal of such member to receive a vaccine for COVID–19.

''(c) REMEDIES AVAILABLE FOR A COVERED MEMBER DISCHARGED OR SUBJECT TO ADVERSE ACTION BASED ON COVID–19 STATUS.—At the election of a covered member discharged or subject to adverse action based on the member's COVID–19 vaccination status, and upon application through a process established by the Secretary of Defense, the Secretary shall—

''(1) adjust to 'honorable discharge' the status of the member if—

''(A) the member was separated from the Armed Forces based solely on the failure of the member to obey an order to receive a vaccine for COVID–19; and

''(B) the discharge status of the member would have been an 'honorable discharge' but for the refusal to obtain such vaccine;

''(2) reinstate the member to service at the highest grade held by the member immediately prior to the involuntary separation, allowing, however, for any reduction in rank that was not related to the member's COVID–19 vaccination status, with an effective date of reinstatement as of the date of involuntary separation;

''(3) for any member who was subject to any adverse action other than involuntary separation based solely on the member's COVID–19 vaccination status—

''(A) restore the member to the highest grade held prior to such adverse action, allowing, however, for any reduction in rank that was not related to the member's COVID–19 vaccination status, with an effective date of reinstatement as of the date of involuntary separation; and

''(B) compensate such member for any pay and benefits lost as a result of such adverse action;

''(4) expunge from the service record of the member any adverse action, to include nonpunitive adverse action and involuntary separation, as well as any reference to any such adverse action, based solely on COVID–19 vaccination status; and

''(5) include the time of involuntary separation of the member reinstated under paragraph (2) in the computation of the retired or retainer pay of the member.

''(d) RETENTION AND DEVELOPMENT OF UNVACCINATED MEMBERS.—The Secretary of Defense shall—

''(1) make every effort to retain covered members who are not vaccinated against COVID–19 and provide such members with professional development, promotion and leadership opportunities, and consideration equal to that of their peers;

''(2) only consider the COVID–19 vaccination status of a covered member in making deployment, assignment, and other operational decisions where—

''(A) the law or regulations of a foreign country require covered members to be vaccinated against COVID–19 in order to enter that country; and

''(B) the covered member's presence in that foreign country is necessary in order to perform their assigned role; and

''(3) for purposes of deployments, assignments, and operations described in paragraph (2), create a process to provide COVID–19 vaccination exemptions to covered members with—

''(A) a natural immunity to COVID–19;

''(B) an underlying health condition that would make COVID–19 vaccination a greater risk to that individual than the general population; or

''(C) sincerely held religious beliefs in conflict with receiving the COVID–19 vaccination.

''(e) APPLICABILITY OF REMEDIES CONTAINED IN THIS SECTION.—The prohibitions and remedies described in this section shall apply to covered members regardless of whether or not they sought an accommodation to any Department of Defense COVID–19 vaccination policy on any grounds.''.

SA 422. Mrs. CAPITO (for herself, Mr. CARPER, Mr. GRAHAM, Mr. BOOKER, Mr. KELLY, Mr. CRAPO, Mr. BARRASSO, Mr. WHITEHOUSE, Mr. MANCHIN, and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31____. ACCELERATING DEPLOYMENT OF VERSATILE, ADVANCED NUCLEAR FOR CLEAN ENERGY.

(a) SHORT TITLE.—This section may be cited as the ''Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2023'' or the ''ADVANCE Act of 2023''.

(b) DEFINITIONS.—In this section:

(1) ACCIDENT TOLERANT FUEL.—The term ''accident tolerant fuel'' has the meaning given the term in section 107(a) of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5577).

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) ADVANCED NUCLEAR FUEL.—The term ''advanced nuclear fuel'' means—

(A) advanced nuclear reactor fuel; and

(B) accident tolerant fuel.

(4) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' has the meaning given the term in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439).

(5) ADVANCED NUCLEAR REACTOR FUEL.—The term ''advanced nuclear reactor fuel'' has the meaning given the term in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439).

(6) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(7) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(c) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—

(1) COORDINATION.—

(A) IN GENERAL.—The Commission shall—

(i) coordinate all work of the Commission relating to—

(I) nuclear reactor import and export licensing; and

(II) international regulatory cooperation and assistance relating to nuclear reactors, including with countries that are members of—

(aa) the Organisation for Economic Co-operation and Development; or

(bb) the Nuclear Energy Agency; and

(ii) support interagency and international coordination with respect to—

(I) the consideration of international technical standards to establish the licensing and regulatory basis to assist the design, construction, and operation of nuclear systems;

(II) efforts to help build competent nuclear regulatory organizations and legal frameworks in countries seeking to develop nuclear power; and

(III) exchange programs and training provided to other countries relating to nuclear regulation and oversight to improve nuclear technology licensing, in accordance with subparagraph (B).

(B) EXCHANGE PROGRAMS AND TRAINING.—With respect to the exchange programs and training described in subparagraph (A)(ii)(III), the Commission shall coordinate, as applicable, with—

(i) the Secretary of Energy;

(ii) National Laboratories;

(iii) the private sector; and

(iv) institutions of higher education.

(2) AUTHORITY TO ESTABLISH BRANCH.—The Commission may establish within the Office of International Programs a branch, to be known as the ''International Nuclear Reactor Export and Innovation Branch'', to carry out such international nuclear reactor export and innovation activities as the Commission determines to be appropriate and within the mission of the Commission.

(3) EXCLUSION OF INTERNATIONAL ACTIVITIES FROM THE FEE BASE.—

(A) IN GENERAL.—Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended—

(i) in subsection (a), by adding at the end the following:

''(A) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—The Commission shall identify in the annual budget justification international nuclear reactor export and innovation activities described in subsection (c)(1) of the ADVANCE Act of 2023.''; and

(ii) in subsection (b)(1)(B), by adding at the end the following:

''(I) Costs for international nuclear reactor export and innovation activities described in subsection (c)(1) of the ADVANCE Act of 2023.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on October 1, 2024.

(4) SAVINGS CLAUSE.—Nothing in this subsection alters the authority of the Commission to license and regulate the civilian use of radioactive materials.

(d) DENIAL OF CERTAIN DOMESTIC LICENSES FOR NATIONAL SECURITY PURPOSES.—

(1) DEFINITION OF COVERED FUEL.—In this subsection, the term ''covered fuel'' means enriched uranium that is fabricated into fuel assemblies for nuclear reactors by an entity that—

(A) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.

(2) PROHIBITION ON UNLICENSED POSSESSION OR OWNERSHIP OF COVERED FUEL.—Unless specifically authorized by the Commission in a license issued under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073) and part 70 of title 10, Code of Federal Regulations (or successor regulations), no person subject to the jurisdiction of the Commission may possess or own covered fuel.

(3) LICENSE TO POSSESS OR OWN COVERED FUEL.—

(A) CONSULTATION REQUIRED PRIOR TO ISSUANCE.—The Commission shall not issue a license to possess or own covered fuel under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073) and part 70 of title 10, Code of Federal Regulations (or successor regulations), unless the Commission has first consulted with the Secretary of Energy and the Secretary of State before issuing the license.

(B) PROHIBITION ON ISSUANCE OF LICENSE.—

(i) IN GENERAL.—Subject to clause (iii), a license to possess or own covered fuel shall not be issued if the Secretary of Energy and the Secretary of State make the determination described in clause (ii).

(ii) DETERMINATION.—

(I) IN GENERAL.—The determination referred to in clause (i) is a determination that possession or ownership, as applicable, of covered fuel poses a threat to the national security of the United States that adversely impacts the physical and economic security of the United States.

(II) JOINT DETERMINATION.—A determination described in subclause (I) shall be jointly made by the Secretary of Energy and the Secretary of State.

(III) TIMELINE.—

(aa) NOTICE OF APPLICATION.—Not later than 30 days after the date on which the Commission receives an application for a license to possess or own covered fuel, the Commission shall notify the Secretary of Energy and the Secretary of State of the application.

(bb) DETERMINATION.—The Secretary of Energy and the Secretary of State shall have a period of 180 days, beginning on the date on which the Commission notifies the Secretary of Energy and the Secretary of State under item (aa) of an application for a license to possess or own covered fuel, in which to make the determination described in subclause (I).

(cc) COMMISSION NOTIFICATION.—On making the determination described in subclause (I), the Secretary of Energy and the Secretary of State shall immediately notify the Commission.

(dd) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after the date on which the Secretary of Energy and the Secretary of State notify the Commission under item (cc), the Commission shall notify the appropriate committees of Congress of the determination.

(ee) PUBLIC NOTICE.—Not later than 15 days after the date on which the Commission notifies Congress under item (dd) of a determination made under subclause (I), the Commission shall make that determination publicly available.

(iii) EFFECT OF NO DETERMINATION.—The prohibition described in clause (i) shall not apply if the Secretary of Energy and the Secretary of State do not make the determination described in clause (ii) by the date described in subclause (III)(bb) of that clause.

(4) SAVINGS CLAUSE.—Nothing in this subsection alters any treaty or international agreement in effect on the date of enactment of this Act.

(e) EXPORT LICENSE REQUIREMENTS.—

(1) DEFINITION OF LOW-ENRICHED URANIUM.—In this subsection, the term ''low-enriched uranium'' means uranium enriched to less than 20 percent of the uranium-235 isotope.

(2) REQUIREMENT.—The Commission shall not issue an export license for the transfer of any item described in paragraph (4) to a country described in paragraph (3) unless the Commission makes a determination that such transfer will not be inimical to the common defense and security of the United States.

(3) COUNTRIES DESCRIBED.—A country referred to in paragraph (2) is a country that—

(A) has not concluded and ratified an Additional Protocol to its safeguards agreement with the International Atomic Energy Agency; or

(B) has not ratified or acceded to the amendment to the Convention on the Physical Protection of Nuclear Material, adopted at Vienna October 26, 1979, and opened for signature at New York March 3, 1980 (TIAS 11080), described in the information circular of the International Atomic Energy Agency numbered INFCIRC/274/Rev.1/Mod.1 and dated May 9, 2016 (TIAS 16–508).

(4) ITEMS DESCRIBED.—An item referred to in paragraph (2) includes—

(A) unirradiated nuclear fuel containing special nuclear material (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)), excluding low-enriched uranium;

(B) a nuclear reactor that uses nuclear fuel described in subparagraph (A); and

(C) any plant or component listed in Appendix I to part 110 of title 10, Code of Federal Regulations (or successor regulations), that is involved in—

(i) the reprocessing of irradiated nuclear reactor fuel elements;

(ii) the separation of plutonium; or

(iii) the separation of the uranium-233 isotope.

(5) NOTIFICATION.—If the Commission makes a determination under paragraph (2) that the transfer of any item described in paragraph (4) to a country described in paragraph (3) will not be inimical to the common defense and security of the United States, the Commission shall notify the appropriate committees of Congress.

(f) COORDINATED INTERNATIONAL ENGAGEMENT.—

(1) DEFINITIONS.—In this subsection:

(A) EMBARKING CIVIL NUCLEAR NATION.—

(i) IN GENERAL.—The term ''embarking civil nuclear nation'' means a country that—

(I) does not have a civil nuclear program;

(II) is in the process of developing or expanding a civil nuclear program, including safeguards and a legal and regulatory framework; or

(III) is in the process of selecting, developing, constructing, or utilizing an advanced nuclear reactor or advanced civil nuclear technologies.

(ii) EXCLUSIONS.—The term ''embarking civil nuclear nation'' does not include—

(I) the People's Republic of China;

(II) the Russian Federation;

(III) the Republic of Belarus;

(IV) the Islamic Republic of Iran;

(V) the Democratic People's Republic of Korea;

(VI) the Republic of Cuba;

(VII) the Bolivarian Republic of Venezuela;
(VIII) the Syrian Arab Republic;
(IX) Burma; or
(X) any other country—
(aa) the property or interests in property of the government of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or
(bb) the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism for purposes of—
(AA) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));
(BB) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d));
(CC) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i)); or
(DD) any other relevant provision of law.
(B) SECRETARIES.—The term ''Secretaries'' means the Secretary of Commerce and the Secretary of Energy, acting—
(i) in consultation with each other; and
(ii) in coordination with—
(I) the Secretary of State;
(II) the Commission;
(III) the Secretary of the Treasury;
(IV) the President of the Export-Import Bank of the United States; and
(V) officials of other Federal agencies, as the Secretary of Commerce determines to be appropriate.
(C) U.S. NUCLEAR ENERGY COMPANY.—The term ''U.S. nuclear energy company'' means a company that—
(i) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and
(ii) is involved in the nuclear energy industry.
(2) INTERNATIONAL CIVIL NUCLEAR MODERNIZATION INITIATIVE.—
(A) IN GENERAL.—The Secretaries shall establish and carry out, in accordance with applicable nuclear technology export laws (including regulations), an international initiative to modernize civil nuclear outreach to embarking civil nuclear nations.
(B) ACTIVITIES.—In carrying out the initiative described in subparagraph (A)—
(i) the Secretary of Commerce shall—
(I) expand outreach by the Executive Branch to the private investment community to create public-private financing relationships to assist in the export of civil nuclear technology to embarking civil nuclear nations;
(II) seek to coordinate, to the maximum extent practicable, the work carried out by each of—
(aa) the Commission;
(bb) the Department of Energy;
(cc) the Department of State;
(dd) the Nuclear Energy Agency;
(ee) the International Atomic Energy Agency; and
(ff) other agencies, as the Secretary of Commerce determines to be appropriate; and
(III) improve the regulatory framework to allow for the efficient and expeditious exporting and importing of items under the jurisdiction of the Secretary of Commerce; and
(ii) the Secretary of Energy shall—
(I) assist nongovernmental organizations and appropriate offices, administrations, agencies, laboratories, and programs of the Federal Government in providing education and training to foreign governments in nuclear safety, security, and safeguards—
(aa) through engagement with the International Atomic Energy Agency; or
(bb) independently, if the applicable nongovernmental organization, office, administration, agency, laboratory, or program determines that it would be more advantageous under the circumstances to provide the applicable education and training independently;
(II) assist the efforts of the International Atomic Energy Agency to expand the support provided by the International Atomic Energy Agency to embarking civil nuclear nations for nuclear safety, security, and safeguards; and
(III) assist U.S. nuclear energy companies to integrate security and safeguards by design in international outreach carried out by those U.S. nuclear energy companies.
(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy, shall submit to Congress a report describing the activities carried out under this subsection.
(g) FEES FOR ADVANCED NUCLEAR REACTOR APPLICATION REVIEW.—
(1) DEFINITIONS.—Section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439) is amended—
(A) by redesignating paragraphs (2) through (15) as paragraphs (3), (6), (7), (8), (9), (10), (12), (15), (16), (17), (18), (19), (20), and (21), respectively;
(B) by inserting after paragraph (1) the following:
''(2) ADVANCED NUCLEAR REACTOR APPLICANT.—The term 'advanced nuclear reactor applicant' means an entity that has submitted to the Commission an application to receive a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).'';
(C) by inserting after paragraph (3) (as so redesignated) the following:
''(4) ADVANCED NUCLEAR REACTOR PRE-APPLICANT.—The term 'advanced nuclear reactor pre-applicant' means an entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application to receive a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).
''(5) AGENCY SUPPORT.—The term 'agency support' means the resources of the Commission that are located in executive, administrative, and other support offices of the Commission, as described in the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document).'';
(D) by inserting after paragraph (10) (as so redesignated) the following:
''(11) HOURLY RATE FOR MISSION-DIRECT PROGRAM SALARIES AND BENEFITS FOR THE NUCLEAR REACTOR SAFETY PROGRAM.—The term 'hourly rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program' means the quotient obtained by dividing—
''(A) the full-time equivalent rate (within the meaning of the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document)) for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program (as determined by the Commission) for a fiscal year; by
''(B) the productive hours assumption for that fiscal year, determined in accordance with the formula established in the document referred to in subparagraph (A) (or a successor document).''; and
(E) by inserting after paragraph (12) (as so redesignated) the following:
''(13) MISSION-DIRECT PROGRAM SALARIES AND BENEFITS FOR THE NUCLEAR REACTOR SAFETY PROGRAM.—The term 'mission-direct program salaries and benefits for the Nuclear Reactor Safety Program' means the resources of the Commission that are allocated to the Nuclear Reactor Safety Program (as determined by the Commission) to perform core work activities committed to fulfilling the mission of the Commission, as described in the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document).
''(14) MISSION-INDIRECT PROGRAM SUPPORT.—The term 'mission-indirect program support' means the resources of the Commission that support the core mission-direct activities for the Nuclear Reactor Safety Program of the Commission (as determined by the Commission), as described in the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document).''.
(2) EXCLUDED ACTIVITIES.—Section 102(b)(1)(B) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)(1)(B)) (as amended by subsection (c)(3)(A)(ii)) is amended by adding at the end the following:
''(v) The total costs of mission-indirect program support and agency support that, under paragraph (2)(B), may not be included in the hourly rate charged for fees assessed to advanced nuclear reactor applicants.
''(vi) The total costs of mission-indirect program support and agency support that, under paragraph (2)(C), may not be included in the hourly rate charged for fees assessed to advanced nuclear reactor pre-applicants.''.
(3) FEES FOR SERVICE OR THING OF VALUE.—Section 102(b) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)) is amended by striking paragraph (2) and inserting the following:
''(2) FEES FOR SERVICE OR THING OF VALUE.—
''(A) IN GENERAL.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.
''(B) ADVANCED NUCLEAR REACTOR APPLICANTS.—The hourly rate charged for fees assessed to advanced nuclear reactor applicants under this paragraph relating to the review of a submitted application described in section 3(1) shall not exceed the hourly rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program.
''(C) ADVANCED NUCLEAR REACTOR PRE-APPLICANTS.—The hourly rate charged for fees assessed to advanced nuclear reactor pre-applicants under this paragraph relating to the review of submitted materials as described in the licensing project plan of an advanced nuclear reactor pre-applicant shall not exceed the hourly rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program.''.
(4) SUNSET.—Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended by adding at the end the following:
''(g) CESSATION OF EFFECTIVENESS.—Paragraphs (1)(B)(vi) and (2)(C) of subsection (b) shall cease to be effective on September 30, 2029.''.
(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2024.
(h) ADVANCED NUCLEAR REACTOR PRIZES.—Section 103 of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5571) is amended by adding at the end the following:
''(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LICENSING.—
''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—
''(A) a non-Federal entity; and
''(B) the Tennessee Valley Authority.
''(2) PRIZE FOR ADVANCED NUCLEAR REACTOR LICENSING.—
''(A) IN GENERAL.—Notwithstanding section 169 of the Atomic Energy Act of 1954 (42

U.S.C. 2209) and subject to the availability of appropriations, the Secretary is authorized to make, with respect to each award category described in subparagraph (C), an award in an amount described in subparagraph (B) to the first eligible entity—

''(i) to which the Commission issues an operating license for an advanced nuclear reactor under part 50 of title 10, Code of Federal Regulations (or successor regulations), for which an application has not been approved by the Commission as of the date of enactment of this subsection; or

''(ii) for which the Commission makes a finding described in section 52.103(g) of title 10, Code of Federal Regulations (or successor regulations), with respect to a combined license for an advanced nuclear reactor—

''(I) that is issued under subpart C of part 52 of that title (or successor regulations); and

''(II) for which an application has not been approved by the Commission as of the date of enactment of this subsection.

''(B) AMOUNT OF AWARD.—An award under subparagraph (A) shall be in an amount equal to the total amount assessed by the Commission and collected under section 102(b)(2) from the eligible entity receiving the award for costs relating to the issuance of the license described in that subparagraph, including, as applicable, costs relating to the issuance of an associated construction permit described in section 50.23 of title 10, Code of Federal Regulations (or successor regulations), or early site permit (as defined in section 52.1 of that title (or successor regulations)).

''(C) AWARD CATEGORIES.—An award under subparagraph (A) may be made for—

''(i) the first advanced nuclear reactor for which the Commission—

''(I) issues a license in accordance with clause (i) of subparagraph (A); or

''(II) makes a finding in accordance with clause (ii) of that subparagraph;

''(ii) an advanced nuclear reactor that—

''(I) uses isotopes derived from spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)) or depleted uranium as fuel for the advanced nuclear reactor; and

''(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

''(aa) issues a license in accordance with clause (i) of subparagraph (A); or

''(bb) makes a finding in accordance with clause (ii) of that subparagraph;

''(iii) an advanced nuclear reactor that—

''(I) is a nuclear integrated energy system—

''(aa) that is composed of 2 or more co-located or jointly operated subsystems of energy generation, energy storage, or other technologies;

''(bb) in which not fewer than 1 subsystem described in item (aa) is a nuclear energy system; and

''(cc) the purpose of which is—

''(AA) to reduce greenhouse gas emissions in both the power and nonpower sectors; and

''(BB) to maximize energy production and efficiency; and

''(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

''(aa) issues a license in accordance with clause (i) of subparagraph (A); or

''(bb) makes a finding in accordance with clause (ii) of that subparagraph;

''(iv) an advanced reactor that—

''(I) operates flexibly to generate electricity or high temperature process heat for nonelectric applications; and

''(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

''(aa) issues a license in accordance with clause (i) of subparagraph (A); or

''(bb) makes a finding in accordance with clause (ii) of that subparagraph; and

''(v) the first advanced nuclear reactor for which the Commission grants approval to load nuclear fuel pursuant to the technology-inclusive regulatory framework established under subsection (a)(4).

''(3) FEDERAL FUNDING LIMITATIONS.—

''(A) EXCLUSION OF TVA FUNDS.—In this paragraph, the term 'Federal funds' does not include funds received under the power program of the Tennessee Valley Authority.

''(B) LIMITATION ON AMOUNTS EXPENDED.—An award under this subsection shall not exceed the total amount expended (excluding any expenditures made with Federal funds received for the applicable project and an amount equal to the minimum cost-share required under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352)) by the eligible entity receiving the award for licensing costs relating to the project for which the award is made.

''(C) REPAYMENT AND DIVIDENDS NOT REQUIRED.—Notwithstanding section 9104(a)(4) of title 31, United States Code, or any other provision of law, an eligible entity that receives an award under this subsection shall not be required—

''(i) to repay that award or any part of that award; or

''(ii) to pay a dividend, interest, or other similar payment based on the sum of that award.''.

(i) REPORT ON UNIQUE LICENSING CONSIDERATIONS RELATING TO THE USE OF NUCLEAR ENERGY FOR NONELECTRIC APPLICATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report (referred to in this subsection as the ''report'') addressing any unique licensing issues or requirements relating to—

(A) the flexible operation of nuclear reactors, such as ramping power output and switching between electricity generation and nonelectric applications;

(B) the use of advanced nuclear reactors exclusively for nonelectric applications; and

(C) the colocation of nuclear reactors with industrial plants or other facilities.

(2) STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from—

(A) the Secretary of Energy;

(B) the nuclear energy industry;

(C) technology developers;

(D) the industrial, chemical, and medical sectors;

(E) nongovernmental organizations; and

(F) other public stakeholders.

(3) CONTENTS.—

(A) IN GENERAL.—The report shall describe—

(i) any unique licensing issues or requirements relating to the matters described in subparagraphs (A) through (C) of paragraph (1), including, with respect to the nonelectric applications referred to in subparagraphs (A) and (B) of that paragraph, any licensing issues or requirements relating to the use of nuclear energy in—

(I) hydrogen or other liquid and gaseous fuel or chemical production;

(II) water desalination and wastewater treatment;

(III) heat for industrial processes;

(IV) district heating;

(V) energy storage;

(VI) industrial or medical isotope production; and

(VII) other applications, as identified by the Commission;

(ii) options for addressing those issues or requirements—

(I) within the existing regulatory framework of the Commission;

(II) as part of the technology-inclusive regulatory framework required under subsection (a)(4) of section 103 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115–439) or described in the report required under subsection (e) of that section (Public Law 115–439; 132 Stat. 5575); or

(III) through a new rulemaking; and

(iii) the extent to which Commission action is needed to implement any matter described in the report.

(B) COST ESTIMATES, BUDGETS, AND TIMEFRAMES.—The report shall include cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance in the licensing of nuclear reactors for nonelectric applications.

(j) ENABLING PREPARATIONS FOR THE DEMONSTRATION OF ADVANCED NUCLEAR REACTORS ON DEPARTMENT OF ENERGY SITES OR CRITICAL NATIONAL SECURITY INFRASTRUCTURE SITES.—

(1) IN GENERAL.—Section 102(b)(1)(B) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)(1)(B)) (as amended by subsection (g)(2)) is amended by adding at the end the following:

''(vi) Costs for—

''(I) activities to review and approve or disapprove an application for an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site or critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1722)) site; and

''(II) pre-application activities relating to an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site or critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1722)) site.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2024.

(k) CLARIFICATION ON FUSION REGULATION.—Section 103(a)(4) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115–439) is amended—

(1) by striking ''Not later'' and inserting the following:

''(A) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(B) EXCLUSION OF FUSION REACTORS.—For purposes of subparagraph (A), the term 'advanced reactor applicant' does not include an applicant seeking a license for a fusion reactor.''.

(l) REGULATORY ISSUES FOR NUCLEAR FACILITIES AT BROWNFIELD SITES.—

(1) DEFINITIONS.—

(A) BROWNFIELD SITE.—The term ''brownfield site'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(B) PRODUCTION FACILITY.—The term ''production facility'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(C) RETIRED FOSSIL FUEL SITE.—The term ''retired fossil fuel site'' means the site of 1 or more fossil fuel electric generation facilities that are retired or scheduled to retire, including multi-unit facilities that are partially shut down.

(D) UTILIZATION FACILITY.—The term ''utilization facility'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(2) IDENTIFICATION OF REGULATORY ISSUES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall evaluate the extent to which modification of regulations, guidance, or policy is needed to enable timely licensing reviews for, and to support the oversight of, production facilities or utilization facilities at brownfield sites.

(B) REQUIREMENT.—In carrying out subparagraph (A), the Commission shall consider how licensing reviews for production facilities or utilization facilities at brownfield sites may be expedited by considering matters relating to siting and operating a production facility or a utilization facility at or near a retired fossil fuel site to support—

(i) the reuse of existing site infrastructure, including—

(I) electric switchyard components and transmission infrastructure;

(II) heat-sink components;

(III) steam cycle components;

(IV) roads;

(V) railroad access; and

(VI) water availability;

(ii) the use of early site permits;

(iii) the utilization of plant parameter envelopes or similar standardized site parameters on a portion of a larger site; and

(iv) the use of a standardized application for similar sites.

(C) REPORT.—Not later than 14 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing any regulations, guidance, and policies identified under subparagraph (A).

(3) LICENSING.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall—

(i) develop and implement strategies to enable timely licensing reviews for, and to support the oversight of, production facilities or utilization facilities at brownfield sites, including retired fossil fuel sites; or

(ii) initiate a rulemaking to enable timely licensing reviews for, and to support the oversight of, of production facilities or utilization facilities at brownfield sites, including retired fossil fuel sites.

(B) REQUIREMENTS.—In carrying out subparagraph (A), consistent with the mission of the Commission, the Commission shall consider matters relating to—

(i) the use of existing site infrastructure;

(ii) existing emergency preparedness organizations and planning;

(iii) the availability of historical site-specific environmental data;

(iv) previously approved environmental reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(v) activities associated with the potential decommissioning of facilities or decontamination and remediation at brownfield sites; and

(vi) community engagement and historical experience with energy production.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing the actions taken by the Commission under paragraph (3).

(m) APPALACHIAN REGIONAL COMMISSION NUCLEAR ENERGY DEVELOPMENT.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14512. Appalachian Regional Commission nuclear energy development

''(a) DEFINITIONS.—In this section:

''(1) BROWNFIELD SITE.—The term 'brownfield site' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

''(2) PRODUCTION FACILITY.—The term 'production facility' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(3) RETIRED FOSSIL FUEL SITE.—The term 'retired fossil fuel site' means the site of 1 or more fossil fuel electric generation facilities that are retired or scheduled to retire, including multi-unit facilities that are partially shut down.

''(4) UTILIZATION FACILITY.—The term 'utilization facility' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(b) AUTHORITY.—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

''(1) to conduct research and analysis regarding the economic impact of siting, constructing, and operating a production facility or a utilization facility at a brownfield site, including a retired fossil fuel site;

''(2) to assist with workforce training or retraining to perform activities relating to the siting and operation of a production facility or a utilization facility at a brownfield site, including a retired fossil fuel site; and

''(3) to engage with the Nuclear Regulatory Commission, the Department of Energy, and other Federal agencies with expertise in civil nuclear energy.

''(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project or activity eligible for a grant under this section—

''(1) except as provided in paragraphs (2) and (3), not more than 50 percent may be provided from amounts made available to carry out this section;

''(2) in the case of a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts made available to carry out this section; and

''(3) in the case of a project or activity to be carried out in a county for which an at-risk county designation is in effect under section 14526, not more than 70 percent may be provided from amounts made available to carry out this section.

''(d) SOURCES OF ASSISTANCE.—Subject to subsection (c), a grant provided under this section may be provided from amounts made available to carry out this section, in combination with amounts made available—

''(1) under any other Federal program; or

''(2) from any other source.

''(e) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following:

''(e) APPALACHIAN REGIONAL COMMISSION NUCLEAR ENERGY DEVELOPMENT.—Of the amounts made available under subsection (a), $5,000,000 may be used to carry out section 14512 for each of fiscal years 2023 through 2026.''.

(3) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by striking the item relating to section 14511 and inserting the following:

''14511. Appalachian regional energy hub initiative.

''14512. Appalachian Regional Commission nuclear energy development.''.

(n) INVESTMENT BY ALLIES.—

(1) IN GENERAL.—The prohibitions against issuing certain licenses for utilization facilities to certain corporations and other entities described in the second sentence of section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) and the second sentence of section 104 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an entity described in paragraph (2) if the Commission determines that issuance of the applicable license to that entity is not inimical to—

(A) the common defense and security; or

(B) the health and safety of the public.

(2) ENTITIES DESCRIBED.—

(A) IN GENERAL.—An entity referred to in paragraph (1) is a corporation or other entity that is owned, controlled, or dominated by—

(i) the government of—

(I) a country that is a member of the Organisation for Economic Co-operation and Development on the date of enactment of this Act, subject to subparagraph (B); or

(II) the Republic of India;

(ii) a corporation that is incorporated in a country described in subclause (I) or (II) of clause (i); or

(iii) an alien who is a national of a country described in subclause (I) or (II) of clause (i).

(B) EXCLUSION.—An entity described in subparagraph (A)(i)(I) is not an entity referred to in paragraph (1), and paragraph (1) shall not apply to that entity, if, on the date of enactment of this Act—

(i) the entity (or any department, agency, or instrumentality of the entity) is a person subject to sanctions under section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525); or

(ii) any citizen of the entity, or any entity organized under the laws of, or otherwise subject to the jurisdiction of, the entity, is a person subject to sanctions under that section.

(3) TECHNICAL AMENDMENT.—Section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended, in the second sentence, by striking ''any any'' and inserting ''any''.

(4) SAVINGS CLAUSE.—Nothing in this subsection affects the requirements of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565).

(o) EXTENSION OF THE PRICE-ANDERSON ACT.—

(1) EXTENSION.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'') is amended by striking ''December 31, 2025'' each place it appears and inserting ''December 31, 2045''.

(2) LIABILITY.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'') is amended—

(A) in subsection d. (5), by striking ''$500,000,000'' and inserting ''$2,000,000,000''; and

(B) in subsection e. (4), by striking ''$500,000,000'' and inserting ''$2,000,000,000''.

(3) REPORT.—Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) (commonly known as the ''Price-Anderson Act'') is amended by striking ''December 31, 2021'' and inserting ''December 31, 2041''.

(4) DEFINITION OF NUCLEAR INCIDENT.—Section 11 q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended, in the second proviso, by striking ''if such occurrence'' and

all that follows through ''United States:'' and inserting a colon.

(p) REPORT ON ADVANCED METHODS OF MANUFACTURING AND CONSTRUCTION FOR NUCLEAR ENERGY APPLICATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report (referred to in this subsection as the ''report'') on manufacturing and construction for nuclear energy applications.

(2) STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from—

(A) the Secretary of Energy;

(B) the nuclear energy industry;

(C) National Laboratories;

(D) institutions of higher education;

(E) nuclear and manufacturing technology developers;

(F) the manufacturing and construction industries, including manufacturing and construction companies with operating facilities in the United States;

(G) standards development organizations;

(H) labor unions;

(I) nongovernmental organizations; and

(J) other public stakeholders.

(3) CONTENTS.—

(A) IN GENERAL.—The report shall—

(i) examine any unique licensing issues or requirements relating to the use of innovative—

(I) advanced manufacturing processes;

(II) advanced construction techniques; and

(III) rapid improvement or iterative innovation processes;

(ii) examine—

(I) the requirements for nuclear-grade components in manufacturing and construction for nuclear energy applications;

(II) opportunities to use standard materials, parts, or components in manufacturing and construction for nuclear energy applications;

(III) opportunities to use standard materials that are in compliance with existing codes to provide acceptable approaches to support or encapsulate new materials that do not yet have applicable codes; and

(IV) requirements relating to the transport of a fueled advanced nuclear reactor core from a manufacturing licensee to a licensee that holds a license to construct and operate a facility at a particular site;

(iii) identify any safety aspects of innovative advanced manufacturing processes and advanced construction techniques that are not addressed by existing codes and standards, so that generic guidance may be updated or created, as necessary;

(iv) identify options for addressing the issues, requirements, and opportunities examined under clauses (i) and (ii)—

(I) within the existing regulatory framework; or

(II) through a new rulemaking;

(v) identify how addressing the issues, requirements, and opportunities examined under clauses (i) and (ii) will impact opportunities for domestic nuclear manufacturing and construction developers; and

(vi) describe the extent to which Commission action is needed to implement any matter described in the report.

(B) COST ESTIMATES, BUDGETS, AND TIMEFRAMES.—The report shall include cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance for manufacturing and construction for nuclear energy applications.

(q) NUCLEAR ENERGY TRAINEESHIP.—Section 313 of division C of the Omnibus Appropriations Act, 2009 (42 U.S.C. 16274a), is amended—

(1) in subsection (a), by striking ''Nuclear Regulatory'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by inserting ''and subsection (c)'' after ''paragraph (2)'';

(3) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (5); and

(B) by striking paragraph (1) and inserting the following:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

''(2) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(4) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).'';

(4) in subsection (d)(2), by striking ''Nuclear Regulatory'';

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(6) by inserting after subsection (b) the following:

''(c) NUCLEAR ENERGY TRAINEESHIP SUBPROGRAM.—

''(1) IN GENERAL.—The Commission shall establish, as a subprogram of the Program, a nuclear energy traineeship subprogram under which the Commission, in coordination with institutions of higher education and trade schools, shall competitively award traineeships that provide focused training to meet critical mission needs of the Commission and nuclear workforce needs, including needs relating to the nuclear tradecraft workforce.

''(2) REQUIREMENTS.—In carrying out the nuclear energy traineeship subprogram described in paragraph (1), the Commission shall—

''(A) coordinate with the Secretary of Energy to prioritize the funding of traineeships that focus on—

''(i) nuclear workforce needs; and

''(ii) critical mission needs of the Commission;

''(B) encourage appropriate partnerships among—

''(i) National Laboratories;

''(ii) institutions of higher education;

''(iii) trade schools;

''(iv) the nuclear energy industry; and

''(v) other entities, as the Commission determines to be appropriate; and

''(C) on an annual basis, evaluate nuclear workforce needs for the purpose of implementing traineeships in focused topical areas that—

''(i) address the workforce needs of the nuclear energy community; and

''(ii) support critical mission needs of the Commission.''.

(r) REPORT ON COMMISSION READINESS AND CAPACITY TO LICENSE ADDITIONAL CONVERSION AND ENRICHMENT CAPACITY TO REDUCE RELIANCE ON URANIUM FROM RUSSIA.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report on the readiness and capacity of the Commission to license additional conversion and enrichment capacity at existing and new fuel cycle facilities to reduce reliance on nuclear fuel that is recovered, converted, enriched, or fabricated by an entity that—

(A) is owned or controlled by the Government of the Russian Federation; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation.

(2) CONTENTS.—The report required under paragraph (1) shall analyze how the capacity of the Commission to license additional conversion and enrichment capacity at existing and new fuel cycle facilities may conflict with or restrict the readiness of the Commission to review advanced nuclear reactor applications.

(s) ANNUAL REPORT ON THE SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE INVENTORY IN THE UNITED STATES.—

(1) DEFINITIONS.—In this subsection:

(A) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(B) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(C) STANDARD CONTRACT.—The term ''standard contract'' has the meaning given the term ''contract'' in section 961.3 of title 10, Code of Federal Regulations (or a successor regulation).

(2) REPORT.—Not later than January 1, 2025, and annually thereafter, the Secretary of Energy shall submit to Congress a report that describes—

(A) the annual and cumulative amount of payments made by the United States to the holder of a standard contract due to a partial breach of contract under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) resulting in financial damages to the holder;

(B) the cumulative amount spent by the Department of Energy since fiscal year 2008 to reduce future payments projected to be made by the United States to any holder of a standard contract due to a partial breach of contract under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

(C) the cumulative amount spent by the Department of Energy to store, manage, and dispose of spent nuclear fuel and high-level radioactive waste in the United States as of the date of the report;

(D) the projected lifecycle costs to store, manage, transport, and dispose of the projected inventory of spent nuclear fuel and high-level radioactive waste in the United States, including spent nuclear fuel and high-level radioactive waste expected to be generated from existing reactors through 2050;

(E) any mechanisms for better accounting of liabilities for the lifecycle costs of the spent nuclear fuel and high-level radioactive waste inventory in the United States;

(F) any recommendations for improving the methods used by the Department of Energy for the accounting of spent nuclear fuel and high-level radioactive waste costs and liabilities;

(G) any actions taken in the previous fiscal year by the Department of Energy with respect to interim storage; and

(H) any activities taken in the previous fiscal year by the Department of Energy to develop and deploy nuclear technologies and fuels that enhance the safe transportation or storage of spent nuclear fuel or high-level radioactive waste, including technologies to protect against seismic, flooding, and other extreme weather events.

(t) AUTHORIZATION OF APPROPRIATIONS FOR SUPERFUND ACTIONS AT ABANDONED MINING SITES ON TRIBAL LAND.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE NON-NPL SITE.—The term ''eligible non-NPL site'' means a site—

(i) that is not on the National Priorities List; but

(ii) with respect to which the Administrator determines that—

(I) the site would be eligible for listing on the National Priorities List based on the presence of hazards from contamination at the site, applying the hazard ranking system described in section 105(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(c)); and

(II) for removal site evaluations, engineering evaluations/cost analyses, remedial planning activities, remedial investigations and feasibility studies, and other actions taken pursuant to section 104(b) of that Act (42 U.S.C. 9604), the site—

(aa) has undergone a pre-CERCLA screening; and

(bb) is included in the Superfund Enterprise Management System.

(B) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(C) NATIONAL PRIORITIES LIST.—The term ''National Priorities List'' means the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

(D) REMEDIAL ACTION; REMOVAL; RESPONSE.—The terms ''remedial action'', ''removal'', and ''response'' have the meanings given those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(E) TRIBAL LAND.—The term ''Tribal land'' has the meaning given the term ''Indian country'' in section 1151 of title 18, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2023 through 2032, to remain available until expended—

(A) $97,000,000 to the Administrator to carry out this subsection (except for paragraph (4)); and

(B) $3,000,000 to the Administrator of the Agency for Toxic Substances and Disease Registry to carry out paragraph (4).

(3) USES OF AMOUNTS.—Amounts appropriated under paragraph (2)(A) shall be used by the Administrator—

(A) to carry out removal actions on abandoned mine land located on Tribal land;

(B) to carry out response actions, including removal and remedial planning activities, removal and remedial studies, remedial actions, and other actions taken pursuant to section 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(b)) on abandoned mine land located on Tribal land at—

(i) eligible non-NPL sites; and

(ii) sites listed on the National Priorities List; and

(C) to make grants under paragraph (5).

(4) HEALTH ASSESSMENTS.—Subject to the availability of appropriations, the Agency for Toxic Substances and Disease Registry, in coordination with Tribal health authorities, shall perform 1 or more health assessments at each eligible non-NPL site that is located on Tribal land, in accordance with section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(6)).

(5) TRIBAL GRANTS.—

(A) IN GENERAL.—The Administrator may use amounts appropriated under paragraph (2)(A) to make grants to eligible entities described in subparagraph (B) for the purposes described in subparagraph (C).

(B) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subparagraph (A) is—

(i) the governing body of an Indian Tribe; or

(ii) a legally established organization of Indians that—

(I) is controlled, sanctioned, or chartered by the governing bodies of 2 or more Indian Tribes to be served, or that is democratically elected by the adult members of the Indian community to be served, by that organization; and

(II) includes the maximum participation of Indians in all phases of the activities of that organization.

(C) USE OF GRANT FUNDS.—A grant under this paragraph shall be used—

(i) in accordance with the second sentence of section 117(e)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(e)(1));

(ii) for obtaining technical assistance in carrying out response actions under clause (iii); or

(iii) for carrying out response actions, if the Administrator determines that the Indian Tribe has the capability to carry out any or all of those response actions in accordance with the criteria and priorities established pursuant to section 105(a)(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)).

(D) APPLICATIONS.—An eligible entity desiring a grant under this paragraph shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(E) LIMITATIONS.—A grant under this paragraph shall be governed by the rules, procedures, and limitations described in section 117(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(e)(2)), except that—

(i) ''Administrator of the Environmental Protection Agency'' shall be substituted for ''President'' each place it appears in that section; and

(ii) in the first sentence of that section, ''under subsection (t) of the ADVANCE Act of 2023'' shall be substituted for ''under this subsection''.

(6) STATUTE OF LIMITATIONS.—If a remedial action described in paragraph (3)(B) is scheduled at an eligible non-NPL site, no action may be commenced for damages (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) with respect to that eligible non-NPL site unless the action is commenced within the timeframe provided for such actions with respect to facilities on the National Priorities List in the first sentence of the matter following subparagraph (B) of section 113(g)(1) of that Act (42 U.S.C. 9613(g)(1)).

(7) COORDINATION.—The Administrator shall coordinate with the Indian Tribe on whose land the applicable site is located in—

(A) selecting and prioritizing sites for response actions under subparagraphs (A) and (B) of paragraph (3); and

(B) carrying out those response actions.

(u) DEVELOPMENT, QUALIFICATION, AND LICENSING OF ADVANCED NUCLEAR FUEL CONCEPTS.—

(1) IN GENERAL.—The Commission shall establish an initiative to enhance preparedness and coordination with respect to the qualification and licensing of advanced nuclear fuel.

(2) AGENCY COORDINATION.—Not later than 180 days after the date of enactment of this Act, the Commission and the Secretary of Energy shall enter into a memorandum of understanding—

(A) to share technical expertise and knowledge through—

(i) enabling the testing and demonstration of accident tolerant fuels for existing commercial nuclear reactors and advanced nuclear reactor fuel concepts to be proposed and funded, in whole or in part, by the private sector;

(ii) operating a database to store and share data and knowledge relevant to nuclear science and engineering between Federal agencies and the private sector;

(iii) leveraging expertise with respect to safety analysis and research relating to advanced nuclear fuel; and

(iv) enabling technical staff to actively observe and learn about technologies, with an emphasis on identification of additional information needed with respect to advanced nuclear fuel; and

(B) to ensure that—

(i) the Department of Energy has sufficient technical expertise to support the timely research, development, demonstration, and commercial application of advanced nuclear fuel;

(ii) the Commission has sufficient technical expertise to support the evaluation of applications for licenses, permits, and design certifications and other requests for regulatory approval for advanced nuclear fuel;

(iii)(I) the Department of Energy maintains and develops the facilities necessary to enable the timely research, development, demonstration, and commercial application by the civilian nuclear industry of advanced nuclear fuel; and

(II) the Commission has access to the facilities described in subclause (I), as needed; and

(iv) the Commission consults, as appropriate, with the modeling and simulation experts at the Office of Nuclear Energy of the Department of Energy, at the National Laboratories, and within industry fuel vendor teams in cooperative agreements with the Department of Energy to leverage physics-based computer modeling and simulation capabilities.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing the efforts of the Commission under paragraph (1), including—

(i) an assessment of the preparedness of the Commission to review and qualify for use—

(I) accident tolerant fuel;

(II) ceramic cladding materials;

(III) fuels containing silicon carbide;

(IV) high-assay, low-enriched uranium fuels;

(V) molten-salt based liquid fuels;

(VI) fuels derived from spent nuclear fuel or depleted uranium; and

(VII) other related fuel concepts, as determined by the Commission;

(ii) activities planned or undertaken under the memorandum of understanding described in paragraph (2);

(iii) an accounting of the areas of research needed with respect to advanced nuclear fuel; and

(iv) any other challenges or considerations identified by the Commission.

(B) CONSULTATION.—In developing the report under subparagraph (A), the Commission shall seek input from—

(i) the Secretary of Energy;

(ii) National Laboratories;

(iii) the nuclear energy industry;

(iv) technology developers;

(v) nongovernmental organizations; and

(vi) other public stakeholders.

(v) COMMISSION WORKFORCE.—

(1) DEFINITION OF CHAIRMAN.—In this subsection, the term ''Chairman'' means the Chairman of the Commission.

(2) HIRING BONUS AND APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)), any provision of Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), and any provision of title 5, United States Code, governing appointments and General Schedule classification and pay rates, the Chairman may, subject to the limitations described in subparagraph (C), and without regard to the civil service laws—

(i) establish the positions described in subparagraph (B); and

(ii) appoint persons to the positions established under clause (i).

(B) POSITIONS DESCRIBED.—The positions referred to in subparagraph (A)(i) are—

(i) permanent or term-limited positions with highly specialized scientific, engineering, and technical competencies to address a critical licensing or regulatory oversight need for the Commission, including—

(I) health physicist;

(II) reactor operations engineer;

(III) human factors analyst or engineer;

(IV) risk and reliability analyst or engineer;

(V) licensing project manager;

(VI) reactor engineer for severe accidents;

(VII) geotechnical engineer;

(VIII) structural engineer;

(IX) reactor systems engineer;

(X) reactor engineer;

(XI) radiation scientist;

(XII) seismic engineer; and

(XIII) electronics engineer; or

(ii) permanent or term-limited positions to be filled by exceptionally well-qualified individuals that the Chairman, subject to paragraph (5), determines are necessary to fulfill the mission of the Commission.

(C) LIMITATIONS.—

(i) IN GENERAL.—Appointments under subparagraph (A)(ii) may be made to not more than—

(I)(aa) 15 permanent positions described in subparagraph (B)(i) during fiscal year 2024; and

(bb) 10 permanent positions described in subparagraph (B)(i) during each fiscal year thereafter;

(II)(aa) 15 term-limited positions described in subparagraph (B)(i) during fiscal year 2024; and

(bb) 10 term-limited positions described in subparagraph (B)(i) during each fiscal year thereafter;

(III)(aa) 15 permanent positions described in subparagraph (B)(ii) during fiscal year 2024; and

(bb) 10 permanent positions described in subparagraph (B)(ii) during each fiscal year thereafter; and

(IV)(aa) 15 term-limited positions described in subparagraph (B)(ii) during fiscal year 2024; and

(bb) 10 term-limited positions described in subparagraph (B)(ii) during each fiscal year thereafter.

(ii) TERM OF TERM-LIMITED APPOINTMENT.—If a person is appointed to a term-limited position described in clause (i) or (ii) of subparagraph (B), the term of that appointment shall not exceed 4 years.

(iii) STAFF POSITIONS.—Subject to paragraph (5), appointments made to positions established under this paragraph shall be to a range of staff positions that are of entry, mid, and senior levels, to the extent practicable.

(D) HIRING BONUS.—The Commission may pay a person appointed under subparagraph (A) a 1-time hiring bonus in an amount not to exceed the least of—

(i) $25,000;

(ii) the amount equal to 15 percent of the annual rate of basic pay of the employee; and

(iii) the amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

(3) COMPENSATION AND APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)), any provision of Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), and chapter 51, and subchapter III of chapter 53, of title 5, United States Code, the Chairman, subject to the limitations described in subparagraph (C) and without regard to the civil service laws, may—

(i) establish and fix the rates of basic pay for the positions described in subparagraph (B); and

(ii) appoint persons to the positions established under clause (i).

(B) POSITIONS DESCRIBED.—The positions referred to in subparagraph (A)(i) are—

(i) positions with highly specialized scientific, engineering, and technical competencies to address a critical need for the Commission, including—

(I) health physicist;

(II) reactor operations engineer;

(III) human factors analyst or engineer;

(IV) risk and reliability analyst or engineer;

(V) licensing project manager;

(VI) reactor engineer for severe accidents;

(VII) geotechnical engineer;

(VIII) structural engineer;

(IX) reactor systems engineer;

(X) reactor engineer;

(XI) radiation scientist;

(XII) seismic engineer; and

(XIII) electronics engineer; or

(ii) positions to be filled by exceptionally well-qualified persons that the Chairman, subject to paragraph (5), determines are necessary to fulfill the mission of the Commission.

(C) LIMITATIONS.—

(i) IN GENERAL.—The annual rate of basic pay for a position described in subparagraph (B) may not exceed the per annum rate of salary payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(ii) NUMBER OF POSITIONS.—Appointments under subparagraph (A)(ii) may be made to not more than—

(I) 10 positions described in subparagraph (B)(i) per fiscal year, not to exceed a total of 50 positions; and

(II) 10 positions described in subparagraph (B)(ii) per fiscal year, not to exceed a total of 50 positions.

(D) PERFORMANCE BONUS.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), an employee may be paid a 1-time performance bonus in an amount not to exceed the least of—

(I) $25,000;

(II) the amount equal to 15 percent of the annual rate of basic pay of the person; and

(III) the amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

(ii) PERFORMANCE.—Any 1-time performance bonus under clause (i) shall be made to a person who demonstrated exceptional performance in the applicable fiscal year, including—

(I) leading a project team in a timely, efficient, and predictable licensing review to enable the safe use of nuclear technology;

(II) making significant contributions to a timely, efficient, and predictable licensing review to enable the safe use of nuclear technology;

(III) the resolution of novel or first-of-a-kind regulatory issues;

(IV) developing or implementing licensing or regulatory oversight processes to improve the effectiveness of the Commission; and

(V) other performance, as determined by the Chairman, subject to paragraph (5).

(iii) LIMITATIONS.—The Commission may pay a 1-time performance bonus under clause (i) for not more than 15 persons per fiscal year, and a person who receives a 1-time performance bonus under that clause may not receive another 1-time performance bonus under that clause for a period of 5 years thereafter.

(4) ANNUAL SOLICITATION FOR NUCLEAR REGULATOR APPRENTICESHIP NETWORK APPLICATIONS.—The Chairman, on an annual basis, shall solicit applications for the Nuclear Regulator Apprenticeship Network.

(5) APPLICATION OF MERIT SYSTEM PRINCIPLES.—To the maximum extent practicable, appointments under paragraphs (2)(A) and (3)(A) and any 1-time performance bonus under paragraph (3)(D) shall be made in accordance with the merit system principles set forth in section 2301 of title 5, United States Code.

(6) DELEGATION.—Pursuant to Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), the Chairman shall delegate, subject to the direction and supervision of the Chairman, the authority provided by paragraphs (2), (3), and (4) to the Executive Director for Operations of the Commission.

(7) ANNUAL REPORT.—The Commission shall include in the annual budget justification of the Commission—

(A) information that describes—

(i) the total number of and the positions of the persons appointed under the authority provided by paragraph (2);

(ii) the total number of and the positions of the persons paid at the rate determined under the authority provided by paragraph (3)(A);

(iii) the total number of and the positions of the persons paid a 1-time performance bonus under the authority provided by paragraph (3)(D);

(iv) how the authority provided by paragraphs (2) and (3) is being used, and has been used during the previous fiscal year, to address the hiring and retention needs of the Commission with respect to the positions described in those subsections to which that authority is applicable;

(v) if the authority provided by paragraphs (2) and (3) is not being used, or has not been used, the reasons, including a justification, for not using that authority; and

(vi) the attrition levels with respect to the term-limited appointments made under paragraph (2), including, with respect to persons leaving a position before completion of the applicable term of service, the average length of service as a percentage of the term of service;

(B) an assessment of—

(i) the current critical workforce needs of the Commission, including any critical workforce needs that the Commission anticipates in the subsequent 5 fiscal years; and

(ii) further skillsets that are or will be needed for the Commission to fulfill the licensing and oversight responsibilities of the Commission; and

(C) the plans of the Commission to assess, develop, and implement updated staff performance standards, training procedures, and schedules.

(8) REPORT ON ATTRITION AND EFFECTIVENESS.—Not later than September 30, 2032, the Commission shall submit to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Energy and Commerce of the House of Representatives a report that—

(A) describes the attrition levels with respect to the term-limited appointments made under paragraph (2), including, with respect to persons leaving a position before completion of the applicable term of service, the average length of service as a percentage of the term of service;

(B) provides the views of the Commission on the effectiveness of the authorities provided by paragraphs (2) and (3) in helping the Commission fulfill the mission of the Commission; and

(C) makes recommendations with respect to whether the authorities provided by paragraphs (2) and (3) should be continued, modified, or discontinued.

(w) COMMISSION CORPORATE SUPPORT FUNDING.—

(1) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress and make publicly available a report that describes—

(A) the progress on the implementation of section 102(a)(3) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(a)(3)); and

(B) whether the Commission is meeting and is expected to meet the total budget authority caps required for corporate support under that section.

(2) LIMITATION ON CORPORATE SUPPORT COSTS.—Section 102(a)(3) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(a)(3)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) 30 percent for fiscal year 2024 and each fiscal year thereafter.''.

(3) CORPORATE SUPPORT COSTS CLARIFICATION.—Paragraph (9) of section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439) (as redesignated by subsection (g)(1)(A)) is amended—

(A) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(B) by adding at the end the following:

''(B) EXCLUSIONS.—The term 'corporate support costs' does not include—

''(i) costs for rent and utilities relating to any and all space in the Three White Flint North building that is not occupied by the Commission; or

''(ii) costs for salaries, travel, and other support for the Office of the Commission.''.

(x) PERFORMANCE AND REPORTING UPDATE.—Section 102(c) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(c)) is amended—

(1) in paragraph (3)—

(A) in the paragraph heading, by striking ''180'' and inserting ''90''; and

(B) by striking ''180'' and inserting ''90''; and

(2) by adding at the end the following:

''(4) PERIODIC UPDATES TO METRICS AND SCHEDULES.—

''(A) REVIEW AND ASSESSMENT.—Not less frequently than once every 3 years, the Commission shall review and assess, based on the licensing and regulatory activities of the Commission, the performance metrics and milestone schedules established under paragraph (1).

''(B) REVISIONS.—After each review and assessment under subparagraph (A), the Commission shall revise and improve, as appropriate, the performance metrics and milestone schedules described in that subparagraph to provide the most efficient metrics and schedules reasonably achievable.''.

(y) NUCLEAR CLOSURE COMMUNITIES.—

(1) DEFINITIONS.—In this subsection:

(A) COMMUNITY ADVISORY BOARD.—The term ''community advisory board'' means a community committee or other advisory organization that aims to foster communication and information exchange between a licensee planning for and involved in decommissioning activities and members of the community that decommissioning activities may affect.

(B) DECOMMISSION.—The term ''decommission'' has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).

(C) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' has the meaning given the term in section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122).

(D) LICENSEE.—The term ''licensee'' has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).

(E) NUCLEAR CLOSURE COMMUNITY.—The term ''nuclear closure community'' means a unit of local government, including a county, city, town, village, school district, or special district, that has been impacted, or reasonably demonstrates to the satisfaction of the Secretary that it will be impacted, by a nuclear power plant licensed by the Commission that—

(i) is not co-located with an operating nuclear power plant;

(ii) is at a site with spent nuclear fuel; and

(iii) as of the date of enactment of this Act—

(I) has ceased operations; or

(II) has provided a written notification to the Commission that it will cease operations.

(F) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development.

(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a grant program to provide grants to eligible recipients—

(A) to assist with economic development in nuclear closure communities; and

(B) to fund community advisory boards in nuclear closure communities.

(3) REQUIREMENT.—In carrying out this subsection, to the maximum extent practicable, the Secretary shall implement the recommendations described in the report submitted to Congress under section 108 of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5577) entitled ''Best Practices for Establishment and Operation of Local Community Advisory Boards Associated with Decommissioning Activities at Nuclear Power Plants''.

(4) DISTRIBUTION OF FUNDS.—The Secretary shall establish a formula to ensure, to the maximum extent practicable, geographic diversity among grant recipients under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(i) to carry out paragraph (2)(A), $35,000,000 for each of fiscal years 2023 through 2028; and

(ii) to carry out paragraph (2)(B), $5,000,000 for each of fiscal years 2023 through 2025.

(B) AVAILABILITY.—Amounts made available under this subsection shall remain available for a period of 5 years beginning on the date on which the amounts are made available.

(C) NO OFFSET.—None of the funds made available under this subsection may be used to offset the funding for any other Federal program.

(z) TECHNICAL CORRECTION.—Section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) is amended—

(1) by striking the third sentence and inserting the following:

''(3) LIMITATION ON UTILIZATION FACILITIES.—The Commission may issue a license under this section for a utilization facility useful in the conduct of research and development activities of the types specified in section 31 if—

''(A) not more than 75 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale, other than for research and development or education and training, of—

''(i) nonenergy services;

''(ii) energy; or

''(iii) a combination of nonenergy services and energy; and

''(B) not more than 50 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale of energy.'';

(2) in the second sentence, by striking ''The Commission'' and inserting the following:

''(2) REGULATION.—The Commission''; and

(3) by striking ''c. The Commission'' and inserting the following:

''c. RESEARCH AND DEVELOPMENT ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission''.

(aa) REPORT ON ENGAGEMENT WITH THE GOVERNMENT OF CANADA WITH RESPECT TO NUCLEAR WASTE ISSUES IN THE GREAT LAKES BASIN.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report describing any engagement between the Commission and the Government of Canada with respect to nuclear waste issues in the Great Lakes Basin.

SA 423. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COMBATING CHINESE LAW ENFORCEMENT ACTIVITIES IN THE UNITED STATES.

(a) FBI HOTLINE.—The Director of the Federal Bureau of Investigation shall establish a hotline to receive anonymous tips about any person who is, on behalf of the Government of China or the Chinese Communist Party, surveilling, harassing, intimidating, or coercing another person, or performing law enforcement activities, in the United States, including by coercing current or former Chinese nationals to return to China.

(b) CRIMINAL PROHIBITION ON PERFORMING FUNCTIONS OF LAW ENFORCEMENT AGENCY ON BEHALF OF GOVERNMENT OF CHINA OR CHINESE COMMUNIST PARTY.—

(1) IN GENERAL.—Chapter 45 of title 18, United States Code, is amended by inserting after section 967 the following:

''§ 968. Performing functions of law enforcement agency on behalf of Government of China or Chinese Communist Party

''(a) OFFENSE.—It shall be unlawful for any person in the United States, on behalf of the Government of China or the Chinese Communist Party, to—

''(1) perform any function of a law enforcement agency; or

''(2) engage in surveillance, harassment, intimidation, or coercion of another person in the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title,

imprisoned not more than 10 years, or both.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 18, United States Code, is amended by inserting after the item relating to section 967 the following:

''968. Performing functions of law enforcement agency on behalf of Government of China or Chinese Communist Party.''.

SA 424. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. REVOCATION OF DESIGNATION AS FOREIGN TERRORIST ORGANIZATION.

Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''paragraph (5) or (6)'' and inserting ''subparagraph (A) or (B) of paragraph (5)''; and

(B) in subparagraph (C)(i), by striking ''paragraph (6)'' and inserting ''paragraph (5)(B)'';

(2) by striking paragraphs (5) through (7) and inserting the following:

''(5) REVOCATION.—

''(A) BY AN ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

''(B) BASED ON CHANGE IN CIRCUMSTANCES.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall revoke a designation made under paragraph (1) with respect to a particular organization if the Secretary determines, after completing a review in accordance with subparagraph (B) or (C) of paragraph (4), that—

''(I) the circumstances that were the basis for the designation have changed in such a manner as to warrant such revocation; or

''(II) the national security of the United States warrants such revocation.

''(ii) EFFECTIVE DATE.—A revocation under this subparagraph may not take effect before the date that is 45 days after the date on which the Secretary, by classified communication, submits written notification to the Speaker and the minority leader of the House of Representatives, the President pro tempore, the majority leader and the minority leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the Secretary's determination under clause (i), including the justification for such determination.

''(C) JOINT RESOLUTION.—

''(i) IN GENERAL.—A revocation under subparagraph (B) shall not take effect with respect to a particular organization if Congress, during the 45-day period beginning on the date on which the Secretary notifies Congress pursuant to clause (ii), enacts a joint resolution containing the following statement after the resolving clause: 'That the proposed revocation of the designation of _____ as a foreign terrorist organization under section 219(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(1)) pursuant to the notification submitted to the Congress on _____ is prohibited.', with the first blank to be completed with the name of the foreign terrorist organization that is the subject of such proposed revocation and the second blank to be completed with the appropriate date.

''(ii) EXPEDITED PROCEDURES.—A joint resolution described in clause (i) and introduced within the appropriate 45-day period shall be considered in the Senate and in the House of Representatives in accordance with the procedures set forth in clauses (iii) through (x).

''(iii) COMMITTEE REFERRAL.—A joint resolution described in clause (i) that is introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives. A joint resolution described in subclause (I) that is introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a resolution may not be reported before the eighth day after its introduction.

''(iv) DISCHARGE.—If the committee to which a joint resolution described in clause (i) is referred does not report such resolution (or an identical resolution) within 15 days after its introduction—

''(I) such committee shall be discharged from further consideration of such resolution; and

''(II) such resolution shall be placed on the appropriate calendar of the House involved.

''(v) PRIVILEGED MOTION.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in clause (i), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even if a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed.

''(vi) DEBATE.—Debate on a joint resolution described in clause (i), and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate is in order and not debatable. An amendment to the joint resolution, a motion to postpone, a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

''(vii) VOTE.—Immediately following the conclusion of the debate on a joint resolution described in clause (i), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

''(viii) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or of the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in clause (i) shall be decided without debate.

''(ix) PROCEDURES.—If, before the passage by the Senate of a joint resolution of the Senate described in clause (i), the Senate receives a joint resolution described in clause (i) from the House of Representatives—

''(I) the resolution of the House of Representatives shall not be referred to a committee;

''(II) with respect to a joint resolution of the Senate described in clause (i)—

''(aa) the procedure in the Senate shall be the same as if not resolution had been received from the House of Representatives; and

''(bb) the vote on final passage shall be on the resolution of the House of Representatives; and

''(III) upon disposition of the joint resolution received from the House of Representatives, it shall no longer be in order to consider the joint resolution that originated in the Senate.

''(x) SENATE ACTION.—If the Senate receives a joint resolution described in clause (i) from the House of Representatives after the Senate has disposed of a joint resolution described in clause (i) that originated in the Senate, the action of the Senate regarding the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the joint resolution that originated in the House of Representatives.

''(D) EFFECT OF REVOCATION.—The revocation of a designation under this paragraph shall not affect any action or proceeding based on conduct committed before the effective date of such revocation.''; and

(3) by redesignating paragraph (8) as paragraph (6).

SA 425. Mr. MARSHALL (for himself, Mr. DURBIN, and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 6___. REPORT ON CREDIT AND DEBIT CARD USER FEES IMPOSED ON VETERANS AND CAREGIVERS AT COMMISSARY STORES AND MORALE, WELFARE, AND RECREATION FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the imposition of user fees under subsection (g) of section 1065 of title 10, United States Code, with respect to the use of credit or debit cards at commissary stores and MWR facilities by individuals eligible to use commissary stores and MWR facilities under that section.

(b) ELEMENTS.—The report required by subsection (a) shall provide the following, for the fiscal year preceding submission of the report:

(1) The total amount of expenses borne on behalf of commissary stores and MWR facilities associated with the use of credit or debit cards for customer purchases by individuals described in subsection (a), including expenses related to card network use and related transaction processing fees.

(2) The total amount of fees related to credit and debit card network use and related transaction processing paid on behalf of commissary stores and MWR facilities to credit and debit card networks and issuers.

(3) An identification of all credit and debit card networks to which fees described in paragraph (2) were paid.

(4) An identification of the 10 credit card issuers and the 10 debit card issuers which received the most fees described in paragraph (2).

(5) The total amount of user fees imposed on individuals under section 1065(g) of title 10, United States Code, who are—

(A) veterans who were awarded the Purple Heart;

(B) veterans who were Medal of Honor recipients;

(C) veterans who are former prisoners of war;

(D) veterans with a service-connected disability; and

(E) caregivers or family caregivers of a veteran.

(c) DEFINITIONS.—In this section, the terms ''caregiver'', ''family caregiver'', and ''MWR facilities'' have the meanings given those terms in section 1065(h) of title 10, United States Code.

SA 426. Ms. HASSAN (for herself, Ms. MURKOWSKI, Mr. MORAN, Mr. FETTERMAN, Mrs. SHAHEEN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 633. PARENTAL LEAVE PARITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PARENTAL LEAVE.—

(1) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 710 the following new section:

''§ 710a. Parental leave for members of certain reserve components of the armed forces

''(a)(1) Under regulations prescribed by the Secretary of Defense, a member of a reserve component of the armed forces described in subsection (b) is allowed parental leave to care for a child for a duration of up to 12 inactive-duty training periods, under section 206 of title 37, during the one-year period beginning after one of the following events:

''(A) The birth or adoption of a child of the member.

''(B) The placement of a minor child with the member for adoption or long-term foster care.

''(2)(A) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize parental leave described in paragraph (1) to be taken after the one-year period described in that paragraph in the case of a member described in subsection (b) who, except for this subparagraph, would lose unused parental leave at the end of the one-year period described in paragraph (1) as a result of—

''(i) operational requirements;

''(ii) professional military education obligations; or

''(iii) other circumstances that the Secretary determines reasonable and appropriate.

''(B) The regulations prescribed under subparagraph (A) shall require that any parental leave authorized to be taken under that subparagraph after the one-year period described in paragraph (1) shall be taken within a reasonable period of time, as determined by the Secretary of Defense, after cessation of the circumstances warranting the extended deadline.

''(b) A member described in this subsection is—

''(1) a member of the Selected Reserve who is entitled to compensation under section 206 of title 37; or

''(2) a member of the Individual Ready Reserve who is entitled to compensation under section 206 of title 37 when attending or participating in a sufficient number of periods of inactive-duty training during a year to count the year as a qualifying year of creditable service toward eligibility for retired pay under chapter 1223.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 710 the following new item:

''710a. Parental leave for members of certain reserve components of the armed forces.''.

(b) COMPENSATION.—Section 206(a)(4) of title 37, United States Code, is amended to read as follows:

''(4) for a regular period of instruction, period of appropriate duty, or such other equivalent training, instruction, duty, or appropriate duty that the member would be required to perform but does not perform because the member was authorized to take parental leave pursuant to section 710a of title 10.''.

(c) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2)(G) of title 10, United States Code, is amended to read as follows:

''(G) One point for each inactive-duty training period, under section 206 of title 37, during which the member is on parental leave under section 710a of this title.''.

(d) CONFORMING REPEAL.—Section 602(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 12732 note) is repealed.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to periods of parental leave that commence on or after that date.

SA 427. Mr. KAINE (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. REPEALS OF AUTHORIZATIONS FOR MILITARY FORCE.

(a) REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION.—The Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1; 105 Stat. 3; 50 U.S.C. 1541 note) is hereby repealed.

(b) REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.—The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed.

SA 428. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 560A. INCREASE IN NUMBER OF INDIVIDUALS FROM THE DISTRICT OF COLUMBIA WHO MAY BE APPOINTED TO MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7442(a)(5) of title 10, United States Code, is amended by striking ''Five'' and inserting ''Fifteen''.

(b) UNITED STATES NAVAL ACADEMY.—Section 8454(a)(5) of title 10, United States Code, is amended by striking ''Five'' and inserting ''Fifteen''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9442(a)(5) of title 10, United States Code, is amended by striking ''Five'' and inserting ''Fifteen''.

SA 429. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Limitation on Withdrawal From NATO

SEC. 1299O. OPPOSITION OF CONGRESS TO SUSPENSION, TERMINATION, DENUNCIATION, OR WITHDRAWAL FROM NORTH ATLANTIC TREATY.

The President shall not suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, done at Washington, DC, April 4, 1949, except by and with the advice and consent of the Senate, provided that two-thirds of the Senators present concur, or pursuant to an Act of Congress.

SEC. 1299P. LIMITATION ON THE USE OF FUNDS.

No funds authorized or appropriated by any Act may be used to support, directly or indirectly, any decision on the part of any United States Government official to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, done at Washington, DC, April 4, 1949, until such time as both the Senate and the House of Representatives pass, by an affirmative vote of two-thirds of Members, a joint resolution approving the withdrawal of the United States from the treaty, or pursuant to an Act of Congress.

SEC. 1299Q. NOTIFICATION OF TREATY ACTION.

(a) CONSULTATION.—Prior to the notification described in subsection (b), the President shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in relation to any initiative to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty.

(b) NOTIFICATION.—The President shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in writing of any deliberation or decision to suspend, terminate, denounce, or withdraw

the United States from the North Atlantic Treaty, as soon as possible but in no event later than 180 days prior to taking such action.

SEC. 1299R. AUTHORIZATION OF LEGAL COUNSEL TO REPRESENT CONGRESS.

(a) IN GENERAL.—By adoption of a resolution of the Senate or the House of Representatives, respectively, the Senate Legal Counsel or the General Counsel to the House of Representatives may be authorized to initiate, or intervene in, in the name of the Senate or the House of Representatives, as the case may be, independently, or jointly, any judicial proceedings in any Federal court of competent jurisdiction in order to oppose any action to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty in a manner inconsistent with this subtitle.

(b) CONSIDERATION.—Any resolution or joint resolution introduced relating to any action to suspend, terminate, denounce or withdraw the United States from the North Atlantic Treaty and introduced pursuant to section 4(a) of this title shall be considered in accordance with the procedures of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 765).

SEC. 1299S. REPORTING REQUIREMENT.

Any legal counsel operating pursuant to section 1299R shall report as soon as practicable to the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives with respect to any judicial proceedings which the Senate Legal Counsel or the General Counsel to the House of Representatives, as the case may be, initiates or in which it intervenes pursuant to section 1299R.

SEC. 1299T. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to authorize, imply, or otherwise indicate that the President may suspend, terminate, denounce, or withdraw from any treaty to which the Senate has provided its advice and consent without the advice and consent of the Senate to such act or pursuant to an Act of Congress.

SEC. 1299U. SEVERABILITY.

If any provision of this subtitle or the application of such provision is held by a Federal court to be unconstitutional, the remainder of this subtitle and the application of such provisions to any other person or circumstance shall not be affected thereby.

SEC. 1299V. DEFINITIONS.

In this subtitle, the terms ''withdrawal'', ''denunciation'', ''suspension'', and ''termination'' have the meaning given the terms in the Vienna Convention on the Law of Treaties, concluded at Vienna May 23, 1969.

SA 430. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle __—Caribbean Basin Security Initiative

SEC. __1. SHORT TITLE.

This subtitle may be cited as the ''Caribbean Basin Security Initiative Authorization Act''.

SEC. __2. DEFINITIONS.

In this subtitle:

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

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

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

(2) BENEFICIARY COUNTRIES.—The term ''beneficiary countries'' means—

(A) Antigua and Barbuda;
(B) the Bahamas;
(C) Barbados;
(D) Dominica;
(E) the Dominican Republic;
(F) Grenada;
(G) Guyana;
(H) Jamaica;
(I) Saint Lucia;
(J) Saint Kitts and Nevis,;
(K) Saint Vincent and the Grenadines;
(L) Suriname; and
(M) Trinidad and Tobago.

SEC. __3. AUTHORIZATION FOR THE CARIBBEAN BASIN SECURITY INITIATIVE.

(a) AUTHORIZATION FOR THE CARIBBEAN BASIN SECURITY INITIATIVE.—The Secretary of State and the Administrator of the United States Agency for International Development may carry out an initiative, to be known as the ''Caribbean Basin Security Initiative'', in beneficiary countries to achieve the purposes described in subsection (b).

(b) PURPOSES.—The purposes described in this subsection are the following:

(1) To promote citizen safety, security, and the rule of law in the Caribbean through increased strategic engagement with—

(A) the governments of beneficiary countries; and

(B) elements of local civil society, including the private sector, in such countries.

(2) To counter transnational criminal organizations and local gangs in beneficiary countries, including through—

(A) maritime and aerial security cooperation, including—

(i) assistance to strengthen capabilities of maritime and aerial interdiction operations in the Caribbean; and

(ii) the provision of support systems and equipment, training, and maintenance;

(B) cooperation on border and port security, including support to strengthen capacity for screening and intercepting narcotics, weapons, bulk cash, and other contraband at airports and seaports; and

(C) capacity building and the provision of equipment and support for operations targeting—

(i) the finances and illegal activities of such organizations and gangs; and

(ii) the recruitment by such organizations and gangs of at-risk youth.

(3) To advance law enforcement and justice sector capacity building and rule of law initiatives in beneficiary countries, including by—

(A) strengthening special prosecutorial offices and providing technical assistance—

(i) to combat—

(I) corruption;

(II) money laundering;

(III) human, firearms, and wildlife trafficking;

(IV) human smuggling;

(V) financial crimes; and

(VI) extortion; and

(ii) to conduct asset forfeitures and criminal analysis;

(B) supporting training for civilian police and appropriate security services in criminal investigations, best practices for citizen security, and the protection of human rights;

(C) supporting capacity building for law enforcement and military units, including professionalization, anti-corruption and human rights training, vetting, and community-based policing;

(D) supporting justice sector reform and strengthening of the rule of law, including—

(i) capacity building for prosecutors, judges, and other justice officials; and

(ii) support to increase the efficacy of criminal courts; and

(E) strengthening cybersecurity and cybercrime cooperation, including capacity building and support for cybersecurity systems.

(4) To promote crime prevention efforts in beneficiary countries, particularly among at-risk-youth and other vulnerable populations, including through—

(A) improving community and law enforcement cooperation to improve the effectiveness and professionalism of police and increase mutual trust;

(B) increasing economic opportunities for at-risk youth and vulnerable populations, including through workforce development training and remedial education programs for at-risk youth;

(C) improving juvenile justice sectors through regulatory reforms, separating youth from traditional prison systems, and improving support and services in juvenile detention centers; and

(D) the provision of assistance to populations vulnerable to being victims of extortion and crime by criminal networks.

(5) To strengthen the ability of the security sector in beneficiary countries to respond to and become more resilient in the face of natural disasters, including by—

(A) carrying out training exercises to ensure critical infrastructure and ports are able to come back online rapidly following natural disasters; and

(B) providing preparedness training to police and first responders.

(6) To prioritize efforts to combat corruption and include anti-corruption components in programs in beneficiary countries, including by—

(A) building the capacity of national justice systems and attorneys general to prosecute and try acts of corruption;

(B) increasing the capacity of national law enforcement services to carry out anti-corruption investigations; and

(C) encouraging cooperative agreements among the Department of State, other relevant Federal departments and agencies, and the attorneys general of relevant countries.

(7) To promote the rule of law in beneficiary countries and counter malign influence from authoritarian regimes, including China, Russia, Iran, Venezuela, Nicaragua, and Cuba, by—

(A) monitoring security assistance from such authoritarian regimes and taking steps necessary to ensure that such assistance does not undermine or jeopardize United States security assistance;

(B) evaluating and, as appropriate, restricting the involvement of the United States in investment and infrastructure projects financed by authoritarian regimes that might obstruct or otherwise impact United States security assistance to beneficiary countries;

(C) monitoring and restricting equipment and support from high-risk vendors of telecommunications infrastructure in beneficiary countries;

(D) countering disinformation by promoting transparency and accountability from beneficiary countries; and

(E) eliminating corruption linked to investment and infrastructure facilitated by authoritarian regimes through support for investment screening, competitive tendering

and bidding processes, the implementation of investment law, and contractual transparency.

(8) To support the effective branding and messaging of United States security assistance and cooperation in beneficiary countries, including by developing and implementing a public diplomacy strategy for informing citizens of beneficiary countries about the benefits to their respective countries of United States security assistance and cooperation programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State and the United States Agency for International Development $82,000,000 for each of fiscal years 2023 through 2027 to carry out the Caribbean Basin Security Initiative to achieve the purposes described in subsection (b).

SEC. __4. IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees an implementation plan that includes a timeline and stated objectives for actions to be taken in beneficiary countries with respect to the Caribbean Basin Security Initiative.

(b) ELEMENTS.—The implementation plan required by subsection (a) shall include the following elements:

(1) A multi-year strategy with a timeline, overview of objectives, and anticipated outcomes for the region and for each beneficiary country, with respect to each purpose described in section 3.

(2) Specific, measurable benchmarks to track the progress of the Caribbean Basin Security Initiative toward accomplishing the outcomes included under paragraph (1).

(3) A plan for the delineation of the roles to be carried out by the Department of State, the United States Agency for International Development, the Department of Justice, the Department of Defense, and any other Federal department or agency in carrying out the Caribbean Basin Security Initiative, to prevent overlap and unintended competition between activities and resources.

(4) A plan to coordinate and track all activities carried out under the Caribbean Basin Security Initiative among all relevant Federal departments and agencies, in accordance with the publication requirements described in section 4 of the Foreign Aid Transparency and Accountability Act of 2016 (22 U.S.C. 2394c).

(5) A description of the process for co-locating projects of the Caribbean Basin Security Initiative funded by the United States Agency for International Development and the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State to ensure that crime prevention funding and enforcement funding are used in the same localities as necessary.

(6) An assessment of steps taken, as of the date on which the plan is submitted, to increase regional coordination and collaboration between the law enforcement agencies of beneficiary countries and the Haitian National Police, and a framework with benchmarks for increasing such coordination and collaboration, in order to address the urgent security crisis in Haiti.

(c) ANNUAL PROGRESS UPDATE.—Not later than 1 year after the date on which the implementation plan required by subsection (a) is submitted, and annually thereafter, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a written description of results achieved through the Caribbean Basin Security Imitative, including with respect to—

(1) the implementation of the strategy and plans described in paragraphs (1), (3), and (4) of subsection (b);

(2) compliance with, and progress related to, meeting the benchmarks described in paragraph (2) of subsection (b); and

(3) funding statistics for the Caribbean Basin Security Initiative for the preceding year, disaggregated by country.

SEC. __5. PROGRAMS AND STRATEGY TO INCREASE NATURAL DISASTER RESPONSE AND RESILIENCE.

(a) PROGRAMS.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the President and Chief Executive Officer of the Inter-American Foundation, shall promote natural disaster response and resilience in beneficiary countries by carrying out programs for the following purposes:

(1) Encouraging coordination between beneficiary countries and relevant Federal departments and agencies to provide expertise and information sharing.

(2) Supporting the sharing of best practices on natural disaster resilience, including on constructing resilient infrastructure and rebuilding after natural disasters.

(3) Improving rapid-response mechanisms and cross-government organizational preparedness for natural disasters.

(b) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and in consultation with the President and Chief Economic Officer of the Inter-American Foundation and nongovernmental organizations in beneficiary countries and in the United States, shall submit to the appropriate congressional committees a strategy that incorporates specific, measurable benchmarks—

(1) to achieve the purposes described in subsection (a); and

(2) to inform citizens of beneficiary countries about the extent and benefits of United States assistance to such countries.

(c) ANNUAL PROGRESS UPDATE.—Not later than 1 year after the date on which the strategy required by subsection (b) is submitted, and annually thereafter, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a written description of the progress made as of the date of such submission in meeting the benchmarks included in the strategy.

SA 431. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. DRINKING WATER WELL REPLACEMENT FOR CHINCOTEAGUE, VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the National Aeronautics and Space Administration may enter into one or more agreements with the Town of Chincoteague, Virginia, to reimburse the costs of the Town of Chincoteague directly associated with the removal of drinking water wells located on property administered by the National Aeronautics and Space Administration and the establishment of alternative drinking water wells on property under the administrative control, through lease, ownership, or easement, of the Town of Chincoteague.

(b) DURATION.—An agreement entered into under subsection (a) shall not exceed a period of 5 years.

SA 432. Mr. KAINE (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIGIBILITY OF SPOUSES OF MILITARY PERSONNEL FOR THE WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting '', or'', and by adding at the end the following new subparagraph:

''(K) a qualified military spouse.''.

(b) QUALIFIED MILITARY SPOUSE.—Subsection (d) of section 51 of such Code is amended by adding at the end the following new paragraph:

''(16) QUALIFIED MILITARY SPOUSE.—The term 'qualified military spouse' means any individual who is certified by the designated local agency as being (as of the hiring date) a spouse of a member of the Armed Forces of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

SA 433. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. STUDY ON HEART COMPLICATIONS OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the number of incidents of members of the armed forces developing heart complications during service on active duty during the 10-year period preceding the date of the enactment of this Act.

(b) PRESENTATION OF DATA.—In conducting the study under subsection (a), the Secretary shall present data disaggregated by—

(1) calendar year; and

(2) branch of the armed forces.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the

Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

(d) DEFINITIONS.—In this section, the terms ''active duty'' and ''armed forces'' have the meanings given those terms in section 101 of title 10, United States Code.

SA 434. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1049. PROHIBITION ON USE OF FUNDS FOR ADULT CABARET PERFORMANCES.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available for the Department of Defense and no facilities owned or operated by Department of Defense may be used to host, advertise, or otherwise support an adult cabaret performance.

(b) ADULT CABARET PERFORMANCE DEFINED.—In this section, the term ''adult cabaret performance'' means a performance that features topless dancers, go-go dancers, exotic dances, strippers, or male or female impersonators who provide entertainment that appeals to prurient interest.

SA 435. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 849. ENTREPRENEURIAL INNOVATION PROJECT DESIGNATIONS.

(a) IN GENERAL.—

(1) DESIGNATING CERTAIN SBIR AND STTR PROGRAMS AS ENTREPRENEURIAL INNOVATION PROJECTS.—Chapter 303 of title 10, United States Code, is amended by inserting after section 4067 the following new section:

''SEC. 4068. ENTREPRENEURIAL INNOVATION PROJECT DESIGNATIONS.

''(a) IN GENERAL.—During the first fiscal year, beginning after the date of the enactment of this section, and during each subsequent fiscal year, each Secretary concerned, in consultation with the each chief of an armed force under the jurisdiction of the Secretary concerned, shall designate not less than five eligible programs as Entrepreneurial Innovation Projects.

''(b) APPLICATION.—An eligible program seeking designation as an Entrepreneurial Innovation Project under this section shall submit to the Secretary concerned an application at such time, in such manner, and containing such information as the Secretary concerned determines appropriate.

''(c) DESIGNATION CRITERIA.—In making designations under subsection (a), the Secretary concerned shall consider—

''(1) the potential of the eligible program to—

''(A) advance the national security capabilities of the United States;

''(B) provide new technologies or processes, or new applications of existing technologies, that will enable new alternatives to existing programs; and

''(C) provide future cost savings;

''(2) whether an advisory panel has recommended the eligible program for designation; and

''(3) such other criteria that the Secretary concerned determines to be appropriate.

''(d) DESIGNATION BENEFITS.—

''(1) FUTURE YEARS DEFENSE PROGRAM INCLUSION.—With respect to each designated program, the Secretary of Defense shall include in the next future-years defense program the estimated expenditures of such designated program. In the preceding sentence, the term 'next future-years defense program' means the future-years defense program submitted to Congress under section 221 of this title, after the date on which such designated program is designated under subsection (a).

''(2) PROGRAMMING PROPOSAL.—Each designated program shall be included by the Secretary concerned under a separate heading in any programming proposals submitted to the Secretary of Defense.

''(3) PPBE COMPONENT.—Each designated program shall be considered by the Secretary concerned as an integral part of the planning, programming, budgeting, and execution process of the Department of Defense.

''(e) ENTREPRENEURIAL INNOVATION ADVISORY PANELS.—

''(1) ESTABLISHMENT.—For each military department, the Secretary concerned shall establish an advisory panel that, starting in the first fiscal year beginning after the date of the enactment of this section, and in each subsequent fiscal year, shall identify and recommend to the Secretary concerned for designation under subsection (a) eligible programs based on the criteria described in subsection (c)(1).

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—

''(i) IN GENERAL.—Each advisory panel shall be composed of four members appointed by the Secretary concerned and one member appointed by the chief of the relevant armed force under the jurisdiction of the Secretary concerned.

''(ii) SECRETARY CONCERNED APPOINTMENTS.—The Secretary concerned shall appoint members to the advisory panel as follows:

''(I) Three members who—

''(aa) have experience with private sector entrepreneurial innovation, including development and implementation of such innovations into well established markets; and

''(bb) are not employed by the Federal Government.

''(II) One member who is in the Senior Executive Service in the acquisition workforce (as defined in section 1705 of this title) of the relevant military department.

''(iii) SERVICE CHIEF APPOINTMENT.—The chief of an armed force under the jurisdiction of the Secretary concerned shall appoint to the advisory panel one member who is a member of such armed forces.

''(B) TERMS.—

''(i) PRIVATE SECTOR MEMBERS.—Members described in subparagraph (A)(ii)(I) shall serve for a term of three years, except that of the members first appointed—

''(I) one shall serve a term of one year;

''(II) one shall serve a term of two years; and

''(III) one shall serve a term of three years.

''(ii) FEDERAL GOVERNMENT EMPLOYEES.—Members described in clause (ii)(II) or (iii) of subparagraph (A) shall serve for a term of two years, except that the first member appointed under subparagraph (A)(iii) shall serve for a term of one year.

''(C) CHAIR.—The chair for each advisory panel shall be as follows:

''(i) For the first year of operation of each such advisory panel, and every other year thereafter, the member appointed under subparagraph (A)(iii).

''(ii) For the second year of operation of each such advisory panel, and every other year thereafter, the member appointed under subparagraph (A)(ii)(II).

''(D) VACANCIES.—A vacancy in an advisory panel shall be filled in the same manner as the original appointment.

''(E) CONFLICT OF INTEREST.—Members and staff of each advisory panel shall disclose to the relevant Secretary concerned, and such Secretary concerned shall mitigate to the extent practicable, any professional or organizational conflict of interest of such members or staff arising from service on the advisory panel.

''(F) COMPENSATION.—

''(i) PRIVATE SECTOR MEMBER COMPENSATION.—Except as provided in clause (ii), members of an advisory panel, and the support staff of such members, shall be compensated at a rate determined reasonable by the Secretary concerned and shall be reimbursed in accordance with section 5703 of title 5, for reasonable travel costs and expenses incurred in performing duties as members of an advisory panel.

''(ii) PROHIBITION ON COMPENSATION OF FEDERAL EMPLOYEES.—Members of an advisory panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on an advisory panel.

''(3) SELECTION PROCESS.—

''(A) INITIAL SELECTION.—Each advisory panel shall select not less than ten eligible programs that have submitted an application under subsection (b).

''(B) PROGRAM PLANS.—

''(i) IN GENERAL.—Each eligible program selected under subparagraph (A) may submit to the advisory panel that selected such eligible program a program plan containing the five-year goals, execution plans, schedules, and funding needs of such eligible program.

''(ii) SUPPORT.—Each Secretary concerned shall, to the greatest extent practicable, provide eligible programs selected under subparagraph (A) with access to information to support the development of the program plans described in clause (i).

''(C) FINAL SELECTION.—Each advisory panel shall recommend to the Secretary concerned for designation under subsection (a) not less than five eligible programs that submitted a program plan under subparagraph (B) to such advisory panel. If there are less than five such eligible programs, such advisory panel may recommend to the Secretary concerned for designation under subsection (a) less than five such eligible programs.

''(4) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary concerned shall provide the relevant advisory panel with such administrative support, staff, and technical assistance as the Secretary concerned determines necessary for such advisory panel to carry out it duties.

''(5) FUNDING.—The Secretary of Defense may use amounts available from the Department of Defense Acquisition Workforce Development Account established under section 1705 of this title to support the activities of advisory panels.

''(f) REVOCATION OF DESIGNATION.—If the Secretary concerned determines that a designated program cannot reasonably meet the objectives of such designated program in the relevant programming proposal referred to in subsection (d)(2) or such objectives are irrelevant, such Secretary concerned may revoke the designation.

''(g) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress an annual report describing each designated program and the progress each designated program has made toward achieving the objectives of the designated program.

''(h) DEFINITIONS.—In this section:

''(1) ADVISORY PANEL.—The term 'advisory panel' means an advisory panel established under subsection (e)(1).

''(2) DESIGNATED PROGRAM.—The term 'designated program' means an eligible program that has been designated as an Entrepreneurial Innovation Project under this section.

''(3) ELIGIBLE PROGRAM.—The term 'eligible program' means work performed pursuant to a Phase III agreement (as such term is defined in section 9(r)(2) of the Small Business Act (15 U.S.C. 638(r)(2))).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of title 10, United States Code, is amended by inserting after the item related to section 4067 the following new item:

''4068. Entrepreneurial Innovation Project designations.''.

(b) ESTABLISHMENT DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Secretaries of each military department shall establish the advisory panels described in section 4068(e) of title 10, United States Code, as added by subsection (a).

SA 436. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XII, insert the following:

SEC. _____. ASSERTING INTERNATIONAL RESTRICTIONS TO STRATEGICALLY HINDER INTELLIGENCE PROGRAMS ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''Asserting International Restrictions to Strategically Hinder Intelligence Programs Act of 2023'' or the ''AIRSHIP Act of 2023''.

(b) FINDINGS.—Congress finds the following:

(1) On February 1, 2023, a spy balloon originating from the People's Republic of China was identified over the skies of Montana.

(2) From the time the balloon entered the airspace of the United States until the balloon was terminated on February 4, 2023, the balloon collected and transmitted data regarding sensitive national security sites, such as the missile fields at Malmstrom Air Force Base, Cascade County, Montana.

(3) Following the incident the Bureau of Industry and Security added 6 entities of the People's Republic of China to the Entity List set forth in Supplement No. 4 to part 744 of the Export Administration Regulations due to support by such entities for military programs of the People's Republic of China related to airships and balloons.

(4) Of the 6 entities, only 1 has been added to the Non-SDN Chinese Military-Industrial Complex Companies List maintained by the Office of Foreign Assets Control of the Department of the Treasury and subject to sanctions by the Department of the Treasury.

(5) According to Executive Order 14032 (86 Fed. Reg. 30145; relating to addressing the threat from securities investments that finance certain companies of the People's Republic of China)—

(A) there is a ''threat posed by the military-industrial complex of the People's Republic of China and its involvement in military, intelligence, and security research and development programs, and weapons and related equipment production under'' the Military-Civil Fusion strategy of the People's Republic of China; and

(B) ''the use of Chinese surveillance technology outside the PRC and the development or use of Chinese surveillance tech- nology to facilitate repression or serious human rights abuse constitute un- usual and extraordinary threats, which have their source in whole or substan- tial part outside the United States, to the national security, foreign policy, and economy of the United States''.

(6) Executive Order 14032 explicitly expands the scope of Executive Order 13959 (50 U.S.C. 1701 note; relating to addressing the threat from securities investments that finance Communist Chinese military companies).

(c) INCLUSION OF CERTAIN PERSONS OF THE PEOPLE'S REPUBLIC OF CHINA ON ENTITY LISTS.—

(1) INCLUSION ON NON-SDN CHINESE MILITARY-INDUSTRIAL COMPLEX COMPANIES LIST.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall include on the Non-SDN Chinese Military-Industrial Complex Companies List maintained by the Office of Foreign Assets Control of the Department of the Treasury the following persons:

(A) The Beijing Nanjiang Aerospace Technology Company.

(B) The Dongguan Lingkong Remote Sensing Technology Company.

(C) The Eagles Men Aviation Science and Technology Group Company.

(D) The Guangzhou Tian-Hai-Xiang Aviation Technology Company.

(E) The Shanxi Eagles Men Aviation Science and Technology Group Company.

(2) INCLUSION ON SDN LIST.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall include on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control the following persons:

(A) Xiong Qunli, the Chairman of China Electronics Technology Group Corporation.

(B) Wu Zhe, a Chinese scientist and professor of aeronautics at Beihang University.

(C) Wang Dong, the General Manager and largest shareholder of Deluxe Family.

SA 437. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act may be construed to authorize any funding to direct, coerce, or compel the content moderation decisions of any interactive computer service (as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) or any platform through which a media organization disseminates information relating to any speech protected by the Constitution of the United States, without regard to whether the organization disseminates that information through broadcast, print, online, or any other channel, including by—

(1) removing such speech;

(2) suppressing such speech;

(3) removing or suspending a particular user or class of users;

(4) labeling such speech as disinformation, misinformation, or false information, or by making any similar characterization with respect to such speech; or

(5) otherwise blocking, banning, deleting, deprioritizing, demonetizing, deboosting, limiting the reach of, or restricting access to such speech.

SA 438. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. UKRAINE AID OVERSIGHT.

(a) SHORT TITLE.—This section may be cited as the ''Ukraine Aid Oversight Act''.

(b) PURPOSES.—The purposes of this section are—

(1) to provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid;

(2) to provide for the independent and objective leadership and coordination of, and recommendations concerning, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations; and

(3) to provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies fully and currently informed about—

(A) problems and deficiencies relating to the administration of the programs and operations described in paragraph (1); and

(B) the necessity for, and the progress toward implementing, corrective action related to such programs.

(c) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY, ECONOMIC, OR HUMANITARIAN AID FOR UKRAINE.—The term ''amounts appropriated or otherwise made available for military, economic, or humanitarian aid for Ukraine'' means amounts appropriated or otherwise made available for any fiscal year—

(A) for the Ukraine Security Assistance Initiative;

(B) for Foreign Military Financing funding for Ukraine;

(C) under titles III and VI of the Ukraine Supplemental Appropriations Act (division N of Public Law 117–103);

(D) under the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128); and

(E) for military, economic, or humanitarian aid for Ukraine under any other provision of law.

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

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Relations of the Senate;

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

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Armed Services of the House of Representatives;

(G) the Committee on Foreign Affairs of the House of Representatives; and

(H) the Committee on Oversight and Accountability of the House of Representatives.

(3) OFFICE.—The term ''Office'' means the Office of the Special Inspector General for Afghanistan Reconstruction and Ukraine Aid renamed under section 4(a).

(4) SPECIAL INSPECTOR GENERAL.—The term ''Special Inspector General'' means the Special Inspector General for Afghanistan Reconstruction and Ukraine Aid renamed under section 4(b).

(d) OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION AND UKRAINE AID.—

(1) EXPANSION AND RENAMING OF OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.—Beginning on the date of the enactment of this Act, the Office of the Special Inspector General for Afghanistan Reconstruction—

(A) shall be referred to as the ''Office of the Special Inspector General for Afghanistan Reconstruction and Ukraine Aid''; and

(B) shall carry out the purposes described in subsection (b).

(2) RENAMING OF SPECIAL INSPECTOR GENERAL.—Beginning on the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall be referred to as the ''Special Inspector General for Afghanistan Reconstruction and Ukraine Aid''.

(3) COMPENSATION.—The annual rate of basic pay of the Special Inspector General shall be 3 percent higher than the annual rate of basic pay provided for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General is not an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(5) REMOVAL.—The Special Inspector General shall be removable from office in accordance with section 403(b) of title 5, United States Code.

(6) APPOINTMENT.—If the Special Inspector General is removed from office or otherwise leaves such office, the President shall appoint a new Special Inspector General.

(e) ASSISTANT INSPECTORS GENERAL.—The Special Inspector General shall be assisted by—

(1) the Assistant Inspector General for Auditing appointed pursuant to section 1229(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), who shall supervise the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) the Assistant Inspector General for Investigations appointed pursuant to section 1229(d)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), who shall supervise the performance of investigative activities relating to the programs and operations described in paragraph (1).

(f) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Special Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, the United States Agency for International Development, or any other relevant Federal agency may prevent or prohibit the Special Inspector General from—

(A) initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine; or

(B) issuing any subpoena during the course of any such audit or investigation.

(g) DUTIES.—

(1) OVERSIGHT OF MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE PROVIDED AFTER FEBRUARY 24, 2022.—In addition to any duties previously carried out as the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General shall conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records regarding the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Ukraine, major recipients of Ukrainian refugees, partners in the region, and other donor countries;

(G) the investigation of overpayments (such as duplicate payments or duplicate billing) and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities; and

(H) the referral of reports compiled as a result of such investigations, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duties described in paragraph (1).

(3) CONSULTATION.—The Special Inspector General shall consult with the appropriate congressional committees before engaging in auditing activities outside of Ukraine.

(4) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Special Inspector General shall have the duties and responsibilities of inspectors general under chapter 4 of title 5, United States Code.

(5) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this Act, the Special Inspector General shall coordinate with, and receive cooperation from—

(A) the Inspector General of the Department of Defense;

(B) the Inspector General of the Department of State;

(C) the Inspector General of the United States Agency for International Development; and

(D) the Inspector General of any other relevant Federal agency.

(h) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—

(A) IN GENERAL.—In carrying out the duties specified in subsection (g), the Special Inspector General shall have the authorities provided under section 406 of title 5, United States Code, including the authorities under paragraph (5) of such subsection.

(B) RETENTION OF CERTAIN AUTHORITIES.—The Special Inspector General—

(i) shall retain all of the duties, powers, and authorities provided to the Special Inspector General for Afghanistan Reconstruction under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181); and

(ii) may utilize such powers and authorities as are, in the judgment of the Special Inspector General, necessary to carry out the duties under this section.

(2) AUDIT STANDARDS.—The Special Inspector General shall carry out the duties specified in subsection (g)(1) in accordance with section 404(b)(1) of title 5, United States Code.

(i) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—

(A) IN GENERAL.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General under this section, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) ADDITIONAL AUTHORITIES.—

(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities under subsections (b) through (i) of section 3161 of title 5, United States Code, without regard to subsection (a) of such section.

(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as authorized under clause (i)—

(I) paragraph (2) of such subsection (relating to periods of appointments) shall not apply; and

(II) no period of appointment may extend beyond the date on which the Office terminates pursuant subsection (m).

(iii) ACQUISITION OF COMPETITIVE STATUS.—An employee shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications if the employee—

(I) completes at least 12 months of continuous service after the date of the enactment of this Act; or

(II) is employed on the date on which the Office terminates pursuant to subsection (m).

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Special Inspector General may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule under section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Inspector General may—

(A) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(B) make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Special Inspector General with—

(A) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as appropriate, in Ukraine or in European partner countries;

(B) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices; and

(C) necessary maintenance services for such offices and the equipment and facilities located in such offices.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon the request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity, to the extent practicable and not in contravention of any existing law, shall furnish such information or assistance to the Special Inspector General or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall immediately report the circumstances to—

(i) the Secretary of State or the Secretary of Defense, as appropriate; and

(ii) the appropriate congressional committees.

(j) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of each fiscal year, the Special Inspector General shall submit a report to the appropriate congressional committees, the Secretary of State, and the Secretary of Defense that—

(A) summarizes, for the applicable quarter, and to the extent possible, for the period from the end of such quarter to the date on which the report is submitted, the activities during such period of the Special Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(B) includes, for applicable quarter, a detailed statement of all obligations, expenditures, and revenues associated with military, economic, and humanitarian activities in Ukraine, including—

(i) obligations and expenditures of appropriated funds;

(ii) a project-by-project and program-by-program accounting of the costs incurred to date for military, economic, and humanitarian aid to Ukraine, including an estimate of the costs to be incurred by the Department of Defense, the Department of State, the United States Agency for International Development, and other relevant Federal agencies to complete each project and each program;

(iii) revenues attributable to, or consisting of, funds provided by foreign nations or international organizations to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(iv) revenues attributable to, or consisting of, foreign assets seized or frozen that contribute to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(v) operating expenses of entities receiving amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(vi) for any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(I) the dollar amount of the contract, grant, agreement, or other funding mechanism;

(II) a brief description of the scope of the contract, grant, agreement, or other funding mechanism;

(III) a description of how the Federal department or agency involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, including a list of the potential individuals or entities that were issued solicitations for the offers; and

(IV) the justification and approval documents on which the determination to use procedures other than procedures that provide for full and open competition was based.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any Federal department or agency that involves the use of amounts appropriated or otherwise made available for the military, economic, or humanitarian aid to Ukraine with any public or private sector entity—

(A) to build or rebuild the physical infrastructure of Ukraine;

(B) to establish or reestablish a political or societal institution of Ukraine;

(C) to provide products or services to the people of Ukraine; or

(D) to provide security assistance to Ukraine.

(3) PUBLIC AVAILABILITY.—The Special Inspector General shall publish each report submitted pursuant to paragraph (1) on a publicly accessible internet website in English, Ukrainian, and Russian.

(4) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Special Inspector General determines that a classified annex is necessary.

(5) SUBMISSION OF COMMENTS TO CONGRESS.—During the 30-day period beginning on the date on which a report is received pursuant to paragraph (1), the Secretary of State and the Secretary of Defense may submit comments to the appropriate congressional committees, in unclassified form, regarding any matters covered by the report that the Secretary of State or the Secretary of Defense considers appropriate. Such comments may include a classified annex if the Secretary of State or the Secretary of Defense considers such annex to be necessary.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(k) TRANSPARENCY.—

(1) REPORT.—Except as provided in paragraph (3), not later than 60 days after receiving a report pursuant to subsection (j)(1), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request and at a reasonable cost.

(2) COMMENTS.—Except as provided in paragraph (3), not later than 60 days after submitting comments to Congress pursuant to subsection (j)(5), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request and at a reasonable cost.

(3) WAIVER.—

(A) AUTHORITY.—The President may waive the requirements under paragraph (1) or (2) with respect to availability to the public of any element in a report submitted pursuant to subsection (j)(1) or any comments submitted to Congress pursuant to subsection (j)(5) if the President determines that such waiver is justified for national security reasons.

(B) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under subparagraph (A) in the Federal Register not later than the date of the submission to the appropriate congressional committees of a report required under subsection (j)(1) or any comments submitted pursuant to subsection (j)(5). Each such report and comments shall specify—

(i) whether a waiver was made pursuant to subparagraph (A); and

(ii) which elements in the report or the comments were affected by such waiver.

(l) USE OF PREVIOUSLY APPROPRIATED FUNDS.—Amounts appropriated before the date of the enactment of this Act for the Office of the Special Inspector General for Afghanistan Reconstruction may be used to carry out the duties described in subsection (g).

(m) TERMINATION.—

(1) IN GENERAL.—The Office shall terminate on September 30, 2027.

(2) FINAL REPORT.—Before the termination date referred to in paragraph (1), the Special Inspector General shall prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine.

SA 439. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. CLARIFICATION OF APPLICABILITY OF OTHER LAW WITH RESPECT TO CERTAIN ACTIVITIES RELATING TO UNMANNED AIRCRAFT CONDUCTED OUTSIDE THE UNITED STATES FOR PROTECTION OF OVERSEAS FACILITIES AND ASSETS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section 130j:

"§ 130j. Applicability of other law with respect to certain activities relating to unmanned aircraft conducted outside the United States

''Sections 32, 1030, and 1367 of title 18 and section 46502 of title 49 may not be construed to apply to activities of the Department of Defense or the Coast Guard that—

''(1) are conducted outside the United States; and

''(2) are related to the mitigation of threats from unmanned aircraft systems or unmanned aircraft.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''130j. Applicability of other law with respect to certain activities relating to unmanned aircraft conducted outside the United States.''.

SA 440. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1225. PROHIBITION ON PROVISION OF FUNDS TO IRAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available, directly or indirectly, to—

(1) the Government of Iran;

(2) any person owned or controlled by the Government of Iran;

(3) any person identified on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (Public Law 95–223; 91 Stat. 1625);

(4) any person owned or controlled by a person described in paragraph (3); or

(5) the Badr organization, Saraya Khorasani, or Kata'ib al-Imam Ali.

SA 441. Mr. COTTON (for himself, Ms. LUMMIS, and Mrs. BRITT) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XII, insert the following:

SEC. _____. PROHIBITION ON PURCHASE OF PUBLIC OR PRIVATE REAL ESTATE LOCATED IN THE UNITED STATES BY CITIZENS AND ENTITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—

(1) PROHIBITION.—Notwithstanding any other provision of law, the President shall take such actions as may be necessary—

(A) to prohibit the purchase, on or after the date of the enactment of this Act, of public or private real estate located in the United States by—

(i) any citizen of the People's Republic of China;

(ii) any covered foreign entity; or

(iii) any foreign person acting for or on behalf of the Chinese Communist Party, a covered foreign entity, or a citizen of the People's Republic of China; and

(B) if the President determines that the ownership, as of such date of enactment, by a person described in clause (i), (ii), or (iii) of subparagraph (A) of real estate located in the United States poses a national security risk to the United States, to require the sale of such real estate by not later than the date that is one year after such date of enactment.

(2) EXCEPTIONS.—

(A) EXCEPTION FOR REFUGEES.—Paragraph (1) does not apply with respect to a citizen of the People's Republic of China who—

(i) entered the United States as a refugee (as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42))); or

(ii) was granted asylum or withholding of removal under section 208 or 241(b)(3) that Act (8 U.S.C. 1158 and 1231(b)(3)).

(B) EXCEPTION FOR PROPERTY OF UNITED STATES NATIONALS.—Paragraph (1)(B) does not apply with respect to the sale of real estate owned or otherwise held for personal use by a United States citizen or an alien lawfully admitted for permanent residence to the United States.

(b) DEFINITIONS.—In this section:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity—

(A) acting on behalf of or otherwise directed by the Government of the People's Republic of China or the Chinese Communist Party;

(B) that—

(i) is organized under the laws of the People's Republic of China;

(ii) has a principal place of business in the People's Republic of China; or

(iii) is owned or controlled by, or otherwise subject to the jurisdiction of, the Government of the People's Republic of China or the Chinese Communist Party; or

(C) that is a subsidiary of an entity described in subparagraph (B).

(2) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(3) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(c) PENALTY AMOUNT UNDER AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE ACT OF 1978.—Section 3(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502(b)) is amended by striking ''exceed 25 percent of'' and inserting ''be less than 10 percent, or exceed 25 percent, of''.

SA 442. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10____. INTELLIGENCE DUTIES OF DEPARTMENT OF AGRICULTURE OFFICE OF HOMELAND SECURITY.

Section 221(d) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6922(d)) is amended—

(1) by redesignating paragraphs (6) through (8) as paragraphs (12) through (14), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) be responsible for leveraging the capabilities of the intelligence community (as so defined) and National Laboratories intelligence-related research, to ensure that the Secretary is fully informed of threats by foreign actors to the food and agriculture critical infrastructure sector;

''(7) advise the Secretary on foreign efforts—

''(A) to steal knowledge and technology from the food and agriculture critical infrastructure sector; and

''(B) to develop or implement biological warfare attacks, cyber or clandestine operations, or other means of sabotaging and disrupting the food and agriculture critical infrastructure sector;

''(8) prepare, conduct, and facilitate intelligence briefings for the Secretary and appropriate officials of the Department of Agriculture;

''(9) be the Federal Senior Intelligence Coordinator of the Department of Agriculture and operate as the liaison between the Secretary and the intelligence community (as so defined), with the authority to request intelligence collection and analysis on matters relating to the food and agriculture critical infrastructure sector;

''(10) collaborate with the intelligence community (as so defined) to downgrade intelligence assessments for broader dissemination within the Department of Agriculture;

''(11) facilitate sharing information on foreign activities relating to agriculture, as acquired by the Department of Agriculture with the intelligence community (as so defined);''.

SA 443. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XXXI, insert the following:

SEC. 31_____. PROHIBITION ON SALES OF PETROLEUM PRODUCTS FROM THE STRATEGIC PETROLEUM RESERVE TO CHINA.

Notwithstanding any other provision of law, the Secretary of Energy shall not draw down and sell petroleum products from the Strategic Petroleum Reserve—

(1) to any entity that is under the ownership or control of the Chinese Communist Party or the People's Republic of China; or

(2) except on the condition that such petroleum products will not be exported to the People's Republic of China.

SA 444. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMITTING FOR INTERNATIONAL BRIDGES.

The International Bridge Act of 1972 (33 U.S.C. 535 et seq.) is amended by inserting after section 5 the following:

''SEC. 6. PERMITTING FOR INTERNATIONAL BRIDGES.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE APPLICANT.—The term 'eligible applicant' means an entity that has submitted an application for a Presidential permit during the period beginning on December 1, 2020, and ending on December 31, 2024, for any of the following:

''(A) 1 or more international bridges in Webb County, Texas.

''(B) An international bridge in Cameron County, Texas.

''(C) An international bridge in Maverick County, Texas.

''(2) PRESIDENTIAL PERMIT.—

''(A) IN GENERAL.—The term 'Presidential permit' means—

''(i) an approval by the President to construct, maintain, and operate an international bridge under section 4; or

''(ii) an approval by the President to construct, maintain, and operate an international bridge pursuant to a process described in Executive Order 13867 (84 Fed. Reg. 15491; relating to Issuance of Permits With Respect to Facilities and Land Transportation Crossings at the International Boundaries of the United States) (or any successor Executive Order).

''(B) INCLUSION.—The term 'Presidential permit' includes an amendment to an approval described in clause (i) or (ii) of subparagraph (A).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of State.

''(b) APPLICATION.—An eligible applicant for a Presidential permit to construct, maintain, and operate an international bridge shall submit an application for the permit to the Secretary.

''(c) RECOMMENDATION.—

''(1) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives an application under subsection (b), the Secretary shall make a recommendation to the President—

''(A) to grant the Presidential permit; or

''(B) to deny the Presidential permit.

''(2) CONSIDERATION.—The sole basis for a recommendation under paragraph (1) shall be whether the international bridge is in the foreign policy interests of the United States.

''(d) PRESIDENTIAL ACTION.—

''(1) IN GENERAL.—The President shall grant or deny the Presidential permit for an application under subsection (b) by not later than 60 days after the earlier of—

''(A) the date on which the Secretary makes a recommendation under subsection (c)(1); and

''(B) the date on which the Secretary is required to make a recommendation under subsection (c)(1).

''(2) NO ACTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the President does not grant or deny the Presidential permit for an application under subsection (b) by the deadline described in paragraph (1), the Presidential permit shall be considered to have been granted as of that deadline.

''(B) REQUIREMENT.—As a condition on a Presidential permit considered to be granted under subparagraph (A), the eligible applicant shall complete all applicable environmental documents required pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.).

''(e) DOCUMENT REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary shall not require an eligible applicant for a Presidential permit—

''(1) to include in the application under subsection (b) environmental documents prepared pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.); or

''(2) to have completed any environmental review under Public Law 91–190 (42 U.S.C. 4321 et seq.) prior to the President granting a Presidential permit under subsection (d).

''(f) RULES OF CONSTRUCTION.—Nothing in this section—

''(1) prohibits the President from granting a Presidential permit conditioned on the eligible applicant completing all environmental documents pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.);

''(2) prohibits the Secretary from requesting a list of all permits and approvals from Federal, State, and local agencies that the eligible applicant believes are required in connection with the international bridge, or a brief description of how those permits and approvals will be acquired; or

''(3) exempts an eligible applicant from the requirement to complete all environmental documents pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.) prior to construction of an international bridge.''.

SA 445. Mr. KELLY (for himself, Mr. TESTER, Mrs. FEINSTEIN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 707. IMPROVEMENTS TO DEPENDENT COVERAGE UNDER TRICARE YOUNG ADULT PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Subsection (b) of section 1110b of title 10, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) ELIMINATION OF SEPARATE PREMIUM FOR A YOUNG ADULT.—Such section is further amended by striking subsection (c).

(c) CONFORMING AMENDMENT.—Section 1075(c)(3) of such title is amended by striking ''section 1076d, 1076e, or 1110b'' and inserting ''section 1076d or 1076e''.

SA 446. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. SENSE OF CONGRESS RELATING TO THE STERILE INSECT RELEASE FACILITY, LOS ALAMITOS, CALIFORNIA.

It is the sense of Congress that the Department of Defense and the Animal and Plant Health Inspection Service of the Department of Agriculture, in cooperation with local and State entities, should pursue continued long-term joint efforts to conduct overdue facility replacements at the Sterile Insect Release Facility in Los Alamitos, California, including new, nonpermanent, State-procured structures for the purpose of ongoing pest control activities that protect agriculture.

SA 447. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. REPORT ON COVERAGE OF MIGRAINE PREVENTION AND TREATMENT DEVICES.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces are diagnosed with or exhibit symptoms of migraines at a rate that is 3 times higher than the general population.

(2) 1 in 3 members of the Armed Forces experience severe headaches and migraines within the first months after returning from deployment.

(3) Women are 3 to 6 times more likely than men to experience migraines.

(4) Operational barriers, performance-limiting adverse effects, and the ineffectiveness of drug treatments for some members of the Armed Forces demonstrate the necessity of increasing the availability of non-pharmacological devices that can treat and prevent migraines.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plan of the Secretary to provide non-pharmacological, neuromodulation migraine prevention and treatment devices that have been cleared by the Food and Drug Administration to members of the Armed Forces who could benefit from those devices.

SA 448. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. _____. SENSE OF CONGRESS ON DIETARY SUPPLEMENT USE AMONG MEMBERS OF THE ARMED FORCES.

It is the sense of the Congress that—

(1) the Secretary of Defense should be commended for the Department of Defense Instruction 6130.06 titled ''Use of Dietary Supplements in the DoD'', which includes requirements for the provision of dietary supplement safety education to members of the Armed Forces and health care providers of the Department of Defense for the prevention of serious medical complications related to use of dietary supplements; and

(2) to support the implementation of that Instruction, robust funding should be secured for the Operation Supplement Safety program of the Department for the purpose of broadening education efforts for members of the Armed Forces and health care providers of the Department by facilitating technological advancements and other improvements to—

(A) the mobile application under that program commonly referred to as the ''Operation Supplement Safety App''; and

(B) the ingredient database under that program.

SA 449. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS RELATING TO MILITARY FOSTER AND ADOPTIVE FAMILIES.

The Secretary of Defense shall—

(1) provide a centralized location for, and promote awareness of, information about foster and adoption-related policies and available Department of Defense support to better assist military foster and adoptive families, including by providing such information through Military OneSource, using a designated point person on an installation, or through an existing installation program office;

(2) ensure that the Secretary of the Air Force, in coordination with the Director of Defense Human Resource Activity, revises AFI 36–3026, Volume 1, in cooperation with other components of the Department of Defense, as appropriate, to make it consistent with Department of Defense regulations on the required documents to enroll foster children in the Defense Enrollment Eligibility Reporting System; and

(3) ensure that the Secretaries of the military departments identify opportunities to regularly promote to the awareness of all employees responsible for enrollment in the Defense Enrollment Eligibility Reporting System of accurate information and guidance with respect to enrolling both foster and pre-adoptive children, including by coordinating with relevant offices to promote awareness of the guidance through annual trainings or other training mechanisms.

SA 450. Ms. BALDWIN (for herself, Mrs. CAPITO, Mr. BLUMENTHAL, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 707. TRICARE DENTAL FOR MEMBERS OF THE SELECTED RESERVE.

Section 1076a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the paragraph header, by striking ''SELECTED RESERVE AND''; and

(ii) by striking ''for members of the Selected Reserve of the Ready Reserve and'';

(B) in paragraph (2), in the header, by inserting ''individual ready'' after ''other''; and

(C) by adding at the end the following new paragraph:

''(5) PLAN FOR SELECTED RESERVE.—A dental benefits plan for members of the Selected Reserve of the Ready Reserve.'';

(2) in subsection (d)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) NO PREMIUM PLANS.—(A) The dental benefits plan established under subsection (a)(5) is a no premium plan.

''(B) Members enrolled in a no premium plan may not be charged a premium for benefits provided under the plan.'';

(3) in subsection (e)(2)(A), by striking ''a member of the Selected Reserve of the Ready Reserve or'';

(4) by redesignating subsections (f) through (l) as subsections (g) through (m), respectively;

(5) by inserting after subsection (e) the following new subsection (f):

''(f) COPAYMENTS UNDER NO PREMIUM PLANS.—A member who receives dental care under a no premium plan described in subsection (d)(3) shall pay no charge for any care described in subsection (c).''; and

(6) in subsection (i), as redesignated by paragraph (4), by striking ''subsection (k)(2)'' and inserting ''subsection (l)(2)''.

SA 451. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 823. RESTRICTION OF SOLICITATION FOR CERTAIN CONTRACTS RELATING TO ARMED FORCES VESSELS TO DOMESTIC SOURCES.

(a) IN GENERAL.—The Secretary of Defense may not, on or after the date that is 180 days after the date of the enactment of this Act, enter into or renew a contract, other than with a domestic source, that allows for the procurement of critical components to be installed in vessels undergoing construction.

(b) DEFINITIONS.—In this section:

(1) CRITICAL COMPONENT.—The term ''critical component'' means a component identified by the Secretary as any communications, damage control, engineering, navigation, or seamanship equipment required for a vessel to safely get or remain underway, and at a minimum shall include—

(A) gas turbine and diesel main engines;

(B) generators;

(C) generator prime movers;

(D) main reduction gears;

(E) main propulsion shafting; and

(F) propellers and propeller castings.

(2) DOMESTIC SOURCE.—The term ''domestic source'' has the meaning given that term in section 702 of the Defense Production Act of 1950 (50 U.S.C. 4552).

SA 452. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. REPORTING ON LIFE CYCLE COSTS ASSOCIATED WITH NON-DOMESTIC SOURCING OF SHIPBUILDING COMPONENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the Department of Defense Supplement to the Federal Acquisition Regulation to require the Senior Technical Authority to assess and provide reporting on the total life cycle costs associated with the procurement of a non-domestic component for a shipbuilding program before the component is so procured.

(b) ELEMENTS.—The assessment required under subsection (a) shall assess—

(1) the cost impact on other shipbuilding programs for which a domestic supplier is manufacturing components should that component be procured form a non-domestic manufacturer;

(2) the cost impact on the life-cycle sustainment of the applicable shipbuilding program due to commonality with similar components already in the fleet that have already met applicable Navy standards; and

(3) the cost differential between domestic and equivalent foreign components that may be due to direct or indirect foreign government investment or reduced regulatory costs in that country of origin.

SA 453. Ms. BALDWIN (for herself, Mr. GRASSLEY, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REPORT AND PLAN ON FOREIGN OWNERSHIP OF LAND NEAR INSTALLATIONS OF THE DEPARTMENT OF DEFENSE IN THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(1) a report that—

(A) contains a thorough review of ownership by foreign persons of agricultural land near installations of the Department of Defense in the United States; and

(B) assesses the threat such ownership poses to the national security of the United States; and

(2) in coordination with the Secretary of Agriculture and the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), a plan for addressing foreign ownership of land, including farmland, and the risk to the national security of the United States that ownership presents near installations of the Department of Defense.

SA 454. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—FORT BELKNAP INDIAN COMMUNITY WATER RIGHTS SETTLEMENT ACT OF 2023

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Fort Belknap Indian Community Water Rights Settlement Act of 2023''.

SEC. 6002. PURPOSES.

The purposes of this division are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; and

(B) the United States, acting as trustee for the Fort Belknap Indian Community and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Fort Belknap Indian Community and the State, to the extent that the Compact is consistent with this division;

(3) to authorize and direct the Secretary—

(A) to execute the Compact; and

(B) to take any other actions necessary to carry out the Compact in accordance with this division;

(4) to authorize funds necessary for the implementation of the Compact and this division; and

(5) to authorize the exchange and transfer of certain Federal and State land.

SEC. 6003. DEFINITIONS.

In this division:

(1) ALLOTTEE.—The term ''allottee'' means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) BLACKFEET TRIBE.—The term ''Blackfeet Tribe'' means the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

(3) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(4) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(5) COMPACT.—The term ''Compact'' means—

(A) the Fort Belknap-Montana water rights compact dated April 16, 2001, as contained in section 85–20–1001 of the Montana Code Annotated (2021); and

(B) any appendix (including appendix amendments), part, or amendment to the Compact that is executed to make the Compact consistent with this division.

(6) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date described in section 6011(f).

(7) FORT BELKNAP INDIAN COMMUNITY.—The term ''Fort Belknap Indian Community'' means the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation of Montana, a federally recognized Indian Tribal entity included on the list published by the Secretary pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(8) FORT BELKNAP INDIAN COMMUNITY COUNCIL.—The term ''Fort Belknap Indian Community Council'' means the governing body of the Fort Belknap Indian Community.

(9) FORT BELKNAP INDIAN IRRIGATION PROJECT.—

(A) IN GENERAL.—The term ''Fort Belknap Indian Irrigation Project'' means the Federal Indian irrigation project constructed and operated by the Bureau of Indian Affairs, consisting of the Milk River unit, including—

(i) the Three Mile unit; and

(ii) the White Bear unit.

(B) INCLUSIONS.—The term ''Fort Belknap Indian Irrigation Project'' includes any addition to the Fort Belknap Indian Irrigation Project constructed pursuant to this division, including expansion of the Fort Belknap Indian Irrigation Project, the Pumping Plant, delivery Pipe and Canal, the Fort Belknap Reservoir and Dam, and the Peoples Creek Flood Protection Project.

(10) IMPLEMENTATION FUND.—The term ''Implementation Fund'' means the Fort Belknap Indian Community Water Settlement Implementation Fund established by section 6013(a).

(11) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(12) LAKE ELWELL.—The term ''Lake Elwell'' means the water impounded on the Marias River in the State by Tiber Dam, a feature of the Lower Marias Unit of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(13) MALTA IRRIGATION DISTRICT.—The term ''Malta Irrigation District'' means the public corporation—

(A) created on December 28, 1923, pursuant to the laws of the State relating to irrigation districts; and

(B) headquartered in Malta, Montana.

(14) MILK RIVER.—The term ''Milk River'' means the mainstem of the Milk River and each tributary of the Milk River between the headwaters of the Milk River and the confluence of the Milk River with the Missouri River, consisting of—

(A) Montana Water Court Basins 40F, 40G, 40H, 40I, 40J, 40K, 40L, 40M, 40N, and 40O; and

(B) the portion of the Milk River and each tributary of the Milk River that flows through the Canadian Provinces of Alberta and Saskatchewan.

(15) MILK RIVER PROJECT.—

(A) IN GENERAL.—The term ''Milk River Project'' means the Bureau of Reclamation project conditionally approved by the Secretary on March 14, 1903, pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) INCLUSIONS.—The term ''Milk River Project'' includes—

(i) the St. Mary Unit;

(ii) the Fresno Dam and Reservoir; and

(iii) the Dodson pumping unit.

(16) MISSOURI RIVER BASIN.—The term ''Missouri River Basin'' means the hydrologic basin of the Missouri River, including tributaries.

(17) OPERATIONS AND MAINTENANCE.—The term ''operations and maintenance'' means the Bureau of Indian Affairs operations and maintenance activities related to costs described in section 171.500 of title 25, Code of Federal Regulations (or a successor regulation).

(18) OPERATIONS, MAINTENANCE, AND REPLACEMENT.—The term ''operations, maintenance, and replacement'' means—

(A) any recurring or ongoing activity associated with the day-to-day operation of a project;

(B) any activity relating to scheduled or unscheduled maintenance of a project; and

(C) any activity relating to repairing, replacing, or rehabilitating a feature of a project.

(19) PICK-SLOAN MISSOURI RIVER BASIN PROGRAM.—The term ''Pick-Sloan Missouri River Basin Program'' means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665)).

(20) PMM.—The term ''PMM'' means the Principal Meridian, Montana.

(21) RESERVATION.—

(A) IN GENERAL.—The term ''Reservation'' means the area of the Fort Belknap Reservation in the State, as modified by this division.

(B) INCLUSIONS.—The term ''Reservation'' includes—

(i) all land and interests in land established by—

(I) the Agreement with the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation, ratified by the Act of May 1, 1888 (25 Stat. 113, chapter 212), as modified by the Agreement with the Indians of the Fort Belknap Reservation of October 9, 1895 (ratified by the Act of June 10, 1896) (29 Stat. 350, chapter 398);

(II) the Act of March 3, 1921 (41 Stat. 1355, chapter 135); and

(III) Public Law 94–114 (25 U.S.C. 5501 et seq.);

(ii) the land known as the ''Hancock lands'' purchased by the Fort Belknap Indian Community pursuant to the Fort Belknap Indian Community Council Resolution No. 234–89 (October 2, 1989); and

(iii) all land transferred to the United States to be held in trust for the benefit of the Fort Belknap Indian Community under section 6006.

(22) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(23) ST. MARY UNIT.—

(A) IN GENERAL.—The term ''St. Mary Unit'' means the St. Mary Storage Unit of the Milk River Project authorized by Congress on March 25, 1905.

(B) INCLUSIONS.—The term ''St. Mary Unit'' includes—

(i) Sherburne Dam and Reservoir;

(ii) Swift Current Creek Dike;

(iii) Lower St. Mary Lake;

(iv) St. Mary Canal Diversion Dam; and

(v) St. Mary Canal and appurtenances.

(24) STATE.—The term ''State'' means the State of Montana.

(25) TRIBAL WATER CODE.—The term ''Tribal water code'' means the Tribal water code enacted by the Fort Belknap Indian Community pursuant to section 6005(g).

(26) TRIBAL WATER RIGHTS.—The term ''Tribal water rights'' means the water rights of the Fort Belknap Indian Community, as described in Article III of the Compact and this division, including the allocation of water to the Fort Belknap Indian Community from Lake Elwell under section 6007.

(27) TRUST FUND.—The term ''Trust Fund'' means the Aaniiih Nakoda Settlement Trust Fund established for the Fort Belknap Indian Community under section 6012(a).

SEC. 6004. RATIFICATION OF COMPACT.

(a) RATIFICATION OF COMPACT.—

(1) IN GENERAL.—As modified by this division, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Compact is authorized, ratified, and confirmed to the extent that the amendment is

executed to make the Compact consistent with this division.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this division, the Secretary shall execute the Compact, including all appendices to, or parts of, the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this division precludes the Secretary from approving any modification to an appendix to the Compact that is consistent with this division, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact and this division, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(C) other applicable Federal environmental laws and regulations.

(2) COMPLIANCE.—

(A) IN GENERAL.—In implementing the Compact and this division, the Fort Belknap Indian Community shall prepare any necessary environmental documents, consistent with all applicable provisions of—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) AUTHORIZATIONS.—The Secretary shall—

(i) independently evaluate the documentation submitted under subparagraph (A); and

(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) EFFECT OF EXECUTION.—The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COSTS.—Any costs associated with the performance of the compliance activities under this subsection shall be paid from funds deposited in the Trust Fund, subject to the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

SEC. 6005. TRIBAL WATER RIGHTS.

(a) CONFIRMATION OF TRIBAL WATER RIGHTS.—

(1) IN GENERAL.—The Tribal water rights are ratified, confirmed, and declared to be valid.

(2) USE.—Any use of the Tribal water rights shall be subject to the terms and conditions of the Compact and this division.

(3) CONFLICT.—In the event of a conflict between the Compact and this division, this division shall control.

(b) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to, or exceed, the benefits the allottees possess on the day before the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this division;

(2) the availability of funding under this division and from other sources;

(3) the availability of water from the Tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381) and this division to protect the interests of allottees.

(c) TRUST STATUS OF TRIBAL WATER RIGHTS.—The Tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Fort Belknap Indian Community and allottees in accordance with this division; and

(2) shall not be subject to loss through nonuse, forfeiture, or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF THE ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), relating to the use of water for irrigation purposes, shall apply to the Tribal water rights.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal water rights.

(3) ALLOCATIONS.—An allottee shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) CLAIMS.—

(A) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the Tribal water code or other applicable Tribal law.

(B) ACTION FOR RELIEF.—After the exhaustion of all remedies available under the Tribal water code or other applicable Tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), or other applicable law.

(5) AUTHORITY OF THE SECRETARY.—The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) AUTHORITY OF THE FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—The Fort Belknap Indian Community shall have the authority to allocate, distribute, and lease the Tribal water rights for use on the Reservation in accordance with the Compact, this division, and applicable Federal law.

(2) OFF-RESERVATION USE.—The Fort Belknap Indian Community may allocate, distribute, and lease the Tribal water rights for off-Reservation use in accordance with the Compact, this division, and applicable Federal law—

(A) subject to the approval of the Secretary; or

(B) pursuant to Tribal water leasing regulations consistent with the requirements of subsection (f).

(3) LAND LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the Tribal water code.

(f) TRIBAL WATER LEASING REGULATIONS.—

(1) IN GENERAL.—At the discretion of the Fort Belknap Indian Community, any water lease of the Fort Belknap Indian Community of the Tribal water rights for use on or off the Reservation shall not require the approval of the Secretary if the lease—

(A) is executed under tribal regulations, approved by the Secretary under this subsection;

(B) is in accordance with the Compact; and

(C) does not exceed a term of 100 years, except that a lease may include an option to renew for 1 additional term of not to exceed 100 years.

(2) AUTHORITY OF THE SECRETARY OVER TRIBAL WATER LEASING REGULATIONS.—

(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any Tribal water leasing regulations issued in accordance with paragraph (1).

(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any Tribal water leasing regulations issued in accordance with paragraph (1) if the Tribal water leasing regulations—

(i) provide for an environmental review process that includes—

(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

(II) a process for ensuring that—

(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Fort Belknap Indian Community; and

(bb) the Fort Belknap Indian Community provides responses to relevant and substantive public comments on those impacts prior to its approval of a water lease; and

(ii) are consistent with this division and the Compact.

(3) REVIEW PROCESS.—

(A) IN GENERAL.—Not later than 120 days after the date on which Tribal water leasing regulations under paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the Tribal water leasing regulations described in subparagraph (A), the Secretary shall include written documentation with the disapproval notification that describes the basis for this disapproval.

(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Fort Belknap Indian Community.

(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if the Fort Belknap Indian Community carries out a project or activity funded by a Federal agency, the Fort Belknap Indian Community—

(A) shall have the authority to rely on the environmental review process of the applicable Federal agency; and

(B) shall not be required to carry out a tribal environmental review process under this subsection.

(5) DOCUMENTATION.—If the Fort Belknap Indian Community issues a lease pursuant to Tribal water leasing regulations under paragraph (1), the Fort Belknap Indian Community shall provide the Secretary and the State a copy of the lease, including any amendments or renewals to the lease.

(6) LIMITATION OF LIABILITY.—

(A) IN GENERAL.—The United States shall not be liable in any claim relating to the negotiation, execution, or approval of any lease or exchange agreement or storage agreement, including any claims relating to the terms included in such an agreement, made pursuant to Tribal water leasing regulations under paragraph (1).

(B) OBLIGATIONS.—The United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(i) any funds received by the Fort Belknap Indian Community as consideration under any lease or exchange agreement or storage agreement; or

(ii) the expenditure of those funds.

(g) TRIBAL WATER CODE.—

(1) IN GENERAL.—Notwithstanding Article IV.A.2. of the Compact, not later than 4 years after the date on which the Fort Belknap Indian Community approves the Compact in accordance with section

6011(f)(1), the Fort Belknap Indian Community shall enact a Tribal water code that provides for—

(A) the management, regulation, and governance of all uses of the Tribal water rights in accordance with the Compact and this division; and

(B) the establishment by the Fort Belknap Indian Community of the conditions, permit requirements, and other requirements for the allocation, distribution, or use of the Tribal water rights in accordance with the Compact and this division.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the Tribal water code shall provide—

(A) that use of water by allottees shall be satisfied with water from the Tribal water rights;

(B) a process by which an allottee may request that the Fort Belknap Indian Community provide water for irrigation use in accordance with this division, including the provision of water under any allottee lease under section 4 of the Act of June 25, 1910 (36 Stat. 856, chapter 431; 25 U.S.C. 403);

(C) a due process system for the consideration and determination by the Fort Belknap Indian Community of any request of an allottee (or a successor in interest to an allottee) for an allocation of water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision;

(D) a requirement that any allottee asserting a claim relating to the enforcement of rights of the allottee under the Tribal water code, including to the quantity of water allocated to land of the allottee, shall exhaust all remedies available to the allottee under Tribal law before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4)(B);

(E) a process by which an owner of fee land within the boundaries of the Reservation may apply for use of a portion of the Tribal water rights; and

(F) a process for the establishment of a controlled Groundwater area and for the management of that area in cooperation with establishment of a contiguous controlled Groundwater area off the Reservation established pursuant to Section B.2. of Article IV of the Compact and State law.

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on the date on which a Tribal water code described in paragraphs (1) and (2) is enacted, the Secretary shall administer, with respect to the rights of allottees, the Tribal water rights in accordance with the Compact and this division.

(B) APPROVAL.—The Tribal water code described in paragraphs (1) and (2) shall not be valid unless—

(i) the provisions of the Tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the Tribal water code that affects a right of an allottee is approved by the Secretary.

(C) APPROVAL PERIOD.—

(i) IN GENERAL.—The Secretary shall approve or disapprove the Tribal water code or an amendment to the Tribal water code by not later than 180 days after the date on which the Tribal water code or amendment to the Tribal water code is submitted to the Secretary.

(ii) EXTENSIONS.—The deadline described in clause (i) may be extended by the Secretary, after consultation with the Fort Belknap Indian Community.

(h) ADMINISTRATION.—

(1) NO ALIENATION.—The Fort Belknap Indian Community shall not permanently alienate any portion of the Tribal water rights.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this division for the allocation, distribution, leasing, or other arrangement entered into pursuant to this division shall be considered to satisfy any requirement for authorization of the action required by Federal law.

(3) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the Tribal water rights by any water user shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Tribal water rights.

(i) EFFECT.—Except as otherwise expressly provided in this section, nothing in this division—

(1) authorizes any action by an allottee against any individual or entity, or against the Fort Belknap Indian Community, under Federal, State, Tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

(j) PICK-SLOAN MISSOURI RIVER BASIN PROGRAM POWER RATES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in cooperation with the Secretary of Energy, shall make available the Pick-Sloan Missouri River Basin Program irrigation project pumping power rates to the Fort Belknap Indian Community, the Fort Belknap Indian Irrigation Project, and any projects funded under this division.

(2) AUTHORIZED PURPOSES.—The power rates made available under paragraph (1) shall be authorized for the purposes of wheeling, administration, and payment of irrigation project pumping power rates, including project use power for gravity power.

SEC. 6006. EXCHANGE AND TRANSFER OF PUBLIC LAND INTO TRUST.

(a) EXCHANGE OF FEDERAL AND STATE LAND.—

(1) DEFINITIONS.—In this subsection:

(A) PUBLIC LAND.—The term ''public land'' means, as applicable—

(i) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); and

(ii) land managed by the Secretary of Agriculture under the jurisdiction of the Forest Service.

(B) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(i) the Secretary, with respect to the public land managed by the Department of the Interior; and

(ii) the Secretary of Agriculture, with respect to land managed by the Forest Service.

(2) NEGOTIATIONS AUTHORIZED.—

(A) IN GENERAL.—The Secretary concerned shall offer to enter into negotiations with the State for the purpose of exchanging Federal land described in paragraph (4) for the State land described in paragraph (3).

(B) REQUIREMENT.—Any exchange of land made pursuant to this subsection shall be subject to the requirements of this subsection.

(C) PRIORITY.—In carrying out this paragraph, the Secretary concerned shall, during the 5-year period beginning on the date of enactment of this Act, give priority to an exchange of public land located within the State for trust land owned by the State.

(3) STATE LAND.—The Secretary concerned is authorized to accept the following parcels of land owned by the State located on and off of the Reservation:

(A) 717.56 acres in T. 26 N., R. 22 E., sec. 16.
(B) 707.04 acres in T. 27 N., R. 22 E., sec. 16.
(C) 640 acres in T. 27 N., R. 21 E., sec. 36.
(D) 640 acres in T. 26 N., R. 23 E., sec. 16.
(E) 640 acres in T. 26 N., R. 23 E., sec. 36.
(F) 640 acres in T. 26 N., R. 26 E., sec. 16.
(G) 640 acres in T. 26 N., R. 22 E., sec. 36.
(H) 640 acres in T. 27 N., R. 23 E., sec. 16.
(I) 640 acres in T. 27 N., R. 25 E., sec. 36.
(J) 640 acres in T. 28 N., R. 22 E., sec. 36.
(K) 640 acres in T. 28 N., R. 23 E., sec. 16.
(L) 640 acres in T. 28 N., R. 24 E., sec. 36.
(M) 640 acres in T. 28 N., R. 25 E., sec. 16.
(N) 640 acres in T. 28 N., R. 25 E., sec. 36.
(O) 640 acres in T. 28 N., R. 26 E., sec. 16.
(P) 94.96 acres in T. 28 N., R. 26 E., sec. 36, under lease by the Fort Belknap Indian Community Council on the date of enactment of this Act, comprised of—
(i) 30.68 acres in lot 5;
(ii) 26.06 acres in lot 6;
(iii) 21.42 acres in lot 7; and
(iv) 16.8 acres in lot 8.
(Q) 652.32 acres in T. 29 N., R. 22 E., sec. 16, excluding the 73.36 acres under lease by individuals who are not members of the Fort Belknap Indian Community, on the date of enactment of this Act.
(R) 640 acres in T. 29 N., R. 22 E., sec. 36.
(S) 640 acres in T. 29 N., R. 23 E., sec. 16.
(T) 640 acres in T. 29 N., R. 24 E., sec. 16.
(U) 640 acres in T. 29 N., R. 24 E., sec. 36.
(V) 640 acres in T. 29 N., R. 25 E., sec. 16.
(W) 640 acres in T. 29 N., R. 25 E., sec. 36.
(X) 640 acres in T. 29 N., R. 26 E., sec. 16.
(Y) 663.22 acres in T. 30 N., R. 22 E., sec. 16, excluding the 58.72 acres under lease by individuals who are not members of the Fort Belknap Indian Community on the date of enactment of this Act.
(Z) 640 acres in T. 30 N., R. 22 E., sec. 36.
(AA) 640 acres in T. 30 N., R. 23 E., sec. 16.
(BB) 640 acres in T. 30 N., R. 23 E., sec. 36.
(CC) 640 acres in T. 30 N., R. 24 E., sec. 16.
(DD) 640 acres in T. 30 N., R. 24 E., sec. 36.
(EE) 640 acres in T. 30 N., R. 25 E., sec. 16.
(FF) 275.88 acres in T. 30 N., R. 26 E., sec. 36, under lease by the Fort Belknap Indian Community Council on the date of enactment of this Act.
(GG) 640 acres in T. 31 N., R. 22 E., sec. 36.
(HH) 640 acres in T. 31 N., R. 23 E., sec. 16.
(II) 640 acres in T. 31 N., R. 23 E., sec. 36.
(JJ) 34.04 acres in T. 31 N., R. 26 E., sec. 16, lot 4.

(4) FEDERAL LAND.—Subject to valid existing rights, and the requirements of this subsection, the Secretary concerned is authorized to convey to the State any public land within the State, except for land that is included within the National Landscape Conservation System established by section 2002(a) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(a)), without regard to whether that land has been identified as available for disposal in a land use plan.

(5) LAND INTO TRUST.—On completion of the land exchange authorized by this subsection, the Secretary shall, as soon as practicable after the enforceability date, take the land received by the United States pursuant to this subsection into trust for the benefit of the Fort Belknap Indian Community.

(6) TERMS AND CONDITIONS.—

(A) EQUAL VALUE.—The values of the Federal land and State land exchanged under this subsection shall be equal, except that the Secretary concerned may—

(i) exchange land that is of approximately equal value if such an exchange complies with the requirements of section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)) (and any regulations implementing that section) without regard to the monetary limitation described in paragraph (1)(A) of that section; and

(ii) make or accept an equalization payment, or waive an equalization payment, if such a payment or waiver of a payment complies with the requirements of section 206(b)

of that Act (43 U.S.C. 1716(b)) (and any regulations implementing that section).

(B) IMPACTS ON LOCAL GOVERNMENTS.—In selecting public land to offer to the State, the Secretary concerned may—

(i) consider the financial impacts of exchanging specific Federal land on local governments; and

(ii) attempt to minimize the financial impact of the exchange on local governments.

(C) EXISTING AUTHORIZATIONS.—

(i) FEDERAL LAND TRANSFERRED TO THE STATE.—

(I) IN GENERAL.—Any Federal land transferred to the State under this subsection shall be conveyed subject to any valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, or right-of-way requests an earlier termination in accordance with existing law.

(II) ASSUMPTION BY STATE.—The State shall assume all benefits and obligations of the Forest Service or the Bureau of Land Management, as applicable, under the existing rights, contracts, leases, permits, and rights-of-way described in subclause (I).

(ii) STATE LAND TRANSFERRED TO THE UNITED STATES.—

(I) IN GENERAL.—Any State land transferred to the United States under this subsection shall be conveyed and taken into trust for the benefit of the Fort Belknap Indian Community subject to any valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, or right-of-way requests an earlier termination in accordance with existing law.

(II) ASSUMPTION BY BIA.—The Bureau of Indian Affairs shall—

(aa) assume all benefits and obligations of the State under the existing rights, contracts, leases, permits, and rights-of-way described in subclause (I); and

(bb) disburse to the Fort Belknap Indian Community any amounts that accrue to the United States from those rights, contracts, leases, permits, and rights-of-way, after the date of transfer from any sale, bonus, royalty, or rental relating to that land in the same manner as amounts received from other land held by the Secretary in trust for the benefit of the Fort Belknap Indian Community.

(D) PERSONAL PROPERTY.—

(i) IN GENERAL.—Any improvements constituting personal property, as defined by State law, belonging to the holder of a right, contract, lease, permit, or right-of-way on land transferred to the United States under this subsection shall—

(I) remain the property of the holder; and

(II) be removed not later than 90 days after the date on which the right, contract, lease, permit, or right-of-way expires, unless the Fort Belknap Indian Community and the holder agree otherwise.

(ii) REMAINING PROPERTY.—Any personal property described in clause (i) remaining with the holder described in that clause beyond the 90-day period described in subclause (II) of that clause shall—

(I) become the property of the Fort Belknap Indian Community; and

(II) be subject to removal and disposition at the discretion of the Fort Belknap Indian Community.

(iii) LIABILITY OF PREVIOUS HOLDER.—The holder of personal property described in clause (i) shall be liable for costs incurred by the Fort Belknap Indian Community in removing and disposing of the personal property under clause (ii)(II).

(7) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of land owned by the State under paragraph (3), the State may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the State parcels to be exchanged.

(8) ASSISTANCE.—The Secretary shall provide $10,000,000 of financial or other assistance to the State and the Fort Belknap Indian Community as may be necessary to obtain the appraisals, and to satisfy administrative requirements, necessary to accomplish the exchanges under paragraph (2).

(b) FEDERAL LAND TRANSFERS.—

(1) IN GENERAL.—Subject to valid existing rights and the requirements of this subsection, all right, title, and interest of the United States in and to the land described in paragraph (2) shall be held by the United States in trust for the benefit of the Fort Belknap Indian Community as part of the Reservation on the enforceability date.

(2) FEDERAL LAND.—

(A) BUREAU OF LAND MANAGEMENT PARCELS.—

(i) 59.46 acres in T. 25 N., R. 22 E., sec. 4, comprised of—

(I) 19.55 acres in lot 10;

(II) 19.82 acres in lot 11; and

(III) 20.09 acres in lot 16.

(ii) 324.24 acres in the N½ of T. 25 N., R. 22 E., sec. 5.

(iii) 403.56 acres in T. 25 N., R. 22 E., sec. 9, comprised of—

(I) 20.39 acres in lot 2;

(II) 20.72 acres in lot 7;

(III) 21.06 acres in lot 8;

(IV) 40.00 acres in lot 9;

(V) 40.00 acres in lot 10;

(VI) 40.00 acres in lot 11;

(VII) 40.00 acres in lot 12;

(VIII) 21.39 acres in lot 13; and

(IX) 160 acres in SW¼.

(iv) 70.63 acres in T. 25 N., R. 22 E., sec. 13, comprised of—

(I) 18.06 acres in lot 5;

(II) 18.25 acres in lot 6;

(III) 18.44 acres in lot 7; and

(IV) 15.88 acres in lot 8.

(v) 71.12 acres in T. 25 N., R. 22 E., sec. 14, comprised of—

(I) 17.65 acres in lot 5;

(II) 17.73 acres in lot 6;

(III) 17.83 acres in lot 7; and

(IV) 17.91 acres in lot 8.

(vi) 103.29 acres in T. 25 N., R. 22 E., sec. 15, comprised of—

(I) 21.56 acres in lot 6;

(II) 29.50 acres in lot 7;

(III) 17.28 acres in lot 8;

(IV) 17.41 acres in lot 9; and

(V) 17.54 acres in lot 10.

(vii) 160 acres in T. 26 N., R. 21 E., sec. 1, comprised of—

(I) 80 acres in the S½ of the NW¼ ; and

(II) 80 acres in the W½ of the SW¼.

(viii) 567.50 acres in T. 26 N., R. 21 E., sec. 2, comprised of—

(I) 82.54 acres in the E½ of the NW¼;

(II) 164.96 acres in the NE¼; and

(III) 320 acres in the S½.

(ix) 240 acres in T. 26 N., R. 21 E., sec. 3, comprised of—

(I) 40 acres in the SE¼ of the NW¼;

(II) 160 acres in the SW¼; and

(III) 40 acres in the SW¼ of the SE¼.

(x) 120 acres in T. 26 N., R. 21 E., sec. 4, comprised of—

(I) 80 acres in the E½ of the SE¼; and

(II) 40 acres in the NW¼ of the SE¼.

(xi) 200 acres in T. 26 N., R. 21 E., sec. 5, comprised of—

(I) 160 acres in the SW¼; and

(II) 40 acres in the SW¼ of the NW¼.

(xii) 40 acres in the SE¼ of the SE¼ of T. 26 N., R. 21 E., sec. 6.

(xiii) 240 acres in T. 26 N., R. 21 E., sec. 8, comprised of—

(I) 40 acres in the NE¼ of the SW¼;

(II) 160 acres in the NW¼; and

(III) 40 acres in the NW¼ of the SE¼.

(xiv) 320 acres in the E½ of T. 26 N., R. 21 E., sec. 9.

(xv) 640 acres in T. 26 N., R. 21 E., sec. 10.

(xvi) 600 acres in T. 26 N., R. 21 E., sec. 11, comprised of—

(I) 320 acres in the N½;

(II) 80 acres in the N½ of the SE¼;

(III) 160 acres in the SW¼; and

(IV) 40 acres in the SW¼ of the SE¼.

(xvii) 525.81 acres in T. 26 N., R. 22 E., sec. 21, comprised of—

(I) 6.62 acres in lot 1;

(II) 5.70 acres in lot 2;

(III) 56.61 acres in lot 5;

(IV) 56.88 acres in lot 6;

(V) 320 acres in the W½; and

(VI) 80 acres in the W½ of the SE¼.

(xviii) 719.58 acres in T. 26 N., R. 22 E., sec. 28.

(xix) 560 acres in T. 26 N., R. 22 E., sec. 29, comprised of—

(I) 320 acres in the N½;

(II) 160 acres in the N½ of the S½; and

(III) 80 acres in the S½ of the SE¼.

(xx) 400 acres in T. 26 N., R. 22 E., sec. 32, comprised of—

(I) 320 acres in the S½; and

(II) 80 acres in the S½ of the NW¼.

(xxi) 455.51 acres in T. 26 N., R. 22 E., sec. 33, comprised of—

(I) 58.25 acres in lot 3;

(II) 58.5 acres in lot 4;

(III) 58.76 acres in lot 5;

(IV) 40 acres in the NW¼ of the NE¼;

(V) 160 acres in the SW¼; and

(VI) 80 acres in the W½ of the SE¼.

(xxii) 88.71 acres in T. 27 N., R. 21 E., sec. 1, comprised of—

(I) 24.36 acres in lot 1;

(II) 24.35 acres in lot 2; and

(III) 40 acres in the SW¼ of the SW¼.

(xxiii) 80 acres in T. 27 N., R. 21 E., sec. 3, comprised of—

(I) 40 acres in lot 11; and

(II) 40 acres in lot 12.

(xxiv) 80 acres in T. 27 N., R. 21 E., sec. 11, comprised of—

(I) 40 acres in the NW¼ of the SW¼; and

(II) 40 acres in the SW¼ of the NW¼.

(xxv) 200 acres in T. 27 N., R. 21 E., sec. 12, comprised of—

(I) 80 acres in the E½ of the SW¼;

(II) 40 acres in the NW¼ of the NW¼; and

(III) 80 acres in the S½ of the NW¼.

(xxvi) 40 acres in the SE¼ of the NE¼ of T. 27 N., R. 21 E., sec. 23.

(xxvii) 320 acres in T. 27 N., R. 21 E., sec. 24, comprised of—

(I) 80 acres in the E½ of the NW¼;

(II) 160 acres in the NE¼;

(III) 40 acres in the NE¼ of the SE¼; and

(IV) 40 acres in the SW¼ of the SW¼.

(xxviii) 120 acres in T. 27 N., R. 21 E., sec. 25, comprised of—

(I) 80 acres in the S½ of the NE¼; and

(II) 40 acres in the SE¼ of the NW¼.

(xxix) 40 acres in the NE¼ of the SE¼ of T. 27 N., R. 21 E., sec. 26.

(xxx) 160 acres in the NW¼ of T. 27 N., R. 21 E., sec. 27.

(xxxi) 40 acres in the SW¼ of the SW¼ of T. 27 N., R. 21 E., sec. 29.

(xxxii) 40 acres in the SW¼ of the NE¼ of T. 27 N., R. 21 E., sec 30.

(xxxiii) 120 acres in T. 27 N., R. 21 E., sec. 33, comprised of—

(I) 40 acres in the SE¼ of the NE¼; and

(II) 80 acres in the N½ of the SE¼.

(xxxiv) 440 acres in T. 27 N., R. 21 E., sec. 34, comprised of—

(I) 160 acres in the N½ of the S½;

(II) 160 acres in the NE¼;

(III) 80 acres in the S½ of the NW¼; and

(IV) 40 acres in the SE¼ of the SE¼.

(xxxv) 133.44 acres in T. 27 N., R. 22 E., sec. 4, comprised of—

(I) 28.09 acres in lot 5;

(II) 25.35 acres in lot 6;
(III) 40 acres in lot 10; and
(IV) 40 acres in lot 15.
(xxxvi) 160 acres in T. 27 N., R. 22 E., sec. 7, comprised of—
(I) 40 acres in the NE¼ of the NE¼;
(II) 40 acres in the NW¼ of the SW¼; and
(III) 80 acres in the W½ of the NW¼.
(xxxvii) 120 acres in T. 27 N., R. 22 E., sec. 8, comprised of—
(I) 80 acres in the E½ of the NW¼; and
(II) 40 acres in the NE¼ of the SW¼.
(xxxviii) 40 acres in the SW¼ of the NW¼ of T. 27 N., R. 22 E., sec. 9.
(xxxix) 40 acres in the NE¼ of the SW¼ of T. 27 N., R. 22 E., sec. 17.
(xl) 40 acres in the NW¼ of the NW¼ of T. 27 N., R. 22 E., sec. 19.
(xli) 40 acres in the SE¼ of the NW¼ of T. 27 N., R22 E., sec. 20.
(xlii) 80 acres in the W½ of the SE¼ of T. 27 N., R. 22 E., sec. 31.
(xliii) 52.36 acres in the SE¼ of the SE¼ of T. 27 N., R. 22 E., sec. 33.
(xliv) 40 acres in the NE¼ of the SW¼ of T. 28 N., R. 22 E., sec. 29.
(xlv) 40 acres in the NE¼ of the NE¼ of T. 26 N., R. 21 E., sec. 7.
(xlvi) 40 acres in the SW¼ of the NW¼ of T. 26 N., R. 21 E., sec. 12.
(xlvii) 42.38 acres in the NW¼ of the NE¼ of T. 26 N., R. 22 E., sec. 6.
(xlviii) 320 acres in the E½ of T. 26 N., R. 22 E., sec. 17.
(xlix) 80 acres in the E½ of the NE¼ of T. 26 N., R. 22 E., sec. 20.
(l) 240 acres in T. 26 N., R. 22 E., sec. 30, comprised of—
(I) 80 acres in the E½ of the NE¼;
(II) 80 acres in the N½ of the SE¼;
(III) 40 acres in the SE¼ of the NW¼; and
(IV) 40 acres in the SW¼ of the NE¼.
(B) BUREAU OF INDIAN AFFAIRS.—The parcels of approximately 3,519.3 acres of trust land that have been converted to fee land, judicially foreclosed on, acquired by the Department of Agriculture, and transferred to the Bureau of Indian Affairs, described in clauses (i) through (iii).
(i) PARCEL 1.—The land described in this clause is 640 acres in T. 29 N., R. 26 E., comprised of—
(I) 160 acres in the SW¼ of sec. 27;
(II) 160 acres in the NE¼ of sec. 33; and
(III) 320 acres in the W½ of sec. 34.
(ii) PARCEL 2.—The land described in this clause is 320 acres in the N½ of T. 30 N., R. 23 E., sec. 28.
(iii) PARCEL 3.—The land described in this clause is 2,559.3 acres, comprised of—
(I) T. 28 N., R. 24 E., including—
(aa) of sec. 16—
(AA) 5 acres in the E½, W½, E½, W½, W½, NE¼;
(BB) 10 acres in the E½ , E½, W½, W½, NE¼;
(CC) 40 acres in the E½, W½, NE¼;
(DD) 40 acres in the W½, E½, NE¼;
(EE) 20 acres in the W½, E½, E½, NE¼;
(FF) 5 acres in the W½, W½, E½, E½, E½, NE¼; and
(GG) 160 acres in the SE¼;
(bb) 640 acres in sec. 21;
(cc) 320 acres in the S½ of sec. 22; and
(dd) 320 acres in the W½ of sec. 27;
(II) T. 29 N., R. 25 E., PMM, including—
(aa) 320 acres in the S½ of sec. 1; and
(bb) 320 acres in the N½ of sec. 12;
(III) 39.9 acres in T. 29 N., R. 26 E., PMM, sec. 6, lot 2;
(IV) T. 30 N., R. 26 E., PMM, including—
(aa) 39.4 acres in sec. 3, lot 2;
(bb) 40 acres in the SW¼ of the SW¼ of sec. 4;
(cc) 80 acres in the E½ of the SE¼ of sec. 5;
(dd) 80 acres in the S½ of the SE¼ of sec. 7; and
(ee) 40 acres in the N½, N½, NE¼ of sec. 18; and
(V) 40 acres in T. 31 N., R. 26 E., PMM, the NW¼ of the SE¼ of sec. 31.
(3) TERMS AND CONDITIONS.—
(A) EXISTING AUTHORIZATIONS.—
(i) IN GENERAL.—Federal land transferred under this subsection shall be conveyed and taken into trust subject to valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, and rights-of-way requests an earlier termination in accordance with existing law.
(ii) ASSUMPTION BY BIA.—The Bureau of Indian Affairs shall—
(I) assume all benefits and obligations of the previous land management agency under the existing rights, contracts, leases, permits, and rights-of-way described in clause (i); and
(II) disburse to the Fort Belknap Indian Community any amounts that accrue to the United States from those rights, contracts, leases, permits, and rights-of-ways after the date of transfer from any sale, bonus, royalty, or rental relating to that land in the same manner as amounts received from other land held by the Secretary in trust for the Fort Belknap Indian Community.
(B) PERSONAL PROPERTY.—
(i) IN GENERAL.—Any improvements constituting personal property, as defined by State law, belonging to the holder of a right, contract, lease, permit, or right-of-way on land transferred under this subsection shall—
(I) remain the property of the holder; and
(II) be removed from the land not later than 90 days after the date on which the right, contract, lease, permit, or right-of-way expires, unless the Fort Belknap Indian Community and the holder agree otherwise.
(ii) REMAINING PROPERTY.—Any personal property described in clause (i) remaining with the holder described in that clause beyond the 90-day period described in subclause (II) of that clause shall—
(I) become the property of the Fort Belknap Indian Community; and
(II) be subject to removal and disposition at the discretion of the Fort Belknap Indian Community.
(iii) LIABILITY OF PREVIOUS HOLDER.—The holder of personal property described in clause (i) shall be liable to the Fort Belknap Indian Community for costs incurred by the Fort Belknap Indian Community in removing and disposing of the property under clause (ii)(II).
(C) EXISTING ROADS.—If any road within the Federal land transferred under this subsection is necessary for customary access to private land, the Bureau of Indian Affairs shall offer the owner of the private land to apply for a right-of-way along the existing road, at the expense of the landowner.
(D) LIMITATION ON THE TRANSFER OF WATER RIGHTS.—Water rights that transfer with the land described in paragraph (2) shall not become part of the Tribal water rights.
(4) WITHDRAWAL OF FEDERAL LAND.—
(A) IN GENERAL.—Subject to valid existing rights, effective on the date of enactment of this Act, all Federal land within the parcels described in paragraph (2) is withdrawn from all forms of—
(i) entry, appropriation, or disposal under the public land laws;
(ii) location, entry, and patent under the mining laws; and
(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
(B) EXPIRATION.—The withdrawals pursuant to subparagraph (A) shall terminate on the date that the Secretary takes the land into trust for the benefit of the Fort Belknap Indian Community pursuant to paragraph (1).
(C) NO NEW RESERVATION OF FEDERAL WATER RIGHTS.—Nothing in this paragraph establishes a new reservation in favor of the United States or the Fort Belknap Indian Community with respect to any water or water right on the land withdrawn by paragraph (2).
(5) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of Federal land in paragraph (2), the United States may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the parcels.
(6) SURVEY.—
(A) IN GENERAL.—Unless the United States or the Fort Belknap Indian Community request an additional survey for the transferred land or a technical correction is made under paragraph (5), the description of land under this subsection shall be controlling.
(B) ADDITIONAL SURVEY.—If the United States or the Fort Belknap Indian Community requests an additional survey, that survey shall control the total acreage to be transferred into trust under this subsection.
(C) ASSISTANCE.—The Secretary shall provide such financial or other assistance as may be necessary—
(i) to conduct additional surveys under this subsection; and
(ii) to satisfy administrative requirements necessary to accomplish the land transfers under this subsection.
(7) DATE OF TRANSFER.—The Secretary shall complete all land transfers under this subsection and shall take the land into trust for the benefit of the Fort Belknap Indian Community as expeditiously as practicable after the enforceability date, but not later than 10 years after the enforceability date.
(c) TRIBALLY OWNED FEE LAND.—Not later than 10 years after the enforceability date, the Secretary shall take into trust for the benefit of the Fort Belknap Indian Community all fee land owned by the Fort Belknap Indian Community on or adjacent to the Reservation to become part of the Reservation, provided that—
(1) the land is free from any liens, encumbrances, or other infirmities; and
(2) no evidence exists of any hazardous substances on, or other environmental liability with respect to, the land.
(d) DODSON LAND.—
(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the enforceability date, but not later than 10 years after the enforceability date, the Dodson Land described in paragraph (3) shall be taken into trust by the United States for the benefit of the Fort Belknap Indian Community as part of the Reservation.
(2) RESTRICTIONS.—The land taken into trust under paragraph (1) shall be subject to a perpetual easement, reserved by the United States for use by the Bureau of Reclamation, its contractors, and its assigns for—
(A) the right of ingress and egress for Milk River Project purposes;
(B) the right to—
(i) seep, flood, and overflow the transferred land for Milk River Project purposes;
(ii) conduct routine and non-routine operation, maintenance, and replacement activities on the Milk River Project facilities, including modification to the headworks at the upstream end of the Dodson South Canal in support of Dodson South Canal enlargement, to include all associated access, construction, and material storage necessary to complete those activities; and
(iii) prohibit the construction of permanent structures on the transferred land, except—

(I) as provided in the cooperative agreement under paragraph (4); and

(II) to meet the requirements of the Milk River Project.

(3) DESCRIPTION OF DODSON LAND.—

(A) IN GENERAL.—The Dodson Land referred to in paragraphs (1) and (2) is the approximately 2,500 acres of land owned by the United States that is, as of the date of enactment of this Act, under the jurisdiction of the Bureau of Reclamation and located at the northeastern corner of the Reservation (which extends to the point in the middle of the main channel of the Milk River), where the Milk River Project facilities, including the Dodson Diversion Dam, headworks to the Dodson South Canal, and Dodson South Canal, are located, and more particularly described as follows:

(i) Supplemental Plat of T. 30 N., R. 26 E., PMM, secs. 1 and 2.

(ii) Supplemental Plat of T. 31 N., R. 25 E., PMM, sec. 13.

(iii) Supplemental Plat of T. 31 N., R. 26 E., PMM, secs. 18, 19, 20, and 29.

(iv) Supplemental Plat of T. 31 N., R. 26 E., PMM, secs. 26, 27, 35, and 36.

(B) CLARIFICATION.—The supplemental plats described in clauses (i) through (iv) of subparagraph (A) are official plats, as documented by retracement boundary surveys of the General Land Office, approved on March 11, 1938, and on record at the Bureau of Land Management.

(C) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of Federal land in subparagraph (A), the United States may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the parcels to be transferred.

(4) COOPERATIVE AGREEMENT.—Not later than 3 years after the enforceability date, the Bureau of Reclamation, the Malta Irrigation District, the Bureau of Indian Affairs, and the Fort Belknap Indian Community shall negotiate and enter into a cooperative agreement that identifies the uses to which the Fort Belknap Indian Community may put the land described in paragraph (3), provided that the cooperative agreement may be amended by mutual agreement of the Fort Belknap Indian Community, Bureau of Reclamation, the Malta Irrigation District, and the Bureau of Indian Affairs, including to modify the perpetual easement to narrow the boundaries of the easement or to terminate the perpetual easement and cooperative agreement.

(e) LAND STATUS.—All land held in trust by the United States for the benefit of the Fort Belknap Indian Community under this section shall be—

(1) beneficially owned by the Fort Belknap Indian Community; and

(2) part of the Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for the benefit of an Indian Tribe.

SEC. 6007. STORAGE ALLOCATION FROM LAKE ELWELL.

(a) STORAGE ALLOCATION OF WATER TO FORT BELKNAP INDIAN COMMUNITY.—The Secretary shall allocate to the Fort Belknap Indian Community 20,000 acre-feet per year of water stored in Lake Elwell for use by the Fort Belknap Indian Community for any beneficial purpose on or off the Reservation, under a water right held by the United States and managed by the Bureau of Reclamation for the benefit of the Fort Belknap Indian Community, as measured and diverted at the outlet works of the Tiber Dam or through direct pumping from Lake Elwell.

(b) TREATMENT.—

(1) IN GENERAL.—The allocation to the Fort Belknap Indian Community under subsection (a) shall be considered to be part of the Tribal water rights.

(2) PRIORITY DATE.—The priority date of the allocation to the Fort Belknap Indian Community under subsection (a) shall be the priority date of the Lake Elwell water right held by the Bureau of Reclamation.

(3) ADMINISTRATION.—The Fort Belknap Indian Community shall administer the water allocated under subsection (a) in accordance with the Compact and this division.

(c) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving an allocation under this section, the Fort Belknap Indian Community shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this division.

(2) INCLUSIONS.—The agreement under paragraph (1) shall include provisions establishing that—

(A) the agreement shall be without limit as to term;

(B) the Fort Belknap Indian Community, and not the United States, shall be entitled to all consideration due to the Fort Belknap Indian Community under any lease, contract, exchange, or agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Fort Belknap Indian Community as consideration under any lease, contract, exchange, or agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d); or

(ii) the expenditure of those funds;

(D) if the capacity or function of Lake Elwell facilities are significantly reduced, or are anticipated to be significantly reduced, for an extended period of time, the Fort Belknap Indian Community shall have the same storage rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Tiber Dam allocable to the Fort Belknap Indian Community shall be nonreimbursable;

(F) no water service capital charge shall be due or payable for any water allocated to the Fort Belknap Indian Community under this section or the allocation agreement, regardless of whether that water is delivered for use by the Fort Belknap Indian Community or under a lease, contract, exchange, or by agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d);

(G) the Fort Belknap Indian Community shall not be required to make payments to the United States for any water allocated to the Fort Belknap Indian Community under this section or the allocation agreement, except for each acre-foot of stored water leased or transferred for industrial purposes as described in subparagraph (H); and

(H) for each acre-foot of stored water leased or transferred by the Fort Belknap Indian Community for industrial purposes—

(i) the Fort Belknap Indian Community shall pay annually to the United States an amount necessary to cover the proportional share of the annual operations, maintenance, and replacement costs allocable to the quantity of water leased or transferred by the Fort Belknap Indian Community for industrial purposes; and

(ii) the annual payments of the Fort Belknap Indian Community shall be reviewed and adjusted, as appropriate, to reflect the actual operations, maintenance, and replacement costs for Tiber Dam.

(d) AGREEMENT BY FORT BELKNAP INDIAN COMMUNITY.—The Fort Belknap Indian Community may use, lease, contract, exchange, or enter into other agreements for the use of the water allocated to the Fort Belknap Indian Community under subsection (a) if—

(1) the use of water that is the subject of such an agreement occurs within the Missouri River Basin; and

(2) the agreement does not permanently alienate any water allocated to the Fort Belknap Indian Community under that subsection.

(e) EFFECTIVE DATE.—The allocation under subsection (a) takes effect on the enforceability date.

(f) NO CARRYOVER STORAGE.—The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) DEVELOPMENT AND DELIVERY COSTS.—The United States shall not be required to pay the cost of developing or delivering any water allocated under this section.

SEC. 6008. MILK RIVER PROJECT MITIGATION.

(a) IN GENERAL.—In complete satisfaction of the Milk River Project mitigation requirements provided for in Article VI.B. of the Compact, the Secretary, acting through the Commissioner—

(1) in cooperation with the State and the Blackfeet Tribe, shall carry out appropriate activities concerning the restoration of the St. Mary Canal and associated facilities, including activities relating to the—

(A) planning and design to restore the St. Mary Canal and appurtenances to convey 850 cubic-feet per second; and

(B) rehabilitating, constructing, and repairing of the St. Mary Canal and appurtenances; and

(2) in cooperation with the State and the Fort Belknap Indian Community, shall carry out appropriate activities concerning the enlargement of Dodson South Canal and associated facilities, including activities relating to the—

(A) planning and design to enlarge Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second; and

(B) rehabilitating, constructing, and enlarging the Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second.

(b) FUNDING.—The total amount of obligations incurred by the Secretary, prior to any adjustments provided for in section 6014(b), shall not exceed $300,000,000 to carry out activities described in subsection (c)(1)

(c) SATISFACTION OF MITIGATION REQUIREMENT.—Notwithstanding any provision of the Compact, the mitigation required by Article VI.B. of the Compact shall be deemed satisfied if—

(1) the Secretary has—

(A) restored the St. Mary Canal and associated facilities to convey 850 cubic-feet per second; and

(B) enlarged the Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second; or

(2) the Secretary—

(A) has expended all of the available funding provided pursuant to section 6014(a)(1)(D) to rehabilitate the St Mary Canal and enlarge the Dodson South Canal; and

(B) despite diligent efforts, could not complete the activities described in subsection (a).

(d) NONREIMBURSABILITY OF COSTS.—The costs to the Secretary of carrying out this section shall be nonreimbursable.

SEC. 6009. FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall rehabilitate, modernize, and expand the Fort Belknap Indian Irrigation Project, which shall include—

(1) planning, studies, and designing of the existing and expanded Milk River unit, including the Pumping Plant, delivery pipe and canal, Fort Belknap Dam and Reservoir, and Peoples Creek Flood Protection Project;

(2) the rehabilitation, modernization, and construction of the existing Milk River unit; and

(3) construction of the expanded Milk River Project, including the Pumping Plant, delivery pipe and canal, Fort Belknap Dam and Reservoir, and Peoples Creek Flood Protection Project.

(b) LEAD AGENCY.—The Bureau of Indian Affairs shall serve as the lead agency with respect to any activities carried out under this section.

(c) CONSULTATION WITH THE FORT BELKNAP INDIAN COMMUNITY.—The Secretary shall consult with the Fort Belknap Indian Community on appropriate changes to the final design and costs of any activity under this section.

(d) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 6014(b), shall not exceed $415,832,153.

(e) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(f) ADMINISTRATION.—The Assistant Secretary of Indian Affairs and the Fort Belknap Indian Community shall negotiate the cost of any oversight activity carried out by the Bureau of Indian Affairs under any agreement entered into under subsection (i), subject to the condition that the total cost for the oversight shall not exceed 3 percent of the total project costs for each project.

(g) PROJECT EFFICIENCIES.—If the total cost of planning, studies, design, rehabilitation, modernization, and construction activities relating to the projects described in subsection (a) results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Fort Belknap Indian Community, shall deposit those savings in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under section 6012(b)(2).

(h) TREATMENT.—Any activities carried out pursuant to this section that result in improvements, additions, or modifications to the Fort Belknap Indian Irrigation Project shall—

(1) become a part of the Fort Belknap Indian Irrigation Project; and

(2) be recorded in the inventory of the Secretary relating to the Fort Belknap Indian Irrigation Project.

(i) APPLICABILITY OF ISDEAA.—At the request of the Fort Belknap Indian Community, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into agreements with the Fort Belknap Indian Community to carry out all or a portion of this section.

(j) EFFECT.—Nothing in this section—

(1) alters any applicable law under which the Bureau of Indian Affairs collects assessments or carries out the operations and maintenance of the Fort Belknap Indian Irrigation Project; or

(2) impacts the availability of amounts under section 6014.

(k) SATISFACTION OF FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM REQUIREMENT.—The obligations of the Secretary under subsection (a) shall be deemed satisfied if—

(1) the Secretary has rehabilitated, modernized, and expanded the Fort Belknap Indian Irrigation Project in accordance with subsection (a); or

(2) the Secretary—

(A) has expended all of the available funding provided pursuant to paragraphs (1)(C) and (2)(A)(iv) of section 6014(a); and

(B) despite diligent efforts, could not complete the activities described in subsection (a).

SEC. 6010. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—The benefits provided under this division shall be in complete replacement of, complete substitution for, and full satisfaction of any claim of the Fort Belknap Indian Community against the United States that is waived and released by the Fort Belknap Indian Community under section 6011(a).

(b) ALLOTTEES.—The benefits realized by the allottees under this division shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims waived and released by the United States (acting as trustee for the allottees) under section 6011(a)(2); and

(2) any claims of the allottees against the United States similar to the claims described in section 6011(a)(2) that the allottee asserted or could have asserted.

SEC. 6011. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE FORT BELKNAP INDIAN COMMUNITY AND UNITED STATES AS TRUSTEE FOR THE FORT BELKNAP INDIAN COMMUNITY.—Subject to the reservation of rights and retention of claims under subsection (d), as consideration for recognition of the Tribal water rights and other benefits described in the Compact and this division, the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), and the United States, acting as trustee for the Fort Belknap Indian Community and the members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), shall execute a waiver and release of all claims for water rights within the State that the Fort Belknap Indian Community, or the United States acting as trustee for the Fort Belknap Indian Community, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this division.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES AS TRUSTEE FOR ALLOTTEES.—Subject to the reservation of rights and the retention of claims under subsection (d), as consideration for recognition of the Tribal water rights and other benefits described in the Compact and this division, the United States, acting as trustee for the allottees, shall execute a waiver and release of all claims for water rights within the Reservation that the United States, acting as trustee for the allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this division.

(3) WAIVER AND RELEASE OF CLAIMS BY THE FORT BELKNAP INDIAN COMMUNITY AGAINST THE UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (d), the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States)—

(A) first arising before the enforceability date relating to—

(i) water rights within the State that the United States, acting as trustee for the Fort Belknap Indian Community, asserted or could have asserted in any proceeding, including a general stream adjudication in the State, except to the extent that such rights are recognized as Tribal water rights under this division;

(ii) foregone benefits from nontribal use of water, on and off the Reservation (including water from all sources and for all uses);

(iii) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights, including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion of, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State;

(iv) a failure to establish or provide a municipal rural or industrial water delivery system on the Reservation;

(v) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of the Fort Belknap Indian Irrigation Project and other Federal land and facilities (including damages, losses, or injuries to Tribal fisheries, fish habitat, wildlife, and wildlife habitat);

(vi) a failure to provide for operation and maintenance, or deferred maintenance, for the Fort Belknap Indian Irrigation Project or any other irrigation system or irrigation project;

(vii) the litigation of claims relating to any water rights of the Fort Belknap Indian Community in the State;

(viii) the negotiation, execution, or adoption of the Compact (including appendices) and this division;

(ix) the taking or acquisition of land or resources of the Fort Belknap Indian Community for the construction or operation of the Fort Belknap Indian Irrigation Project or the Milk River Project; and

(x) the allocation of water of the Milk River and the St. Mary River (including tributaries) between the United States and Canada pursuant to the International Boundary Waters Treaty of 1909 (36 Stat. 2448); and

(B) relating to damage, loss, or injury to water, water rights, land, or natural resources due to mining activities in the Little Rockies Mountains prior to the date of trust acquisition, including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights.

(b) EFFECTIVENESS.—The waivers and releases under subsection (a) shall take effect on the enforceability date.

(c) OBJECTIONS IN MONTANA WATER COURT.—Nothing in this division or the Compact prohibits the Fort Belknap Indian Community, a member of the Fort Belknap Indian Community, an allottee, or the United States in any capacity from objecting to any claim to a water right filed in any general stream adjudication in the Montana Water Court.

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsection (a), the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community, and the United States, acting as

trustee for the Fort Belknap Indian Community and the allottees shall retain—

(1) all claims relating to—

(A) the enforcement of water rights recognized under the Compact, any final court decree relating to those water rights, or this division or to water rights accruing on or after the enforceability date;

(B) the quality of water under—

(i) CERCLA, including damages to natural resources;

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii);

(C) damage, loss, or injury to land or natural resources that are—

(i) not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights); and

(ii) not described in subsection (a)(3); and

(D) an action to prevent any person or party (as defined in sections 29 and 30 of Article II of the Compact) from interfering with the enjoyment of the Tribal water rights;

(2) all claims relating to off-Reservation hunting rights, fishing rights, gathering rights, or other rights;

(3) all claims relating to the right to use and protect water rights acquired after the date of enactment of this Act;

(4) all claims relating to the allocation of waters of the Milk River and the Milk River Project between the Fort Belknap Indian Community and the Blackfeet Tribe, pursuant to section 3705(e)(3) of the Blackfeet Water Rights Settlement Act (Public Law 114–322; 130 Stat. 1818);

(5) all claims relating to the enforcement of this division, including the required transfer of land under section 6006; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this division or the Compact.

(e) EFFECT OF COMPACT AND DIVISION.—Nothing in the Compact or this division—

(1) affects the authority of the Fort Belknap Indian Community to enforce the laws of the Fort Belknap Indian Community, including with respect to environmental protections;

(2) affects the ability of the United States, acting as sovereign, to carry out any activity authorized by law, including—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) CERCLA; and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(3) affects the ability of the United States to act as trustee for any other Indian Tribe or an allottee of any other Indian Tribe;

(4) confers jurisdiction on any State court—

(A) to interpret Federal law relating to health, safety, or the environment;

(B) to determine the duties of the United States or any other party under Federal law relating to health, safety, or the environment; or

(C) to conduct judicial review of any Federal agency action;

(5) waives any claim of a member of the Fort Belknap Indian Community in an individual capacity that does not derive from a right of the Fort Belknap Indian Community;

(6) revives any claim adjudicated in the decision in Gros Ventre Tribe v. United States, 469 F.3d 801 (9th Cir. 2006); or

(7) revives any claim released by an allottee or member of the Fort Belknap Indian Community in the settlement in Cobell v. Salazar, No. 1:96CV01285–JR (D.D.C. 2012).

(f) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) the eligible members of the Fort Belknap Indian Community have voted to approve this division and the Compact by a majority of votes cast on the day of the vote;

(2)(A) the Montana Water Court has approved the Compact in a manner from which no further appeal may be taken; or

(B) if the Montana Water Court is found to lack jurisdiction, the appropriate district court of the United States has approved the Compact as a consent decree from which no further appeal may be taken;

(3) all of the amounts authorized to be appropriated under section 6014 have been appropriated and deposited in the designated accounts;

(4) the Secretary and the Fort Belknap Indian Community have executed an allocation agreement described in section 6007(c)(1);

(5) the State has provided the required funding into the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund pursuant to section 6014(a)(3); and

(6) the waivers and releases under subsection (a) have been executed by the Fort Belknap Indian Community and the Secretary.

(g) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforceability date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitations or time-based equitable defense that expired before the date of enactment of this Act.

(h) EXPIRATION.—

(1) IN GENERAL.—This division shall expire in any case in which—

(A) the amounts authorized to be appropriated by this division have not been made available to the Secretary by not later than—

(i) January 21, 2034; and

(ii) such alternative later date as is agreed to by the Fort Belknap Indian Community and the Secretary; or

(B) the Secretary fails to publish a statement of findings under subsection (f) by not later than—

(i) January 21, 2035; and

(ii) such alternative later date as is agreed to by the Fort Belknap Indian Community and the Secretary, after providing reasonable notice to the State.

(2) CONSEQUENCES.—If this division expires under paragraph (1)—

(A) the waivers and releases under subsection (a) shall—

(i) expire; and

(ii) have no further force or effect;

(B) the authorization, ratification, confirmation, and execution of the Compact under section 6004 shall no longer be effective;

(C) any action carried out by the Secretary, and any contract or agreement entered into, pursuant to this division shall be void;

(D) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this division, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this division shall be returned to the Federal Government, unless otherwise agreed to by the Fort Belknap Indian Community and the United States and approved by Congress; and

(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this division that were expended or withdrawn, or any funds made available to carry out this division from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United States—

(i) relating to—

(I) water rights in the State asserted by—

(aa) the Fort Belknap Indian Community; or

(bb) any user of the Tribal water rights; or

(II) any other matter described in subsection (a)(3); or

(ii) in any future settlement of water rights of the Fort Belknap Indian Community or an allottee.

SEC. 6012. AANIIIH NAKODA SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT.—The Secretary shall establish a trust fund for the Fort Belknap Indian Community, to be known as the ''Aaniiih Nakoda Settlement Trust Fund'', to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any investment earnings, including interest, earned on those amounts, for the purpose of carrying out this division.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following accounts:

(1) The Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account.

(2) The Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account.

(3) The Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account.

(c) DEPOSITS.—The Secretary shall deposit—

(1) in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1), the amounts made available pursuant to paragraphs (1)(A) and (2)(A)(i) of section 6014(a);

(2) in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2), the amounts made available pursuant to section 6014(a)(2)(A)(ii); and

(3) in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3), the amounts made available pursuant to paragraphs (1)(B) and (2)(A)(iii) of section 6014(a).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—On receipt and deposit of the funds into the accounts in the Trust Fund pursuant to subsection (c), the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in accordance with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INVESTMENT EARNINGS.—In addition to the amounts deposited under subsection (c), any investment earnings, including interest, credited to amounts held in the Trust Fund shall be available for use in accordance with subsections (e) and (g).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, including interest, earned on those amounts shall be made available—

(A) to the Fort Belknap Indian Community by the Secretary beginning on the enforceability date; and

(B) subject to the uses and restrictions in this section.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) amounts deposited in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1) shall be available to the Fort Belknap Indian Community on the date on which the amounts are deposited for uses described in subparagraph (A) and (B) of subsection (g)(1);

(B) amounts deposited in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2) shall be made available to the Fort Belknap Indian Community on the date on which the amounts are deposited and the Fort Belknap Indian Community has satisfied the requirements of section 6011(f)(1), for the uses described in subsection (g)(2)(A); and

(C) amounts deposited in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3) shall be available to the Fort Belknap Indian Community on the date on which the amounts are deposited for the uses described in subsection (g)(3)(A).

(f) WITHDRAWALS.—

(1) AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—

(A) IN GENERAL.—The Fort Belknap Indian Community may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a Tribal management plan submitted by the Fort Belknap Indian Community in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the Fort Belknap Indian Community spend all amounts withdrawn from the Trust Fund, and any investment earnings accrued through the investments under the Tribal management plan, in accordance with this division.

(C) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary—

(i) to enforce the Tribal management plan; and

(ii) to ensure that amounts withdrawn from the Trust Fund by the Fort Belknap Indian Community under this paragraph are used in accordance with this division.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(A) IN GENERAL.—The Fort Belknap Indian Community may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(B) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this paragraph, the Fort Belknap Indian Community shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Fort Belknap Indian Community elects to withdraw pursuant to this paragraph, subject to the condition that the funds shall be used for the purposes described in this division.

(C) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Fort Belknap Indian Community in accordance with subsections (e) and (g).

(D) APPROVAL.—On receipt of an expenditure plan under this paragraph, the Secretary shall approve the expenditure plan if the Secretary determines that the expenditure plan—

(i) is reasonable; and

(ii) is consistent with, and will be used for, the purposes of this division.

(E) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan under this paragraph to ensure that amounts disbursed under this paragraph are used in accordance with this division.

(g) USES.—Amounts from the Trust Fund shall be used by the Fort Belknap Indian Community for the following purposes:

(1) FORT BELKNAP INDIAN COMMUNITY TRIBAL IRRIGATION AND OTHER WATER RESOURCES DEVELOPMENT ACCOUNT.—Amounts in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1) shall be used to pay the cost of activities relating to—

(A) planning, studies, and design of the Southern Tributary Irrigation Project and the Peoples Creek Irrigation Project, including the Upper Peoples Creek Dam and Reservoir, as described in the Fort Belknap Indian Community Comprehensive Water Development Plan dated 2019;

(B) environmental compliance;

(C) construction of the Southern Tributary Irrigation Project and the Peoples Creek Irrigation Project, including the Upper Peoples Creek Dam and Reservoir;

(D) wetlands restoration and development;

(E) stock watering infrastructure; and

(F) on farm development support and reacquisition of fee lands within the Fort Belknap Indian Irrigation Project.

(2) FORT BELKNAP INDIAN COMMUNITY WATER RESOURCES AND WATER RIGHTS ADMINISTRATION, OPERATION, AND MAINTENANCE ACCOUNT.—Amounts in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2), the principal and investment earnings, including interest, may only be used by the Fort Belknap Indian Community to pay the costs of activities described in subparagraphs (A) through (C) as follows:

(A) $9,000,000 shall be used for the establishment, operation, and capital expenditures in connection with the administration of the Tribal water resources and water rights development, including the development or enactment of a Tribal water code.

(B) Only investment earnings, including interest, on $29,299,059 shall be used and be available to pay the costs of activities for administration, operations, and regulation of the Tribal water resources and water rights department, in accordance with the Compact and this division.

(C) Only investment earnings, including interest, on $28,331,693 shall be used and be available to pay the costs of activities relating to a portion of the annual assessment costs for the Fort Belknap Indian Community and Tribal members, including allottees, under the Fort Belknap Indian Irrigation Project.

(3) FORT BELKNAP INDIAN COMMUNITY CLEAN AND SAFE DOMESTIC WATER AND SEWER SYSTEMS, AND LAKE ELWELL PROJECT ACCOUNT.—Amounts in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3), the principal and investment earnings, including interest, may only be used by the Fort Belknap Indian Community to pay the costs of activities relating to—

(A) planning, studies, and design of domestic water supply, sewer collection and treatment systems, and Lake Elwell Project, as described in the Fort Belknap Indian Community Comprehensive Water Development Plan dated 2019, including water delivery to the southern part of the Reservation;

(B) construction of domestic water supply, sewer collection, and treatment systems;

(C) construction, in accordance with applicable law, of infrastructure for delivery of Lake Elwell water diverted from the Missouri River to the southern part of the Reservation; and

(D) planning, studies, design, and construction of a Tribal wellness center for a work force health and wellbeing project.

(h) LIABILITY.—The Secretary shall not be liable for any expenditure or investment of amounts withdrawn from the Trust Fund by the Fort Belknap Indian Community pursuant to subsection (f).

(i) PROJECT EFFICIENCIES.—If the total cost of the activities described in subsection (g) results in cost savings and is less than the amounts authorized to be obligated under any of paragraphs (1) through (3) of that subsection required to carry out those activities, the Secretary, at the request of the Fort Belknap Indian Community, shall deposit those savings in the Trust Fund to be used in accordance with that subsection.

(j) ANNUAL REPORT.—The Fort Belknap Indian Community shall submit to the Secretary an annual expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan described in this section.

(k) NO PER CAPITA PAYMENTS.—No principal or interest amount in any account established by this section shall be distributed to any member of the Fort Belknap Indian Community on a per capita basis.

(l) EFFECT.—Nothing in this division entitles the Fort Belknap Indian Community to judicial review of a determination of the Secretary regarding whether to approve a Tribal management plan under subsection (f)(1) or an expenditure plan under subsection (f)(2), except as provided under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

SEC. 6013. FORT BELKNAP INDIAN COMMUNITY WATER SETTLEMENT IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a nontrust, interest-bearing account to be known as the ''Fort Belknap Indian Community Water Settlement Implementation Fund'', to be managed and distributed by the Secretary, for use by the Secretary for carrying out this division.

(b) ACCOUNTS.—The Secretary shall establish in the Implementation Fund the following accounts:

(1) The Fort Belknap Indian Irrigation Project System Account.

(2) The Milk River Project Mitigation Account.

(c) DEPOSITS.—The Secretary shall deposit—

(1) in the Fort Belknap Indian Irrigation Project System Account established under

subsection (b)(1), the amount made available pursuant to paragraphs (1)(C) and (2)(A)(iv) of section 6014(a); and

(2) in the Milk River Project Mitigation Account established under subsection (b)(2), the amount made available pursuant to section 6014(a)(1)(D).

(d) USES.—

(1) FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM ACCOUNT.—The Fort Belknap Indian Irrigation Project Rehabilitation Account established under subsection (b)(1) shall be used to carry out section 6009, except as provided in subsection (g) of that section.

(2) MILK RIVER PROJECT MITIGATION ACCOUNT.—The Milk River Project Mitigation Account established under subsection (b)(2) may only be used to carry out section 6008.

(e) MANAGEMENT.—

(1) IN GENERAL.—Amounts in the Implementation Fund shall not be available to the Secretary for expenditure until the enforceability date.

(2) EXCEPTION.—Notwithstanding paragraph (1), amounts deposited in the Fort Belknap Indian Irrigation Project System Account established under subsection (b)(1) shall be available to the Secretary on the date on which the amounts are deposited for uses described in paragraphs (1) and (2) of section 6009(a).

(f) INTEREST.—In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Implementation Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (d).

SEC. 6014. FUNDING.

(a) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Secretary—

(A) for deposit in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 6012(b)(1), $89,643,100, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(B) for deposit in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account of the Trust Fund established under section 6012(b)(3), $331,885,220, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(C) for deposit in the Fort Belknap Indian Irrigation Project System Account of the Implementation Fund established under section 6013(b)(1), such sums as are necessary, but not more than $187,124,469, for the Secretary to carry out section 6009, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury; and

(D) for deposit in the Milk River Project Mitigation Account of the Implementation Fund established under section 6013(b)(2), such sums as are necessary, but not more than $300,000,000, for the Secretary to carry out obligations of the Secretary under section 6008, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) MANDATORY APPROPRIATIONS.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit—

(i) in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 6012(b)(1), $29,881,034, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(ii) in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account of the Trust Fund established under section 6012(b)(2), $66,630,752;

(iii) in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account of the Trust Fund established under section 6012(b)(3), $110,628,407; and

(iv) in the Fort Belknap Indian Irrigation Project System Account of the Implementation Fund established under section 6013(b)(1), $228,707,684.

(B) AVAILABILITY.—Amounts deposited in the Trust Fund under subparagraph (A) shall be available without further appropriation.

(3) STATE COST SHARE.—The State shall contribute $5,000,000, plus any earned interest, payable to the Secretary for deposit in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 6012(b)(1) on approval of a final decree by the Montana Water Court for the purpose of activities relating to the Upper Peoples Creek Dam and Reservoir under subparagraphs (A) through (C) of section 6012(g)(1).

(b) FLUCTUATION IN COSTS.—

(1) IN GENERAL.—The amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and this subsection shall be—

(A) increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend; and

(B) adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by engineering cost indices as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

(2) REPETITION.—The adjustment process under paragraph (1) shall be repeated for each subsequent amount appropriated until the amount authorized to be appropriated under subsection (a), as adjusted, has been appropriated.

(3) PERIOD OF INDEXING.—

(A) TRUST FUND.—With respect to the Trust Fund, the period of indexing adjustment under paragraph (1) for any increment of funding shall end on the date on which the funds are deposited into the Trust Fund.

(B) IMPLEMENTATION FUND.—With respect to the Implementation Fund, the period of adjustment under paragraph (1) for any increment of funding shall be annually.

SEC. 6015. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this division waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this division quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian Tribe, band, or community other than the Fort Belknap Indian Community.

(c) ELIMINATION OF DEBTS OR LIENS AGAINST ALLOTMENTS OF THE FORT BELKNAP INDIAN COMMUNITY MEMBERS WITHIN THE FORT BELKNAP INDIAN IRRIGATION PROJECT.—On the date of enactment of this Act, the Secretary shall cancel and eliminate all debts or liens against the allotments of land held by the Fort Belknap Indian Community and the members of the Fort Belknap Indian Community due to construction assessments and annual operation and maintenance charges relating to the Fort Belknap Indian Irrigation Project.

(d) EFFECT ON CURRENT LAW.—Nothing in this division affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(e) EFFECT ON RECLAMATION LAWS.—The activities carried out by the Commissioner under this division shall not establish a precedent or impact the authority provided under any other provision of the reclamation laws, including—

(1) the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

(f) ADDITIONAL FUNDING.—Nothing in this division prohibits the Fort Belknap Indian Community from seeking—

(1) additional funds for Tribal programs or purposes; or

(2) funding from the United States or the State based on the status of the Fort Belknap Indian Community as an Indian Tribe.

(g) RIGHTS UNDER STATE LAW.—Except as provided in section 1 of Article III of the Compact (relating to the closing of certain water basins in the State to new appropriations in accordance with the laws of the State), nothing in this division or the Compact precludes the acquisition or exercise of a right arising under State law (as defined in section 6 of Article II of the Compact) to the use of water by the Fort Belknap Indian Community, or a member or allottee of the Fort Belknap Indian Community, outside the Reservation by—

(1) purchase of the right; or

(2) submitting to the State an application in accordance with State law.

(h) WATER STORAGE AND IMPORTATION.—Nothing in this division or the Compact prevents the Fort Belknap Indian Community from participating in any project to import water to, or to add storage in, the Milk River Basin.

SEC. 6016. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this division, including any obligation or activity under the Compact, if—

(1) adequate appropriations are not provided by Congress expressly to carry out the purposes of this division; or

(2) there are not enough funds available in the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)) to carry out the purposes of this division.

SA 455. Mr. PADILLA submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. STUDY ON USE OF MONOLITHIC INDIUM PHOSPHIDE SYSTEM ON CHIP PHOTONIC INTEGRATED CIRCUITS IN DEFENSE SUPPLY CHAINS.

(a) STUDY.—The Secretary of Defense shall conduct [a] study on the benefits, challenges, and opportunities associated with the use of monolithic indium phosphide system

on chip photonic integrated circuits (referred to in this section as ''MInPSOCPICs'') in supply chains of the Department of Defense.

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The potential of use of MInPSOCPICs for defense applications such as—

(A) secure and high-speed communications networks, including satellite based networks;

(B) quantum information systems, sensing, and communications;

(C) microelectronics hardware architectures supporting artificial intelligence applications;

(D) precision position, timing, and navigation sensors, such as short and long-range Light Detection and Ranging systems or atomic clocks;

(E) directed energy weapons; and

(F) other such applications as determined by the Secretary.

(2) The benefits associated with the use of MInPSOCPICs in the Department supply chains, including benefits with respect to power consumption, thermal management, light generation and transmission, speed of data transfer, level of integration and functional complexity, compatibility with other electronics technologies, cost, size, performance (linearity, noise, signal-to-noise-ratio, and output power), and reliability of MInSOCPICs.

(3) The challenges associated with the use of MInPSOCPICs in the Department supply chains, including challenges relating to—

(A) domestic production at scale of MInPSOCPICs;

(B) availability of domestic sources of MInPSOCPICs;

(C) reliance on, development and use of, and attempts to produce by foreign adversaries related to MInPSOCPICs, heterogenous photonic integrated circuits, and indium and phosphide-based microelectronics generally and at scale;

(D) ability to scale the integration and packaging of MInPSOCPICs; and

(E) ability to integrate diverse functions for critical applications on MInPSOCPICs.

(4) The opportunities associated with the use of MInPSOCPICs in the Department supply chains, including opportunities for new technology developments and applications, and heterogeneously integrated indium and phosphide photonic integrated circuits for defense purposes.

(5) Potential applications of MInPSOCPICs and heterogeneous integrated photonic integrated circuits to support international allies and partners of the United States.

(6) Costs associated with the development and use of MInPSOCPICs and heterogeneous integrated photonic integrated circuits, including—

(A) costs for further research and development unilaterally and in conjunction with international allies and partners; and

(B) identification of the resources needed to procure or develop technologies based on MInPSOCPICs and heterogenous integrated photonic integrated circuits.

(7) Any policies, resource constraints, or technical challenges that limit the ability of each Secretary of a military department to develop and use MInPSOCPICs and heterogeneously integrated photonic integrated circuits in its supply chains, including an assessment of the cost related to the procurement of MInPSOCPICs at scale or for specialized applications.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the Secretary with respect to the Study conducted under subsection (a).

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

(e) DEFINITIONS.—In this section:

(1) The term ''heterogeneous photonic integrated circuit'' means a photonic integrated circuit fabricated using and composed more than one base element and not including silicon.

(2) The term ''Monolithic Integrated Photonic Indium Phosphide System on Chip Photonic Integrated Circuit'' means a photonic integrated circuit fabricated using and composed of the base elements indium and phosphide with diverse functions on such circuit monolithically integrated to include a laser, a modulator, detector, and optical waveguides.

(3) The term ''photonic integrated circuit'' means an integrated circuit fabricated from a compound semiconductor and containing photonic elements that perform analog or digital functions with photons.

SA 456. Mr. PADILLA (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. PILOT PROGRAM FOR ROUTINE MENTAL HEALTH CHECK-UPS IN SCHOOLS OPERATED BY THE DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) IN GENERAL.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish and implement a pilot program to provide routine metal health check-ups for students in covered DODEA schools.

(b) PROGRAM ACTIVITIES.—Under the pilot program established under subsection (a), the Secretary shall—

(1) subject to subsection (d), ensure that students at covered DODEA schools receive routine mental health check-ups, conducted by military medical treatment facility behavioral health providers assigned to such schools, and which may include the use of mental health screening tools, such as the Patient Health Questionnaire-2 or the Patient Health Questionnaire-9;

(2) ensure that such mental health check-ups—

(A) consist of biannual or semesterly mental and behavioral health screenings for disorders common in children aged 3 to 17, including—

(i) an initial virtual screening test for all students; and

(ii) a follow-up screening carried out by a school psychologist or school nurse for students with specific needs identified through the initial screening; and

(B) include questions about a student's mood, emotional state, habits, and behaviors to help diagnose conditions such as—

(i) depression;

(ii) suicidal ideation;

(iii) anxiety;

(iv) attention-deficit/hyperactivity disorder (ADHD);

(v) eating disorders;

(vi) substance abuse; and

(vii) dual diagnosis conditions;

(3) train licensed mental and behavioral health professionals to conduct mental health check-ups, including training in—

(A) recognizing the signs and symptoms of mental illnesses; and

(B) safely de-escalating crises involving individuals with a mental illness;

(4) establish a streamlined diagnosis-to-treatment process, including a comprehensive process through which a student with needs identified through a mental health check-up—

(A) may be referred to a certified community behavioral health clinic in the community in which the school is located; and

(B) may receive additional care or treatment through comprehensive school-based services;

(5) mobilize school nurses and counselors to facilitate screening in collaboration with administrators and teachers;

(6) conduct awareness-building educational efforts in conjunction with the screening process; and

(7) make resources available to the communities surrounding schools for individuals with a mental illness through a coordinated referral process with local community-based health clinics and school-based mental health clinics if such school-based mental health clinics are available and have the capacity and expertise to handle complex mental health situations.

(c) SELECTION OF SCHOOLS.—

(1) INITIAL SELECTION.—For the one-year period beginning on the date on which the pilot program established under subsection (a) commences, the Secretary shall select 10 covered DODEA schools at which to carry out the pilot program.

(2) SUBSEQUENT YEARS.—For the one-year period beginning after the end of the one-year period described in paragraph (1), and each one-year period thereafter until the termination of the pilot program under subsection (h), the Secretary shall select an additional 10 covered DODEA schools at which to carry out the pilot program relative to the number of schools at which the pilot program is carried out in the preceding one-year period.

(3) SELECTION OF SCHOOLS OVERSEAS.—In selecting covered DODEA schools under paragraph (1) or (2) for any one-year period, the Secretary shall select not fewer than 2 such schools located outside the United States.

(d) REFERRAL PROCESS REQUIREMENTS.—

(1) AGREEMENTS WITH BEHAVIORAL HEALTH CLINICS.—For purposes of the comprehensive referral process described in subsection (b)(4), the Secretary of Defense shall seek to enter into memoranda of understanding or other agreements with federally funded community behavioral health clinics in communities in which covered DODEA schools are located pursuant to which a school may refer students to such a clinic and make appointments for students at the clinic. The requirement to establish such a referral process may not be satisfied solely by providing a list of nearby community behavioral health clinics to parents of students at covered DODEA schools.

(2) EXCEPTION.—In a case in which the Secretary of Defense is unable to meet the requirements of paragraph (1) because there is no federally funded community behavioral health clinic in a community in which a covered DODEA school is located, the Secretary of Defense shall develop and make available a comprehensive guide to the mental health resources that are available to students and parents in that community.

(e) STUDENT PRIVACY PROTECTIONS.—In carrying out the pilot program established under subsection (a), the Secretary shall ensure that a parent or guardian of a student at a covered DODEA school—

(1) is provided with—

(A) notice that a student may receive a mental health check-up under the pilot program; and

(B) an opportunity to opt the student out of any such mental health check-up before it is administered; and

(2) gives informed consent before—

(A) the referral of a student to a community-based health clinic as described in subsection (b)(4)(A); or

(B) the disclosure of any information concerning such student to such a clinic.

(f) EVALUATIONS.—Not later than 180 days after commencing the pilot program under subsection (a), and not less frequently than every 180 days thereafter, the Secretary of Defense shall conduct an evaluation of the pilot program, which shall include evaluation of—

(1) processes under the pilot program; and

(2) student outcomes under the pilot program.

(g) REPORT.—Not later than one year before the pilot program terminates under subsection (h), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the pilot program. The report shall include—

(1) the results of the evaluations conducted under subsection (f);

(2) an assessment of whether the pilot program should be continued;

(3) a strategy for expanding the pilot program to all DODEA schools; and

(4) such other information as the Secretary determines appropriate.

(h) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the commencement of the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal years 2024 through 2029.

(j) DEFINITIONS.—In this section:

(1) CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.—The term ''certified community behavioral health clinic'' means a certified community behavioral health clinic as such term is used in section 223 of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note).

(2) COVERED DODEA SCHOOL.—The term ''covered DODEA school'' means an elementary school or secondary school—

(A) operated by the Department of Defense Education Activity within or outside the United States; and

(B) that the Secretary determines has adequate mental health infrastructure in place to provide mental health check-ups under the pilot program established under subsection (a).

(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'' and ''secondary school'' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) MILITARY MEDICAL TREATMENT FACILITY.—The term ''military medical treatment facility'' means a facility described in subsection (b), (c), or (d) of section 1073d of title 10, United States Code.

SA 457. Mr. PADILLA (for himself, Mr. BOOZMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. REVISION OF REQUIREMENT FOR TRANSFER OF CERTAIN AIRCRAFT TO STATE OF CALIFORNIA FOR WILDFIRE SUPPRESSION PURPOSES.

(a) TRANSFER OF EXCESS COAST GUARD HC-130H AIRCRAFT.—

(1) TRANSFER TO STATE OF CALIFORNIA.—The Secretary of Homeland Security shall transfer to the State of California without reimbursement—

(A) all right, title, and interest of the United States in and to the seven HC–130H aircraft specified in paragraph (2); and

(B) initial spares (calculated based on shelf stock support for seven HC–130H aircraft each flying 400 hours each year) and necessary ground support equipment for such aircraft.

(2) AIRCRAFT SPECIFIED.—The aircraft specified in this paragraph are the HC–130H Coast Guard aircraft with serial numbers 1706, 1708, 1709, 1713, 1714, 1719, and 1721.

(3) TIMING; AIRCRAFT MODIFICATIONS.—The transfers under paragraph (1)—

(A) shall be made as soon as practicable after the date of the enactment of this Act; and

(B) may be carried out without further modifications to the aircraft by the United States.

(b) CONDITIONS OF TRANSFER.—Aircraft transferred to the State of California under subsection (a)(1)—

(1) may be used only for wildfire suppression purposes;

(2) may not be flown outside of, or otherwise removed from, the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other disaster-related response purposes approved by the Governor of California in writing in advance; and

(3) may only be disposed of by the State of California pursuant to the statutes and regulations governing disposal of aircraft provided to the State of California through the Federal Excess Personal Property Program.

(c) TRANSFER OF RESIDUAL KITS AND PARTS HELD BY AIR FORCE.—The Secretary of the Air Force may transfer to the State of California, without reimbursement, any residual kits and parts held by the Secretary of the Air Force that were procured in anticipation of the transfer to the Secretary of the Air Force of the aircraft specified in subsection (a)(2).

(d) REPEAL OF PRIOR PROVISIONS OF LAW RELATING TO TRANSFER.—The following provisions of law are repealed:

(1) Subsections (a), (c), (d), and (f) of section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 881), as amended by section 1083 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1989).

(2) Section 1083 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1989).

SA 458. Mr. CORNYN (for himself, Mr. PETERS, Mr. YOUNG, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PROVISION OF AIRPORT IMPROVEMENT GRANT FUNDS TO CERTAIN ENTITIES THAT HAVE VIOLATED INTELLECTUAL PROPERTY RIGHTS OF UNITED STATES ENTITIES.

(a) IN GENERAL.—During the period beginning on the date that is 30 days after the date of the enactment of this section, amounts provided as project grants under subchapter I of chapter 471 of title 49, United States Code, may not be used to enter into a contract described in subsection (b) with any entity on the list required by subsection (c).

(b) CONTRACT DESCRIBED.—A contract described in this subsection is a contract or other agreement for the procurement of infrastructure or equipment for a passenger boarding bridge at an airport.

(c) LIST REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and thereafter as required by paragraph (2), the United States Trade Representative, the Attorney General, and the Administrator of the Federal Aviation Administration shall make available to the Administrator of the Federal Aviation Administration a publicly-available a list of entities manufacturing airport passenger boarding infrastructure or equipment that—

(A) are owned, directed by, or subsidized in whole, or in part by the People's Republic of China;

(B) have been determined by a Federal court to have misappropriated intellectual property or trade secrets from an entity organized under the laws of the United States or any jurisdiction within the United States;

(C) own or control, are owned or controlled by, are under common ownership or control with, or are successors to, an entity described in subparagraph (A);

(D) own or control, are under common ownership or control with, or are successors to, an entity described in subparagraph (A); or

(E) have entered into an agreement with or accepted funding from, whether in the form of minority investment interest or debt, have entered into a partnership with, or have entered into another contractual or other written arrangement with, an entity described in subparagraph (A).

(2) UPDATES TO LIST.—The United States Trade Representative shall update the list required by paragraph (1), based on information provided by the Attorney General and the Administrator of the Federal Aviation Administration—

(A) not less frequently than every 90 days during the 180-day period following the initial publication of the list under paragraph (1); and

(B) not less frequently than annually thereafter.

(d) DEFINITIONS.—In this section, the definitions in section 47102 of title 49, United States Code, shall apply.

SA 459. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1240A. PROHIBITION ON LONG-TERM SECURITY GUARANTEES FOR UKRAINE.

(a) IN GENERAL.—The President or any other executive branch official may not sign any agreement, communique, or other document with the official signature of the United States that provides long-term security guarantees for Ukraine.

(b) LONG-TERM SECURITY GUARANTEE DEFINED.—In this section, the term ''long-term security guarantee'' includes, but is not limited to, a commitment by the United States to provide Ukraine with—

(1) security assistance;

(2) reconstruction assistance;

(3) multi-year memoranda of understanding;

(4) training programs; or

(5) joint military exercises.

SA 460. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle B of title XXVIII, add the following:

SEC. 2853. REVISION OF UNIFIED FACILITIES CRITERIA ON USE OF LIFE SAFETY ACCESSIBILITY HARDWARE FOR COVERED DOORS IN HOUSING OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall amend the Unified Facilities Criteria and Department of Defense Building Code (UFC 1–200–01) to update applicable specifications, guidance, and technical documentation relating to the construction, renovation, replacement, or other retrofit of a covered door to ensure that life safety accessibility hardware is used for such construction, renovation, replacement, or other retrofit.

(b) DEFINITIONS.—In this section:

(1) COVERED DOOR.—The term ''covered door'' means a door to—

(A) a sensitive compartmented information facility, including a sensitive compartmented information facility in which information designated as sensitive compartmented information is stored and processed; or

(B) any other room or facility in which information designated as sensitive compartmented information—

(i) is used, handled, discussed, or processed; or

(ii) is stored in approved security containers.

(2) LIFE SAFETY ACCESSIBILITY HARDWARE.—The term ''life safety accessibility hardware'' means a secure locking device that require less than five pounds of force to open.

SA 461. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 866. BRIEFING ON THE REDESIGNATION OF NATIONAL SERIAL NUMBER (NSN) PARTS AS PROPRIETARY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the congressional defense committees identifying which National Serial Number (NSN) parts in the Defense Logistics Agency system have had their designation changed to proprietary over the previous 5 years, including a description of which parts were, or continue to be, produced by small businesses before the proprietary designation was applied, and the justification for the changes in designation.

SA 462. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. SENSE OF CONGRESS REGARDING REMOVAL OF PRIESTS FROM WALTER REED MEDICAL HOSPITAL.

It is the sense of Congress that—

(1) the provision of pastoral care by priests and religious leaders is vital for the spiritual and emotional well-being of members of the Armed Forces and their families;

(2) medical facilities of the Department of Defense, including Walter Reed Medical Hospital, play a critical role in providing health care services to the military community;

(3) recent reports prior to the date of the enactment of this Act indicate that priests providing pastoral care at Walter Reed Medical Hospital were unexpectedly removed, disrupting the availability of spiritual support for patients and their families;

(4) the sudden removal of priests from Walter Reed Medical Hospital raises concerns about the effect on the religious and spiritual needs of patients during their healing process;

(5) priests offer invaluable guidance, comfort, and solace, and their presence is essential for individuals facing physical and emotional challenges; and

(6) the Secretary of Defense should investigate the circumstances surrounding the removal of priests from Walter Reed Medical Hospital and take appropriate measures to ensure that patients have access to pastoral care services without interruption.

SA 463. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1063. REPORT ON FORMER INDIAN BOARDING SCHOOLS OR INSTITUTIONS UNDER THE JURISDICTION OR CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report that provides—

(1) an accounting of all schools or institutions described in subsection (b) that—

(A) were located on land that was under the jurisdiction or control of the Department of Defense at the time of the operation of the school or institution; or

(B) are located on land that is under the jurisdiction or control of the Department as of the date of the enactment of this Act; and

(2) a description of the role of the Department of Defense in hosting and administering schools or institutions described in subsection (b) and the actions taken by the Department in connection with those schools or institutions, including—

(A) complete accountings, engagements, and actions;

(B) the identification of marked and unmarked burial grounds; and

(C) the repatriation of remains of Native students who died while attending a school or institution described in subsection (b); and

(3) the findings and recommendations of the Secretary with respect to the matters addressed under paragraphs (1) and (2).

(b) SCHOOLS OR INSTITUTIONS DESCRIBED.—The schools or institutions described in this subsection are schools or institutions that housed or administered Federal programs to assimilate American Indian, Alaska Native, or Native Hawaiian children that—

(1) provided on-site housing or overnight lodging;

(2) were described in records as providing formal academic or vocational training and instruction;

(3) were described in records as receiving Federal Government funds or other support; and

(4) were operational during or before 1969.

(c) CONSULTATION AND ENGAGEMENT.—In carrying out this section, the Secretary of Defense shall consult with Indian Tribes and engage with Native Hawaiian organizations.

(d) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall brief the appropriate committees of Congress on the report required under subsection (a)

(e) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) The Committee on Armed Services and the Committee on Indian Affairs of the Senate; and

(2) The Committee on Armed Services and the Subcommittee on Indian and Insular Affairs of the Committee on Natural Resources of the House of Representatives.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any authority or obligation of the Department of Defense to conduct additional investigations or provide additional information and records as part of any future Federally-funded inquiry into the schools or institutions described in section (b).

SA 464. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 526. PROHIBITION ON USE OF FUNDS FOR CLOSURE OF UNITS OF THE ARMY SENIOR RESERVE OFFICERS' TRAINING CORPS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for the Department of the Defense may be obligated or expended to close or disestablish any unit of the Army Senior Reserve Officers' Training Corps at any educational institution.

SA 465. Mr. GRAHAM (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XV, insert the following:

SEC. ____. MONITORING IRANIAN ENRICHMENT.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) SIGNIFICANT ENRICHMENT ACTIVITY.—The term ''significant enrichment activity'' means—

(A) any enrichment of any amount of uranium–235 to a purity percentage that is 5 percent higher than the purity percentage indicated in the prior notification to Congress under subsection (b)(1); or

(B) any enrichment of uranium–235 in a quantity exceeding 10 kilograms.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Not later than 48 hours after the Director of National Intelligence determines that the Islamic Republic of Iran has produced or possesses any amount of uranium–235 enriched to greater than 60 percent purity, the Director of National Intelligence shall submit to the appropriate congressional committees and congressional leadership a notification of such determination.

(2) CLASSIFIED NOTICE TO MEMBERS OF CONGRESS.—Not later than 24 hours after the submission of the notification under paragraph (1), the Director of National Intelligence shall submit to Congress a 1-page document with respect to the determination, which shall be made available to any member of the Senate or the House of Representatives, aligned with the proper classification authorizations.

(3) SUBSEQUENT NOTIFICATIONS.—If the Director of National Intelligence determines that the Islamic Republic of Iran has engaged in significant enrichment activity subsequent to the submission of a notification under paragraph (1), the Director of National Intelligence shall submit to the appropriate congressional committees and congressional leadership—

(A) not later than 48 hours after making a determination that such significant enrichment activity has occurred, a notification of the determination; and

(B) not later than 24 hours after the submission of the notification under subparagraph (A), a 1-page document with respect to the determination.

SA 466. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 584. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO JAMES "JIM" CAPERS, JR. FOR ACTS OF VALOR DURING THE PERIOD OF MARCH 31 THROUGH APRIL 3, 1967.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in sections 8298 (a) and 8300 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 8291 of such title to James Capers, Jr. for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor described in this subsection are the actions of James Capers, Jr. as a Second Lieutenant of the United States Marine Corps during the period of March 31 through April 3, 1967, during the Vietnam War, for which he was previously awarded the Silver Star.

SA 467. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. REPORT ON FEASIBILITY OF ESTABLISHING A TROOPS–TO–SCHOOL RESOURCE OFFICERS PILOT PROGRAM.

(a) IN GENERAL.—

(1) SUBMISSION OF REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the feasibility of establishing a Troops–to–School Resource Officers pilot program that is modeled on the Troops–to–Teachers Program authorized under section 1154 of title 10, United States Code.

(2) CONSULTATION.—The Secretary of Defense may consult with key officials from the Department of Justice and the Department of Education in completing the report described in paragraph (1).

(b) CONTENT OF REPORT.—The report required under subsection (a) shall include—

(1) the feasibility of establishing a 5-year Troops–to–School Resource Officers pilot program;

(2) an outline of the resource requirements to execute the pilot program; and

(3) an identification of possible authorities, if any, that would be needed to establish the pilot program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

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

SA 468. Mr. GRAHAM (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1025. SENSE OF CONGRESS REGARDING THE NAMING OF THE NEXT AVAILABLE NAVAL VESSEL AFTER MAJOR JAMES "JIM" CAPERS, JR.

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

(1) James ''Jim'' Capers, Jr. served with great heroism and devotion as a member of the United States Marine Corps.

(2) James Capers, Jr. was the first African American to receive a battlefield commission and to command a Marine Corps Force Reconnaissance company.

(3) During his service to the United States in Vietnam, James Capers, Jr. was awarded the United States' third-highest military combat decoration for his actions in the vicinity of Phu Loc, Republic of Vietnam, from March 31 to April 3, 1967.

(4) In addition to being awarded the Silver Star, James Capers, Jr. is the recipient of two Bronze Stars with ''V'' for valor, three Purple Hearts, and numerous other decorations, making him one of the most decorated Marines in Force Reconnaissance history.

(5) During the 1970s, James Capers, Jr. became a national figure as the face of the Marine Corps in a national recruitment campaign.

(6) James Capers, Jr. retired in 1978, with the rank of major, having participated in more than 50 classified missions during his time in service.

(7) Retired Major James Capers, Jr. personifies the core values of honor, courage, and commitment and should be honored in a manner fitting to his service and devotion to the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of the Navy should name the next available naval vessel after retired United States Marine Corps Major James ''Jim'' Capers, Jr. for his service and devotion to the United States.

SA 469. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XII, insert the following:

SEC. _____. CERTIFICATION OF THE ESTABLISHMENT OF THE NUCLEAR CONSULTATIVE GROUP.

(a) FINDINGS.—Congress finds the following:

(1) The United States extended deterrence commitment to the Republic of Korea is ironclad and enduring.

(2) Such extended deterrence relies on the full range of defense capabilities, including conventional and nuclear forces of the United States.

(3) The establishment of the Nuclear Consultative Group (referred to in this section as the ''Group'') between the United States and the Republic of Korea during President Yoon Suk Yeol's visit to the United States on April 26, 2023, reflected a recognition of the accelerating threat posed by the nuclear weapons and missile program of the Democratic People's Republic of Korea and a requirement to adjust the alliances approach to deterring the Democratic People's Republic of Korea.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Group will strengthen the alliance between the governments of the United States and the Republic of Korea by deepening the ability of such governments to plan, consult, and conduct exercises on issues related to nuclear deterrence;

(2) integrated deterrence requires a whole-of-government approach to deter adversaries and assure United States allies; and

(3) the Group should be executed as a 2+2 construct with the Secretary of Defense and the Secretary of State serving as co-leads.

(c) REPORT ON THE IMPLEMENTATION OF THE NUCLEAR CONSULTATIVE GROUP.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that includes a description of each of the following:

(A) The organization of the Group, including co-chairs and interagency participants of the Group who are representatives of the United States.

(B) The scope of the activities of the Group and how such activities connect to the Security Consultative Mechanism and the Military Consultative Mechanism between the Republic of Korea and the United States.

(C) The relationship of the Group to existing extended deterrence mechanisms of the Republic of Korea and the United States, including the Korean Integrated Defense Dialogue, the Deterrence Strategy Committee, and the Extended Deterrence Consultative Group.

(D) The frequency and circumstances under which the Group convenes.

(E) The scope of activities the Group addresses, including strategic planning, crisis consultation, and exercises.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex

(d) CERTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a certification that—

(A) the United States policy of extended deterrence of the Democratic People's Republic of Korea—

(i) has the necessary posture and capabilities to deter conventional and nuclear threats of the Democratic People's Republic of Korea;

(ii) has the necessary posture and capabilities to assure the Government of the Republic of Korea and its people of the effectiveness of extended deterrence; and

(B) that the Federal Government plans fully integrate conventional and nuclear capabilities for the deterrence, and if necessary, the defeat, of aggression by the Democratic People's Republic of Korea.

(2) FORM.—The certification required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 470. Mr. RISCH (for himself, Mr. HAGERTY, Mr. TILLIS, Mr. SCOTT of Florida, Mr. MORAN, Mr. CORNYN, Mr. DAINES, Mr. SULLIVAN, Ms. COLLINS, Ms. ERNST, and Mrs. BLACKBURN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Bolstering the AUKUS Partnership

SEC. 1299L. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Armed Services of the House of Representatives.

(2) AUKUS; AUKUS PARTNERSHIP.—The terms ''AUKUS'' and ''AUKUS partnership'' means the trilateral security partnership between the United States, the United Kingdom, and Australia, which includes the following two pillars:

(A) Pillar One of AUKUS is focused on developing a pathway for Australia to acquire conventionally armed, nuclear powered submarines.

(B) Pillar Two of AUKUS is focused on enhancing trilateral collaboration on advanced defense capabilities to include hypersonic and counter hypersonic capabilities, quantum technologies, undersea technologies, and artificial intelligence.

(3) AUKUS PARTNER.—The term ''AUKUS partner'' refers to a member of AUKUS.

(4) DEFENSE ARTICLE; DEFENSE SERVICE.—The terms ''defense article'' and ''defense service'' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 1299M. FINDINGS.

Congress makes the following findings:

(1) The United States has entered into a period of intense strategic rivalry with China that includes military competition on a scale unseen in generations.

(2) The perpetuation of a military balance of power in the Indo-Pacific favorable to the United States and its allies and partners can no longer be assumed as China continues to invest massive resources in its military.

(3) China has undertaken a nuclear breakout, fields the world's largest navy, and is fielding a fully modernized air force.

(4) North Korea remains an urgent and gathering threat as it fields an increasingly diverse and advanced nuclear and missile force backed by a massive conventional army.

(5) Iran continues to pursue a nuclear weapons capability while fomenting unrest in the Middle East and beyond.

(6) While China remains the pacing threat for the United States, Russia's unprovoked and brutal invasion of Ukraine makes clear that multiple dissatisfied powers are coalescing into an informal bloc designed to challenge the existing United States-led global order.

(7) United States efforts to help Ukraine defend itself against Russian aggression and strengthen Taiwan's ability to resist the coercion of the Chinese Communist Party have exposed the production constraints inherent in the United States defense industrial base.

(8) The capacity limitations of the United States defense industrial base require urgent remedy to include a renewed examination of burden sharing roles with United States allies.

(9) To meet this comprehensive challenge to American interests, we must act with urgency to expand the resilience and capacity of our defense industrial base. United States allies should be full partners in this effort and the AUKUS partnership is a necessary first step to share the responsibility of perpetuating the existing rules-based order.

(10) The security partnership between Australia, the United Kingdom, and the United States (referred to as the ''AUKUS partnership'') is meant to bolster capability of the United States and allies in the Indo-Pacific and beyond through technology sharing, cooperation, and defense exports.

(11) The AUKUS partnership's focus on conventionally armed nuclear-powered submarines and advanced capabilities, known respectively as Pillars One and Two, rightly centers on cooperation at the highest end of security and geostrategic competition.

(12) Pillar One, while bold, is complex, highly contingent and unlikely to produce additive submarine capability in the Indo-Pacific until the 2030s.

(13) The Pillar One initiative will rely on the expertise developed by the United States and United Kingdom in operating their submarine fleets to bring an Australian capability into service at the earliest achievable date.

(14) Pillar Two proposes that AUKUS partners will also deepen cooperation and integration on advanced defense technologies to include hypersonic missiles, space technology, artificial intelligence, quantum technologies and additional undersea capabilities.

(15) Pillar Two, if executed with the vision described by the three allies in the AUKUS announcement of September 2021, offers the potential to produce meaningful capability and increase industrial capacity during the current decade.

(16) Pillar Two can also expand and build resilience across the supply chain of the AUKUS partners.

(17) However, certain statutory components of the United States export control and regulatory system are overly cumbersome for industries in the United States, Australia, and the United Kingdom.

(18) Australia and the United Kingdom have legal, regulatory, and technology control regimes that are sufficiently comparable to those of the United States.

(19) United States technology controls and export licensing decisions must balance the relatively low risk of compromise that exists across all three AUKUS partners regulatory regimes against the requirements to respond

at the speed of relevance to the rapid military advances made by the Chinese People's Liberation Army.

(20) In order to implement the AUKUS agreement and realize the value of increased cooperation between the United States, the United Kingdom, and Australia, the United States must ensure cooperation is fostered, not inhibited, by the United States regulatory system.

(21) The United States export control system, encompassing both the International Traffic and Arms Regulations and the Export Administration Regulations, is largely based on a bilateral government-to-government relationship rather than being optimized for a trilateral or multilateral defense technology partnership.

(22) The Department of State, in concert with the Department of Defense, the Department of Commerce, and other relevant United States agencies, should clearly communicate to our AUKUS partners any United States requirements to address matters related to the technology security and export control measures of Australia and the United Kingdom.

(23) Further, the Department of State, in concert with the Department of Defense, the Department of Commerce, and other relevant United States agencies, should work to reduce barriers to defense innovation, cooperation, trade, sustainment, co-production, and co-development initiatives with the governments and industry partners of the United Kingdom and Australia.

(24) These barriers include the overuse of ''no foreign nationals'' (NOFORN) and Controlled Unclassified Information (CUI) determinations that inhibit collaboration among AUKUS partners in determining requirements, design, development, acquisition, testing, operation, and sustainment of capabilities designed to be interoperable.

(25) The successful implementation of the AUKUS partnership requires regulatory and licensing changes on the part of all AUKUS partner countries and the continued enhancement of the export control and technology security regimes of all three nations.

(26) If AUKUS realizes its potential, it will set a precedent and incentivize similar agreements with other close United States allies, which will be necessary if we are to prevail in the long-term competition with China, Russia and its partners.

SEC. 1299N. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support a transformation and expansion of our already close cooperation on a range of defense and security issues with the United Kingdom and Australia, including enhancing cooperation in the development and fielding of advanced commercial and defense capabilities and in pursuing deeper integration of our defense industrial bases and supporting supply chains;

(2) to use AUKUS to enhance trilateral cooperation across the submarine fleets of the partner countries and to support Australian efforts to acquire nuclear-powered submarines for the Royal Australian Navy;

(3) to reassess, and as needed revise, existing regulatory and legal regimes, to include licensing, technology release and contracting procedures to meet the objectives outlined in the September 15, 2021, announcement of the AUKUS partnership;

(4) to reinvigorate burden sharing with United States allies as a key component of adopting a sustainable long-term strategy to compete with China, Russia, and other revanchist powers; and

(5) to modernize the United States export control system to reflect the new era of cooperation with partners and allies, incorporating commercial and defense technology that preserve, and enhance our way of life.

SEC. 1299O. DEPARTMENT OF STATE PERSONNEL AND RESOURCES.

(a) SENIOR ADVISOR AT THE STATE DEPARTMENT FOR AUKUS.—

(1) DESIGNATION.—The Secretary of State shall appoint a senior advisor at the Department of State to oversee and coordinate the implementation of the AUKUS agreement by the Department of State (referred to in this subtitle as the ''Senior Advisor'').

(2) REPORTING.—The senior advisor shall report directly to the Secretary of State.

(3) RESPONSIBILITIES.—It shall be the responsibility of the senior advisor—

(A) to coordinate AUKUS implementation between relevant Department of State bureaus, directorates, and offices;

(B) to represent the Department of State on matters relating to AUKUS in the interagency process;

(C) to engage with relevant government and industry entities in the United Kingdom and Australia; and

(D) to issue guidance, including promulgating regulations, in order to reduce barriers to defense collaboration, innovation, trade, and production with the Governments and industry partners of the United States, United Kingdom, and Australia.

(4) SALARY.—The annual salary of the senior advisor described in this section shall not exceed salaries authorized in the Office of Personnel Management's Executive pay scale.

(b) DIRECTORATE OF DEFENSE TRADE CONTROLS STAFFING.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence, by striking ''100 percent of the registration fees collected by the Office of Defense Trade Controls of the Department of State'' and inserting ''100 percent of the defense trade control registration fees collected by the Department of State'';

(2) in the second sentence, by inserting ''management, licensing, compliance, and policy activities in the defense trade controls function, including'' after ''incurred for'';

(3) in paragraph (1), by striking ''contract personnel to assist in'';

(4) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(5) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following new paragraphs:

''(4) the facilitation of defense trade policy development, implementation, and cooperation with a specific focus on Canada, Australia, and the United Kingdom, review of commodity jurisdiction determinations, outreach to United States industry and foreign parties, and analysis of scientific and technological developments as they relate to the exercise of defense trade control authorities; and

''(5) contract personnel to assist in such activities.''.

SEC. 1299P. REPORTING REQUIREMENTS.

(a) REPORT ON DEPARTMENT OF STATE IMPLEMENTATION OF PARTNERSHIP.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and, as appropriate, the Secretary of Commerce and the Secretary of Energy, shall submit to the appropriate congressional committees a report on efforts of the Department of State to implement the AUKUS partnership.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Regarding the achievement of Phase One goals for of the Optimal Pathway for AUKUS Pillar One for each of calendar years 2023, 2024, 2025, 2026, and 2027, the following:

(i) A description of progress made by the AUKUS partners to conclude an Article 14 Arrangement with the International Atomic Energy Agency.

(ii) A description of the status of AUKUS partner efforts to build the supporting infrastructure to base conventionally armed nuclear powered attack submarines.

(iii) Updates on the efforts by the AUKUS partners to train a workforce that can build, sustain, and operate conventionally armed nuclear powered attack submarines.

(iv) A description of progress in the construction of a new submarine facility to support the basing and disposition of nuclear attack submarines on the east coast of Australia.

(v) The number of Australian and United Kingdom personnel embedded on United States Navy ships during Phase One of the Optimal Pathway.

(vi) A description of progress in establishing submarine support facilities capable of hosting rotational forces in western Australia by 2027.

(vii) A description of how the United States plans to provide up to five Virginia Class submarines to Australia by the early to mid-2030's.

(viii) A description of how the sale of United States Virginia Class submarines and newly built SSN–AUKUS submarines will be combined into a cohesive and sovereign Royal Australian Navy submarine fleet.

(ix) A detailed assessment of how Australia's sovereign conventionally armed nuclear attack submarines contribute to United States defense and deterrence objectives in the Indo-Pacific region.

(B) For each of the calendar years 2021 and 2022—

(i) the average and median times for the United States Government to review applications for licenses, disaggregated by company size and license type and other agreements, to export defense articles or defense services to persons, corporations, and the governments (including agencies and subdivisions of such governments, including official missions of such governments) of Australia and the United Kingdom;

(ii) the number of applications from Australia and the United Kingdom for licenses to export defense articles and defense services that were denied, returned without action, or approved with provisos, listed by year;

(iii) the number of requests made by licensees or exporters for proviso reconsideration, listed by year;

(iv) the average and median times for the United States Government to review applications from Australia and the United Kingdom for foreign military sales beginning from the date Australia or the United Kingdom submitted a letter of request that resulted in a letter of acceptance; and

(v) the number of requests from Australia and the United Kingdom for foreign military sales that were denied.

(C) A list of relevant United States laws, regulations, and treaties and other international agreements to which the United States is a party that govern authorizations to export defense articles or defense services that are required to implement the AUKUS partnership.

(D) An assessment of key recommendations the United States Government has provided to the Governments of Australia and the United Kingdom to revise laws, regulations, and policies of such countries that are required to implement the AUKUS partnership, including a detailed description of discussions regarding ''deemed exports''.

(E) An assessment of recommended improvements to export control laws and regulations of Australia, the United Kingdom,

and the United States that such countries should make to implement the AUKUS partnership and to otherwise meet the requirements of section 38(j)(2) of the Arms Export Control Act (22 U.S.C. 2778(j)(2)).

(b) REPORT ON INTERAGENCY ACTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce, shall submit to the appropriate congressional committees a report on actions taken at the interagency level to implement the advanced capabilities pillar of the AUKUS agreement.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of changes to the International Traffic in Regulations (ITAR) and the United States export control regime that are necessary to implement the AUKUS agreement and to permit AUKUS member states and Canada to exchange defense items at classified and unclassified levels.

(B) A plan for reducing barriers and implementing the changes as described in ITAR (including decreasing requirements for licenses within AUKUS and reducing timelines for licensing decisions) and a description of any changes that will require new authorities from Congress.

(C) A description of the progress the Department of State, the Department of Defense, the Department of Energy, and the Department of Commerce have made in implementing any changes as described in subparagraphs (A) and (B).

(D) A list of actions the Departments have requested the Governments of the United Kingdom and Australia to take in order to amend their export control systems in a way that is comparable to that of the United States.

(E) A classified annex describing the content and timing of consultations amongst AUKUS partners on Pillar One and for the eight Lines of Effort in Pillar Two.

(c) BRIEFING.—Not later than 90 days after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to the appropriate congressional committees that includes the following:

(1) A description of the efforts of AUKUS partners to enhance collaboration across the following eight trilateral Lines of Effort:

(A) Undersea capabilities.

(B) Quantum technologies.

(C) Artificial Intelligence and autonomy.

(D) Advanced cyber capabilities.

(E) Hypersonic and counter-hypersonic capabilities.

(F) Electronic warfare.

(G) Innovation.

(H) Information sharing.

(2) An assessment of the related capabilities necessary to effectuate the eight trilateral Lines of Effort described in paragraph (1).

SEC. 1299Q. EXEMPTION FOR LICENSE REQUIREMENTS FOR EXPORT OF DEFENSE ITEMS TO THE UNITED KINGDOM AND AUSTRALIA.

Section 38(j)(1) of the Arms Export Control Act (22 U.S.C. 2778(j)(1)) is amended—

(1) in subparagraph (B)—

(A) in the subsection heading, by inserting '', THE UNITED KINGDOM, AND AUSTRALIA'' after ''CANADA''; and

(B) by inserting '', the United Kingdom, or Australia'' after ''Canada''; and

(2) in subparagraph (C)—

(A) by striking ''TREATIES.—'' and all that follows through ''(i) IN GENERAL.—The requirement'' and inserting ''TREATIES.—The requirement'';

(B) by striking clause (ii); and

(C) by redesignating subclauses (I) and (II) as clauses (i) and (ii) and moving such clauses, as so redesignated, two ems to the left.

SEC. 1299R. UNITED STATES MUNITIONS LIST.

(a) EXEMPTION FOR THE GOVERNMENTS OF THE UNITED KINGDOM AND AUSTRALIA FROM CERTIFICATION AND CONGRESSIONAL NOTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN TRANSFERS.—Section 38(f)(3) of the Arms Export Control Act (22 U.S.C. 2778(f)(3)) is amended by inserting '', the United Kingdom, or Australia'' after ''Canada''.

(b) UNITED STATES MUNITIONS LIST PERIODIC REVIEWS.—

(1) IN GENERAL.—The Secretary of State, acting through authority delegated by the President to carry out period reviews of items on the United States Munitions List under subsection (f) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) and in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Director of the Office of Management and Budget, shall carry out such reviews not less frequently than annually in order to determine which capabilities may be transitioned from the United States Munitions List to the Commerce Control List.

(2) SCOPE.—The periodic reviews described under paragraph (1) shall focus on interagency resources to address current threats faced by the United States, the evolving technological and economic landscape, and the widespread availability of certain technologies and items on the United States Munitions List.

(3) CONSULTATION.—The periodic reviews described under paragraph (1) shall be conducted in coordination with the Defense Trade Advisory Group (DTAG), who shall provide—

(A) relevant industry expertise selected from major defense primes and nontraditional contractors; and

(B) recommendations for improvements to facilitate cooperation.

SEC. 1299S. OPEN GENERAL LICENSE FOR THE EXPORT, REEXPORT, TRANSFER, AND RETRANSFER OF CERTAIN DEFENSE ARTICLES TO AUSTRALIA, CANADA, AND THE UNITED KINGDOM UNDER ITAR.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall publish in the Federal Register a notice of proposed rulemaking relating to amending the International Traffic in Arms Regulations (ITAR) to establish a Final Rule establishing an Open General Export License for export, reexport, transfer, and retransfer of certain defense articles and services to or between the United States, Australia, Canada, and the United Kingdom. The Open General License shall be available for exports, reexports, transfers, and retransfers of defense articles and services between or among—

(1) the Government of Australia;

(2) the Government of Canada;

(3) the Government of the United Kingdom;

(4) members of the Australian Community as defined in part 126.16(d) of the ITAR, at all locations in Australia;

(5) members of the United Kingdom Community as defined in part 126.17(d) of the ITAR, at all locations in the United Kingdom; and

(6) Canadian-registered persons as defined in part 126.5(b) of the ITAR.

(b) APPLICABLE REQUIREMENTS AND LIMITATIONS.—The export, reexport, transfer, or retransfer of any unclassified defense article pursuant to subsection (a) to any of the parties listed in such subsection shall be subject to the following requirements and limitations:

(1) Compliance with the requirements of part 123.9(b) of the ITAR.

(2) The export, reexport, transfer, or retransfer must take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom and the United States except for—

(A) the purposes of maintenance, repair, replacement, or overhaul; or

(B) transit and transshipment in which the exporter retains effective custody over the export, reexport, transfer, or retransfer.

(3) Any export, reexport, transfer, or retransfer of a defense article other than technical data (including development, manufacturing, and production by industrial partners) for end use by, or operation on behalf of, the Government of Australia, the Government of Canada, the Government of the United Kingdom, or the Government of the United States.

(4) An Open General License under subsection (a) may not be utilized by persons to whom a presumption of denial is applied by DDTC pursuant to parts 120.1(c) or 127.11(a) of the ITAR, including, among other reasons, for past convictions of certain United States criminal statutes or because the persons are otherwise ineligible to contract with or receive an export or import license from an agency of the United States Government.

(5) No exporter may use an Open General License under subsection (a) to export, reexport, transfer, retransfer, or otherwise provide defense articles, defense services, or technical data to any foreign person subject to any United States sanctions as administered by the Office of Foreign Assets Control (OFAC), subject to any embargo maintained by the United States, or otherwise ineligible to receive defense articles, defense services, or technical data under ITAR license or authorizations.

(c) CONGRESSIONAL NOTIFICATION.—The export, reexport, transfer, or retransfer pursuant to subsection (a) of any major defense equipment (as defined in part 120.37 of the ITAR) valued (in terms of its original acquisition cost) at $25,000,000 or more or any defense article or related training or other defense service valued (in terms of its original acquisition cost) at $100,000,000 or more shall be notified to Congress for a 15 day formal review period as outlined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

SEC. 1299T. LICENSE EXCEPTION FOR EXPORT, REEXPORT, AND IN-COUNTRY TRANSFER OF ITEMS ON COMMERCE CONTROL LIST TO OR BETWEEN AUSTRALIA, CANADA, AND THE UNITED KINGDOM UNDER EXPORT ADMINISTRATION REGULATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a notice of proposed rulemaking relating to amending the Export Administration Regulations to establish a license exception for the export, reexport, and in-country transfer of items on the Commerce Control List to or between covered persons in Australia, Canada, and the United Kingdom.

(b) REQUIREMENTS.—A person that exports, reexports, or in-country transfers an item on the Commerce Control List under the license exception established under subsection (a), and a recipient of such an item, shall—

(1) comply with all applicable requirements of the Export Administration Regulations;

(2) maintain, for each such export, reexport, or in-country transfer, a record of—

(A) the exporter;

(B) a description of the item, including technology;

(C) the name and address, and other available contact information, of the recipient and the end-user of the item;

(D) the name of the person responsible for the transaction;

(E) the stated end use of the item;

(F) the date of the transaction; and

(G) the method of transfer; and

(3) ensure that such records are made available, upon request, to the Under Secretary of Commerce for Industry and Security.

(c) LIMITATIONS.—

(1) LIMITATION ON REEXPORTS THROUGH THIRD COUNTRIES.—The export, reexport, or in-country transfer of an item under the license exception established under subsection (a) is required to take place wholly within or between the physical territory of Australia, Canada, the United Kingdom, or the United States, except for the export, reexport, or in-country transfer of such an item for—

(A) the purposes of maintenance, repair, replacement, or overhaul; or

(B) transit or transshipment in which the exporter retains effective custody over the export, reexport, transfer, or retransfer.

(2) PROHIBITION ON EXPORTS TO RESTRICTED PERSONS.—An item may not be exported, reexported, or in-country transferred under the license exception established under subsection (a) to any foreign person—

(A) with respect to which sanctions have been imposed by the Office of Foreign Assets Control of the Department of the Treasury;

(B) on any restricted parties list;

(C) subject to any embargo maintained by the United States; or

(D) that is otherwise ineligible to receive controlled dual-use or commercial articles or technology on the Commerce Control List.

(d) DEFINITIONS.—In this section:

(1) COMMERCE CONTROL LIST.—The term ''Commerce Control List'' means the list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 1 to part 774 of the Export Administration Regulations.

(2) COVERED PERSON.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the term ''covered person'' means—

(i) the government of Australia, Canada, or the United Kingdom;

(ii) a citizen or national of Australia, Canada, or the United Kingdom; or

(iii) an entity organized under the laws of, or otherwise subject to the jurisdiction of, Australia, Canada, or the United Kingdom.

(B) EXCLUSIONS.—The term ''covered person'' does not include any person on any a restricted parties list.

(3) RESTRICTED PARTIES LIST.—The term ''restricted parties list'' means any of the following lists maintained by the Bureau of Industry and Security:

(A) The Entity List set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

(B) The Military End-User List set forth in Supplement No. 7 to part 744 of the Export Administration Regulations.

(C) The Denied Persons List maintained pursuant to section 764.3(a)(2) of the Export Administration Regulations.

(D) The Unverified List set forth in Supplement No. 6 to part 744 of the Export Administration Regulations.

(4) OTHER TERMS.—The terms ''export'', ''Export Administration Regulations'', ''in-country transfer'', ''item'', and ''reexport'' have the meanings given those terms in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

SEC. 1299U. TREATMENT OF AUSTRALIA AND THE UNITED KINGDOM AS DOMESTIC SOURCES UNDER DEFENSE PRODUCTION ACT OF 1950.

Section 702(7)(A) of the Defense Production Act of 1950 (50 U.S.C. 4552(7)(A)) is amended by striking ''or Canada'' and inserting '', Canada, Australia, or the United Kingdom''.

SEC. 1299V. EXPEDITED RELEASE OF ADVANCED TECHNOLOGIES TO AUSTRALIA, CANADA, AND THE UNITED KINGDOM.

(a) PRECLEARANCE OF CERTAIN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, and in conjunction with coordinating entities such as the National Disclosure Policy Committee, the Arms Transfer and Technology Release Senior Steering Group, and other appropriate entities, shall compile a list of available and emerging military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Australia, Canada, and the United Kingdom through the Foreign Military Sales program (including items controlled by the International Traffic in Arms Regulations (ITAR) or the Federal Acquisition Regulation (FAR) and items included in programs of record and programs that are not programs of record) that are pre-cleared and prioritized for sale and release to Australia, Canada, and the United Kingdom through the Foreign Military Sales and Direct Commercial Sales programs.

(2) RULES OF CONSTRUCTION REGARDING SELECTION OF ITEMS.—

(A) NO LIMITATION ON FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES PROGRAM ACTIVITIES.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested by, or sold to, Australia, the United Kingdom, and Canada under the Foreign Military Sales and Direct Commercial Sales programs.

(B) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Nothing in this [subtitle/title] shall be construed to supersede congressional notification requirements under the Arms Export Control Act (22 U.S.C. 2751 et. seq.).

(b) EXPEDITED PROCESSING OF FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES REQUESTS.—The Secretary of State and the Secretary of Defense shall expedite the processing of requests of Australia, the United Kingdom, and Canada under the Foreign Military Sales and Direct Commercial Sales programs.

(c) RELEASE POLICY FOR AUSTRALIA, CANADA, AND THE UNITED KINGDOM.—The Secretary of State, in consultation with the Secretary of Defense, shall create an anticipatory release policy for key Foreign Military Sales and Direct Commercial Sales capabilities for Australia, the United Kingdom, and Canada. Review of these capabilities for releasability shall be subject to a ''fast track'' decision-making process with a presumption of approval. The capabilities subject to this policy should include—

(1) Pillar One technologies associated with submarine and associated combat systems; and

(2) Pillar Two technologies, including but not limited to hypersonic missiles, cyber capabilities, artificial intelligence, quantum technologies, and undersea capabilities, and other advanced technologies.

(d) INTERAGENCY POLICY.—The Secretary of State and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to Foreign Military Sales and Direct Commercial Sales requests, including incorporating the anticipatory release provisions of this section.

SEC. 1299W. EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES TO AUSTRALIA, THE UNITED KINGDOM, AND CANADA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall initiate a rulemaking to establish a ''fast track'' decision-making process for applications, classified or unclassified, to export defense articles and defense services to Australia, the United Kingdom, and Canada, with a presumption of approval.

(b) ELIGIBILITY.—To qualify for the ''fast track'' process described in subsection (a), the application must be for an export that will take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom and the United States and with governments or corporate entities from such countries.

(c) CRITERIA.—Such ''fast-track'' process shall be available for both classified and unclassified items, and the process must satisfy the following criteria:

(1) Any licensing application to export defense articles and services that is related to a government-to-government AUKUS agreement shall be exempted from staffing requirements and must be approved, returned, or denied within 14 days of submission.

(2) For all other licensing requests, any review shall be completed not later than 30 calendar days after the date of application.

(3) The Secretary of State shall issue a decision on the case not later than five days after the such review period has elapsed.

SEC. 1299X. ANTICIPATORY DISCLOSURE POLICY FOR AUSTRALIA, CANADA, AND THE UNITED KINGDOM.

The Secretary of Defense, in consultation with the Secretary of State, shall direct the National Disclosure Policy Committee (NDPC) to adopt a classification category for the purposes of anticipatory disclosure policy to facilitate information sharing on Pillar One, Pillar Two, and other critical technologies for Australia, Canada, and the United Kingdom.

SEC. 1299Y. REPORT ON AUKUS STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit a report to the appropriate congressional committees an AUKUS strategy identifying.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) An identification of the defensive military capability gaps and capacity shortfalls that AUKUS seeks to offset.

(2) An explanation of the total cost associated with Pillar One of AUKUS and the operational rationale for Australia's acquisition of nuclear submarines.

(3) An assessment of possible opportunity costs for other defense capabilities associated with investing in the SSN–AUKUS program.

(4) A detailed explanation of how the Australian industrial base will contribute to strengthening the United States strategic position in Asia.

(5) A detailed explanation of the military and strategic benefit provided by the improved access provided by Australian naval bases.

(6) An assessment of how sovereign United Kingdom and Australian submarines contribute to the achievement of United States military objectives as defined in United States strategy and planning documents.

(7) A net assessment contrasting the investments the Government of the People's Republic of China is making in its submarine, hypersonic missile, and unmanned

antisubmarine technologies relative to that of the AUKUS partners.

SEC. 1299Z. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY TRAINING.

(a) IN GENERAL.—The President may transfer or authorize export of defense services to the Government of Australia under the Arms Export Control Act (22 U.S.C. 2751 et seq.) that may also be directly exported to Australian private sector personnel to support the development of the Australian submarine industrial base necessary for submarine security activities between Australia, the United Kingdom, and the United States, including where such private-sector personnel are not officers, employees, or agents of the Government of Australia.

(b) APPLICATION OF REQUIREMENTS FOR FURTHER TRANSFER.—Any transfer of defense services to the Government of Australia pursuant to subsection (a) to persons other than those directly provided such defense services pursuant to such subsection shall only be made in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

SA 471. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PRODUCTION AND USE OF NATURAL GAS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the Secretary of Defense may—

(A) produce any natural gas located within land under the geographic footprint of any installation of the Department of Defense within the United States, including within any territory of the United States; and

(B) treat, manage, and use the natural gas produced pursuant to subparagraph (A).

(2) CONTRACT AUTHORITY.—To carry out any authority described in paragraph (1), the Secretary of the Army may enter into a contract with an entity determined appropriate by the Secretary.

(b) ROYALTIES TO STATES OR TERRITORIES.—

(1) VALUE OF ROYALTIES.—Beginning after the date of the enactment of this Act, as soon as practicable after the end of each calendar year, the Secretary of the Interior shall provide to the Secretary of Defense, for natural gas produced at any installation of the Department pursuant to subsection (a) during that calendar year, information on the amount of royalty payments that the State or territory where each such installation is location would have received under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) if the natural gas had been produced pursuant to a lease issued under that Act.

(2) ACCESS TO INFORMATION.—On request of the Secretary of the Interior, the Secretary of Defense shall promptly provide all information, documents, and other materials the Secretary of the Interior considers necessary to calculate the amount of royalty payments under paragraph (1).

(3) PAYMENTS; DISBURSEMENTS.—

(A) PAYMENTS TO TREASURY.—On receipt of the information from the Secretary of the Interior under paragraph (1) each calendar year, the Secretary of Defense shall, for each State or territory, as applicable, deposit in the Treasury of the United States an amount equal to the amount of the royalty payments calculated under that paragraph.

(B) DISBURSEMENTS.—The Secretary of the Interior shall disburse to each State or territory an amount equal to the amount deposited in the Treasury of the United States by the Secretary of Defense for such State or territory pursuant to subparagraph (A) as though the amounts were being disbursed to the State or territory under section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355).

(4) WAIVER AUTHORITY.—On receipt of written notice from the governor of a State or territory consenting to the waiver of any of the requirements of paragraph (1), the Secretary of the Interior shall waive that requirement.

(c) OWNERSHIP OF FACILITIES.—

(1) IN GENERAL.—The Secretary of Defense may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from an entity with which the Secretary has entered into a contract under subsection (a)(2) in accordance with the terms of such contract.

(2) RESPONSIBILITY.—With respect to a natural gas well installed on an installation of the Department and subject to this Act, the Secretary of the Interior shall have no responsibility for—

(A) the plugging, abandonment, or reclamation of such well; or

(B) any environmental damage caused by or associated with the production of such well.

(d) LIMITATION ON USES.—Natural gas produced pursuant to subsection (a) may be used only to support activities and operations at the installation at which such gas was produced.

(e) SAFETY STANDARDS FOR GAS WELLS.—

(1) IN GENERAL.—A natural gas well installed on any installation of the Department and subject to this Act shall meet the same technical installation and operating standards required for a natural gas well installed under a lease issued pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), including—

(A) the gas measurement requirements under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); and

(B) the operational standards required by the Bureau of Land Management pursuant to part 3160 of title 43, Code of Federal Regulations (or a successor regulation).

(2) COMPLIANCE.—With respect to a natural gas well installed on any installation of the Department and subject to this Act—

(A) the Bureau of Land Management shall—

(i) ensure compliance by the Secretary of Defense with the standards described in paragraph (1); and

(ii) report any violations of the standards to the Secretary of Defense; and

(B) the Secretary of Defense shall take such actions as are necessary to bring the well into compliance with such standards.

SA 472. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PRODUCTION AND USE OF NATURAL GAS AT MCALESTER ARMY AMMUNITION PLANT.

(a) AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the Secretary of the Army may—

(A) produce any natural gas located within land under the geographic footprint of the McAlester Army Ammunition Plant (referred to in this Act as ''MCAAP''); and

(B) treat, manage, and use the natural gas produced pursuant to subparagraph (A).

(2) CONTRACT AUTHORITY.—To carry out any authority described in paragraph (1), the Secretary of the Army may enter into a contract with an entity determined appropriate by the Secretary.

(b) ROYALTIES TO THE STATE OF OKLAHOMA.—

(1) VALUE OF ROYALTIES.—Beginning after the date of enactment of this Act, as soon as practicable after the end of each calendar year, the Secretary of the Interior shall provide to the Secretary of the Army, for natural gas produced at MCAAP pursuant to subsection (a) during that calendar year, information on the amount of royalty payments that the State of Oklahoma would have received under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) if the natural gas had been produced pursuant to a lease issued under that Act.

(2) ACCESS TO INFORMATION.—On request of the Secretary of the Interior, the Secretary of the Army shall promptly provide all information, documents, and other materials the Secretary of the Interior considers necessary to calculate the amount of royalty payments under paragraph (1).

(3) PAYMENTS; DISBURSEMENTS.—

(A) PAYMENTS TO TREASURY.—On receipt of the information from the Secretary of the Interior under paragraph (1) each calendar year, the Secretary of the Army shall deposit in the Treasury of the United States an amount equal to the amount of the royalty payments calculated under that paragraph.

(B) DISBURSEMENTS TO OKLAHOMA.—The Secretary of the Interior shall disburse to the State of Oklahoma an amount equal to the amount deposited in the Treasury of the United States by the Secretary of the Army pursuant to subparagraph (A) as though the amounts were being disbursed to the State under section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355).

(4) WAIVER AUTHORITY.—On receipt of written notice from the Governor of Oklahoma consenting to the waiver of any of the requirements of paragraphs (1) through (3), the Secretary of the Interior may waive that requirement.

(c) OWNERSHIP OF FACILITIES.—

(1) IN GENERAL.—The Secretary of the Army may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from an entity with which the Secretary has entered into a contract under subsection (a)(2) in accordance with the terms of such contract.

(2) RESPONSIBILITY.—With respect to a natural gas well installed on MCAAP and subject to this Act, the Secretary of the Interior shall have no responsibility for—

(A) the plugging, abandonment, or reclamation of such well; or

(B) any environmental damage caused by or associated with the production of such well.

(d) LIMITATION ON USES.—Natural gas produced pursuant to subsection (a) may be used only to support activities and operations at MCAAP.

(e) SAFETY STANDARDS FOR GAS WELLS.—

(1) IN GENERAL.—A natural gas well installed on MCAAP and subject to this Act shall meet the same technical installation and operating standards required for a natural gas well installed under a lease issued pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), including—

(A) the gas measurement requirements under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); and

(B) the operational standards required by the Bureau of Land Management pursuant to part 3160 of title 43, Code of Federal Regulations (or a successor regulation).

(2) COMPLIANCE.—With respect to a natural gas well installed on MCAAP and subject to this Act—

(A) the Bureau of Land Management shall—

(i) ensure compliance by the Secretary of the Army with the standards described in paragraph (1); and

(ii) report any violations of the standards to the Secretary of the Army; and

(B) the Secretary of the Army shall take such actions as are necessary to bring the well into compliance with such standards.

SA 473. Ms. KLOBUCHAR (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. REPORT ON COMPLIANCE BY DEPARTMENT OF DEFENSE WITH REQUIREMENT TO PROVIDE VETERANS ACCESS TO INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing an update on when the Secretary will provide veterans access to the Individual Longitudinal Exposure Record as required under section 9105 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 38 U.S.C. 527 note).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimated completion date for veterans to have independent access to the Individual Longitudinal Exposure Record.

(2) An estimated date on which the Secretary will commence the conduct of a pilot program for access by veterans to the Individual Longitudinal Exposure Record, if the Secretary intends to conduct such a pilot program.

(3) An assessment of how outreach to veterans will be conducted and how veterans service organizations will be involved with such outreach.

(4) A justification for each of the matters required under paragraphs (1) through (3).

(c) DEFINITIONS.—In this section:

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

(2) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary under section 5902 of title 38, United States Code.

SA 474. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 707. REVISION OF THE PRIMARY AND PREVENTIVE HEALTH CARE POLICY OF THE DEPARTMENT OF DEFENSE TO PROVIDE ENHANCED COLORECTAL CANCER SCREENING STANDARD FOR MEMBERS OF THE UNIFORMED SERVICES WHO SERVED IN LOCATIONS ASSOCIATED WITH TOXIC EXPOSURE.

(a) IN GENERAL.—Section 1074d of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) in paragraph (2), by striking ''consider appropriate.'' and inserting ''determine meet or exceed national standards for preventive care services, including screening under subsection (b).'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) ENHANCED COLORECTAL CANCER SCREENING STANDARD FOR MEMBERS OF THE UNIFORMED SERVICES EXPOSED TO TOXIC SUBSTANCES.—(1) Under the policy developed under subsection (a)(2), any member of the uniformed services who, during active service, was deployed in support of a contingency operation in a location and during a period specified in paragraph (2), is entitled to a colorectal cancer screening, which may include a colonoscopy, fecal occult blood testing, sigmoidoscopy, or other colon cancer screening, by a health care provider of the Department of Defense beginning on the date that is five years after the first day of qualifying service for such member and thereafter at a frequency as recommended by the United States Preventive Services Task Force.

''(2) The locations and periods specified in this paragraph are the following:

''(A) Iraq during following periods:

''(i) The period beginning on August 2, 1990, and ending on February 28, 1991.

''(ii) The period beginning on March 19, 2003, and ending on such date as the Secretary of Defense determines burn pits are no longer used in Iraq.

''(B) The Southwest Asia theater of operations, other than Iraq, during the period beginning on August 2, 1990, and ending on such date as the Secretary determines burn pits are no longer used in such location, including the following locations:

''(i) Kuwait.

''(ii) Saudi Arabia.

''(iii) Oman.

''(iv) Qatar.

''(C) Afghanistan during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Afghanistan.

''(D) Djibouti during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Djibouti.

''(E) Syria during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Syria.

''(F) Jordan during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Jordan.

''(G) Egypt during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Egypt.

''(H) Lebanon during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Lebanon.

''(I) Yemen during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Yemen.

''(J) Such other locations and corresponding periods as set forth by the Airborne Hazards and Open Burn Pit Registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260;38 U.S.C. 527 note).

''(K) Such other locations and corresponding periods as the Secretary may determine appropriate in a report submitted under paragraph (3).

''(3) Not later than two years after the date of the enactment of the CPT Rafael Barbosa Enhanced Colorectal Cancer Screening Standard for Toxic Exposed Members of the Uniformed Services Act, and not less frequently than once every two years thereafter, the Secretary of Defense shall submit to Congress a report specifying other locations and corresponding periods for purposes of paragraph (2)(K).

''(4) A location under this subsection shall not include any body of water around or any airspace above such location.

''(5) In this subsection, the term 'burn pit' means an area of land that—

''(A) is used for disposal of solid waste by burning in the outdoor air; and

''(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.''.

(b) REPORT ON COLORECTAL CANCER RATES FOR MEMBERS OF THE UNIFORMED SERVICES DEPLOYED TO CERTAIN AREAS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that compares the rates of colorectal cancer among members of the uniformed services deployed to the locations and during the periods specified in section 1074d(b) of title 10, United States Code, as added by subsection (a), as compared to members of the uniformed services who were not deployed to those locations during those periods and to the civilian population.

(2) UNIFORMED SERVICES DEFINED.—In this subsection, the term ''uniformed services'' has the meaning given that term in section 101(a)(5) of title 10, United States Code.

SA 475. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. _____. U.S. HOSTAGE AND WRONGFUL DETAINEE DAY ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''U.S. Hostage and Wrongful Detainee Day Act of 2023''.

(b) DESIGNATION.—

(1) HOSTAGE AND WRONGFUL DETAINEE DAY.—

(A) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended—

(i) by redesignating the second section 146 (relating to Choose Respect Day) as section 147; and

(ii) by adding at the end the following:

''§ 148. U.S. Hostage and Wrongful Detainee Day

''(a) DESIGNATION.—March 9 is U.S. Hostage and Wrongful Detainee Day.

''(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe U.S. Hostage and Wrongful Detainee Day with appropriate ceremonies and activities.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by striking the item relating to the second section 146 and inserting the following new items:

''147. Choose Respect Day.
''148. U.S. Hostage and Wrongful Detainee Day.''.

(2) HOSTAGE AND WRONGFUL DETAINEE FLAG.—

(A) IN GENERAL.—Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 904. Hostage and Wrongful Detainee flag

''(a) DESIGNATION.—The Hostage and Wrongful Detainee flag championed by the Bring Our Families Home Campaign is designated as the symbol of the commitment of the United States to recognizing, and prioritizing the freedom of, citizens and lawful permanent residents of the United States held as hostages or wrongfully detained abroad.

''(b) REQUIRED DISPLAY.—

''(1) IN GENERAL.—The Hostage and Wrongful Detainee flag shall be displayed at the locations specified in paragraph (3) on the days specified in paragraph (2).

''(2) DAYS SPECIFIED.—The days specified in this paragraph are the following:

''(A) U.S. Hostage and Wrongful Detainee Day, March 9.

''(B) Flag Day, June 14.

''(C) Independence Day, July 4.

''(D) Any day on which a citizen or lawful permanent resident of the United States—

''(i) returns to the United States from being held hostage or wrongfully detained abroad; or

''(ii) dies while being held hostage or wrongfully detained abroad.

''(3) LOCATIONS SPECIFIED.—The locations specified in this paragraph are the following:

''(A) The Capitol.

''(B) The White House.

''(C) The buildings containing the official office of—

''(i) the Secretary of State; and

''(ii) the Secretary of Defense.

''(c) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the Hostage and Wrongful Detainee flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

''(d) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the Hostage and Wrongful Detainee flag.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 9 of title 36, United States Code, is amended by adding at the end the following:

''904. Hostage and Wrongful Detainee flag.''.

SA 476. Mr. LUJÁN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. MODIFICATION OF EMPLOYMENT CONTRACT REQUIREMENTS FOR DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Section 313(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2286b(b)) is amended—

(1) in paragraph (1)(B), by striking ''to the extent authorized by section 3109(b) of title 5, United States Code,''; and

(2) in paragraph (2), to read as follows:

''(2) The limitations on rates and contract duration specified in section 3109(b) of title 5, United States Code, shall not apply to a contract entered into under paragraph (1)(B).''.

SA 477. Mr. LUJÁN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO.

(a) SHORT TITLE.—This section may be cited as the ''New Mexico Veteran Burial Dignity and Honor Act''.

(b) IN GENERAL.—Section 612 of the Veterans Millennium Health Care and Benefits Act (38 U.S.C. 2404 note; Public Law 106–117) is repealed.

(c) REPLACEMENT OF FLAT GRAVE MARKERS.—Not later than January 1, 2028, the Secretary of Veterans Affairs shall replace each flat grave marker at the Santa Fe National Cemetery, New Mexico, with an upright grave marker.

(d) FUTURE GRAVE MARKERS.—Any grave marker provided at the Santa Fe National Cemetery after the date of the enactment of this Act shall be an upright grave marker.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (c) $15,000,000 for the period of fiscal years 2024 through 2028.

SA 478. Mr. LUJÁN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle D of title XXXI of division C, add at the end the following:

SEC. 31____. ESTABLISHMENT OF UNITED STATES-ISRAEL DESALINATION COMMISSION.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Secretary of Defense, the Secretary of the Interior, and the Secretary of State, shall establish a bilateral cooperative commission (referred to in this section as the ''commission'') with Israel to coordinate and support the research and development of desalination technologies.

(b) COORDINATION.—The commission shall coordinate with the U.S.-Israel Energy Center, the Israel-U.S. Binational Industrial Research and Development Foundation, and other relevant entities, as determined appropriate by the commission.

(c) MEETINGS.—Not later than 180 days after the date of enactment of this Act, the commission shall convene the first meeting and meet quarterly thereafter.

(d) REPORT.—Not later than 2 years after the date on which the commission convenes the first meeting, the commission shall submit to Congress a report on the progress of the commission in coordinating, encouraging, and elevating desalination innovation, including the economic and environmental efficiency of the desalination technological process—

(1) to create a sustainable source of fresh water for the United States and Israel; and

(2) to minimize the risk of conflict based on access to fresh water.

SA 479. Ms. SMITH submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle H—CDFI Bond Guarantee Program Improvement Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''CDFI Bond Guarantee Program Improvement Act of 2023''.

SEC. 1092. SENSE OF CONGRESS.

It is the sense of Congress that the authority to guarantee bonds under section 114A of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a) (commonly referred to as the ''CDFI Bond Guarantee Program'') provides community development financial institutions with a sustainable source of long-term capital and furthers the mission of the Community Development Financial Institutions Fund (established under section 104(a) of such Act (12 U.S.C. 4703(a)) to increase economic opportunity and promote community development investments for underserved populations and distressed communities in the United States.

SEC. 1093. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

(a) IN GENERAL.—Section 114A of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a) is amended—

(1) in subsection (c)(2), by striking '', multiplied by an amount equal to the outstanding principal balance of issued notes or bonds'';

(2) by amending subsection (e)(2) to read as follows:

''(2) LIMITATION ON GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the program equal to less than

$25,000,000, but the total of all such guarantees in any fiscal year may not exceed $1,000,000,000.''; and

(3) in subsection (k), by striking ''September 30, 2014'' and inserting ''the date that is 4 years after the date of enactment of the CDFI Bond Guarantee Program Improvement Act of 2023''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Public Law 103–315; 108 Stat. 2160) is amended by inserting after the item relating to section 114 the following:

''Sec. 114A. Guarantees for bonds and notes issued for community or economic development purposes.''.

SEC. 1094. REPORT ON THE CDFI BOND GUARANTEE PROGRAM.

Not later than 1 year after the date of enactment of this Act, and not later than 3 years after such date of enactment, the Secretary of the Treasury shall issue a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the effectiveness of the CDFI bond guarantee program established under section 114A of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a).

SA 480. Mrs. GILLIBRAND (for herself, Mr. MARSHALL, Mrs. FEINSTEIN, Ms. ERNST, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. COMPREHENSIVE REVIEW OF THE COVID–19 RESPONSE.

(a) ESTABLISHMENT OF TASK FORCE.—There is established in the legislative branch a task force to be known as the ''National Task Force on the Response of the United States to the COVID–19 Pandemic'' (referred to in this section as the ''Task Force'').

(b) PURPOSES.—The purposes of the Task Force are to—

(1) examine, assess, and report upon the United States' preparedness for, and response to, the COVID–19 pandemic, including—

(A) the initial Federal, State, local, and territorial responses in the United States;

(B) the ongoing Federal, State, local, and territorial responses in the United States, including the activities, policies, and decisions of the Trump Administration and the Biden Administration;

(C) the impact of the pandemic on public health and health care systems; and

(D) the initial outbreak in Wuhan, China, including efforts to determine the potential causes for the emergence of the SARS–CoV–2 virus, and Federal actions to mitigate its spread internationally;

(2) build upon existing or ongoing evaluations and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of other appropriate task forces, committees, commissions, or entities established by other public or nonprofit private entities related to the United States' preparedness for, and response to, the COVID–19 pandemic;

(3) identify gaps in public health preparedness and medical response policies, processes, and activities, including disparities in COVID–19 infection and mortality rates among people of color, older adults, people with disabilities, and other vulnerable or at-risk groups, and how such gaps impacted the ability of the United States to respond to the COVID–19 pandemic; and

(4) submit a report to the President and to Congress on its findings, conclusions, and recommendations to improve the United States preparedness for, and response to, future public health emergencies, including a public health emergency resulting from an emerging infectious disease.

(c) COMPOSITION OF TASK FORCE; MEETINGS.—

(1) MEMBERS.—The Task Force shall be composed of 12 members, of whom—

(A) 1 member shall be appointed by the majority leader of the Senate;

(B) 1 member shall be appointed by the minority leader of the Senate;

(C) 2 members shall be appointed by the chair of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 2 members shall be appointed by the ranking member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the minority leader of the House of Representatives;

(G) 2 members shall be appointed by the chair of the Committee on Energy and Commerce of the House of Representatives; and

(H) 2 members shall be appointed by the ranking member of the Committee on Energy and Commerce of the House of Representatives.

(2) CHAIR AND VICE CHAIR.—Not later than 30 days after the date on which all members of the Task Force are appointed under paragraph (1), such members shall meet to elect a Chair and Vice Chair from among such members. The Chair and Vice Chair shall each be elected to serve upon an affirmative vote from not less than 8 members of the Task Force. The Chair and Vice Chair shall not be registered members of the same political party.

(3) QUALIFICATIONS.—

(A) POLITICAL PARTY AFFILIATION.—Not more than 6 members of the Task Force shall be registered members of the same political party.

(B) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or any State, local, Tribal, or territorial government.

(C) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Task Force should be highly qualified citizens of the United States. Members appointed under paragraph (1) may include individuals with expertise in—

(i) public health, health disparities and at-risk populations, medicine, and related fields;

(ii) State, local, Tribal, or territorial government, including public health and medical preparedness and response and emergency management and other relevant public administration;

(iii) research regarding, or the development, manufacturing, distribution, and regulation of, medical products;

(iv) national security and foreign relations, including global health; and

(v) commerce, including transportation, supply chains, and small business.

(4) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 90 days after the date of enactment of this Act.

(5) MEETINGS.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable. After its initial meeting, the Task Force shall meet upon the call of the Chair and Vice Chair or not less than 8 of its members.

(6) QUORUM; VACANCIES.—

(A) QUORUM.—Eight members of the Task Force shall constitute a quorum.

(B) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF TASK FORCE.—The functions of the Task Force are to—

(1) conduct a review that—

(A) examines the initial outbreak of the SARS–CoV–2 virus in Wuhan, China, including—

(i) engaging with willing partner governments and global experts;

(ii) seeking access to relevant records; and

(iii) examining the potential causes of the emergence and source of the virus;

(B) examines the United States preparation for, and response to, the COVID–19 pandemic, including—

(i) relevant laws, policies, regulations, and processes that were in place prior to, or put into place during, the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, including any that are put into place related to such public health emergency after the date of enactment of this Act and prior to the issuance of the final report pursuant to subsection (j)(2);

(ii) relevant actions taken by, and coordination between, Federal, State, local, Tribal, and territorial governments, nongovernmental organizations, and international organizations on preparedness and response efforts, including coordination between governments and other public and private entities, during the—

(I) initial response in the United States;

(II) response during the Trump Administration; and

(III) ongoing response during the Biden Administration;

(iii) communication of public health and scientific information related to the COVID–19 pandemic, including processes for the development, approval, and dissemination of Federal public health and other relevant public health or scientific guidance; and

(iv) actions taken to support the development, manufacturing, and distribution of medical countermeasures and related medical supplies to prevent, detect, and treat COVID–19; and

(C) may include assessments relating to—

(i) the capacity and capabilities of Federal, State, local, Tribal, and territorial governments to respond to the COVID–19 pandemic;

(ii) the capacity and capabilities of health care facilities and the health care workforce to respond to the COVID–19 pandemic;

(iii) medical countermeasure research and development and the supply chains of medical products necessary to respond to the COVID–19 pandemic;

(iv) international preparedness for and response to COVID–19, and Federal decision-making processes related to new global health threats;

(v) containment and mitigation measures related to domestic and international travel in response to COVID–19; and

(vi) the impact of the COVID–19 pandemic and related mitigation efforts on hard-to-reach and at-risk or underserved populations, including related health disparities;

(2) identify, review, and evaluate the lessons learned from the COVID–19 pandemic,

including activities to prepare for, and respond to, future potential pandemics and related public health emergencies; and

(3) submit to the President and Congress such reports as are required by this section containing such findings, conclusions, and recommendations as the Task Force shall determine.

(e) POWERS OF TASK FORCE.—

(1) HEARINGS.—The Task Force may—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence as determined by the Chair and Vice Chair, and administer such oaths as the Task Force or a designated member, as determined by the Chair or Vice Chair, may determine advisable to be necessary to carry out the functions of the Task Force; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the person described in paragraph (2)(A)(i) may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the Chair and the Vice Chair; or

(II) by the affirmative vote of not less than 9 members of the Task Force.

(ii) SIGNATURE.—Subpoenas issued under this subsection may be issued under the signature of the Chair or any member designated by a majority of the Task Force, and may be served by any person designated by the Chair or by a member designated by agreement of the majority of the Task Force.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) CONTRACTING.—The Task Force may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Task Force to discharge its duties under this Act.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Task Force may access from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, such information, documents, suggestions, estimates, and statistics as the Task Force considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On written request of the Chair, each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, provide such information to the Task Force.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—On request of the Chair and Vice Chair, the Administrator of the General Services Administration shall provide to the Task Force, on a reimbursable basis, administrative support and other assistance necessary for the Task Force to carry out its duties.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance provided for in subparagraph (A), departments and agencies of the United States may provide to the Task Force such assistance as such departments and agencies may determine advisable and as authorized by law.

(6) DONATIONS.—The Task Force may accept, use, and dispose of gifts or donations of services or property. Not later than 5 days after the acceptance of a donation under this subsection, the Task Force shall publicly disclose—

(A) the name of the entity that provided such donation;

(B) the service or property provided through such donation;

(C) the value of such donation; and

(D) how the Task Force plans to use such donation.

(7) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Chapter 10 of title 5, United States Code (commonly referred to as the ''Federal Advisory Committee Act''), shall apply to the Task Force.

(2) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Task Force shall—

(A) hold public hearings and meetings to the extent appropriate; and

(B) release public versions of the reports required under paragraph (1) and (2) of subsection (j).

(3) PUBLIC HEARINGS.—Any public hearings of the Task Force shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Task Force as required by any applicable statute, regulation, or Executive order.

(g) STAFF OF TASK FORCE.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—The Chair of the Task Force, in agreement with the Vice Chair, in accordance with rules agreed upon by the Task Force, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF TASK FORCE.—Clause (i) shall not be construed to apply to members of the Task Force.

(2) DETAILEES.—Upon request of the Chair and Vice Chair of the Task Force, the head of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government employee may detail, without reimbursement, any of its personnel to the Task Force to assist in carrying out its duties under this section. Any such detailee shall be without interruption or loss of civil service status or privilege.

(3) CONSULTANT SERVICES.—The Task Force is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Task Force shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code.

(i) SECURITY CLEARANCES FOR TASK FORCE MEMBERS AND STAFF.—The appropriate Federal agencies or departments shall cooperate with the Task Force in expeditiously providing to the Task Force members and staff appropriate security clearances, consistent with existing procedures and requirements. No person shall be provided with access to classified information under this section without the appropriate security clearances.

(j) REPORTS OF TASK FORCE; TERMINATION.—

(1) INTERIM REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to the President, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives an interim report containing such findings, conclusions, and recommendations as have been agreed to by not less than 8 members of the Task Force. Such interim report shall be made available online in a manner that does not compromise national security.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date on which the last member of the Task Force is appointed, the Task Force shall submit to the President, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives a final report containing such findings, conclusions, and recommendations as have been agreed to by not less than 8 members of the Task Force. The final report shall be made available online in a manner that does not compromise national security.

(B) EXTENSIONS.—

(i) IN GENERAL.—The submission and publication of the final report, as described in subparagraph (A), may be delayed by 6 months upon the agreement of not less than 8 members of the Task Force.

(ii) NOTIFICATION.—The Task Force shall notify the President, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the public of any extension granted under clause (i).

(C) SPECIAL RULES AND CONSIDERATIONS.—

(i) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Task Force to publicly disclose information otherwise prohibited from disclosure by law.

(ii) SPECIAL TIMING CONSIDERATIONS.—Notwithstanding any other provision of this section, the Task Force shall not publish or make available any interim or final report during the 60-day periods ending November 5, 2024, and November 3, 2026.

(3) TERMINATION.—

(A) IN GENERAL.—The Task Force, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under paragraph (2).

(B) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Task Force may use the 60-day period referred to in subparagraph (A) for the purpose of concluding its activities,

including providing testimony to committees of Congress concerning its reports and disseminating the final report.

(k) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(2) DURATION OF AVAILABILITY.—Amounts made available to the Task Force under paragraph (1) shall remain available until the termination of the Task Force.

SA 481. Mr. WHITEHOUSE (for himself, Mr. CASSIDY, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—COMBATING CROSS-BORDER FINANCIAL CRIME

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Combating Cross-border Financial Crime Act of 2023''.

SEC. 1802. ESTABLISHMENT OF CROSS-BORDER FINANCIAL CRIME CENTER.

The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 631 (19 U.S.C. 1631) the following:

''SEC. 632. ESTABLISHMENT OF CROSS-BORDER FINANCIAL CRIME CENTER.

''(a) ESTABLISHMENT.—The Secretary of Homeland Security, acting through the Executive Associate Director of Homeland Security Investigations, shall—

''(1) establish the Cross-Border Financial Crime Center (in this section referred to as the 'Center'), which shall be located in the National Capital region (as defined in section 8702 of title 40, United States Code); and

''(2) appoint a Director to serve as the head of the Center (in this section referred to as the 'Director').

''(b) DUTIES.—

''(1) IN GENERAL.—The Center shall—

''(A) support, through the provision of analysts, equipment, and other resources, the investigation and seizure of assets and proceeds (as defined in section 981 of title 18, United States Code) related to trade-based money laundering and other illicit cross-border financial activity or attempted illicit cross-border financial activity, to, from, or through the United States, including such activity conducted by actors determined by the Secretary of State, the Attorney General, the Secretary of the Treasury, and the Secretary of Homeland Security to be the highest priority threats, including—

''(i) transnational criminal organizations;

''(ii) kleptocrats and oligarchs with respect to whom the United States has imposed sanctions;

''(iii) professional money laundering organizations; and

''(iv) persons knowingly enabling criminal or corrupt activity, including designated non-financial businesses and professions;

''(B) coordinate with the Deputy Directors appointed under subsection (c) and the heads of other relevant Federal agencies to better ensure uniform training is provided to United States Federal, State, local, and Tribal law enforcement agencies and foreign law enforcement agencies to address the vulnerabilities outlined in the National Money Laundering Risk Assessment, published by the Department of the Treasury in February 2022, or any successor document;

''(C) coordinate with such agencies to develop metrics to assess whether the training described in subparagraph (B) improved enforcement of anti-money laundering laws;

''(D) leverage existing, lawfully obtained, government data sources to establish a means to receive, collect, track, analyze, and deconflict information regarding illicit cross-border financial activity from United States and foreign law enforcement agencies and other non-Federal sources;

''(E) coordinate with the Deputy Directors appointed under subsection (c) and relevant components of their agencies, including the Financial Crimes Enforcement Network, to disseminate information, on a rolling basis, regarding trends and techniques involved in illicit cross-border financial activity to other Federal agencies, private sector stakeholders, and foreign law enforcement partners, as appropriate;

''(F) coordinate with the offices of United States attorneys in order to develop expertise in, and assist with, the investigation and prosecution of crimes involving trade-based money laundering and other illicit cross-border financial activity; and

''(G) carry out such other duties as the Executive Associate Director may assign.

''(2) SUPPLEMENT NOT SUPPLANT.—The duties described in paragraph (1) shall supplement, not supplant, the work of existing Federal agencies, task forces, and working groups.

''(c) DEPUTY DIRECTORS.—The Attorney General, the Secretary of the Treasury (acting through the Director of the Financial Crimes Enforcement Network), and the Secretary of State shall each appoint a Deputy Director to assist the Director.

''(d) COORDINATION WITH OTHER AGENCIES.—

''(1) IN GENERAL.—In carrying out the duties described in subsection (b), the Director shall coordinate with the Federal entities specified in paragraph (2), and to the extent practicable, with the State, local, and Tribal entities specified in paragraph (3) to ensure at least part-time representation, in the form of detailees, in the Center of at least one agent or analyst with expertise in countering cross-border illicit finance, including trade-based money laundering, from each such entity.

''(2) FEDERAL ENTITIES SPECIFIED.—The Federal entities specified in this paragraph are the following:

''(A) The Department of the Treasury and the following components of the Department:

''(i) The Financial Crimes Enforcement Network.

''(ii) The Office of Foreign Assets Control.

''(iii) The Office of the Comptroller of the Currency.

''(iv) The Office of Technical Assistance.

''(v) Internal Revenue Service Criminal Investigation.

''(vi) The Small Business/Self Employed Division of the Internal Revenue Service.

''(B) The Department of Justice and the following components of the Department:

''(i) The Criminal Division.

''(ii) The Drug Enforcement Administration.

''(iii) The Federal Bureau of Investigation.

''(iv) Task Force KleptoCapture.

''(C) The Department of State and the following components of the Department:

''(i) The Bureau of International Narcotics and Law Enforcement Affairs.

''(ii) The Bureau of Western Hemisphere Affairs.

''(iii) The Bureau of African Affairs.

''(iv) The Bureau of East Asian and Pacific Affairs.

''(v) The Bureau of European and Eurasian Affairs.

''(vi) The Bureau of Near Eastern Affairs.

''(vii) The Bureau of South and Central Asian Affairs.

''(viii) The Bureau of Economic and Business Affairs.

''(ix) The Bureau of Diplomatic Security.

''(D) The following components of the Department of Homeland Security:

''(i) U.S. Customs and Border Protection.

''(ii) The United States Secret Service.

''(iii) The National Intellectual Property Rights Coordination Center.

''(iv) The Trade Transparency Units program of U.S. Immigration and Customs Enforcement.

''(v) The Bulk Cash Smuggling Center of U.S. Immigration and Customs Enforcement.

''(vi) The Cyber Crimes Center of Homeland Security Investigations.

''(E) The National Security Agency.

''(F) The United States Postal Inspection Service.

''(G) The Department of Commerce.

''(H) The Department of Defense.

''(I) The Office of the United States Trade Representative.

''(J) The Board of Governors of the Federal Reserve System.

''(K) The Commodity Futures Trading Commission.

''(L) The Securities and Exchange Commission.

''(M) The Federal Trade Commission.

''(N) The Federal Deposit Insurance Corporation.

''(O) The National Credit Union Administration.

''(3) STATE, LOCAL, AND TRIBAL ENTITIES SPECIFIED.—The State, local, and Tribal entities specified in this paragraph are the following:

''(A) Any State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) that the Executive Associate Director considers appropriate.

''(B) Any State credit union supervisor (as that term is used in the Federal Credit Union Act (12 U.S.C. 1751 et seq.)) that the Executive Associate Director considers appropriate.

''(C) Any State, local, and Tribal law enforcement agency that the Executive Associate Director considers appropriate.

''(4) SUPPLEMENT NOT SUPPLANT.—The coordination described in paragraph (1) shall supplement, not supplant, the work of existing Federal agencies, task forces, and working groups.

''(e) PRIVATE SECTOR OUTREACH.—

''(1) IN GENERAL.—The Director, in coordination with the Deputy Directors appointed under subsection (c) by the Attorney General and the Secretary of the Treasury, shall work with the Federal entities specified in subsection (d)(2) to conduct outreach to private sector entities in the United States in order to exchange information, in real-time or as soon as practicable, with respect to tactics and trends being used to conduct illicit cross-border financial activity, including such activity that involves corruption, international commercial trade and counterfeit products, bulk cash smuggling, the illicit use of digital assets or digital currencies and the dark web, and financial institutions and designated nonfinancial businesses and professions.

''(2) TRAINING AND TECHNICAL ASSISTANCE.—In order to coordinate public and private sector efforts to combat the tactics and trends described in paragraph (1), the Director, in coordination with the Deputy Directors appointed under subsection (c) by the Attorney General and the Secretary of the Treasury,

shall provide training and technical assistance, as appropriate, regarding best practices for—

''(A) identifying, reporting, and protecting against money laundering; and

''(B) maintaining sensitive financial information, which may include suspicious activity reports and currency transaction reports.

''(3) SUPPLEMENT NOT SUPPLANT.—The activities described in paragraphs (1) and (2) shall supplement, not supplant, the work of existing Federal agencies, task forces, and working groups.

''(f) INTERNATIONAL OUTREACH.—

''(1) IN GENERAL.—The Secretary of State, acting through the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, shall coordinate with the Director of the Center and the Deputy Directors of the Center appointed under subsection (c) by the Attorney General and the Secretary of the Treasury to facilitate capacity building and perform outreach to law enforcement agencies of countries that are partners of the United States and foreign private industry stakeholders by developing and providing specialized training and information-sharing opportunities regarding illicit cross-border financial activity, including such activity that involves corruption, international commercial trade and counterfeit products, bulk cash smuggling, the illicit use of digital assets or digital currencies and the dark web, and financial institutions and designated nonfinancial businesses and professions.

''(2) COORDINATION.—In carrying out paragraph (1) in a country, the Secretary of State, acting through the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, and in coordination with the Director of the Center and the Deputy Directors of the Center appointed under subsection (c) by the Attorney General and the Secretary of the Treasury, shall establish and maintain relationships with—

''(A) officials from law enforcement agencies, regulatory authorities, customs authorities, financial intelligence units, and ministries of finance in that country; and

''(B) private industry stakeholders in that country, including commercial and financial industry stakeholders most commonly impacted by illicit cross-border financial activity.

''(3) SUPPLEMENT NOT SUPPLANT.—The activities described in paragraph (1) shall supplement, not supplant, international training conducted by other Federal agencies.

''(4) INFORMATION SHARING.—To the extent practicable and consistent with other provisions of law, the Secretary of State, acting through the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, shall work with the Director and, as appropriate, the Deputy Directors appointed under subsection (c), to strengthen international cooperation and information-sharing agreements with law enforcement agencies of countries that are partners of the United States regarding combating illicit cross-border financial activity, including through the enhancement and expansion of Trade Transparency Units under section 633.

''(g) REPORT REQUIRED.—

''(1) IN GENERAL.—Not less frequently than annually, the Director shall submit to the appropriate congressional committees a report detailing the latest trends and techniques utilized to facilitate illicit cross-border financial activity.

''(2) ELEMENTS.—The report required by paragraph (1) shall include—

''(A) an assessment of the training provided to United States and foreign law enforcement agencies under subsection (b)(1)(B), based upon the metrics developed under subsection (b)(1)(C);

''(B) a summary of the activities conducted pursuant to subsections (d), (e), and (f);

''(C) the number and status of investigations supported by the Center, unless the disclosure of such information would reveal information protected by rule 6(e) of the Federal Rules of Criminal Procedure or a court order;

''(D) the amount of money and other assets of value in various forms that the United States Government seized as a result of such investigations; and

''(E) the countries with which the Center has established information-sharing agreements.

''(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include information that is classified or law enforcement sensitive in an annex.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to establish and maintain the Center—

''(A) $10,000,000 for fiscal year 2024; and

''(B) such sums as may be necessary for each of fiscal years 2025 through 2029.

''(2) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated pursuant to the authorization of appropriations under paragraph (1) may be obligated or expended to carry out civil immigration enforcement or removal activities.

''(i) DEFINITIONS.—In this section:

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

''(A) the Caucus on International Narcotics Control, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

''(B) the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

''(2) TRADE-BASED MONEY LAUNDERING.—The term 'trade-based money laundering' means the process of disguising the proceeds of crime by moving such proceeds through the use of trade transactions in an attempt to legitimize the illegal origin of such proceeds or to finance criminal activities.

''(3) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, and any federally recognized tribe (as defined in section 4(3)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(13)(B)).''.

SEC. 1803. TRADE TRANSPARENCY UNITS PROGRAM.

The Tariff Act of 1930 (19 U.S.C. 1304 et seq.), as amended by section 1802, is further amended by inserting after section 632 the following:

''SEC. 633. TRADE TRANSPARENCY UNITS PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Homeland Security, acting through the Executive Associate Director of Homeland Security Investigations, shall establish a program under which Trade Transparency Units are established with foreign countries.

''(b) PURPOSES.—The purposes of Trade Transparency Units are—

''(1) to combat transnational criminal organizations, kleptocrats and oligarchs with respect to whom the United States has imposed sanctions, professional money laundering organizations, and other criminal or corrupt actors or enablers of criminal or corrupt activity; and

''(2) to prevent such persons from exploiting the international trade and financial infrastructures to finance criminal acts, evade sanctions or export controls, evade taxes, tariffs, or customs duties, or launder criminal or corrupt proceeds, by—

''(A) developing relationships with foreign law enforcement agencies and customs authorities; and

''(B) working through the Department of State to strengthen international cooperation and facilitate information-sharing agreements with foreign countries that provide for the exchange of import and export data with agencies of those countries, and as appropriate, other United States agencies, which can be used to investigate and prosecute international money laundering and illicit trade cases.

''(c) ESTABLISHMENT AND COMPOSITION OF UNITS.—

''(1) ESTABLISHMENT OF UNITS.—The Executive Associate Director, in consultation with the Secretary of State, may establish Trade Transparency Units in—

''(A) countries in which money laundering is prevalent;

''(B) countries in which corruption is prevalent;

''(C) countries that conduct a high volume of trade with the United States;

''(D) countries that have inconsistent trade figures or high incidences of illicit trade;

''(E) trade corridors in which one country that has a currency restriction in place;

''(F) countries that have been identified as having substantial volumes of suspicious financial transactions, based on data obtained under subchapter II of chapter 53 of title 31, United States Code; or

''(G) countries for which the Executive Associate Director, in consultation with the Secretary of State, determines that a Trade Transparency Unit would support the purposes of the Trade Transparency Units program under this section.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Before establishing a Trade Transparency Unit in a country after the date of the enactment of the Combating Cross-border Financial Crime Act of 2023, the Executive Associate Director shall—

''(i) ensure the United States and the government of the country have an active Customs Mutual Assistance Agreement in place;

''(ii) conduct a risk-based assessment to determine whether the country meets the criteria described in any of subparagraphs (A) through (F) of paragraph (1); and

''(iii) work with the United States embassy in the country to establish a trade data exchange agreement or memorandum of understanding with the government of the country that includes, to the greatest extent practicable, language to provide for the sharing of foreign import and export data with relevant United States agencies.

''(B) TRANSITION RULE.—The requirements under subparagraph (A) do not apply with respect to a Trade Transparency Unit established before the date of the enactment of the Combating Cross-border Financial Crime Act of 2023.

''(3) COMPOSITION.—A Trade Transparency Unit may be comprised of personnel from—

''(A) Homeland Security Investigations;

''(B) other Federal agencies, as appropriate; and

''(C) foreign law enforcement agencies, as appropriate and pursuant to a trade data exchange agreement or memorandum of understanding described in paragraph (2)(C).

''(d) OPERATION.—After a trade data exchange agreement or memorandum of understanding described in subsection (c)(2)(A)(iii)

is signed with a country, the Executive Associate Director, in consultation with the Secretary of State, may assign Homeland Security Investigations criminal investigators to the country to provide training and technical assistance to the country in order to operationalize and maintain a Trade Transparency Unit in that country.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security $4,100,000 for each of fiscal years 2024 through 2029 to establish and maintain Trade Transparency Units.

''(2) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated pursuant to the authorization of appropriations under paragraph (1) may be obligated or expended to carry out civil immigration enforcement or removal activities.''.

SEC. 1804. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF BARRIERS TO HARMONIZING DATA SYSTEMS OF CERTAIN LAW ENFORCEMENT AGENCIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report detailing the statutory, technical, and security barriers to harmonizing the data systems of relevant law enforcement agencies, including the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Secret Service, the Diplomatic Security Service, the Financial Crimes Enforcement Network, and U.S. Customs and Border Protection, to improve data access necessary to facilitate trade-based money laundering investigations.

(b) ASSESSMENT OF NEW TECHNOLOGIES.—The report required by subsection (a) shall include an assessment of the benefits and feasibility of integrating new technologies, including distributed ledger technology and quantum ledger technology, into the processes of U.S. Customs and Border Protection and the customs services of foreign jurisdictions with which the United States has trade agreements in effect in order to facilitate the immediate, secure, and complete transfer between jurisdictions of lists of goods and related invoices and bills of lading.

(c) DEFINITIONS.—In this section:

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

(A) the Caucus on International Narcotics Control, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

(2) TRADE-BASED MONEY LAUNDERING.—The term ''trade-based money laundering'' means the process of disguising the proceeds of crime by moving such proceeds through the use of trade transactions in an attempt to legitimize the illegal origin of such proceeds or to finance criminal activities.

SA 482. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. SUPPORT FOR MILITARY FAMILIES WITH DEPENDENTS IN THE EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) GUARANTEE OF MEDICAL, EDUCATION, AND ORGANIZATION SUPPORT.—

(1) IN GENERAL.—The Secretary of a military department shall ensure, upon issuing relocation orders to an eligible member, that—

(A) the member will not be required to relocate again—

(i) during the 6 months after the issuance of such orders, if the member is assigned to a duty station within the contiguous United States; or

(ii) during the 8 months after the issuance of such orders, if the member is assigned to a duty station outside of the contiguous United States;

(B) initial care appointments for the qualifying dependent of the member—

(i) will be scheduled not later than 60 days after the issuance of such orders; and

(ii) will occur not later than 30 days after the dependent arrives at the new duty station of the member; and

(C) the commander of the member at the new duty station of provides feedback to the member with respect to continuity of care for the dependent.

(2) FACILITATION OF RELOCATIONS.—The Secretary of each military department shall ensure the establishment of systematic and transparent methods to connect commands and eligible members to facilitate outgoing preparations relating to the relocations of such members and onboarding processes for such members at new duty stations, with particular emphasis on coordination between commanders at the previous duty station and at the new duty station.

(b) GUARDIANSHIP GRANTS.—The Secretary of Defense may provide to an eligible member a grant of $5,000 for each qualifying dependent of the member who is under the age of 18 to be used for legal expenses related to handling guardianship of the dependent when the dependent achieves the age of 18.

(c) HOUSING GRANTS.—The Secretary of each military department may provide to an eligible member, after each permanent change of station of the member, a reimbursable, specially adapted housing grant of $8,000 if—

(1) the qualifying dependent of the member has a permanent and total disability; and

(2) the Secretary determines that the disability reasonably requires adaptations to the residence of the member and the dependent at the new duty station.

(d) SPECIALLY ADAPTED VEHICLE GRANT.—The Secretary of each military department may provide to an eligible member one grant of $3,000 for the purpose of adapting a passenger vehicle of the member to accommodate the mobility needs of the qualifying dependent of the member.

(e) IMPLEMENTATION.—The Secretary of Defense and the Secretaries of the military departments shall prescribe regulations and issue guidelines to ensure the effective implementation of this section.

(f) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report describing—

(1) the extent of compliance with the provisions of this section;

(2) the effectiveness of support provided under this section; and

(3) any challenges encountered in carrying out this section and recommendations for improvement.

(g) FUNDING.—The Secretary of Defense shall ensure that appropriate funding is provided to carry out this section.

(h) EFFECTIVE DATE; APPLICABILITY.—This section shall take on December 1, 2025, and apply to all relocations of eligible members occurring on or after that date.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE MEMBER.—The term ''eligible member'' means a member of the Armed Forces with a qualifying dependent.

(2) QUALIFYING DEPENDENT.—The term ''qualifying dependent'' means a dependent of a member of the Armed Forces who is in the Exceptional Family Member Program.

SA 483. Mr. BROWN (for himself and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10____. GUARANTEED BENEFIT CALCULATION FOR CERTAIN PLANS.

Subtitle B of title VI of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321 et seq.) is amended by adding at the end the following:

''SEC. 4024. 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 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) as previously determined by 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 section, 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 section, 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 section, 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) 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 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 4022 (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 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.''.

SA 484. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. SHARING OF INFORMATION WITH RESPECT TO SUSPECTED VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS.

Section 628A of the Tariff Act of 1930 (19 U.S.C. 1628a) is amended—

(1) in subsection (a)(1), by inserting '', packing materials, shipping containers,'' after ''its packaging'' each place it appears; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any other party with an interest in the merchandise, as determined appropriate by the Commissioner.''.

SA 485. Mr. SCOTT of Florida (for himself and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. EXTENSION OF CUSTOMS WATERS OF THE UNITED STATES.

(a) TARIFF ACT OF 1930.—Section 401(j) of the Tariff Act of 1930 (19 U.S.C. 1401(j)) is amended—

(1) by striking ''means, in the case'' and inserting the following: ''means—

''(1) in the case'';

(2) by striking ''of the coast of the United States'' and inserting ''from the baselines of the United States (determined in accordance with international law)'';

(3) by striking ''and, in the case'' and inserting the following: ''; and

''(2) in the case''; and

(4) by striking ''the waters within four leagues of the coast of the United States.'' and inserting the following: ''the waters within—

''(A) the territorial sea of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 5928 of December 27, 1988; and

''(B) the contiguous zone of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 7219 of September 2, 1999.''.

(b) ANTI-SMUGGLING ACT.—Section 401(c) of the Anti-Smuggling Act (19 U.S.C. 1709(c)) is amended—

(1) by striking ''means, in the case'' and inserting the following: ''means—

''(1) in the case'';

(2) by striking ''of the coast of the United States'' and inserting ''from the baselines of the United States (determined in accordance with international law)'';

(3) by striking ''and, in the case'' and inserting the following: ''; and

''(2) in the case''; and

(4) by striking ''the waters within four leagues of the coast of the United States.'' and inserting the following: ''the waters within—

''(A) the territorial sea of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 5928 of December 27, 1988; and

''(B) the contiguous zone of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 7219 of September 2, 1999.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day after the date of the enactment of this Act.

SA 486. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1510. BRIEFING ON COMPLIANCE WITH PROVISION RELATING TO USE OF GOVERNMENT FACILITIES WITH RESPECT TO DAY-OF-LAUNCH RANGE SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the ability to launch and place satellites into orbit on demand is vital to ensure United States space superiority;

(2) as of the date of the enactment of this Act, there are fewer than 10,000 satellites in orbit, with credible estimates expecting that as many as 100,000 satellites will be in orbit by 2030;

(3) the United States commercial space sector can and should take a stronger role in supporting commercial launch activity commensurate with market demands;

(4) it has been established United States policy to ensure that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers.

(b) BRIEFING.—Not later than December 1, 2023, the Secretary of Defense, in consultation with the Secretary of the Air Force and the Chief of Space Operations, shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on Department of Defense efforts to comply with section 50504 of title 51, United States Code, with respect to commercial providers of day-of-launch range services.

SA 487. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1049. REQUIREMENT TO SUBMIT DIVERSITY, EQUITY, AND INCLUSION INSTRUCTION MATERIALS.

The Department of Defense shall cease all diversity, equity, and inclusion instruction until the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives all curricular, instructional, and guided discussion materials used by any teacher or instructor for the purposes of diversity, equity, and inclusion instruction within the Department, including any materials used in the stand-down to discuss extremism in the ranks.

SA 488. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ___. COUNTERING UNWANTED FOREIGN INFLUENCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be provided to an institution of higher education that hosts a Confucius Institute or Russian Partnership, other than amounts provided directly to students as educational assistance.

(b) DEFINITIONS.—In this section:

(1) CONFUCIUS INSTITUTE.—The term ''Confucius Institute'' means a cultural institute directly or indirectly funded by the Government of the People's Republic of China or partnering with a People's Republic of China institute of higher education.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(3) RUSSIAN PARTNERSHIP.—The term ''Russian Partnership'' means any partnership with a Russian institute of higher education.

SA 489. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. PROHIBITION ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in the section heading, by striking ''**MORATORIUM**'' and inserting ''**PROHIBITION**''; and

(2) in subsection (a), in the matter preceding paragraph (1), by striking ''Effective'' and all that follows through ''June 30, 2022, the'' and inserting ''The''.

SA 490. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. JOINT SELECT COMMITTEE ON AFGHANISTAN.

(a) ESTABLISHMENT.—There is established a joint select committee of Congress to be known as the ''Joint Select Committee on Afghanistan'' (in this section referred to as the ''Joint Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Joint Committee shall be composed of 12 members appointed pursuant to paragraph (2).

(2) APPOINTMENT.—Members of the Joint Committee shall be appointed as follows:

(A) The majority leader of the Senate shall appoint 3 members from among Members of the Senate.

(B) The minority leader of the Senate shall appoint 3 members from among Members of the Senate.

(C) The Speaker of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(D) The minority leader of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(3) CO-CHAIRS.—

(A) IN GENERAL.—Two of the appointed members of the Joint Committee shall serve as co-chairs. The Speaker of the House of Representatives and the majority leader of the Senate shall jointly appoint one co-chair, and the minority leader of the House of Representatives and the minority leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of the enactment of this Act.

(B) STAFF DIRECTOR.—The co-chairs, acting jointly, shall hire the staff director of the Joint Committee.

(4) DATE.—Members of the Joint Committee shall be appointed not later than 14 calendar days after the date of the enactment of this Act.

(5) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Joint Committee. Any vacancy in the Joint Committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original designation was made. If a member of the Joint Committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the Joint Committee and a vacancy shall exist.

(c) INVESTIGATION AND REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Joint Committee shall conduct an investigation and submit to Congress a report on the United States 2021 withdrawal from Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A summary of any intelligence reports that indicated an imminent threat at the Hamid Karzai International Airport preceding the deadly attack on August 26, 2021, and the risks to United States and allied country civilians as well as Afghan partners for various United States withdrawal scenarios.

(B) A summary of any intelligence reports that indicated that withdrawing military personnel and closing United States military installations in Afghanistan before evacuating civilians would negatively affect the evacuation of United States citizens, green card holders, and Afghan partners and thus put them at risk.

(C) A full review of planning by the National Security Council, the Department of State, and the Department of Defense for a noncombatant evacuation from Afghanistan, including details of all scenarios used by the Department of State or the Department of Defense to plan and prepare for noncombatant evacuation operations.

(D) An analysis of the relationship between the retrograde and noncombatant evacuation operation plans and operations.

(E) A description of any actions that were taken by the United States Government to protect the safety of United States forces and neutralize threats in any withdrawal scenarios.

(F) A full review of all withdrawal scenarios compiled by the intelligence community and the Department of Defense with timelines for the decisions taken, including all advice provided by military leaders to President Joseph R. Biden and his national security team beginning in January 2021.

(G) An analysis of why the withdrawal timeline expedited from the September 11, 2021, date set by President Biden earlier this year.

(H) An analysis of United States and allied intelligence shared with the Taliban.

(I) An analysis of any actions taken by the United States Government to proactively prepare for a successful withdrawal.

(J) A summary of intelligence that informed statements and assurances made to the American people that the Taliban would not take over Afghanistan with the speed that it did in August 2021.

(K) A full and unredacted transcript of the phone call between President Joe Biden and President Ashraf Ghani of Afghanistan on July 23, 2021.

(L) A summary of any documents, reports, or intelligence that indicates whether any members of the intelligence community, the United States Armed Forces, or NATO partners supporting the mission warned that the Taliban would swiftly reclaim Afghanistan.

(M) A description of the extent to which any members of the intelligence community, the United States Armed Forces, or NATO partners supporting the mission advised steps to be taken by the White House that were ultimately rejected.

(N) An assessment of the decision not to order a noncombatant evacuation operation until August 14, 2021.

(O) An assessment of whose advice the President heeded in maintaining the timeline and the status of forces on the ground before Thursday, August 12, 2021.

(P) A description of the initial views and advice of the United States Armed Forces and the intelligence community given to the National Security Council and the White House before the decisions were taken regarding closure of United States military installations, withdrawal of United States assets, and withdrawal of United States military personnel.

(Q) An assessment of United States assets, as well as any assets left behind by allies, that could now be used by the Taliban, ISIS–K, and other terrorist organizations operating within the region.

(R) An assessment of United States assets slated to be delivered to Afghanistan, if any, the delivery of which was paused because of the President's decision to withdraw, and the status of and plans for those assets now.

(S) An assessment of vetting procedures for Afghan civilians to be evacuated with a timeline for the decision making and ultimate decisions taken to ensure that no terrorist suspects, persons with ties to terrorists, or dangerous individuals would be admitted into third countries or the United States.

(T) An assessment of the discussions between the United States Government and allies supporting our efforts in Afghanistan and a timeline for decision making regarding the withdrawal of United States forces, including discussion and decisions about how to work together to repatriate all foreign nationals desiring to return to their home countries.

(U) A review of the policy decisions with timeline regarding all Afghan nationals and other refugees evacuated from Afghanistan by the United States Government and brought to third countries and the United States, including a report on what role the United States Armed Forces performed in vetting each individual and what coordination the Departments of State and Defense engaged in to safeguard members of the Armed Forces from infectious diseases and terrorist threats.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Joint Committee have been appointed, the Joint Committee shall hold its first meeting.

(2) FREQUENCY.—The Joint Committee shall meet at the call of the co-chairs.

(3) QUORUM.—A majority of the members of the Joint Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(4) VOTING.—No proxy voting shall be allowed on behalf of the members of the Joint Committee.

(e) ADMINISTRATION.—

(1) IN GENERAL.—To enable the Joint Committee to exercise its powers, functions, and duties, there are authorized to be disbursed by the Senate the actual and necessary expenses of the Joint Committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(2) EXPENSES.—In carrying out its functions, the Joint Committee is authorized to incur expenses in the same manner and under the same conditions as the Joint Economic Committee is authorized by section 11 of Public Law 79–304 (15 U.S.C. 1024 (d)).

(3) HEARINGS.—

(A) IN GENERAL.—The Joint Committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the Joint Committee considers advisable.

(B) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(i) ANNOUNCEMENT.—The co-chairs of the Joint Committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(ii) WRITTEN STATEMENT.—A witness appearing before the Joint Committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(4) COOPERATION FROM FEDERAL AGENCIES.—

(A) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency shall provide technical assistance to the Joint Committee in order for the Joint Committee to carry out its duties.

(B) PROVISION OF INFORMATION.—The Secretary of State, the Secretary of Defense, the Director of National Intelligence, the heads of the elements of the intelligence community, the Secretary of Homeland Security, and the National Security Council shall expeditiously respond to requests for information related to compiling the report under subsection (c).

(f) STAFF OF JOINT COMMITTEE.—

(1) IN GENERAL.—The co-chairs of the Joint Committee may jointly appoint and fix the compensation of staff as they deem necessary, within the guidelines for employees of the Senate and following all applicable rules and employment requirements of the Senate.

(2) ETHICAL STANDARDS.—Members on the Joint Committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the Joint Committee and staff of the Joint Committee shall comply with the ethics rules of the Senate.

(g) TERMINATION.—The Joint Committee shall terminate on the date that is one year after the date of the enactment of this Act.

(h) FUNDING.—Funding for the Joint Committee shall be derived in equal portions from—

(1) the applicable accounts of the House of Representatives; and

(2) the contingent fund of the Senate from the appropriations account ''Miscellaneous Items'', subject to the rules and regulations of the Senate.

SA 491. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 823. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH THE GOVERNMENT OF THE RUSSIAN FEDERATION OR THE RUSSIAN ENERGY SECTOR.

(a) PROHIBITION.—Except as provided under subsections (b), (c), and (d), the Secretary of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with—

(1) an authority of the Government of the Russian Federation; or

(2) a fossil fuel company that operates in the Russian Federation, except if the fossil fuel company transports oil or gas—

(A) through the Russian Federation for sale outside of the Russian Federation; and

(B) that was extracted from a country other than the Russian Federation with respect to the energy sector of which the President has not imposed sanctions as of the date on which the contract is awarded.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The prohibition under subsection (a) does not apply to a contract that the Secretary of Defense and the Secretary of State jointly determine—

(A) is necessary—

(i) for purposes of providing humanitarian assistance to the people of Russia; or

(ii) for purposes of providing disaster relief and other urgent life-saving measures;

(B) is vital to the military readiness, basing, or operations of the United States or the North Atlantic Treaty Organization; or

(C) is vital to the national security interests of the United States.

(2) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the appropriate congressional committees of any contract entered into on the basis of an exception provided for under paragraph (1).

(3) OFFICE OF FOREIGN ASSETS CONTROL LICENSES.—The prohibition in subsection (a) shall not apply to a person that has a valid license to operate in Russia issued by the Office of Foreign Assets Control of the Department of the Treasury or is otherwise authorized to operate in Russia by the Federal Government notwithstanding the imposition of sanctions.

(4) AMERICAN DIPLOMATIC MISSION IN RUSSIA.—The prohibition in subsection (a) shall not apply to contracts related to the operation and maintenance of the United States Government's consular offices and diplomatic posts in Russia.

(c) APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and apply with respect to any contract entered into on or after such effective date.

(d) SUNSET.—This section shall terminate on the date on which the President submits to the appropriate congressional committees a certification in writing that contains a determination of the President that the Russian Federation—

(1) has reached an agreement relating to the withdrawal of Russian forces and cessation of military hostilities that is accepted by the free and independent government of Ukraine;

(2) poses no immediate military threat of aggression to any North Atlantic Treaty Organization member; and

(3) recognizes the right of the people of Ukraine to independently and freely choose their own government.

(e) DEFINITIONS.—In this section:

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

(A) the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) BUSINESS OPERATIONS.—The term ''business operations'' means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) FOSSIL FUEL COMPANY.—The term ''fossil fuel company'' means a person that—

(A) carries out oil, gas, or coal exploration, development, or production activities;

(B) processes or refines oil, gas, or coal; or

(C) transports, or constructs facilities for the transportation of, Russian oil, gas, or coal.

(4) GOVERNMENT OF THE RUSSIAN FEDERATION.—The term ''Government of the Russian Federation'' includes the government of any political subdivision of Russia, and any agency or instrumentality of the Government of the Russian Federation. For purposes of this paragraph, the term ''agency or instrumentality of the Government of the Russian Federation'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to ''a foreign state'' deemed to be a reference to ''Russia''.

(5) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

SA 492. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 560A. MILITARY HISTORY GRADUATE STUDY FELLOWSHIP.

(a) IN GENERAL.—Part III of title 10, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 114—MILITARY HISTORY SCHOLARSHIP PROGRAM

''§ 2200k. Programs; purpose

''(a) IN GENERAL.—To encourage the recruitment and retention of Department of Defense personnel who have the traditional military history understanding required by the Department of Defense, the Secretary of Defense may carry out programs in accordance with this chapter to provide financial support for education in disciplines relevant to those requirements at institutions of higher education.

''(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

''(1) Scholarships for pursuit of programs of education in traditional military history disciplines at institutions of higher education.

''(2) Grants to institutions of higher education.

''(c) NAME OF PROGRAM.—The programs authorized under this chapter shall be known as the 'Military History Scholarship Program'.

''§ 2200l. Scholarship program

''(a) AUTHORITY.—The Secretary of Defense may, subject to subsection (f), provide financial assistance in accordance with this section to a person—

''(1) who is pursuing an advanced degree in a traditional military history discipline referred to in section 2200k of this title at an institution of higher education; and

''(2) who enters into an agreement with the Secretary as described in subsection (b).

''(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section—

''(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member's armed force for the period of obligated service determined under paragraph (2);

''(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the Department for the period of obligated service determined under paragraph (2); and

''(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

''(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

''(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

''(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200k of this title. In no event may the period of service required of a recipient be less than the period equal to three-fourths of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

''(3) An agreement entered into under this section by a person pursuing an academic degree shall include terms that provide the following:

''(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200k of this title.

''(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

''(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

''(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

''(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the degree for which assistance is provided the person under this section.

''(e) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A member of an armed force who does not complete the period of active duty specified in the service agreement under subsection (b) shall be subject to the repayment provisions of section 303a(e) or 373 of title 37.

''(2) A civilian employee of the Department of Defense who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall be subject to the repayment provisions of section 303a(e) or 373 of title 37 in the same manner and to the same extent as if the civilian employee were a member of the armed forces.

''(f) ALLOCATION OF FUNDING.—Not less than 10 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in traditional military history disciplines under the grant program established in section 2200l of this title, as determined by the Secretary of Defense.

''(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a military history position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career-conditional appointment.

"§ 2200m. Grant program

''(a) AUTHORITY.—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in military history disciplines referred to in section 2200k of this title.

''(b) PURPOSES.—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

''(1) Faculty development.

''(2) Curriculum development.

''(3) Faculty research in military history.

"§ 2200n. Use of funds

''(a) IN GENERAL.—Funds appropriated or otherwise made available to carry out this chapter may be made available to sponsor or support research and studies in conflict, wartime leaders, military battles, wartime strategy and operations, or other information the Secretary of Defense considers to be of importance relative to the field of military history.

''(b) LIMITATIONS.—Funds appropriated or otherwise made available to carry out this chapter may not be made available to sponsor or support research or studies that predominantly focus on the social sciences of military history.

"§ 2200o. Regulations

''The Secretary of Defense shall prescribe regulations for the administration of this chapter.

"§ 2200p. Institution of higher education defined

''In this chapter, the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 113 the following new item:

''114. Military History Scholarship Program ..... 2200k''.

SA 493. Mr. SCOTT of Florida (for himself and Mr. LUJÁN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 809. PROHIBITION ON COMPUTERS OR PRINTERS ACQUISITIONS INVOLVING ENTITIES OWNED OR CONTROLLED BY CHINA.

(a) IN GENERAL.—The Secretary of Defense may not acquire any computer or printer if the manufacturer, bidder, or offeror is a covered Chinese entity.

(b) APPLICABILITY.—This section shall apply only with respect to contracts or other agreements entered into, renewed, or extended after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) COVERED CHINESE ENTITY.—The term ''covered Chinese entity'' means an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, determines to be an entity owned, controlled, directed, or subcontracted by, affiliated with, or otherwise connected to, the Government of the People's Republic of China.

(2) MANUFACTURER.—The term ''manufacturer'' means—

(A) the entity that transforms raw materials, miscellaneous parts, or components into the end item;

(B) any entity that subcontracts with the entity described in subparagraph (A) for the entity described in such subparagraph to transform raw materials, miscellaneous parts, or components into the end item;

(C) any entity that otherwise directs the entity described in subparagraph (A) to transform raw materials, miscellaneous parts, or components into the end item; or

(D) any parent company, subsidiary, or affiliate of the entity described in subparagraph (A).

SA 494. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1025. SUITABLE REPLACEMENT SHIPS FOR NAVY SURFACE COMBATANT SHIPS.

(a) IN GENERAL.—The Secretary of the Navy may not retire, prepare to retire, place in storage or on backup inventory status, or sell any surface combatant ship until a suitable replacement ship is delivered to the Navy.

(b) DEFINITIONS.—In this section:

(1) SUITABLE REPLACEMENT SHIP.—The term ''suitable replacement ship'' means a ship that can accomplish the same primary mission of the ship to be retired, prepared to retired, placed in storage or on backup inventory status, or sold.

(2) SURFACE COMBATANT SHIP.—The term ''surface combatant ship'' means a ship of any of the following classes:

(A) CVN.

(B) DDG.

(C) CG.

(D) LHA/LHD.

(E) LPD.

(F) LSD.

(G) LCS.

SA 495. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 715. ACCOUNTABILITY FOR CERTAIN MEMBERS OF THE ARMED FORCES DURING THE INTEGRATED DISABILITY EVALUATION SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces are the brave men and women who voluntarily put themselves in harm's way, while fighting the enemies of freedom around the world so that all citizens of the United States and countless citizens of other nations can enjoy the blessings of liberty in peace. We owe those members not only a debt of gratitude, but our willingness to ensure every single member receives excellent health care and just treatment in the medical separation process when they've become ill or injured in the line of duty. This is critically important, not only for the present state of readiness in the Armed Forces, but for potential recruitment of future warfighters as elucidated by President George Washington when he stated, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of early wars were treated and appreciated by our nation.''.

(2) Wounded Warriors remain members of an Armed Force under the jurisdiction of the Secretary of a military department and determinations regarding their physical ability is the responsibility of the chain of command of the member, rather than the personnel within or under the direction of the Defense Health Agency. That responsibility through the jurisdiction of the military chain of command is effective during the entirety of the process of the Integrated Disability Evaluation System of the Department of Defense, or successor system, instead of vesting for practical purposes only at the end of such process.

(3) Section 1214 of title 10, United States Code, guarantees that ''[n]o member of the armed forces may be retired or separated for physical disability without a full and fair hearing if he demands it.''.

(4) Section 1216(b) of such title grants the Secretary concerned ''all powers, functions, and duties incident to the determination'' of ''fitness for active duty of any member of an armed force under his jurisdiction.''.

(5) Sections 7013(b), 8013(b), and 9013(b) of such title assigns responsibility for and grants ''the authority necessary to conduct'' the administration of the ''morale and welfare of personnel'' to the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force respectively.

(b) DECLARATION OF POLICY REGARDING ACCOUNTABILITY FOR WOUNDED WARRIORS.—It is the policy of Congress that—

(1) determinations of fitness for duty or physical capability to perform a military occupational specialty of a member of the Armed Forces under the jurisdiction of the Secretary of a military department are the responsibility of such Secretary;

(2) determinations of fitness for a Wounded Warrior may be assessed by medical professionals outside the military department of the Wounded Warrior and may be influenced by precedents across other entities of the Department of Defense, including the Defense Health Agency, but ultimately, such determination remains a decision of the Secretary of the military department concerned;

(3) the full authority for a determination described in paragraph (1) or (2) resides in the military chain of command and not the chain of responsibility of the Defense Health Agency; and

(4) at no point during the medical evaluation of a Wounded Warrior shall the Wounded Warrior be denied the protections, privileges, or right to due process afforded under the laws, regulations, or other applicable guidance of the military department of the Wounded Warrior.

(c) CLARIFICATION OF RESPONSIBILITIES REGARDING THE INTEGRATED DISABILITY EVALUATION SYSTEM.—Subsection (h) of section 1073c of title 10, United States Code, is amended to read as follows:

''(h) AUTHORITIES RESERVED TO SECRETARIES OF THE MILITARY DEPARTMENTS.—(1) Notwithstanding the responsibilities and authorities of the Director of the Defense Health Agency with respect to the administration of military medical treatment facilities under this section, the Secretary of each military department shall maintain authority over and responsibility for any member of the armed forces under the jurisdiction of the military department concerned while the member is being considered by a medical evaluation board or during any other part of the implementation of the Integrated Disability Evaluation System of the Department of Defense, or successor system.

''(2) Responsibility of the Secretary of a military department under paragraph (1) shall include the following:

''(A) Responsibility for administering the morale and welfare of each member of the armed forces under the jurisdiction of such Secretary.

''(B) Responsibility for determinations of fitness for active duty of each such member.

''(C) Complete operational and administrative control of each such member at every stage of the implementation of the Integrated Disability Evaluation System, or successor system, from the beginning of the medical evaluation board to the conclusion of the physical evaluation board, including the authority to pause for a reasonable amount of time or completely withdraw the member from such system if the military commander with jurisdiction over the member finds that any policies, procedures, regulations, or other related guidance has not been followed in the case of the member.''.

(d) OPPORTUNITY FOR DUE PROCESS HEARING IN THE MILITARY CHAIN OF COMMAND.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall update the policies and procedures applicable to the implementation of the Integrated Disability Evaluation System of the Department of Defense, or successor system, to ensure that appeals made by Wounded Warriors under the jurisdiction of the Secretary concerned include (if the member demands it) a full and fair hearing on such determination, to be conducted by the Secretary concerned.

(2) CHARACTERIZATION OF APPEAL.—An appeal made under paragraph (1) is separate from and in addition to any appellate options available to a Wounded Warrior under the Integrated Disability Evaluation System of the Department of Defense, or successor system.

(3) TIMELY MANNER.—

(A) IN GENERAL.—Upon request by Wounded Warrior, the military commander with jurisdiction over the Wounded Warrior shall process an appeal under paragraph (1).

(B) ADJUDICATION.—Not later than 90 days after the initiation by a Wounded Warrior of an appeal under paragraph (1) the military commander with jurisdiction over the Wounded Warrior, and every echelon of command all the way up to the general court-martial convening authority if the commander denies the appeal, shall complete adjudication of the appeal.

(e) BRIEFING.—Not later than February 1, 2024, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the status of the implementation of this section and the amendments made by this section.

(f) DEFINITIONS.—In this section:

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

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

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

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

(3) WOUNDED WARRIOR.—The term ''Wounded Warrior'' means a member of the Armed Forces being processed for potential medical separation at any point in the Integrated Disability Evaluation System of the Department of Defense, or successor system.

SA 496. Mr. CORNYN (for himself, Mr. CARPER, Mr. YOUNG, and Mr. PADILLA) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—CRITICAL MINERAL AND RARE EARTH ELEMENT RESOURCES

SEC. 1801. DEFINITIONS.

In this title:

(1) COVERED NATION.—The term ''covered nation'' has the meaning given that term in section 4872 of title 10, United States Code.

(2) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given that term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(3) FOREIGN ENTITY OF CONCERN.—The term ''foreign entity of concern'' has the meaning given that term in section 40207 of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741)

(4) RARE EARTH ELEMENTS.—The term ''rare earth elements'' means cerium, dysprosium, erbium, europium, gadolinium, holmium, lanthanum, lutetium, neodymium, praseodymium, promethium, samarium, scandium, terbium, thulium, ytterbium, and yttrium.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1802. REPORTS ON CRITICAL MINERAL AND RARE EARTH ELEMENT RESOURCES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter, the Secretary of the Interior, in consultation with the heads of relevant Federal agencies, shall submit to Congress a report on all critical mineral and rare earth element resources around the world that includes—

(1) an assessment of—

(A) which of such resources are under the control of a foreign entity of concern, including through ownership, contract, or economic or political influence;

(B) which of such resources are owned by, controlled by, or subject to the jurisdiction or direction of the United States or a country that is an ally or partner of the United States;

(C) which of such resources are not owned by, controlled by, or subject to the jurisdiction or direction of a foreign entity of concern or a country described in subparagraph (B); and

(D) in the case of such resources not undergoing commercial mining, the reasons for the lack of commercial mining;

(2) for each mine from which significant quantities of critical minerals or rare earth elements are being extracted, as of the date that is one year before the date of the report—

(A) an estimate of the annual volume of output of the mine as of that date;

(B) an estimate of the total volume of mineral or elements that remain in the mine as of that date;

(C)(i) an identification of the country and entity operating the mine; or

(ii) if the mine is operated by more than one country or entity, an estimate of the output of each mineral or element from the mine to which each such country or entity has access; and

(D) an identification of the ultimate beneficial owners of the mine and the percentage of ownership held by each such owner;

(3) for each mine not described in paragraph (2), to the extent practicable—

(A) an estimate of the aggregate annual volume of output of the mines as of the date that is one year before the date of the report;

(B) an estimate of the aggregate total volume of mineral or elements that remain in the mines as of that date;

(C) an estimate of the aggregate total output of each mineral or element from the mine to which a foreign entity of concern has access;

(4)(A) a list of key foreign entities of concern involved in mining critical minerals and rare earth elements;

(B) a list of key entities in the United States and countries that are allies or partners of the United States involved in mining critical minerals and rare earth elements; and

(C) an assessment of the technical feasibility of entities listed under subparagraphs (A) and (B) mining and processing resources identified under paragraph (1)(C) using existing advanced technology;

(5) an assessment, prepared in consultation with the Secretary of State, of ways to collaborate with countries in which mines or mineral processing operations are located that are operated by other countries, or are operated by entities from other countries, to ensure ongoing access by the United States and countries that are allies and partners of the United States to those mines and processing operations;

(6) a list, prepared in consultation with the Secretary of Commerce, identifying, to the maximum extent practicable, all cases in which entities were forced to divest stock in mining or processing operations for critical minerals and rare earth elements based on—

(A) regulatory rulings of the government of a covered nation;

(B) joint regulatory rulings of such a government and the government of another country; or

(C) rulings of a relevant tribunal or other entity authorized to render binding decisions on divestiture;

(7) a list of all cases in which the government of a covered nation purchased an entity that was forced to divest stock as described in paragraph (6); and

(8) a list of all cases in which mining or processing operations for critical minerals and rare earth elements that were not subject to a ruling described in paragraph (6) were taken over by—

(A) the government of a covered nation; or

(B) an entity located in, or influenced or controlled by, such a government.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

SEC. 1803. PROCESS FOR NOTIFYING UNITED STATES GOVERNMENT OF DIVESTMENT.

Not later than one year after the date of the enactment of this Act, the Secretary of

the Interior, in consultation with the Secretary of State, shall establish a process under which—

(1) a United States person seeking to divest stock in mining or mineral processing operations for critical minerals and rare earth elements in a foreign country may notify the Secretary of the intention of the person to divest such stock; and

(2) the Secretary may provide assistance to the person to find a purchaser that is not under the control of the government of a covered nation.

SEC. 1804. STRATEGY ON DEVELOPMENT OF ADVANCED MINING, REFINING, SEPARATION, AND PROCESSING TECHNOLOGIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the heads of relevant Federal agencies, shall develop—

(1) a strategy to collaborate with the governments of countries that are allies and partners of the United States to develop advanced mining, refining, separation, and processing technologies; and

(2) a method for sharing the intellectual property resulting from the development of such technologies with those countries to enable those countries to license such technologies and mine, refine, separate, and process the resources of such countries.

(b) REPORTS REQUIRED.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the progress made in developing the strategy and method described in subsection (a).

SA 497. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 359. DEPARTMENT OF DEFENSE CONSULTATION ON CERTAIN STRATEGIC MINERAL PROJECTS.

(a) IN GENERAL.—The Secretary of Defense shall consult with the Chief of the Forest Service and the Director of the Bureau of Land Management on covered projects to ensure that NEPA reviews conducted by cooperating agencies of each such covered project are conducted in an efficient manner.

(b) DEFINITIONS.—In this section:

(1) COOPERATING AGENCY.—The term ''cooperating agency'' means a Federal agency other than the Forest Service or the Bureau of Land Management involved in a NEPA review of a covered project.

(2) COVERED PROJECT.—The term ''covered project'' means a project that would produce any strategic mineral where the Forest Service or the Bureau of Land Management is the lead agency.

(3) NEPA REVIEW.—The term ''NEPA review'' means an environmental document required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) STRATEGIC MINERALS.—The term ''strategic minerals'' means materials designated as strategic and critical under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(a)).

SA 498. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 6___. REPORT ON EFFECT OF PHASE-OUT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY AMOUNT OF DEPENDENCY AND INDEMNITY COMPENSATION.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress a report on the effect of section 622 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and the amendments made by such section.

(b) CONTENTS.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment on the effect that section 622 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and the amendments made by such section had on beneficiaries and any unintended consequences that were a result of such section or amendments.

(2) An evaluation of the authority that the Secretary has in a situation when the Defense Finance Accounting Service cannot verify the eligibility of a spouse and payments are paused for the child.

(3) Recommendations for legislative action to ensure the Secretary has the flexibility to make payments under subchapter II of chapter 73 of title 10, United States Code, to dependent children that are under the guardianship of someone other than the surviving spouse.

(4) An assessment of the process of the Department for determining eligibility for survivor benefits under subchapter II of chapter 73 of title 10, United States Code, and dependency and indemnity compensation under chapter 13 of title 38, United States Code, and the coordination between the Defense Finance Accounting Service and the Department of Veterans Affairs for such benefits.

SA 499. Mr. BRAUN (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. _____. ELIGIBILITY OF DISTANCE EDUCATION PROGRAMS OFFERED BY FOREIGN INSTITUTIONS OF HIGHER EDUCATION.

Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4)(A) For the period beginning July 1, 2023, and ending December 31, 2023, an otherwise eligible program that is offered by a foreign institution and is offered in part through distance education is eligible for the purposes of this title if—

''(i) not more than 12.5 percent of such program consists of courses offered principally through distance education;

''(ii) the foreign institution has been evaluated and determined by an outside oversight entity, such as an accrediting agency or association or government entity, to have the capability to effectively deliver distance education programs; and

''(iii) the students receiving aid under this title are physically present in the country where the foreign institution is located during the distance education instruction.

''(B) In calculating the percentage of a program offered through distance education for purposes of clause (i) of subparagraph (A), any course that is part of such a program that requires a student's regular in-person attendance for more than 50 percent of the instruction, but also includes one or more distance education components as part of the course, shall not be considered to be offered principally through distance education.''.

SA 500. Mr. BRAUN (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. _____. ELIGIBILITY OF DISTANCE EDUCATION PROGRAMS OFFERED BY FOREIGN INSTITUTIONS OF HIGHER EDUCATION.

Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4)(A) For the period beginning July 1, 2023, and ending January 31, 2024, an otherwise eligible program that is offered by a foreign institution and is offered in part through distance education is eligible for the purposes of this title if—

''(i) not more than 12.5 percent of such program consists of courses offered principally through distance education;

''(ii) the foreign institution has been evaluated and determined by an outside oversight entity, such as an accrediting agency or association or government entity, to have the capability to effectively deliver distance education programs; and

''(iii) the students receiving aid under this title are physically present in the country where the foreign institution is located during the distance education instruction.

''(B) In calculating the percentage of a program offered through distance education for purposes of clause (i) of subparagraph (A), any course that is part of such a program that requires a student's regular in-person attendance for more than 50 percent of the instruction, but also includes one or more distance education components as part of the course, shall not be considered to be offered principally through distance education.''.

SA 501. Ms. ERNST (for herself, Ms. HIRONO, Mr. KAINE, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—CONVENE ACT OF 2023

SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Connecting Oceania's Nations with Vanguard Exercises and National Empowerment'' or the ''CONVENE Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 6002. DEFINITIONS.

In this division:

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

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

(B) the Committees on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' has the meaning given such term in section 101(a) of title 10, United States Code.

(3) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term ''illegal, unreported, or unregulated fishing'' has the meaning given such term in section 300.201 of title 50, Code of Federal Regulations (or a successor regulation).

(4) MALIGN ACTION.—The term ''malign action'' means an activity—

(A) carried out, directly or indirectly, by a malign actor; and

(B) that is determined by the Secretary of Defense, in consultation with the Secretary of State, to threaten or degrade the national security of the United States.

(5) MALIGN ACTOR.—The term ''malign actor'' has the meaning given the term ''foreign entity of concern'' in section 40207(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741).

(6) NATIONAL SECURITY COUNCIL.—The term ''national security council'' means, with respect to a specified country, an intergovernmental body under the jurisdiction of the freely elected government of the specified country that acts as the primary coordinating entity for security cooperation, disaster response, and the activities described section 6103(f).

(7) SPECIFIED COUNTRY.—The term ''specified country'' means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands;

(C) the Republic of Palau; and

(D) any country that is a signatory to an agreement with the United States to establish a Compact of Free Association.

TITLE LXI—ASSISTANCE TO SPECIFIED COUNTRIES FOR ESTABLISHMENT OF NATIONAL SECURITY COUNCILS

SEC. 6101. DEFINITIONS.

In this title:

(1) ACADEMY GRADUATE.—The term ''academy graduate'' means an individual who has graduated from—

(A) the United States Military Academy;

(B) the United States Naval Academy;

(C) the United States Air Force Academy;

(D) the United States Coast Guard Academy; or

(E) the United States Merchant Marine Academy.

(2) HOMELAND DEFENSE.—The term ''homeland defense'' means an activity undertaken for the military protection of the territory or domestic population of a country, or the infrastructure or other assets of a country that are critical to national security, as determined by the elected government of the country, from a threat to or aggression against the country.

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

SEC. 6102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau have entered into a Compact of Free Association with the United States that recognizes the long-standing economic and military relationship between such countries;

(2) like many countries in the Pacific region, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau are at risk of economic, military, and other security sector coercion by the People's Republic of China;

(3) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau have limited government resources to respond to such coercion or adequately cooperate with the United States for the purpose of responding to such coercion;

(4) it is in the national interest of the United States to assist—

(A) such countries in developing the capacity to so cooperate with the United States so as to ensure a safe and secure Pacific region; and

(B) in the establishment of a coordinating body in each such country that is capable of—

(i) coordinating a response to natural disasters and other emergencies;

(ii) collaborating with the United States Government—

(I) to carry out military exercises; and

(II) to address security concerns; and

(iii) coordinating and implementing efforts to combat illegal, unreported, or unregulated fishing; and

(5) any such coordinating body should be established at the behest of, and managed directly by, the freely elected government of each such country.

SEC. 6103. IDENTIFICATION OF NATIONAL SECURITY COUNCILS OF SPECIFIED COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Defense and other relevant agencies, may consult and engage with each specified country to identify, advise, and develop a security architecture, including by identifying and maintaining a national security council comprised of citizens of the specified country—

(1) that enables the specified country—

(A) to better coordinate with the United States Armed Forces;

(B) to increase cohesion on activities, including emergency humanitarian response, law enforcement, and maritime security activities; and

(C) to provide trained national security professionals to serve as members of the Joint Committees of the specified country established under the applicable Compact of Free Association; and

(2) for the purpose of protecting the people, infrastructure, and territory of the specified country from malign actions.

(b) COMPOSITION.—The Secretary of State, in consultation with the Secretary of Defense, respecting the unique needs of each specified country, may seek to ensure that the national security council of the specified country is composed of sufficient staff and members to enable the activities described in subsection (f).

(c) ACCESS TO SENSITIVE INFORMATION.—The Secretary of State, with the concurrence of the Secretary of Defense, may establish, for use by the members and staff of the national security council of each specified country, standards and a process for vetting and sharing sensitive and classified information.

(d) STANDARDS FOR EQUIPMENT AND SERVICES.—The Secretary of State, with the concurrence of the Secretary of Defense, may work with the national security council of each specified country to ensure that—

(1) the equipment and services used by the national security council are compliant with the most advanced security standards so as to minimize the risk of cyberattacks or espionage by the People's Republic of China or any other actor;

(2) the national security council does not procure or use systems, equipment, or software that originates from an entity affiliated with the Chinese Communist Party or the People's Republic of China, including any entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3965; 10 U.S.C. 113 note) or any parent, subsidiary, or affiliate of any such entity; and

(3) the equipment and services used by the national security council are interoperable with the equipment and services used by the national security councils of the other specified countries.

(e) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes—

(A) a description of all actions taken by the United States Government to assist in the identification or maintenance of a national security council in each specified country;

(B) with respect to each specified country, an assessment as to whether—

(i) the specified country has appropriately staffed its national security council as required by subsection (b); and

(ii) the national security council of the specified country is capable of carrying out the activities described in subsection (f);

(C) an assessment of—

(i) any challenge to cooperation and coordination with the national security council of any specified country;

(ii) current efforts by the Secretary of State to coordinate with the specified countries on the activities described in subsection (f); and

(iii) existing governmental entities within each specified country that are capable of supporting such activities;

(D) a description of any challenge with respect to—

(i) the implementation of the national security council of any specified country; and

(ii) compliance with any of subsections (a) through (d);

(E) an assessment of any attempt or campaign by a malign actor to influence the political, security, or economic policy of a specified country, a member of a national security council, or an immediate family member of such a member; and

(F) any other matter the Secretary of State and the Secretary of Defense consider relevant.

(2) FORM.—Each report required by paragraph (1) may be submitted in unclassified form and may include a classified annex containing the information required under subparagraph (E) of that paragraph and any other information the Secretary of State and the Secretary of Defense consider appropriate.

(f) ACTIVITIES DESCRIBED.—The activities described in this subsection are the following:

(1) HOMELAND SECURITY ACTIVITIES.—

(A) Coordination of—

(i) the prosecution and investigation of transnational criminal enterprises;

(ii) responses to domestic emergencies, such as natural disasters;

(iii) counterintelligence and counter-coercion responses to foreign threats; and

(iv) efforts to combat illegal, unreported, or unregulated fishing.

(B) Coordination with United States Government officials on humanitarian response, military exercises, law enforcement, and other issues of security concern.

(C) Identification and development of an existing governmental entity to support homeland defense and civil support activities.

(2) NATIONAL INTELLIGENCE ACTIVITIES.—Coordination of intelligence collection, counterintelligence, and counter-coercion responses to foreign threats.

(g) REPORT ON FUTURE INTEGRATION EFFORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the congressional defense committees a report that includes an assessment of the following:

(A) Best practices for establishing a mechanism for cooperation, including a line of active communication, among the national security councils of the specified countries.

(B) The amount of funds that allies of the United States and the specified countries may be capable of contributing to the maintenance of the national security councils.

(C) Additional potential government partnerships among the national security councils and agencies of the United States Government that would be in the national interest of the United States.

(D) The feasibility of providing equipment from Department of Defense surplus stocks to the national security councils in a manner that appropriately protects sensitive information and the national security interests of the United States.

(2) FORM.—The report required by paragraph (1) may be submitted in unclassified form and may include a classified annex.

SEC. 6104. FEASIBILITY STUDY ON EXPANDING ACTIVITIES OF THE COAST GUARD AND CIVIC ACTION TEAMS IN SPECIFIED COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall—

(1) complete a study on the feasibility and advisability of—

(A) supporting additional port visits and deployments in support of Operation Blue Pacific or any successor operation oriented toward Oceania; and

(B) expanding or re-establishing civic action team camps, or establishing dedicated staging, training, and education sites, in the specified countries; and

(2) submit to the congressional defense committees a report on the findings of the study required by paragraph (1).

SEC. 6105. PILOT PROGRAM.

(a) IN GENERAL.—During the period of fiscal years 2024 through 2026, the Secretary of State, in consultation with the Secretary of Defense, may conduct one or more pilot programs in each specified country for the purpose of evaluating the effectiveness of supporting the employment, within the government of the specified country, of veterans and academy graduates who are citizens of the specified country—

(1) to carry out one or more activities described in section 6103(f); or

(2) to support the operations or maintenance of the national security councils of the specified country.

(b) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary of Defense, may negotiate with the government of each specified country to identify existing or new positions to support the employment of veterans and academy graduates in the roles described in paragraphs (1) and (2) of subsection (a).

(c) USE OF FUNDS.—The Secretary of State, in consultation with the Secretary of Defense, may use funds authorized to be appropriated under section 6107—

(1) to support the education and training of veterans and academy graduates to qualify for a position identified under subsection (b), only if the cost of such education or training does not exceed $10,000 per participant;

(2) to provide a stipend for participants; and

(3) for other purposes, as determined by the Secretary of State.

(d) LIMITATION.—

(1) IN GENERAL.—An individual who is not a veteran or an academy graduate may not participate in a pilot program under this section.

(2) WAIVER.—The Secretary of Defense or the Secretary of State may waive the application of paragraph (1) in the case of a graduate of the Senior Reserve Officers' Training Corps program described in section 2102 of title 10, United States Code.

(e) REPORT.—Not later than 180 days after the date on which the pilot programs under this section terminate, the Secretary of State shall submit to the appropriate committees of Congress a report that sets forth—

(1) the amounts expended for each such pilot program;

(2) the number of participants trained and employed through each such pilot program;

(3) the number of waivers granted under subsection (d)(2);

(4) an assessment of any challenges in implementing such pilot programs and a description of such challenges; and

(5) for each specified country—

(A) an identification of the agencies within the government of the specified country in which participants were employed through such a pilot program; and

(B) an assessment of the impact of supporting the identified positions within the government of the specified country, and an analysis of any resulting reduced expenses by the United States Government or any benefit accrued in the interest of the United States Government by supporting such positions.

(f) FEASIBILITY STUDY.—Not later than one year after the date on which the pilot programs under this section terminate, the Secretary of State shall—

(1) complete a study on the feasibility and advisability of converting any such pilot program into a permanent program; and

(2) submit to the congressional defense committees a report on the findings of the study under paragraph (1).

SEC. 6106. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of State shall submit to the appropriate committees of Congress a report that—

(1) with respect to each specified country, includes an itemized list of expenditures made pursuant to the authorization under section 6107, including specific total amounts spent on equipment, facilities, payroll, and other costs; and

(2) assesses whether—

(A) the amount authorized under that section was sufficient to cover the needs of the national security councils in the specified countries; and

(B) the funds authorized under that section were used for activities described in section 6103(f) and whether any such funds were used for purposes other than such activities.

(b) FORM.—Each report required by subsection (a) may be submitted in unclassified form and may include a classified annex.

SEC. 6107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, for fiscal year 2024, for the Department of State and the Department of Defense, $10,000,000 for the identification, maintenance, and support of the national security councils of the specified countries and the development of reporting requirements and security investigations, for supporting operations and activities of the national security councils, including exercises within the specified countries, and for other purposes as determined by the Secretary of State and the Secretary of Defense, of which—

(1) not less than $1,000,000 shall be made available as a grant to each of the specified countries for the establishment and maintenance of a national security council, including equipment, facilities, and staff payroll; and

(2) not less than $3,000,000 shall be made available to support the pilot programs described in section 6105.

TITLE LXII—EXPANSION OF UNITED STATES AGENCY FOR GLOBAL MEDIA AND REPORTS

SEC. 6201. EXPANSION OF UNITED STATES AGENCY FOR GLOBAL MEDIA TO SPECIFIED COUNTRIES.

(a) IN GENERAL.—The Chief Executive Officer of the United States Agency for Global Media and the head of any other relevant Federal department or agency, in collaboration with appropriate nongovernmental entities, shall support independent journalism and combat surveillance in the specified countries by—

(1) making grants to expand Radio Free Asia to prioritize local coverage in the specified countries and relevant regional coverage in the Asia-Pacific region;

(2) expanding existing training and partnership programs in the specified countries that promote journalistic standards, investigative reporting, cybersecurity, and digital analytics to help expose and counter foreign information operations; and

(3) ensuring that networks and grantees of the United States Agency for Global Media in the specified countries continue carrying out their mission of providing credible and timely news coverage, including news coverage of the activities of the People's Republic of China and other regimes in the region of the specified countries.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Chief Executive Officer of the United States Agency for Global Media shall submit to the appropriate committees of Congress a report that outlines—

(A) the progress in establishing a network of independent journalists in each specified country;

(B) the amount of news coverage on malign actions taking place in the specified countries;

(C) recommendations for additional efforts to provide news and information, and content, in local languages for marginalized indigenous groups in the specified countries; and

(D) recommendations for additional programming in such countries.

(2) FORM.—Each report required by paragraph (1) may be submitted in unclassified form but may include a classified annex.

(c) SUPPORT FOR LOCAL MEDIA.—The Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, and in coordination with the Administrator of the United States Agency for International Development, shall support and train journalists on the investigative techniques necessary to ensure public accountability with respect to—

(1) the Belt and Road Initiative;

(2) the People's Republic of China's illegal, unreported, or unregulated fishing activities; and

(3) other malign activities, including influence operations abroad directly or indirectly supported by the Chinese Communist Party or the Government of the People's Republic of China.

(d) EXPANSION OF RADIO FREE ASIA.—Section 309(a)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(a)(1)) is amended by inserting ''and elsewhere'' before the period at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for fiscal year 2024, for the United States Agency for Global Media, $7,000,000 for new programs in the specified countries and relevant regional coverage in the Asia-Pacific region to support local media, build independent media, and combat the information operations by the People's Republic of China and other malign actors, and for the monitoring and evaluation of such programs, of which—

(1) not less than $5,000,000 shall be made available as a grant for Radio Free Asia language services; and

(2) not less than $2,000,000 shall be made available as grants for Radio Free Asia digital media services to counter propaganda directed at Chinese populations in the specified countries and the Asia-Pacific region through ''Global Mandarin'' programming.

SEC. 6202. REPORTS AND FEASIBILITY STUDY.

(a) REPORT ON DEPARTMENT OF STATE LIMITATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that includes—

(A) a strategy on the establishment and development of defense attaché or defense representative positions for individuals who are specifically trained and tasked to support the unique homeland defense responsibilities of the specified countries and the proposed national security councils;

(B) the estimated cost of providing, within the United States embassy in each specified country, office space capable of allowing the secure systems and equipment and other accommodations and support necessary for the placement of a defense attaché in each such embassy; and

(C) an assessment of—

(i) the benefit to the United States of placing a defense attaché or defense representative in each such embassy; and

(ii) any other factor that may limit the accommodation of a defense attaché or defense representative and related support staff in each such embassy.

(2) FORM.—The report required by paragraph (1) may be submitted in unclassified form and may include a classified annex.

(b) REPORT ON DEFENSE ATTACHÉ LIMITATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the appropriate committees of Congress a report that includes—

(A) the estimated cost of accrediting to each specified country a defense attaché or defense representative who is not dual-accredited or holding a nonresident accreditation; and

(B) an assessment of—

(i) the benefit to the United States of placing a defense attaché or defense representative in the United States embassy of each specified country; and

(ii) any other factor that may limit the placement of a defense attaché or defense representative and related support staff in each such embassy.

(2) FORM.—The report required by paragraph (1) shall be submitted in a classified form but may include an unclassified summary.

(c) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall complete a study on the feasibility and advisability of—

(A) creating a secure space within the United States embassy in each specified country that is capable of hosting a defense attaché or defense representative and related support staff; and

(B) accrediting to each specified country a defense attaché or defense representative who is not dual-accredited or holding a nonresident accreditation.

(2) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the findings of the study under paragraph (1).

(B) FORM.—The report required by subparagraph (A) shall be submitted in classified form but may include an unclassified summary.

(d) REPORT ON UNITED STATES INDO-PACIFIC COMMAND DIVISION OF SPECIFIED COUNTRIES.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(A) an assessment of the benefits of ensuring that the specified countries are covered within the same internal organizational divisions of the United States Indo-Pacific Command, including task forces;

(B) an identification of any internal division within the United States Indo-Pacific Command that separates or divides the specified countries, including task forces; and

(C) a justification for any internal division identified under subparagraph (B), and a cost-benefit analysis of maintaining such division.

(2) FORM.—The report required by paragraph (1) shall be submitted in classified form but may include an unclassified summary.

SA 502. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. TRANSFER OF UNUSED BORDER FENCE MATERIAL TO SOUTHWEST BORDER STATES.

(a) SHORT TITLES.—This section may be cited as the ''Border's Unused Idle and Lying Dormant Inventory Transfer Act'' or the ''BUILD IT Act''.

(b) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of this Act, the Federal Government shall deliver to the governments of Arizona, of California, of New Mexico, and of Texas, upon request, any materials associated with the construction of the physical barrier along international border between the United States and Mexico that—

(1) are in the possession of the Department of Homeland Security, the Department of Defense, or any other Federal agency; or

(2) have been purchased by the Federal Government, but remain in the possession of any contractor or vendor.

(c) PROHIBITION OF FEES AND DELIVERY CHARGES.—The Federal Government may not charge any fee or other delivery charge to any of the States referred to in subsection (b) for the delivery of the materials described in such subsection.

(d) USE OF MATERIALS.—Any State receiving materials from the Federal Government pursuant to subsection (b) shall use such materials for the purpose of constructing, repairing, or reinforcing a physical barrier along the international border between such State and Mexico.

(e) TERMINATION OF EXISTING CONTRACTS.—The Federal Government shall terminate, at the convenience of the Federal Government, any contract relating to the maintenance and security of the materials intended for the construction referred to in subsection (b) that—

(1) is in effect on the date of the enactment of this Act; and

(2) must be terminated in order to comply with subsection (b).

SA 503. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle D—Modification of Travel Authorities for Abortion-Related Expenses

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''Modification to Department of Defense Travel Authorities for Abortion-Related Expenses Act of 2023''.

SEC. 642. TERMINATION OF DEPARTMENT OF DEFENSE MEMORANDUM RELATING TO ACCESS TO ABORTIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consistent with section 1093 of title 10, United States Code, the Department of Defense may not use any funds for abortions except in a case in which the life of the mother would be endangered if the fetus were carried to term or in which the pregnancy is the result of an act of rape or incest;

(2) the Secretary of Defense has no legal authority to implement any policies under which funds are to be used for that purpose; and

(3) the Department of Defense memorandum entitled ''Ensuring Access to Reproductive Health Care'', dated October 20, 2022, is therefore in direct conflict with section 1093 of title 10, United States Code, and the intent of Congress, and must be rescinded.

(b) TERMINATION OF MEMORANDUM.—

(1) IN GENERAL.—The Department of Defense memorandum entitled ''Ensuring Access to Reproductive Health Care'', dated October 20, 2022, shall have no force or effect.

(2) PROHIBITION ON AVAILABILITY OF FUNDS TO CARRY OUT MEMORANDUM.—None of the funds authorized to be appropriated or otherwise made available to the Department of Defense may be obligated or expended to carry out the memorandum described in paragraph (1) or any successor to such memorandum.

SEC. 643. PROHIBITION ON PROVISION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO OBTAIN ABORTIONS.

(a) IN GENERAL.—Section 452 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(j) PROHIBITION ON ALLOWANCES TO OBTAIN ABORTIONS.—The Secretary of Defense may not provide transportation-, lodging-, meals-in-kind, or any actual or necessary expenses of travel or transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title for a member of the Armed Forces or a dependent of such a member seeking an abortion or any abortion-related service, except in a case in which the life of the mother would be endangered if the fetus were carried to term or the pregnancy is the result of an act of rape or incest.''.

(b) PROHIBITION ON CONSIDERING LIMITED ACCESS TO ABORTIONS AS UNUSUAL, EXTRAORDINARY, HARDSHIP, OR EMERGENCY CIRCUMSTANCES.—Section 453(d) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''An authorized traveler''; and

(2) by adding at the end the following new paragraph:

''(2) The access of a member of the Armed Forces or a dependent of such a member to an abortion or abortion-related services being limited because of the duty location of the member does not constitute an unusual, extraordinary, hardship, or emergency circumstance for the purposes of section 452 of title 37, United States Code, except in a case in which the life of the mother would be endangered if the fetus were carried to term or the pregnancy is the result of an act of rape or incest.''.

SEC. 644. PROHIBITION ON USE OF MEDICAL CONVALESCENT LEAVE OR ADMINISTRATIVE ABSENCES FOR TRAVEL TO OBTAIN ABORTIONS.

(a) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 701 the following new section:

''§ 701a. Prohibition on use of medical convalescent leave or administrative absences for travel to obtain abortions

''A member of the Armed Forces may not take convalescent leave under section 701(m) or use an administrative absence for travel for the purposes of obtaining an abortion or abortion-related service, except in a case in which the life of the mother would be endangered if the fetus were carried to term or the pregnancy is the result of an act of rape or incest.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 701 the following new item:

''701a. Prohibition on use of medical convalescent leave or administrative absences for travel to obtain abortions.''.

SEC. 645. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this subtitle or an amendment made by this subtitle may be construed to affect the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of an abortion.

(b) APPLICABILITY.—Subsection (a) applies without regard to whether—

(1) the abortion was performed in accordance with Federal or State law; or

(2) funding for the abortion is permissible under section 1093 of title 10, United States Code.

SA 504. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII of division A, add the following:

SEC. 849. ELIMINATING SELF-CERTIFICATION FOR WOMEN-OWNED SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term ''small business concern owned and controlled by women'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ELIMINATING SELF-CERTIFICATION IN PRIME CONTRACTING AND SUBCONTRACTING FOR WOSBs.—

(1) IN GENERAL.—Each prime contract award and subcontract award that is counted for the purpose of meeting the goals for participation by small business concerns owned and controlled by women in procurement contracts for Federal agencies, as established in section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)), shall be entered into with small business concerns certified by the Administrator to meet the requirements under section 3(n) of such Act (15 U.S.C. 632(n)) to be a small business concern owned and controlled by women.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on October 1 of the fiscal year beginning after the Administrator promulgates the regulations required under subsection (d).

(c) PHASED APPROACH TO ELIMINATING SELF-CERTIFICATION FOR WOSBs.—Notwithstanding any other provision of law, any small business concern that self-certified as a small business concern owned and controlled by women may—

(1) if the small business concern files a certification application with the Administrator before the end of the 1-year period beginning on the date of enactment of this Act, maintain such self-certification until the Administrator makes a determination with respect to such certification; and

(2) if the small business concern does not file a certification application before the end of the 1-year period beginning on the date of enactment of this Act, lose, at the end of such 1-year period, any self-certification of the small business concern as a small business concern owned and controlled by women.

(d) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

(e) AGENCY TESTIMONY BEFORE CONGRESS.—Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended by adding at the end the following:

''(G) REMEDIATION.—Any Federal agency failing to meet the goal for participation by small business concerns owned and controlled by women established under paragraph (1)(B) in a fiscal year shall—

''(i) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the report required under subsection (h)(1); and

''(ii) testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the details of the report submitted under clause (i), in particular the justifications and remediation plan described in subparagraphs (C) and (D) of subsection (h)(1).''.

(f) INTERAGENCY REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of the Treasury, and the head of any other Federal agency that the Administrator determines appropriate, shall submit to Congress an interagency report that—

(1) identifies the leading economic barriers for small business concerns owned and controlled by women, particularly for industries underrepresented by small business concerns owned and controlled by women;

(2) includes a detailed description of the impact of inflation and supply chain disruptions on small business concerns owned and controlled by women during the 3-year period preceding the report;

(3) makes recommendations to improve access to capital for small business concerns owned and controlled by women; and

(4) in consultation with the Office of Federal Procurement Policy, makes recommendations for increasing the number of Federal contract opportunities for small business concerns owned and controlled by women.

SA 505. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X of division A, insert the following:

SEC. _____. SMALL BUSINESS INDUSTRIAL BASE FEDERAL CONTRACTING MATTERS.

(a) PRIORITIZING ENGAGING MORE SMALL BUSINESSES IN FEDERAL PROCUREMENT.—

(1) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(A) in subsection (g)(1)—

(i) in subparagraph (A)(i), by striking the second sentence; and

(ii) by adding at the end the following:

''(C) REQUIREMENT.—In meeting each of the goals under subparagraph (A), the Government shall ensure the participation of a broad spectrum of small business concerns from a wide variety of industries.'';

(B) in subsection (h)(1)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the information described in clauses (ii) through (iv) of subsection (y)(2)(B).''; and

(C) in subsection (y)—

(i) in paragraph (2)—

(I) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(II) by inserting before clause (i), as so redesignated, the following:

''(A) GOALS.—'';

(III) in clause (i), as so redesignated, by inserting ''PRIME CONTRACT GOALS.—'' before ''A determination'';

(IV) in clause (ii), as so redesignated, by inserting ''SUBCONTRACT GOALS.—'' before ''A determination'';

(V) by striking subparagraphs (C) and (D) and inserting the following:

''(B) COMPOSITION OF THE SMALL BUSINESS INDUSTRIAL BASE.—

''(i) TOTAL NUMBER OF SMALL BUSINESS CONCERNS.—The number of small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women—

''(I) awarded prime contracts during the fiscal year compared to the prior fiscal year, including a breakdown by North American Industry Classification System code, if available; and

''(II) awarded subcontracts during the fiscal year compared to the prior fiscal year, including a breakdown by North American Industry Classification System code, if available.

''(ii) MATURITY OF SMALL BUSINESS CONCERNS.—A breakdown of the number of new small business entrants, recent small business entrants, and established small business concerns awarded prime contracts or subcontracts during the fiscal year, including a breakdown of such entities that are small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

''(iii) DOLLAR DISTRIBUTION AMONG SMALL BUSINESS CONCERNS.—The total dollar value of prime contract awards for the top 20 small business concerns that received the most Federal procurement funding in the fiscal year, compared to the combined total dollar value for the remaining small business concerns, and a comparison of that data with the prior fiscal year.

''(iv) SMALL BUSINESS PARTICIPATION BY INDUSTRY.—The total dollar value of prime contract awards made to small business concerns in all industry sectors and sorted by highest dollar amount per major industry sector to the least, including—

''(I) the number of individual small business contractors awarded contracts in each industry sector; and

''(II) the top 10 industries in which small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women participate, compared to the 10 industries in which those concerns have the least participation.''; and

(VI) in subparagraph (E), by striking ''(E)'' and inserting ''(C) OTHER FACTORS.—''; and

(ii) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

''(A) not more than 40 percent of the score on the dollar value of prime contracts described in paragraph (2)(A), as determined by the Administrator;

''(B) not less than 30 percent of the score on the information provided in paragraph (2)(B), as determined by the Administrator; and

''(C) the appropriate percent of the score on the information provided in paragraph (2)(C), as determined by the Administrator.''.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Administrator of the Small Business Administration shall issue regulations to define the terms ''new small business entrant'', ''recent small business entrant'', and ''established small business concern'' for purposes of subparagraph (B)(ii) of section 15(y)(2) of the Small Business Act (15 U.S.C. 644(y)(2)), as added by paragraph (1).

(b) LIMITATION ON FEDERAL AGENCY CREDIT FOR MEETING CONTRACTING GOALS.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(4) LIMITATION ON CREDIT FOR MEETING CONTRACTING GOALS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'covered category of small business concern' means—

''(I) a small business concern owned and controlled by service-disabled veterans;

''(II) a qualified HUBZone small business concern;

''(III) a small business concern owned and controlled by socially and economically disadvantaged individuals; or

''(IV) a small business concern owned and controlled by women; and

''(ii) the term 'credit' means the value of a prime contract.

''(B) GENERAL RULE.—A Federal agency may allocate credit for a single prime contract awarded to a small business concern not more than 2 times for purposes of demonstrating compliance with the goals of the Federal agency established under paragraph (2)(A).

''(C) ALLOCATION OF CREDIT.—

''(i) FIRST ALLOCATION.—The first allocation of credit described in subparagraph (B) shall be applied towards the goal of the Federal agency established under paragraph (2)(A) for participation by small business concerns.

''(ii) SECOND ALLOCATION.—A second allocation of credit described in subparagraph (B) shall be applied as follows:

''(I) If the prime contract was awarded as a sole-source contract or through competition restricted to a covered category of small business concern, the credit shall be applied towards the goal of the Federal agency established under paragraph (2)(A) for participation by the applicable covered category of small business concern.

''(II) If the prime contract was not awarded as a sole-source contract or through competition restricted to a covered category of small business concern, the credit may only be applied towards a single goal of the Federal agency established under paragraph (2)(A), determined at the election of the contracting officer, for participation by a covered category of small business concern that is applicable to the recipient of the prime contract, without regard to whether the recipient of the prime contract qualifies as more than 1 covered category of small business concern.''.

(c) TESTIMONY ON SMALL BUSINESS ENGAGEMENT BEFORE CONGRESS.—Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended by adding at the end the following:

''(G) REMEDIATION.—Any Federal agency failing to receive a score equivalent to a letter grade of 'A' or above in a letter graded rating system, as established under subsection (y), in a fiscal year shall—

''(i) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the report required under subsection (h)(1); and

''(ii) testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the reasons for failing to meet a letter grade of 'A' or above, and the details of the report submitted under clause (i), in particular the justifications and remediation plan described in subparagraphs (C) and (D) of subsection (h)(1).''.

(d) EVALUATION OF OFFERS FOR CONTRACTS INCLUDING SUBCONTRACTING PLANS.—Section 8(d)(4)(G) of the Small Business Act (15 U.S.C. 637(d)(4)(G)) is amended—

(1) in the matter preceding clause (i), by striking ''bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting'' and inserting ''contract that includes a subcontracting plan required under this paragraph or paragraph (5)''; and

(2) in clause (i), by striking ''the rate provided under the subcontracting plan for small business participation'' and inserting ''a description of the extent to which the offeror proposes to use small business concerns as subcontractors at any tier''.

(e) ACCESSIBILITY AND CLARITY IN CONTRACTS TO ENGAGE SMALL SUPPLIERS AND SMALL BUSINESSES.—

(1) DEFINITIONS.—In this section—

(A) the term ''covered notice'' means a notice pertaining to small business concerns, such as a sources sought notice or solicitation restricted to competition among small business concerns or covered small business concerns, published by a Federal agency on SAM.gov or any successor website marketing Federal contract opportunities;

(B) the term ''covered small business concern'' means—

(i) a small business concern owned and controlled by women, a small business concern owned and controlled by veterans, a small business concern owned and controlled by service-disabled veterans, or a qualified HUBZone small business concern, as those terms are defined in section 3 of the Small Business Act (15 U.S.C. 632); and

(ii) a socially and economically disadvantaged small business concern, as defined in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)); and

(C) the terms ''Federal agency'' and ''small business concern'' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632).

(2) INCLUSION OF KEY WORDS IN NOTICES FOR SMALL BUSINESS CONTRACT ACTIONS.—Each covered notice shall, to the maximum extent

practicable, include key words and contract requirements in the title or description of the covered notice such that small business concerns seeking contract opportunities using the search function of SAM.gov or any successor website can easily identify and understand those opportunities.

(3) PLAIN LANGUAGE.—

(A) IN GENERAL.—Each covered notice shall be written in a manner that is clear, concise, and accessible to the reader such that a small business concern can easily understand the intent of the Federal agency.

(B) EXCEPTION.—If the covered notice cannot meet the requirement under subparagraph (A) due to requirements applicable to the covered notice from regulation or law, the Federal agency shall include with the covered notice a cover page adequately summarizing the contents of the covered notice, written in a clear, concise, and accessible manner, such that a small business concern can easily understand the intent of the Federal agency.

(4) ATTACHMENTS.—A Federal agency may not meet the requirement in paragraph (2) by only including key words and contract requirements in a document that is attached to the covered notice.

(5) RULEMAKING.—Not later than 90 days after the date of enactment of this section, the Administrator of the Small Business Administration shall promulgate regulations to carry out this section.

(f) RULE OF TWO ANALYSIS APPLIES BEFORE USING A MULTIPLE AWARD CONTRACT.—Section 15(r) of the Small Business Act (15 U.S.C. 644(r)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(2) by striking the matter before subparagraph (A), as so redesignated, and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), Federal agencies shall—''; and

(3) by adding at the end the following:

''(2) EXCEPTIONS.—The requirements in paragraph (1) shall not apply—

''(A) in the case of contracts, including orders, awarded under subpart 8.4 of the Federal Acquisition Regulation (or any successor regulation); or

''(B) if the contracting officer is unable to obtain offers from 2 or more small business concerns that are—

''(i) competitive with market prices; and

''(ii) competitive with regard to the quality and delivery of the goods or services being purchased.''.

(g) ALIGNING OSDBU AND PCR COLLABORATION REGARDING BUNDLED OR CONSOLIDATED CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (k)—

(A) in paragraph (5)—

(i) by inserting ''or consolidation'' after ''bundling'';

(ii) by inserting ''procurement center representative,'' after ''work with the'';

(iii) by inserting a comma after ''acquisition officials''; and

(iv) by inserting ''or consolidated'' after ''bundled'';

(B) in paragraph (8), in the matter preceding subparagraph (A), by inserting '', as required under subsection (l)(4)'' after ''procurement center representative,''; and

(C) in paragraph (17)—

(i) in subparagraph (B), by striking ''and'' at the end;

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

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

''(C) inform the procurement center representative at such agency of the notice if the notice pertains to contract bundling or consolidation and work with the procurement center representative and appropriate agency personnel to increase the opportunity for competition; and''; and

(2) in subsection (l)(2)—

(A) by redesignating subparagraphs (H), (I), (J), and (K) as subparagraphs (I), (J), (K), and (L), respectively; and

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

''(H) consult with the Director of the Office of Small and Disadvantaged Business Utilization of that agency and appropriate agency personnel with regard to—

''(i) proposed solicitations involving significant bundling or consolidation of contract requirements as described in subsection (k)(5); and

''(ii) notices by small business concerns of undue restrictions on the ability of the small business concern to compete for the award due to significant bundling or consolidation of contract requirements, as described in subsection (k)(17);''.

SA 506. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII of division A, add the following:

SEC. 849. ELIMINATING SELF-CERTIFICATION FOR SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) SMALL BUSINESS CONCERN; SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The terms ''small business concern'' and ''small business concerns owned and controlled by service-disabled veterans'' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ELIMINATING SELF-CERTIFICATION IN PRIME CONTRACTING AND SUBCONTRACTING FOR SDVOSBs.—

(1) IN GENERAL.—Each prime contract award and subcontract award that is counted for the purpose of meeting the goals for participation by small business concerns owned and controlled by service-disabled veterans in procurement contracts for Federal agencies, as established in section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)), shall be entered into with small business concerns certified by the Administrator as small business concerns owned and controlled by service-disabled veterans under section 36 of such Act (15 U.S.C. 657f).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on October 1 of the fiscal year beginning after the Administrator promulgates the regulations required under subsection (d).

(c) PHASED APPROACH TO ELIMINATING SELF-CERTIFICATION FOR SDVOSBs.—Notwithstanding any other provision of law, any small business concern that self-certified as a small business concern owned and controlled by service-disabled veterans may—

(1) if the small business concern files a certification application with the Administrator before the end of the 1-year period beginning on the date of enactment of this Act, maintain such self-certification until the Administrator makes a determination with respect to such certification; and

(2) if the small business concern does not file a certification application before the end of the 1-year period beginning on the date of enactment of this Act, lose, at the end of such 1-year period, any self-certification of the small business concern as a small business concern owned and controlled by service-disabled veterans.

(d) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

SA 507. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 849. PILOT PROGRAM FOR SMALL BUSINESSES TO SCALE TECHNOLOGIES.

(a) PILOT PROGRAM FOR SMALL BUSINESSES TO SCALE TECHNOLOGIES.—

(1) IN GENERAL.—Section 9(aa) of the Small Business Act (15 U.S.C. 638(aa)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following:

''(5) PILOT PROGRAM FOR SMALL BUSINESSES TO SCALE TECHNOLOGIES.—Upon request by a Federal agency, the Administrator shall grant a waiver from the requirement under paragraph (1) with respect to a Phase II award under the SBIR program or STTR program of the Federal agency if the Federal agency ensures that—

''(A) the total funding associated with the Phase II award under the SBIR program and the STTR program does not exceed $20,000,000;

''(B) not more than 33 percent of the total funding, public or private, included or required by the funding agreement may be paid with funding under the SBIR program or the STTR program of the Federal agency;

''(C) for the Department of Defense, the Phase II award directly supports a Department of Defense operational need and has a clearly defined transition path to support military capabilities; and

''(D) if the waiver is granted—

''(i) not more than 25 percent of the SBIR program budget of the Federal agency for any fiscal year will be expended on Phase II awards for which a waiver is granted under this paragraph; and

''(ii) not more than 25 percent of the STTR program budget of the Federal agency for any fiscal year will be expended on Phase II awards for which a waiver is granted under this paragraph.''.

(2) SUNSET.—Effective on October 1, 2025, section 9(aa) of the Small Business Act (15 U.S.C. 638(aa)) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraph (6) as paragraph (5).

(b) REQUIREMENT FOR DEFENSE INNOVATION UNIT; PILOT PROGRAM FOR ACCELERATION OF HIGH PRIORITY TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''appropriate congressional committees'' means—

(i) the Committee on Small Business and Entrepreneurship of the Senate;

(ii) the Committee on Armed Services of the Senate;

(iii) the Committee on Small Business of the House of Representatives;

(iv) the Committee on Armed Services of the House of Representatives; and

(v) the Committee on Science, Space, and Technology of the House of Representatives;

(B) the terms ''armed forces'' and ''Secretary concerned'' have the meanings given those terms in section 101 of title 10, United States Code;

(C) the term ''major system'' has the meaning given the term in section 3041 of title 10, United States Code;

(D) the terms ''Phase I'', ''Phase II'', ''Phase III'', ''SBIR'', and ''STTR'' have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(E) the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) REQUIREMENT.—The Director of the Defense Innovation Unit of the Department of Defense shall establish a mechanism, such as a major system, to provide small business concerns with direct access to program and requirements offices throughout the Department of Defense that may purchase technology from small business concerns under Phase III of the SBIR or STTR program of the Department of Defense.

(3) PILOT PROGRAM FOR ADVANCING SMALL BUSINESS DEVELOPMENT.—

(A) IN GENERAL.—

(i) SET ASIDE.—Of the amounts authorized to be appropriated by this Act, or otherwise made available for fiscal year 2024, to carry out an SBIR program of a component of the armed forces, that component shall use 1 percent of those amounts to provide for the procurement of high priority technologies (as so identified by the chief acquisition officer of the component), specifically the procurement of systems that have been supported through Phase I or Phase II awards of that program but have not become programs of record.

(ii) COMBINING FUNDING.—For the purposes of clause (i), multiple components of the armed forces may combine amounts that each component is required to use as described in that clause to jointly provide for the procurement of high priority technologies.

(B) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the chief acquisition officer of each component of the armed forces shall submit to the appropriate congressional committees a list of which technologies that officer has identified as high priority technologies under subparagraph (A).

(C) REPORT.—Not later than 1 year after the date of enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report that contains policy change recommendations identified as a result of the pilot program carried out under this paragraph by the applicable component of the armed forces to facilitate the rapid adoption of technologies supported by the SBIR program of the component.

(c) LIMITATIONS ON AMOUNT OF AWARDS AND NUMBER OF APPLICATIONS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(yy) LIMITATIONS ON TOTAL SBIR AND STTR AWARD AMOUNTS AND APPLICATIONS.—

''(1) TOTAL AWARD AMOUNT.—A single small business concern, including any subsidiary or affiliated entity of the small business concern, may not receive more than $50,000,000 in Phase I and Phase II awards, in the aggregate, from Federal agencies participating in the SBIR or STTR program.

''(2) APPLICATIONS.—

''(A) IN GENERAL.—A small business concern may not submit more than 10 applications to a single Federal agency for each SBIR or STTR program award solicitation of the Federal agency.

''(B) DEPARTMENT OF DEFENSE.—For purposes of subparagraph (A), the Department of Defense shall consist of 1 Federal agency.''.

SA 508. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII of division A, add the following:

SEC. 849. PAYMENT OF SUBCONTRACTORS.

Section 8(d)(13) of the Small Business Act (15 U.S.C. 637(d)(13)) is amended—

(1) in subparagraph (B)(i), by striking ''90 days'' and inserting ''30 days'';

(2) in subparagraph (C)—

(A) by striking ''contractor shall'' and inserting ''contractor—

''(i) shall'';

(B) in clause (i), as so designated, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(i) may enter or modify past performance information of the prime contractor in connection with the unjustified failure to make a full or timely payment to a subcontractor subject to this paragraph before or after close-out of the covered contract.''.

(3) in subparagraph (D), by striking ''subparagraph (E)'' and inserting ''subparagraph (F)'';

(4) by redesignating subparagraph (E) as subparagraph (F); and

(5) by inserting after subparagraph (D) the following″:

''(E) COOPERATION.—

''(i) IN GENERAL.—Once a contracting officer determines, with respect to the past performance of a prime contractor, that there was an unjustified failure by the prime contractor on a covered contract to make a full or timely payment to a subcontractor covered by subparagraph (B) or (C), the prime contractor is required to cooperate with the contracting officer, who shall consult with the Director of Small Business Programs or the Director of Small and Disadvantaged Business Utilization acting pursuant to section 15(k)(6) and other representatives of the Government, regarding correcting and mitigating the unjustified failure to make a full or timely payment to a subcontractor.

''(ii) DURATION.—The duty of cooperation under this subparagraph for a prime contractor described in clause (i) continues until the subcontractor is made whole or the determination of the contracting officer determination is no longer effective, and regardless of performance or close-out status of the covered contract.''.

SA 509. Mr. CRAPO (for himself, Mr. HICKENLOOPER, Mr. RISCH, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. LIMITATION ON TERMINATION OF FIGHTER SQUADRONS.

(a) LIMITATION.—The Secretary of the Air Force may not terminate the fighter flying mission of any fighter squadron of the Air National Guard until a period of 180 days has elapsed following the date on which the Secretary submits the plan required under subsection (b).

(b) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of the Air Force, in coordination with the Director of the Air National Guard, shall develop a notional plan for the recapitalization of all fighter squadrons of the Air National Guard.

(2) ELEMENTS.—The plan under paragraph (1) shall—

(A) provide options for the modernization of fighter squadrons of the Air National Guard and the replacement of the aircraft of such squadrons at a rate that ensures recapitalization of such squadrons with relevant and more capable replacement fighter aircraft;

(B) ensure that each fighter squadron of the Air National Guard has the required minimum of primary mission assigned fighter aircraft to meet force presentation requirements of geographic combatant commanders for both steady-state and operational contingency planning and execution;

(C) include consideration for the temporary reassignment of aircraft to such squadrons from other components of the Air Force, as necessary to meet the requirements of the plan; and

(D) include the Secretary of the Air Force's assessment of any effects of the force presentation on—

(i) combatant commanders;

(ii) aircrew accession absorption capacity;

(iii) industrial capacity to support any additional production above programmed quantities; and

(iv) costs aside from normal training and personnel costs of unit mission transitions.

(3) SUBMITTAL TO CONGRESS.—The Secretary of the Air Force shall submit to the congressional defense committees the plan required under paragraph (1) together with an explanation of—

(A) any programmatic funding required to implement such plan; and

(B) how the plan differs from other plans of the Secretary of the Air Force with respect to fighter aircraft squadrons of the Air National Guard (including any such plans in effect as of the date of the submittal of the plan under paragraph (1)); and

(C) any effects of the plan on operations and efforts to recapitalize or transition existing fighter aircraft squadrons of the Air National Guard as proposed in the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for fiscal year 2024.

SA 510. Mr. SCOTT of Florida (for himself, Mrs. BLACKBURN, Mr. ROMNEY, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Drone Security

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''American Security Drone Act of 2023''.

SEC. 1092. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity included on a list developed and maintained by the Federal Acquisition Security Council and published in the System for Award Management (SAM). This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Attorney General, Director of National Intelligence, and the Secretary of Defense, determines poses a national security risk.

(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

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

(3) INTELLIGENCE; INTELLIGENCE COMMUNITY.—The terms ''intelligence'' and ''intelligence community'' have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1093. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) through (f), the head of an executive agency may not procure any covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity, which includes associated elements related to the collection and transmission of sensitive information (consisting of communication links and the components that control the unmanned aircraft) that enable the operator to operate the aircraft in the National Airspace System. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA's science or management objectives or operational mission.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

(B) the Committee on Oversight and Reform in the House of Representatives; and

(C) other appropriate congressional committees of jurisdiction.

SEC. 1094. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is two years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the operation is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA's science or management objectives or operational mission.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

(B) the Committee on Oversight and Reform in the House of Representatives; and

(C) other appropriate congressional committees of jurisdiction.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Transportation, shall prescribe regulations or guidance to implement this section.

SEC. 1095. PROHIBITION ON USE OF FEDERAL FUNDS FOR PROCUREMENT AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is two years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—

(1) to procure a covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the

Attorney General are exempt from the restriction under subsection (a) if the procurement or operation is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the purpose of meeting NOAA's science or management objectives or operational mission.

(e) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

(B) the Committee on Oversight and Reform in the House of Representatives; and

(C) other appropriate congressional committees of jurisdiction.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the requirements of this section pertaining to Federal contracts.

SEC. 1096. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 1097. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—All executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, within one year of the date of enactment of this Act, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level, as determined by the Secretary of Homeland Security or the Secretary's designee.

(c) EXCEPTIONS.—The Department of Defense, the Department of Homeland Security, the Department of Justice, the Department of Transportation, and the National Oceanic and Atmospheric Administration may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues, or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 1098. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 1099. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of an unmanned aircraft system—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing, and transmitting Federal information in an unmanned aircraft system:

(1) Protections to ensure controlled access to an unmanned aircraft system.

(2) Protecting software, firmware, and hardware by ensuring changes to an unmanned aircraft system are properly managed, including by ensuring an unmanned aircraft system can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of an unmanned aircraft system.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of an unmanned aircraft system.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall—

(1) incorporate policies to implement the exemptions contained in this subtitle; and

(2) incorporate an exemption to the policy in the case of a head of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—

(A) may not be delegated below the level of the Deputy Secretary, or Administrator, of the procuring department or agency;

(B) shall specify—

(i) the quantity of end items to which the waiver applies and the procurement value of those items; and

(ii) the time period over which the waiver applies, which shall not exceed three years;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 1099A. STATE, LOCAL, AND TERRITORIAL LAW ENFORCEMENT AND EMERGENCY SERVICE EXEMPTION.

(a) RULE OF CONSTRUCTION.—Nothing in this subtitle shall prevent a State, local, or territorial law enforcement or emergency service agency from procuring or operating a covered unmanned aircraft system purchased with non-Federal dollars.

(b) CONTINUITY OF ARRANGEMENTS.—The Federal Government may continue entering into contracts, grants, and cooperative agreements or other Federal funding instruments with State, local, or territorial law enforcement or emergency service agencies under which a covered unmanned aircraft system will be purchased or operated if the agency has received approval or waiver to purchase or operate a covered unmanned aircraft system pursuant to section 1095.

SEC. 1099B. STUDY.

(a) STUDY ON THE SUPPLY CHAIN FOR UNMANNED AIRCRAFT SYSTEMS AND COMPONENTS.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the appropriate congressional committees a report on the supply chain for covered unmanned aircraft systems, including a discussion of current and projected future demand for covered unmanned aircraft systems.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the current and future global and domestic market for covered unmanned aircraft systems that are not widely commercially available except from a covered foreign entity.

(B) A description of the sustainability, availability, cost, and quality of secure sources of covered unmanned aircraft systems domestically and from sources in allied and partner countries.

(C) The plan of the Secretary of Defense to address any gaps or deficiencies identified in subparagraph (B), including through the use of funds available under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) and partnerships with the National Aeronautics and Space Administration and other interested persons.

(D) Such other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section the term ''appropriate congressional committees'' means:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(C) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(D) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(E) The Committee on Transportation and Infrastructure of the House of Representatives.

(F) The Committee on Homeland Security of the House of Representatives.

SEC. 1099C. EXCEPTIONS.

(a) EXCEPTION FOR WILDFIRE MANAGEMENT OPERATIONS AND SEARCH AND RESCUE OPERATIONS.—The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement and operation restrictions under sections 1093, 1094, and 1095 to the extent the procurement or operation is necessary for the purpose of supporting the full range of wildfire management operations or search and rescue operations.

(b) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—The elements of the intelligence community, in consultation with the Director of National Intelligence, are exempt from the procurement and operation restrictions under sections 1093, 1094, and 1095 to the extent the procurement or operation is necessary for the purpose of supporting intelligence activities.

(c) EXCEPTION FOR TRIBAL LAW ENFORCEMENT OR EMERGENCY SERVICE AGENCY.—Tribal law enforcement or Tribal emergency service agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 1093, 1094, and 1095 to the extent the procurement or operation is necessary for the purpose of supporting the full range of law enforcement operations or search and rescue operations on Indian lands.

SEC. 1099D. SUNSET.

Sections 1093, 1094, and 1095 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

SA 511. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. AFGHAN VETTING AND ACCOUNTABILITY.

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

(1) In the report entitled ''DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees during the Recent Afghanistan Crisis'' issued on September 6, 2022, the Inspector General of the Department of Homeland Security found that—

(A) the United States welcomed more than 79,000 Afghan evacuees between July 2021, and January 2022, as part of Operation Allies Refuge and Operation Allies Welcome; and

(B) the President directed the Secretary of Homeland Security to lead the coordination across the Federal Government to resettle vulnerable Afghans arriving as part of Operation Allies Refuge and Operation Allies Welcome.

(2) The Office of the Inspector General of the Department of Homeland Security conducted an audit to determine the extent to which the Department of Homeland Security screened, vetted, and inspected evacuees arriving as part of Operation Allies Refuge and Operation Allies Welcome.

(3) After meeting with more than 130 individuals from the Department of Homeland Security, the Office of the Inspector General of the Department of Homeland Security determined that—

(A) the Department of Homeland Security encountered obstacles to screening, vetting, and inspecting all Afghan evacuees arriving as part of Operation Allies Refuge and Operation Allies Welcome;

(B) U.S. Customs and Border Protection did not always have critical data to properly screen, vet, or inspect the evacuees;

(C) some information used to vet evacuees through United States Government databases, such as name, date of birth, identification number, and travel document data, was inaccurate, incomplete, or missing; and

(D) U.S. Customs and Border Protection admitted or paroled into the United States evacuees who were not fully vetted.

(4) The Office of the Inspector General of the Department of Homeland Security attributed the Department of Homeland Security's challenges with respect to properly screening, vetting, and inspecting such evacuees to not having—

(A) a list of evacuees from Afghanistan who were unable to provide sufficient identification documents;

(B) a contingency plan to support similar emergency situations; and

(C) standardized policies.

(5) As a result, the Department of Homeland Security may have admitted or paroled individuals into the United States who pose a risk to the national security of the United States and the safety of local communities.

(b) IDENTIFICATION AND RECURRENT VETTING OF EVACUEES FROM AFGHANISTAN.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall—

(1) identify all evacuees from Afghanistan who—

(A) were paroled into the United States during the period beginning on July 1, 2021, and ending on January 31, 2022, as part of Operation Allies Refuge or Operation Allies Welcome; and

(B) remain in the United States;

(2) for each such evacuee, conduct a full screening and vetting, including by consulting all law enforcement and international terrorist screening databases, based on the confirmed identity of the evacuee;

(3) prioritize the screening and vetting described in paragraph (2) for such evacuees who did not have documentation of their identity on arrival in the United States;

(4) establish recurrent and periodic vetting processes for all such evacuees, including in-person interviews as necessary;

(5) ensure that such vetting processes are carried out for each such evacuee for the duration of the authorized period of parole of the evacuee; and

(6) provide to the Director of National Intelligence, the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, the Attorney General, and the law enforcement agencies of the State and locality in which each such evacuee is located evidence that the full screening and vetting described in paragraph (2), and the recurrent and periodic vetting processes described in paragraph (4), have been carried out.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(1) the findings and results of the screening and vetting carried out under subsection (b); and

(2) the number of evacuees who were ineligible for admission to the United States and, for each such evacuee, the specific reason the evacuee was found ineligible.

SA 512. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 404. EXCLUSION FROM ACTIVE-DUTY PERSONNEL END STRENGTH LIMITATIONS OF CERTAIN MILITARY PERSONNEL ASSIGNED FOR DUTY IN CONNECTION WITH THE FOREIGN MILITARY SALES PROGRAM.

(a) EXCLUSION.—Except as provided in subsection (c), members of the Armed Forces on active duty who are assigned to an entity specified in subsection (b) for duty in connection with the Foreign Military Sales (FMS) program shall not count toward any end strength limitation for active-duty personnel otherwise applicable to members of the Armed Forces on active duty.

(b) SPECIFIED ENTITIES.—The entities specified in this subsection are the following:

(1) The military departments.

(2) The Defense Security Cooperation Agency.

(3) The combatant commands.

(c) INAPPLICABILITY TO GENERAL AND FLAG OFFICERS.—Subsection (a) shall not apply with respect to any general or flag officer assigned as described in that subsection.

SA 513. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. ACKNOWLEDGING COURAGE AND SACRIFICE OF VETERANS OF VIETNAM WAR.

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

(1) Members of the Armed Forces of the United States began serving in an advisory role to the Government of South Vietnam in 1955.

(2) In 1965, ground combat units of the Armed Forces of the United States arrived in the Republic of Vietnam to join approximately 23,000 personnel of the Armed Forces who were already present there.

(3) By 1969, the number of such troops reached a peak of approximately 549,500, including members of the Armed Forces in the region who were supporting the combat operations;Whereas, on January 27, 1973, the Agreement on Ending the War and Restoring Peace in Viet-Nam (commonly known as the Paris Peace Accords) was signed, which required the release of all prisoners of war of the United States held in North Vietnam and the withdrawal of all Armed Forces of the United States from South Vietnam.

(4) On March 29, 1973, the Armed Forces of the United States completed the withdrawal of combat units and combat support units from South Vietnam.

(5) On April 30, 1975, North Vietnamese forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under Communist control.

(6) More than 58,000 members of the Armed Forces of the United States lost their lives in the Vietnam war, and more than 300,000 members of the Armed Forces of the United States were wounded in Vietnam.

(7) The Vietnam war was an extremely divisive issue back home in the United States as a result of biased and shameful attacks from the media, academia, politicians, and many others.

(8) Some opponents of the war did not limit their opposition to normal political discourse, but engaged in violent protests, including the targeting of Reserve Officers' Training Corps facilities, recruiting stations, and the bombing of the Army Math Research Center at the University of Wisconsin-Madison.

(9) Members of the Armed Forces who served bravely and faithfully for the United States during the Vietnam war were repeatedly targeted with shameful attacks as the result of decisions that were beyond their control.

(b) RESOLUTION OF APOLOGY.—The United States, acting through Congress—

(1) recognizes the extraordinary sacrifice of veterans of the Vietnam war and commends them for their unwavering and courageous sacrifice to our Nation;

(2) urges the President of the United States to formally acknowledge the widespread mistreatment of veterans of the Vietnam war;

(3) on behalf of the American people, issues the long-overdue formal apology to veterans of the Vietnam war and their families for the mistreatment they endured during and after the war; and

(4) expresses urgent support for increased education in our Nation's schools to better reflect the courage and sacrifice of veterans of the Vietnam war and the lack of support back home.

SA 514. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. DEVELOPMENT AND ACQUISITION OF HYBRID ENERGY SYSTEMS.

(a) ADDITIONAL FUNDING.—The amount authorized to be appropriated for fiscal year 2024 by section 201 for research, development, test, and evaluation is hereby increased by $2,000,000, with the amount of the increase to be available for the Environmental Security Technical Certification Program (PE 0603851D8Z).

(b) AVAILABILITY.—The amount made available under subsection (a) shall be available for the development and acquisition of hybrid energy systems.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2024 by section 301 for operation and maintenance is hereby reduced by $2,000,000, with the amount of the decrease to be taken from the availability of amounts for the Office fo the Secretary of Defense..

SA 515. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. POST-EMPLOYMENT LIMITATIONS ON PRESIDENTIAL APPOINTEES WITH RESPECT TO CHINA.

Section 207 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) through (l) as subsection (h) through (m), respectively; and

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

''(g) POST-EMPLOYMENT LIMITATIONS ON PRESIDENTIAL APPOINTEES WITH RESPECT TO CHINA.—

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

''(A) CHINESE ENTITY.—The term 'Chinese entity' means—

''(i) the Government of the People's Republic of China;

''(ii) the Chinese Communist Party;

''(iii) an entity listed in accordance with section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note);

''(iv) an entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3965); and

''(v) an entity based in the People's Republic of China that is included 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 title 15, Code of Federal Regulations.''.

''(B) FORMER PRESIDENTIAL APPOINTEE.—The term 'Former presidential appointee' means an individual who formerly served in a position in any department or agency of the United States pursuant to an appointment made by the President.

''(2) PROHIBITION.—A former Presidential appointee who—

''(A) knowingly represents a Chinese entity before any officer or employee of a department or agency of the United States with the intent to influence a decision of the officer or employee in carrying out the official duties of the officer or employee; or

''(B) knowingly aids or advises a Chinese entity with the intent to influence a decision of any officer or employee of a department or agency of the United States in carrying out the official duties of the officer or employee,

shall be punished as provided in section 216.''.

SA 516. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—RULE OF CONSTRUCTION REGARDING PROTECTED SPEECH

SEC. _____. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act may be construed to authorize any funding to direct, coerce, or compel the content moderation decisions of any interactive computer service (as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) or any platform through which a media organization disseminates information relating to any speech protected by the Constitution of the United States, without regard to whether the organization disseminates that information through broadcast, print, online, or any other channel, including by—

(1) removing such speech;

(2) suppressing such speech;

(3) removing or suspending a particular user or class of users;

(4) labeling such speech as disinformation, misinformation, or false information, or by making any similar characterization with respect to such speech; or

(5) otherwise blocking, banning, deleting, deprioritizing, demonetizing, deboosting, limiting the reach of, or restricting access to such speech.

SA 517. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. OPTIMIZING THE CIVILIAN WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The civilian workforce of the Department of Defense makes valuable contributions to overall mission success, but its cost is growing at an unsustainable rate.

(2) Between fiscal years 2018 and 2022, expenditures for pay for civilian employees of the Department grew by approximately $15,000,000,000, and in fiscal year 2022, such expenditures exceeded $101,000,000,000.

(3) With the maturation of commercial technologies such as robotic process automation and artificial intelligence, costs can be significantly reduced and manual processes across the Department could be eliminated.

(4) The Department's adherence to legacy systems, processes, and practices in its business operations creates an inefficient application of manpower, squanders resources that could be applied to increase operational readiness, and is detrimental to the efforts of the Department to recruit and retain top talent.

(5) Optimizing the civilian workforce of the Department is critical to meeting current and future threats in a fiscally prudent manner.

(b) REDUCTION OF FUNDS FOR THE DEPARTMENT OF DEFENSE CIVILIAN WORKFORCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Defense for pay for civilian employees of the Department for fiscal year 2024 such sums as are necessary to optimize the civilian workforce while reducing costs through the use of relevant technologies.

(2) EXCLUSION FROM REDUCTIONS.—Of amounts authorized to be appropriated under paragraph (1), the Secretary of Defense shall make available for civilian positions in the Department of Defense supporting shipyard, depot, health care, sexual assault response, and acquisition duties not less than the amounts available for such positions during fiscal year 2023.

(c) BUDGET JUSTIFICATION MATERIALS FOR DEPARTMENT OF DEFENSE CIVILIAN WORKFORCE.—

(1) PAY EXHIBIT.—The Secretary of Defense shall—

(A) in consultation with the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, develop a comprehensive and consolidated budget exhibit outlining the costs of pay for civilian employees of the Department of Defense; and

(B) include the exhibit in the budget justification materials submitted to Congress in support of the budget of the Department for fiscal year 2025 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) OTHER INFORMATION.—In the budget justification materials described in paragraph (1)(B) for fiscal year 2025 and each fiscal year thereafter, the Secretary of Defense shall identify mission changes, areas of technology implementation, and business process improvements that will optimize the size, structure, and composition of the civilian workforce of the Department of Defense and the allocation of manpower of the Department compared to requirements of the Department.

(d) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(A) A reassessment of total force manpower resources compared to core missions, tasks, and functions, including a mapping of missions to originating statute or policy of the Department of Defense.

(B) A plan with specific goals and metrics for measuring the adoption of technologies relevant to the civilian workforce of the Department, such as automation and artificial intelligence, and business process improvements across the Department.

(C) A timeline for implementation of the goals included under subparagraph (B).

(D) A forecast of manpower savings as a result of efforts to achieve those goals across the future years defense program.

(E) An identification of any additional resources or authorities necessary to achieve those goals.

(2) LIMITATION.—None of the funds authorized to be appropriated for the civilian workforce for the Department of Defense for fiscal year 2024 or any fiscal year thereafter may be obligated or expended to establish or operate a Department of Defense Civilian Workforce Incentive Fund until 30 days after the date on which the report required by paragraph (1) is submitted under such paragraph.

SA 518. Mr. BRAUN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Protecting America's Agricultural Land From Foreign Harm

SEC. 1091. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL LAND.—

(A) IN GENERAL.—The term ''agricultural land'' has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(B) INCLUSION.—The term ''agricultural land'' includes land described in section 9(1) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(1)) that is used for ranching purposes.

(2) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' has the meaning given the term ''person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary'' in section 7.2 of title 15, Code of Federal Regulations (as in effect on the date of enactment of this Act), except that each reference to ''foreign adversary'' in that definition shall be deemed to be a reference to the government of—

(i) Iran;

(ii) North Korea;

(iii) the People's Republic of China; or

(iv) the Russian Federation.

(B) EXCLUSIONS.—The term ''covered person'' does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) UNITED STATES.—The term ''United States'' includes any State, territory, or possession of the United States.

SEC. 1092. PROHIBITION ON PURCHASE OR LEASE OF AGRICULTURAL LAND IN THE UNITED STATES BY PERSONS ASSOCIATED WITH CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take such actions as may be necessary to prohibit the purchase or lease by covered persons of—

(1) public agricultural land that is owned by the United States and administered by the head of any Federal department or agency, including the Secretary, the Secretary of the Interior, and the Secretary of Defense; or

(2) private agricultural land located in the United States.

(b) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out subsection (a).

(c) PENALTIES.—A person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prohibit or otherwise affect the purchase or lease of public or private agricultural land described in subsection (a) by any person other than a covered person;

(2) to prohibit or otherwise affect the use of public or private agricultural land described in subsection (a) that is transferred to or acquired by a person other than a covered person from a covered person; or

(3) to require a covered person that owns or leases public or private agricultural land described in subsection (a) as of the date of enactment of this Act to sell that land.

SEC. 1093. PROHIBITION ON PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS BY PERSONS ASSOCIATED WITH CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of the law, the President shall take such actions as may be necessary to prohibit participation in Department of Agriculture programs by covered persons that have full or partial ownership of agricultural land in the United States or lease agricultural land in the United States.

(b) EXCLUSIONS.—Subsection (a) shall not apply to participation in any program—

(1) relating to—

(A) food inspection or any other food safety regulatory requirements; or

(B) health and labor safety of individuals; or

(2) administered by the Farm Service Agency, with respect to the administration of this subtitle or the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.).

(c) PROOF OF CITIZENSHIP.—To participate in a Department of Agriculture program described in subsection (b) (except for a program under this subtitle or the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.)), a person described in subparagraph (A) of section 1091(2) that is a person described in subparagraph (B) of that section shall submit to the Secretary proof that the person is described in subparagraph (B) of that section.

SEC. 1094. AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE.

(a) INCLUSION OF SECURITY INTERESTS AND LEASES IN REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) the term 'interest' includes—

''(A) a security interest; and

''(B) a lease, without regard to the duration of the lease;''.

(2) CONFORMING AMENDMENT.—Section 2 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501) is amended by striking '', other than a security interest,'' each place it appears.

(b) CIVIL PENALTY.—Section 3 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502) is amended—

(1) in subsection (b), by striking ''exceed 25 percent'' and inserting ''be less than 15 percent, or exceed 30 percent,''; and

(2) by adding at the end the following:

''(c) LIENS.—On imposing a penalty under subsection (a), the Secretary shall ensure that a lien is placed on the agricultural land with respect to which the violation occurred, which shall be released only on payment of the penalty.''.

(c) TRANSPARENCY.—

(1) IN GENERAL.—Section 7 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3506) is amended to read as follows:

''SEC. 7. PUBLIC DATA SETS.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Consolidated Appropriations Act, 2023 (Public Law 117–328), the Secretary shall publish in the internet database established under section 773 of division A of that Act human-readable and machine-readable data sets that—

''(1) contain all data that the Secretary possesses relating to reporting under this Act from each report submitted to the Secretary under section 2; and

''(2) as soon as practicable, but not later than 30 days, after the date of receipt of any report under section 2, shall be updated with the data from that report.

''(b) INCLUDED DATA.—The data sets established under subsection (a) shall include—

''(1) a description of—

''(A) the purchase price paid for, or any other consideration given for, each interest in agricultural land for which a report is submitted under section 2; and

''(B) updated estimated values of each interest in agricultural land described in subparagraph (A), as that information is made available to the Secretary, based on the most recently assessed value of the agricultural land or another comparable method determined by the Secretary; and

''(2) with respect to any agricultural land for which a report is submitted under section 2, updated descriptions of each foreign person who holds an interest in at least 1 percent of the agricultural land, as that information is made available to the Secretary, categorized as a majority owner or a minority owner that holds an interest in the agricultural land.''.

(2) DEADLINE FOR DATABASE ESTABLISHMENT.—Section 773 of division A of the Consolidated Appropriations Act, 2023 (Public Law 117–328), is amended, in the first proviso, by striking ''3 years'' and inserting ''2 years''.

(d) DEFINITION OF FOREIGN PERSON.—Section 9(3) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(3)) is amended—

(1) in subparagraph (C)(ii)(IV), by striking ''and'' at the end;

(2) in subparagraph (D), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(E) any person, other than an individual or a government, that issues equity securities that are primarily traded on a foreign securities exchange within—

''(i) Iran;

''(ii) North Korea;

''(iii) the People's Republic of China; or

''(iv) the Russian Federation;''.

SEC. 1095. REPORTS.

(a) REPORT FROM THE SECRETARY ON FOREIGN OWNERSHIP OF AGRICULTURAL LAND IN THE UNITED STATES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to Congress a report describing—

(A) the risks and benefits, as determined by the Secretary, that are associated with foreign ownership or lease of agricultural land in rural areas (as defined in section 520 of the Housing Act of 1949 (42 U.S.C. 1490));

(B) the intended and unintended misrepresentation of foreign land ownership in the annual reports prepared by the Secretary describing foreign holdings of agricultural land due to inaccurate reporting of foreign holdings of agricultural land;

(C) the specific work that the Secretary has undertaken to monitor erroneous reporting required by the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) that would result in a violation or civil penalty; and

(D) the role of State and local government authorities in tracking foreign ownership of agricultural land in the United States.

(2) PROTECTION OF INFORMATION.—In carrying out paragraph (1), the Secretary shall establish a plan to ensure the protection of personally identifiable information.

(b) REPORT FROM THE DIRECTOR OF NATIONAL INTELLIGENCE ON FOREIGN OWNERSHIP OF AGRICULTURAL LAND IN THE UNITED STATES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Director of National Intelligence shall submit to the congressional recipients described in paragraph (2) a report describing—

(A) an analysis of foreign malign influence (as defined in section 119C(f) of the National Security Act of 1947 (50 U.S.C. 3059(f))) by covered persons that have foreign ownership in the United States agriculture industry; and

(B) the primary motives, as determined by the Director of National Intelligence, of foreign investors to acquire agricultural land.

(2) CONGRESSIONAL RECIPIENTS DESCRIBED.—The report under paragraph (1) shall be submitted to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Foreign Relations of the Senate;

(E) the Committee on Financial Services of the House of Representatives;

(F) the Committee on Agriculture of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the majority leader of the Senate;

(J) the minority leader of the Senate;

(K) the Speaker of the House of Representatives; and

(L) the minority leader of the House of Representatives.

(3) CLASSIFICATION.—The report under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing—

(1) a review of resources, staffing, and expertise for carrying out the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.), and enforcement issues limiting the effectiveness of that Act; and

(2) any recommended necessary changes to that Act.

SA 519. Mr. SCOTT of South Carolina (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—FEND OFF FENTANYL ACT

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Fentanyl Eradication and Narcotics Deterrence Off Fentanyl Act'' or the ''FEND Off Fentanyl Act''.

SEC. 1802. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proliferation of fentanyl is causing an unprecedented surge in overdose deaths in the United States, fracturing families and communities, and necessitating a comprehensive policy response to combat its lethal flow and to mitigate the drug's devastating consequences;

(2) the trafficking of fentanyl into the United States is a national security threat that has killed hundreds of thousands of United States citizens;

(3) transnational criminal organizations, including cartels primarily based in Mexico, are the main purveyors of fentanyl into the United States and must be held accountable;

(4) precursor chemicals sourced from the People's Republic of China are—

(A) shipped from the People's Republic of China by legitimate and illegitimate means;

(B) transformed through various synthetic processes to produce different forms of fentanyl; and

(C) crucial to the production of illicit fentanyl by transnational criminal organizations, contributing to the ongoing opioid crisis;

(5) the United States Government must remain vigilant to address all new forms of fentanyl precursors and drugs used in combination with fentanyl, such as Xylazine, which attribute to overdose deaths of people in the United States;

(6) to increase the cost of fentanyl trafficking, the United States Government should work collaboratively across agencies and should surge analytic capability to impose sanctions and other remedies with respect to transnational criminal organizations (including cartels), including foreign nationals who facilitate the trade in illicit fentanyl and its precursors from the People's Republic of China; and

(7) the Department of the Treasury should focus on fentanyl trafficking and its facilitators as one of the top national security priorities for the Department.

SEC. 1803. DEFINITIONS.

In this title:

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

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(2) FOREIGN PERSON.—The term ''foreign person''—

(A) means—

(i) any citizen or national of a foreign country; or

(ii) any entity not organized under the laws of the United States or a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(3) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) TRAFFICKING.—The term ''trafficking'', with respect to fentanyl, fentanyl precursors, or other related opioids, has the meaning given the term ''opioid trafficking'' in section 7203 of the Fentanyl Sanctions Act (21 U.S.C. 2302).

(5) TRANSNATIONAL CRIMINAL ORGANIZATION.—The term ''transnational criminal organization'' includes—

(A) any organization designated as a significant transnational criminal organization under part 590 of title 31, Code of Federal Regulations;

(B) any of the organizations known as—

(i) the Sinaloa Cartel;

(ii) the Jalisco New Generation Cartel;

(iii) the Gulf Cartel;

(iv) the Los Zetas Cartel;

(v) the Juarez Cartel;

(vi) the Tijuana Cartel;

(vii) the Beltran-Leyva Cartel; or

(viii) La Familia Michoacana; or

(C) any other organization that the President determines is a transnational criminal organization; or

(D) any successor organization to an organization described in subparagraph (B) or as otherwise determined by the President.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

Subtitle A—Sanctions Matters

PART I—SANCTIONS IN RESPONSE TO NATIONAL EMERGENCY RELATING TO FENTANYL TRAFFICKING

SEC. 1811. FINDING; POLICY.

(a) FINDING.—Congress finds that international trafficking of fentanyl, fentanyl precursors, or other related opioids constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and is a national emergency.

(b) POLICY.—It shall be the policy of the United States to apply economic and other financial sanctions to those who engage in the international trafficking of fentanyl, fentanyl precursors, or other related opioids to protect the national security, foreign policy, and economy of the United States.

SEC. 1812. USE OF NATIONAL EMERGENCY AUTHORITIES; REPORTING.

(a) IN GENERAL.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this part.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch pursuant to this part and any national emergency declared with respect to the trafficking of fentanyl and trade in other illicit drugs, including—

(A) the issuance of any new or revised regulations, policies, or guidance;

(B) the imposition of sanctions;

(C) the collection of relevant information from outside parties;

(D) the issuance or closure of general licenses, specific licenses, and statements of licensing policy by the Office of Foreign Assets Control;

(E) a description of any pending enforcement cases; or

(F) the implementation of mitigation procedures.

(2) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include the matters required by subparagraphs (C), (D), (E), and (F) of that paragraph in a classified annex.

SEC. 1813. CODIFICATION OF EXECUTIVE ORDER IMPOSING SANCTIONS WITH RESPECT TO FOREIGN PERSONS INVOLVED IN GLOBAL ILLICIT DRUG TRADE.

United States sanctions provided for in Executive Order 14059 (50 U.S.C. 1701 note; relating to imposing sanctions on foreign persons involved in the global illicit drug trade), and any amendments to or directives issued pursuant to such Executive order before the date of the enactment of this Act, shall remain in effect.

SEC. 1814. IMPOSITION OF SANCTIONS WITH RESPECT TO FENTANYL TRAFFICKING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to any foreign person the President determines—

(1) is knowingly involved in the significant trafficking of fentanyl, fentanyl precursors, or other related opioids, including such trafficking by a transnational criminal organization; or

(2) otherwise is knowingly involved in significant activities of a transnational criminal organization relating to the trafficking of fentanyl, fentanyl precursors, or other related opioids.

(b) SANCTIONS DESCRIBED.—The President may, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch with respect to the foreign persons identified under subsection (a).

SEC. 1815. PENALTIES; WAIVERS; EXCEPTIONS.

(a) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this part or any regulation, license, or order issued to carry out this part shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(b) NATIONAL SECURITY WAIVER.—The President may waive the application of sanctions under this part with respect to a foreign person if the President determines that the waiver is in the national security interest of the United States.

(c) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This part shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION FOR COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this part shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

(B) to carry out or assist law enforcement activity of the United States.

(3) HUMANITARIAN EXEMPTION.—The President may not impose sanctions under this part with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

SEC. 1816. TREATMENT OF FORFEITED PROPERTY OF TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) TRANSFER OF FORFEITED PROPERTY TO FORFEITURE FUNDS.—

(1) IN GENERAL.—Any covered forfeited property shall be deposited into the Department of the Treasury Forfeiture Fund established under section 9705 of title 31, United States Code, or the Department of Justice Assets Forfeiture Fund established under section 524(c) of title 28, United States Code.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on any deposits made under paragraph (1) during the 180-day period preceding submission of the report.

(3) COVERED FORFEITED PROPERTY DEFINED.—In this subsection, the term ''covered forfeited property'' means property—

(A) forfeited to the United States under chapter 46 or section 1963 of title 18, United States Code; and

(B) that belonged to or was possessed by an individual affiliated with or connected to a transnational criminal organization subject to sanctions under—

(i) this part;

(ii) the Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.); or

(iii) Executive Order 14059 (50 U.S.C. 1701 note; relating to imposing sanctions on foreign persons involved in the global illicit drug trade).

(b) BLOCKED ASSETS UNDER TERRORISM RISK INSURANCE ACT OF 2002.—Nothing in this part affects the treatment of blocked assets of a terrorist party described in subsection (a) of section 201 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

PART II—OTHER MATTERS

SEC. 1821. TEN-YEAR STATUTE OF LIMITATIONS FOR VIOLATIONS OF SANCTIONS.

(a) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended by adding at the end the following:

''(d) STATUTE OF LIMITATIONS.—

''(1) TIME FOR COMMENCING PROCEEDINGS.—

''(A) IN GENERAL.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, under this section shall not be entertained unless commenced within ten years after the latest date of the violation upon

which the civil fine, penalty, or forfeiture is based.

''(B) COMMENCEMENT.—For purposes of this paragraph, the commencement of an action, suit, or proceeding includes the issuance of a pre-penalty notice or finding of violation.

''(2) TIME FOR INDICTMENT.—No person shall be prosecuted, tried, or punished for any offense under subsection (c) unless the indictment is found or the information is instituted within ten years after the latest date of the violation upon which the indictment or information is based.''.

(b) TRADING WITH THE ENEMY ACT.—Section 16 of the Trading with the Enemy Act (50 U.S.C. 4315) is amended by adding at the end the following:

''(d) STATUTE OF LIMITATIONS.—

''(1) TIME FOR COMMENCING PROCEEDINGS.—

''(A) IN GENERAL.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, under this section shall not be entertained unless commenced within ten years after the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.

''(B) COMMENCEMENT.—For purposes of this paragraph, the commencement of an action, suit, or proceeding includes the issuance of a pre-penalty notice or finding of violation.

''(2) TIME FOR INDICTMENT.—No person shall be prosecuted, tried, or punished for any offense under subsection (a) unless the indictment is found or the information is instituted within ten years after the latest date of the violation upon which the indictment or information is based.''.

SEC. 1822. CLASSIFIED REPORT AND BRIEFING ON STAFFING OF OFFICE OF FOREIGN ASSETS CONTROL.

Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Foreign Assets Control shall provide to the appropriate congressional committees a classified report and briefing on the staffing of the Office of Foreign Assets Control, disaggregated by staffing dedicated to each sanctions program and each country or issue.

SEC. 1823. REPORT ON DRUG TRANSPORTATION ROUTES AND USE OF VESSELS WITH MISLABELED CARGO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in conjunction with the heads of other relevant Federal agencies, shall provide to the appropriate congressional committees a classified report and briefing on efforts to target drug transportation routes and modalities, including an assessment of the prevalence of false cargo labeling and shipment of precursor chemicals without accurate tracking of the customers purchasing the chemicals.

SEC. 1824. REPORT ON ACTIONS OF PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO PERSONS INVOLVED IN FENTANYL SUPPLY CHAIN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in conjunction with the heads of other relevant Federal agencies, shall provide to the appropriate congressional committees a classified report and briefing on actions taken by the Government of the People's Republic of China with respect to persons involved in the shipment of fentanyl, fentanyl analogues, fentanyl precursors, precursors for fentanyl analogues, and equipment for the manufacturing of fentanyl and fentanyl-laced counterfeit pills.

Subtitle B—Anti-Money Laundering Matters

SEC. 1831. DESIGNATION OF ILLICIT FENTANYL TRANSACTIONS OF SANCTIONED PERSONS AS OF PRIMARY MONEY LAUNDERING CONCERN.

Subtitle A of the Fentanyl Sanctions Act (21 U.S.C. 2311 et seq.) is amended by inserting after section 7213 the following:

''SEC. 7213A. DESIGNATION OF TRANSACTIONS OF SANCTIONED PERSONS AS OF PRIMARY MONEY LAUNDERING CONCERN.

''(a) IN GENERAL.—If the Secretary of the Treasury determines that reasonable grounds exist for concluding that one or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts within, or involving, a jurisdiction outside of the United States, is of primary money laundering concern in connection with illicit opioid trafficking, the Secretary of the Treasury may, by order, regulation, or otherwise as permitted by law—

''(1) require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures provided for in section 9714(a)(1) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note); or

''(2) prohibit, or impose conditions upon, certain transmittals of funds (to be defined by the Secretary) by any domestic financial institution or domestic financial agency, if such transmittal of funds involves any such institution, class of transaction, or type of accounts.

''(b) CLASSIFIED INFORMATION.—In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.

''(c) AVAILABILITY OF INFORMATION.—The exemptions from, and prohibitions on, search and disclosure referred to in section 9714(c) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note) shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a). For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

''(d) PENALTIES.—The penalties referred to in section 9714(d) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note) shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a), in the same manner and to the same extent as described in such section 9714(d).

''(e) INJUNCTIONS.—The Secretary of the Treasury may bring a civil action to enjoin a violation of any order, regulation, special measure, or other requirement imposed under subsection (a) in the same manner and to the same extent as described in section 9714(e) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note).''.

SEC. 1832. TREATMENT OF TRANSNATIONAL CRIMINAL ORGANIZATIONS IN SUSPICIOUS TRANSACTIONS REPORTS OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) FILING INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Director of the Financial Crimes Enforcement Network shall issue guidance or instructions to United States financial institutions for filing reports on suspicious transactions required by section 1010.320 of title 31, Code of Federal Regulations, related to suspected fentanyl trafficking by transnational criminal organizations.

(b) PRIORITIZATION OF REPORTS RELATING TO FENTANYL TRAFFICKING OR TRANSNATIONAL CRIMINAL ORGANIZATIONS.—The Director shall prioritize research into reports described in subsection (a) that indicate a connection to trafficking of fentanyl or related synthetic opioids or financing of suspected transnational criminal organizations.

SEC. 1833. REPORT ON TRADE-BASED MONEY LAUNDERING IN TRADE WITH MEXICO, THE PEOPLE'S REPUBLIC OF CHINA, AND BURMA.

(a) IN GENERAL.—In the first update to the national strategy for combating the financing of terrorism and related forms of illicit finance submitted to Congress after the date of the enactment of this Act, the Secretary of the Treasury shall include a report on trade-based money laundering originating in Mexico or the People's Republic of China and involving Burma.

(b) DEFINITION.—In this section, the term ''national strategy for combating the financing of terrorism and related forms of illicit finance'' means the national strategy for combating the financing of terrorism and related forms of illicit finance required by section 261 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 934), as amended by section 6506 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2428).

Subtitle C—Exception Relating to Importation of Goods

SEC. 1841. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authority or a requirement to block and prohibit all transactions in all property and interests in property under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SA 520. Mr. CRAPO (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. THUNE, Mr. CASSIDY, and Mrs. BLACKBURN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Bring Our Heroes Home Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Bring Our Heroes Home Act''.

SEC. 1092. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS AND DECLARATIONS.—Congress finds and declares the following:

(1) A vast number of records relating to missing Armed Forces and civilian personnel have not been identified, located, or transferred to the National Archives following review and declassification. Only in the rarest cases is there any legitimate need for continued protection of records pertaining to missing Armed Forces and civilian personnel who have been missing for decades.

(2) There has been insufficient priority placed on identifying, locating, reviewing, or declassifying records relating to missing Armed Forces and civilian personnel and then transferring the records to the National Archives for public access.

(3) Mandates for declassification set forth in multiple Executive orders have been broadly written, loosely interpreted, and often ignored by Federal agencies in possession and control of records related to missing Armed Forces and civilian personnel.

(4) No individual or entity has been tasked with oversight of the identification, collection, review, and declassification of records related to missing Armed Forces and civilian personnel.

(5) The interest, desire, workforce, and funding of Federal agencies to assemble, review, and declassify records relating to missing Armed Forces and civilian personnel have been lacking.

(6) All records of the Federal Government relating to missing Armed Forces and civilian personnel should be preserved for historical and governmental purposes and for public research.

(7) All records of the Federal Government relating to missing Armed Forces and civilian personnel should carry a presumption of declassification, and all such records should be disclosed under this subtitle to enable the fullest possible accounting for missing Armed Forces and civilian personnel.

(8) Legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of records relating to missing Armed Forces and civilian personnel.

(9) Legislation is necessary because section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), as implemented by Federal agencies, has prevented the timely public disclosure of records relating to missing Armed Forces and civilian personnel.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide for the creation of the Missing Armed Forces and Civilian Personnel Records Collection at the National Archives; and

(2) to require the expeditious public transmission to the Archivist and public disclosure of missing Armed Forces and civilian personnel records, subject to narrow exceptions, as set forth in this subtitle.

SEC. 1093. DEFINITIONS.

In this subtitle:

(1) ARCHIVIST.—The term ''Archivist'' means Archivist of the United States.

(2) COLLECTION.—The term ''Collection'' means the Missing Armed Forces and Civilian Personnel Records Collection established under section 1094(a).

(3) EXECUTIVE AGENCY.—The term ''Executive agency''—

(A) means an agency, as defined in section 552(f) of title 5, United States Code;

(B) includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Federal Government, including the Executive Office of the President, any branch of the Armed Forces, and any independent regulatory agency; and

(C) does not include any non-appropriated agency, department, corporation, or establishment.

(4) EXECUTIVE BRANCH MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORD.—The term ''executive branch missing Armed Forces and civilian personnel record'' means a missing Armed Forces and civilian personnel record of an Executive agency, or information contained in such a missing Armed Forces and civilian personnel record obtained by or developed within the executive branch of the Federal Government.

(5) GOVERNMENT OFFICE.—The term ''Government office'' means an Executive agency, the Library of Congress, or the National Archives.

(6) MISSING ARMED FORCES AND CIVILIAN PERSONNEL.—

(A) DEFINITION.—The term ''missing Armed Forces and civilian personnel'' means one or more missing persons; and

(B) INCLUSIONS.—The term ''missing Armed Forces and civilian personnel'' includes an individual who was a missing person and whose status was later changed to ''missing and presumed dead''.

(7) MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORD.—The term ''missing Armed Forces and civilian personnel record'' means a record that relates, directly or indirectly, to the loss, fate, or status of missing Armed Forces and civilian personnel that—

(A) was created or made available for use by, obtained by, or otherwise came into the custody, possession, or control of—

(i) any Government office;

(ii) any Presidential library; or

(iii) any of the Armed Forces; and

(B) relates to 1 or more missing Armed Forces and civilian personnel who became missing persons during the period—

(i) beginning on December 7, 1941; and

(ii) ending on the date of enactment of this Act.

(8) MISSING PERSON.—The term ''missing person'' means—

(A) a person described in paragraph (1) of section 1513 of title 10, United States Code; and

(B) any other civilian employee of the Federal Government or an employee of a contractor of the Federal Government who serves in direct support of, or accompanies, the Armed Forces in the field under orders and who is in a missing status (as that term is defined in paragraph (2) of such section 1513).

(9) NATIONAL ARCHIVES.—The term ''National Archives''—

(A) means the National Archives and Records Administration; and

(B) includes any component of the National Archives and Records Administration (including Presidential archival depositories established under section 2112 of title 44, United States Code).

(10) OFFICIAL INVESTIGATION.—The term ''official investigation'' means a review, briefing, inquiry, or hearing relating to missing Armed Forces and civilian personnel conducted by a Presidential commission, committee of Congress, or agency, regardless of whether it is conducted independently, at the request of any Presidential commission or committee of Congress, or at the request of any official of the Federal Government.

(11) ORIGINATING BODY.—The term ''originating body'' means the Government office or other initial source that created a record or particular information within a record.

(12) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of missing Armed Forces and civilian personnel records for historical and governmental purposes, for public research, and for the purpose of fully informing the people of the United States, most importantly families of missing Armed Forces and civilian personnel, about the fate of the missing Armed Forces and civilian personnel and the process by which the Federal Government has sought to account for them.

(13) RECORD.—The term ''record'' has the meaning given the term ''records'' in section 3301 of title 44, United States Code.

(14) REVIEW BOARD.—The term ''Review Board'' means the Missing Armed Forces and Civilian Personnel Records Review Board established under section 1097.

SEC. 1094. MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS COLLECTION AT THE NATIONAL ARCHIVES.

(a) ESTABLISHMENT OF COLLECTION.—Not later than 90 days after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board established under section 1097, the Archivist shall—

(1) commence establishment of a collection of records to be known as the ''Missing Armed Forces and Civilian Personnel Records Collection'';

(2) commence preparing the subject guidebook and index to the Collection; and

(3) establish criteria and acceptable formats for Executive agencies to follow when transmitting copies of missing Armed Forces and civilian personnel records to the Archivist, to include required metadata.

(b) REGULATIONS.—Not later than 90 days after the date of the swearing in of the Board members, the Review Board shall promulgate rules to establish guidelines and processes for the disclosure of records contained in the Collection.

SEC. 1095. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS BY GOVERNMENT OFFICES.

(a) IN GENERAL.—

(1) PREPARATION.—As soon as practicable after the date of enactment of this Act, and sufficiently in advance of the deadlines established under this subtitle, each Government office shall—

(A) identify and locate any missing Armed Forces and civilian personnel records in the custody, possession, or control of the Government office, including intelligence reports, congressional inquiries, memoranda to or from the White House and other Federal departments and agencies, Prisoner of War (POW) debriefings, live sighting reports, documents relating to POW camps, movement of POWs, exploitation of POWs, experimentation on POWs, or status changes from Missing in Action (MIA) to Killed in Action (KIA); and

(B) prepare for transmission to the Archivist in accordance with the criteria and acceptable formats established by the Archivist a copy of any missing Armed Forces and civilian personnel records that have not previously been transmitted to the Archivist by the Government office.

(2) CERTIFICATION.—Each Government office shall submit to the Archivist, under penalty of perjury, a certification indicating—

(A) whether the Government office has conducted a thorough search for all missing Armed Forces and civilian personnel records in the custody, possession, or control of the Government office; and

(B) whether a copy of any missing Armed Forces and civilian personnel record has not been transmitted to the Archivist.

(3) PRESERVATION.—No missing Armed Forces and civilian personnel record shall be destroyed, altered, or mutilated in any way.

(4) EFFECT OF PREVIOUS DISCLOSURE.—Information that was made available or disclosed

to the public before the date of enactment of this Act in a missing Armed Forces and civilian personnel record may not be withheld, redacted, postponed for public disclosure, or reclassified.

(5) WITHHELD AND SUBSTANTIALLY REDACTED RECORDS.—For any missing Armed Forces and civilian personnel record that is transmitted to the Archivist which a Government office proposes to substantially redact or withhold in full from public access, the head of the Government office shall submit an unclassified and publicly releasable report to the Archivist, the Review Board, and each appropriate committee of the Senate and the House of Representatives justifying the decision of the Government office to substantially redact or withhold the record by demonstrating that the release of information would clearly and demonstrably be expected to cause an articulated harm, and that the harm would be of such gravity as to outweigh the public interest in access to the information.

(b) REVIEW.—

(1) IN GENERAL.—Except as provided under paragraph (5), not later than 180 days after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board, each Government office shall, in accordance with the criteria and acceptable formats established by the Archivist—

(A) identify, locate, copy, and review each missing Armed Forces and civilian personnel record in the custody, possession, or control of the Government office for transmission to the Archivist and disclosure to the public or, if needed, review by the Review Board; and

(B) cooperate fully, in consultation with the Archivist, in carrying out paragraph (3).

(2) REQUIREMENT.—The Review Board shall promulgate rules for the disclosure of relevant records by Government offices under paragraph (1).

(3) NATIONAL ARCHIVES RECORDS.—Not later than 180 days after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board, the Archivist shall—

(A) locate and identify all missing Armed Forces and civilian personnel records in the custody of the National Archives as of the date of enactment of this Act that remain classified, in whole or in part;

(B) notify a Government office if the Archivist locates and identifies a record of the Government office under subparagraph (A); and

(C) make each classified missing Armed Forces and civilian personnel record located and identified under subparagraph (A) available for review by Executive agencies through the National Declassification Center established under Executive Order 13526 or any successor order.

(4) RECORDS ALREADY PUBLIC.—A missing Armed Forces and civilian personnel record that is in the custody of the National Archives on the date of enactment of this Act and that has been publicly available in its entirety without redaction shall be made available in the Collection without any additional review by the Archivist, the Review Board, or any other Government office under this subtitle.

(5) EXEMPTIONS.—

(A) DEPARTMENT OF DEFENSE POW/MIA ACCOUNTING AGENCY.—The Defense POW/MIA Accounting Agency (DPAA) is exempt from the requirement under this subsection to declassify and transmit to the Archivist documents in its custody or control that pertain to a specific case or cases that DPAA is actively investigating or developing for the purpose of locating, disinterring, or identifying a missing member of the Armed Forces

(B) DEPARTMENT OF DEFENSE MILITARY SERVICE CASUALTY OFFICES AND DEPARTMENT OF STATE SERVICE CASUALTY OFFICES.—The Department of Defense Military Service Casualty Offices and the Department of State Service Casualty Offices are exempt from the requirement to declassify and transmit to the Archivist documents in their custody or control that pertain to individual cases with respect to which the office is lending support and assistance to the families of missing individuals.

(c) TRANSMISSION TO THE NATIONAL ARCHIVES.—Each Government office shall—

(1) not later than 180 days after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board, commence transmission to the Archivist of copies of the missing Armed Forces and civilian personnel records in the custody, possession, or control of the Government office; and

(2) not later than 1 year after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board, complete transmission to the Archivist of copies of all missing Armed Forces and civilian personnel records in the possession or control of the Government office.

(d) PERIODIC REVIEW OF POSTPONED MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS.—

(1) IN GENERAL.—All missing Armed Forces and civilian personnel records, or information within a missing Armed Forces and civilian personnel record, the public disclosure of which has been postponed under the standards under this subtitle shall be reviewed by the originating body—

(A)(i) periodically, but not less than every 5 years, after the date on which the Review Board terminates under section 1097(o); and

(ii) at the direction of the Archivist; and

(B) consistent with the recommendations of the Review Board under section 1099(b)(3)(B).

(2) CONTENTS.—

(A) IN GENERAL.—A periodic review of a missing Armed Forces and civilian personnel record, or information within a missing Armed Forces and civilian personnel record, by the originating body shall address the public disclosure of the missing Armed Forces and civilian personnel record under the standards under this subtitle.

(B) CONTINUED POSTPONEMENT.—If an originating body conducting a periodic review of a missing Armed Forces and civilian personnel record, or information within a missing Armed Forces and civilian personnel record, the public disclosure of which has been postponed under the standards under this subtitle, determines that continued postponement is required, the originating body shall provide to the Archivist an unclassified written description of the reason for the continued postponement that the Archivist shall highlight and make accessible on a publicly accessible website administered by the National Archives.

(C) SCOPE.—The periodic review of postponed missing Armed Forces and civilian personnel records, or information within a missing Armed Forces and civilian personnel record, shall serve the purpose stated in section 1092(b)(2), to provide expeditious public disclosure of missing Armed Forces and civilian personnel records, to the fullest extent possible, subject only to the grounds for postponement of disclosure under section 1096.

(D) DISCLOSURE ABSENT CERTIFICATION BY PRESIDENT.—Not later than 10 years after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board, all missing Armed Forces and civilian personnel records, and information within a missing Armed Forces and civilian personnel record, shall be publicly disclosed in full, and available in the Collection, unless—

(i) the head of the originating body, Executive agency, or other Government office recommends in writing that continued postponement is necessary;

(ii) the written recommendation described in clause (i)—

(I) is provided to the Archivist in unclassified and publicly releasable form not later than 180 days before the date that is 10 years after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board; and

(II) includes—

(aa) a justification of the recommendation to postpone disclosure with clear and convincing evidence that the identifiable harm is of such gravity that it outweighs the public interest in disclosure; and

(bb) a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this subtitle;

(iii) the Archivist transmits all recommended postponements and the recommendation of the Archivist to the President not later than 90 days before the date that is 10 years after the date of confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board; and

(iv) the President transmits to the Archivist a certification indicating that continued postponement is necessary and the identifiable harm, as demonstrated by clear and convincing evidence, is of such gravity that it outweighs the public interest in disclosure not later than the date that is 10 years after confirmation of the initial members of the Missing Armed Forces and Civilian Personnel Records Review Board.

SEC. 1096. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

(a) IN GENERAL.—Disclosure to the public of a missing Armed Forces and civilian personnel record or particular information in a missing Armed Forces and civilian personnel record created after the date that is 25 years before the date of the review of the missing Armed Forces and civilian personnel record by the Archivist may be postponed subject to the limitations under this subtitle only—

(1) if it pertains to—

(A) military plans, weapons systems, or operations;

(B) foreign government information;

(C) intelligence activities (including covert action), intelligence sources or methods, or cryptology;

(D) foreign relations or foreign activities of the United States, including confidential sources;

(E) scientific, technological, or economic matters relating to the national security;

(F) United States Government programs for safeguarding nuclear materials or facilities;

(G) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or

(H) the development, production, or use of weapons of mass destruction; and

(2) the threat posed by the public disclosure of the missing Armed Forces and civilian personnel record or information is of such gravity that it outweighs the public interest in disclosure.

(b) OLDER RECORDS.—Disclosure to the public of a missing Armed Forces and civilian personnel record or particular information in a missing Armed Forces and civilian personnel record created on or before the date that is 25 years before the date of the review of the missing Armed Forces and civilian

personnel record by the Archivist may be postponed subject to the limitations under this subtitle only if, as demonstrated by clear and convincing evidence—

(1) the release of the information would be expected to—

(A) reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source, or impair the effectiveness of an intelligence method currently in use, available for use, or under development;

(B) reveal information that would impair United States cryptologic systems or activities;

(C) reveal formally named or numbered United States military war plans that remain in effect, or reveal operational or tactical elements of prior plans that are contained in such active plans; or

(D) reveal information, including foreign government information, that would cause serious harm to relations between the United States and a foreign government, or to ongoing diplomatic activities of the United States; and

(2) the threat posed by the public disclosure of the missing Armed Forces and civilian personnel record or information is of such gravity that it outweighs the public interest in disclosure.

(c) EXCEPTION.—Regardless of the date on which a missing Armed Forces and civilian personnel record was created, disclosure to the public of information in the missing Armed Forces and civilian personnel record may be postponed if—

(1) the public disclosure of the information would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person;

(2) the public disclosure of the information could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest;

(3) the public disclosure of the information could reasonably be expected to cause harm to the methods currently in use or available for use by members of the Armed Forces to survive, evade, resist, or escape; or

(4) the public disclosure of such information would conflict with United States law or regulations.

SEC. 1097. ESTABLISHMENT AND POWERS OF THE MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent establishment in the executive branch a board to be known as the ''Missing Armed Forces and Civilian Personnel Records Review Board''.

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, 5 individuals to serve as a member of the Review Board to ensure and facilitate the review, transmission to the Archivist, and public disclosure of missing Armed Forces and civilian personnel records.

(2) QUALIFICATIONS.—The President shall appoint individuals to serve as members of the Review Board—

(A) without regard to political affiliation;

(B) who are citizens of the United States of integrity and impartiality;

(C) who are not an employee of an Executive agency on the date of the appointment;

(D) who have high national professional reputation in their fields who are capable of exercising the independent and objective judgment necessary to the fulfillment of their role in ensuring and facilitating the identification, location, review, transmission to the Archivist, and public disclosure of missing Armed Forces and civilian personnel records;

(E) who possess an appreciation of the value of missing Armed Forces and civilian personnel records to scholars, the Federal Government, and the public, particularly families of missing Armed Forces and civilian personnel;

(F) not less than 1 of whom is a professional historian; and

(G) not less than 1 of whom is an attorney.

(3) DEADLINES.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall submit nominations for all members of the Review Board.

(B) CONFIRMATION REJECTED.—If the Senate votes not to confirm a nomination to serve as a member of the Review Board, not later than 90 days after the date of the vote the President shall submit the nomination of an additional individual to serve as a member of the Review Board.

(4) CONSULTATION.—The President shall make nominations to the Review Board after considering individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, the American Bar Association, veterans' organizations, and organizations representing families of missing Armed Forces and civilian personnel.

(c) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch of the Federal Government shall cooperate to ensure that an application by an individual nominated to be a member of the Review Board, seeking security clearances necessary to carry out the duties of the Review Board, is expeditiously reviewed and granted or denied.

(d) CONFIRMATION.—

(1) HEARINGS.—Not later than 30 days on which the Senate is in session after the date on which not less than 3 individuals have been nominated to serve as members of the Review Board, the Committee on Homeland Security and Governmental Affairs of the Senate shall hold confirmation hearings on the nominations.

(2) COMMITTEE VOTE.—Not later than 14 days on which the Senate is in session after the date on which the Committee on Homeland Security and Governmental Affairs holds a confirmation hearing on the nomination of an individual to serve as a member of the Review Board, the committee shall vote on the nomination and report the results to the full Senate immediately.

(3) SENATE VOTE.—Not later than 14 days on which the Senate is in session after the date on which the Committee on Homeland Security and Governmental Affairs reports the results of a vote on a nomination of an individual to serve as a member of the Review Board, the Senate shall vote on the confirmation of the nominee.

(e) VACANCY.—Not later than 60 days after the date on which a vacancy on the Review Board occurs, the vacancy shall be filled in the same manner as specified for original appointment.

(f) CHAIRPERSON.—The members of the Review Board shall elect a member as Chairperson at the initial meeting of the Review Board.

(g) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—A member of the Review Board shall not be removed from office, other than—

(A) by impeachment by Congress; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be reinstated or granted other appropriate relief by order of the court.

(h) COMPENSATION OF MEMBERS.—

(1) BASIC PAY.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(i) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render a decision on a determination by a Government office to seek to postpone the disclosure of a missing Armed Forces and civilian personnel record, in whole or in part.

(2) RECORDS.—In carrying out paragraph (1), the Review Board shall consider and render a decision regarding—

(A) whether a record constitutes a missing Armed Forces and civilian personnel record; and

(B) whether a missing Armed Forces and civilian personnel record, or particular information in a missing Armed Forces and civilian personnel record, qualifies for postponement of disclosure under this subtitle.

(j) POWERS.—The Review Board shall have the authority to act in a manner prescribed under this subtitle, including authority to—

(1) direct Government offices to transmit to the Archivist missing Armed Forces and civilian personnel records as required under this subtitle;

(2) direct Government offices to transmit to the Archivist substitutes and summaries of missing Armed Forces and civilian personnel records that can be publicly disclosed to the fullest extent for any missing Armed Forces and civilian personnel record that is proposed for postponement in full or that is substantially redacted;

(3) obtain access to missing Armed Forces and civilian personnel records that have been identified by a Government office;

(4) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this subtitle;

(5) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Review Board considers advisable to carry out its responsibilities under this subtitle;

(6) hold individuals in contempt for failure to comply with directives and mandates issued by the Review Board under this subtitle, which shall not include the authority to imprison or fine any individual;

(7) require any Government office to account in writing for the destruction of any records relating to the loss, fate, or status of missing Armed Forces and civilian personnel;

(8) receive information from the public regarding the identification and public disclosure of missing Armed Forces and civilian personnel records; and

(9) make a final determination regarding whether a missing Armed Forces and civilian personnel record will be disclosed to the public or disclosure of the missing Armed Forces and civilian personnel record to the public will be postponed, notwithstanding the determination of an Executive agency.

(k) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code.

(l) OVERSIGHT.—

(1) IN GENERAL.—The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives shall have—

(A) continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board; and

(B) upon request, access to any records held or created by the Review Board.

(2) DUTY OF REVIEW BOARD.—The Review Board shall have the duty to cooperate with the exercise of oversight jurisdiction under paragraph (1).

(m) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis.

(n) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(o) TERMINATION AND WINDING UP.—

(1) IN GENERAL.—Two years after the date of enactment of this Act, the Review Board shall, by majority vote, determine whether all Government offices have complied with the obligations, mandates, and directives under this subtitle.

(2) TERMINATION DATE.—The Review Board shall terminate on the date that is 4 years after the date of swearing in of the Board members.

(3) REPORT.—Before the termination of the Review Board under paragraph (2), the Review Board shall submit to Congress reports, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this subtitle.

(4) RECORDS.—Upon termination of the Review Board, the Review Board shall transfer all records of the Review Board to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

SEC. 1098. MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS REVIEW BOARD PERSONNEL.

(a) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—Not later than 45 days after the initial meeting of the Review Board, the Review Board shall appoint an individual to the position of Executive Director.

(2) QUALIFICATIONS.—The individual appointed as Executive Director of the Review Board—

(A) shall be a citizen of the United States of integrity and impartiality;

(B) shall be appointed without regard to political affiliation; and

(C) shall not have any conflict of interest with the mission of the Review Board.

(3) SECURITY CLEARANCE.—

(A) LIMIT ON APPOINTMENT.—The Review Board shall not appoint an individual as Executive Director until after the date on which the individual qualifies for the necessary security clearance.

(B) EXPEDITED PROVISION.—The appropriate departments, agencies, and elements of the executive branch of the Federal Government shall cooperate to ensure that an application by an individual nominated to be Executive Director, seeking security clearances necessary to carry out the duties of the Executive Director, is expeditiously reviewed and granted or denied.

(4) DUTIES.—The Executive Director shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the review of records by the Review Board;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) not have the authority to decide or determine whether any record should be disclosed to the public or postponed for disclosure.

(5) REMOVAL.—The Executive Director may be removed by a majority vote of the Review Board.

(b) STAFF.—

(1) IN GENERAL.—The Review Board may, in accordance with the civil service laws, but without regard to civil service law and regulation for competitive service as defined in subchapter I of chapter 33 of title 5, United States Code, appoint and terminate additional employees as are necessary to enable the Review Board and the Executive Director to perform their duties under this subtitle.

(2) QUALIFICATIONS.—An individual appointed to a position as an employee of the Review Board—

(A) shall be a citizen of the United States of integrity and impartiality; and

(B) shall not have had any previous involvement with any official investigation or inquiry relating to the loss, fate, or status of missing Armed Forces and civilian personnel.

(3) SECURITY CLEARANCE.—

(A) LIMIT ON APPOINTMENT.—The Review Board shall not appoint an individual as an employee of the Review Board until after the date on which the individual qualifies for the necessary security clearance.

(B) EXPEDITED PROVISION.—The appropriate departments, agencies, and elements of the executive branch of the Federal Government shall cooperate to ensure that an application by an individual who is a candidate for a position with the Review Board, seeking security clearances necessary to carry out the duties of the position, is expeditiously reviewed and granted or denied.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Executive Director and other employees of the Review Board without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Review Board may create 1 or more advisory committees to assist in fulfilling the responsibilities of the Review Board under this subtitle.

(2) APPLICABILITY OF FACA.—Any advisory committee created by the Review Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 1099. REVIEW OF RECORDS BY THE MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS REVIEW BOARD.

(a) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members are sworn in, publish an initial schedule for review of all missing Armed Forces and civilian personnel records, which the Archivist shall highlight and make available on a publicly accessible website administered by the National Archives; and

(2) not later than 180 days after the swearing in of the Board members, begin reviewing of missing Armed Forces and civilian personnel records, as necessary, under this subtitle.

(b) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that all records that relate, directly or indirectly, to the loss, fate, or status of missing Armed Forces and civilian personnel be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that the record is not a missing Armed Forces and civilian personnel record.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a missing Armed Forces and civilian personnel record, or information within a missing Armed Forces and civilian personnel record, the Review Board shall seek to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of the missing Armed Forces and civilian personnel record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this subtitle, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a missing Armed Forces and civilian personnel record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a missing Armed Forces and civilian personnel record.

(3) REPORTING.—With respect to a missing Armed Forces and civilian personnel record, or information within a missing Armed Forces and civilian personnel record, the public disclosure of which is postponed under this subtitle, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist an unclassified and publicly releasable report containing—

(A) a description of actions by the Review Board, the originating body, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which, or a specified occurrence following which, the material may be appropriately disclosed to the public under this subtitle, which the Review Board shall disclose to the public with notice thereof, reasonably calculated to make interested members of the public aware of the existence of the statement.

(4) ACTIONS AFTER DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of a determination by the Review Board that a missing Armed Forces and civilian personnel record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of the determination and highlight and make available the determination on a publicly accessible website reasonably calculated to make interested members of the public aware of the existence of the determination.

(B) OVERSIGHT NOTICE.—Simultaneous with notice under subparagraph (A), the Review

Board shall provide notice of a determination concerning the public disclosure or postponement of disclosure of a missing Armed Forces and civilian personnel record, or information contained within a missing Armed Forces and civilian personnel record, which shall include a written unclassified justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards in section 1096 to the President, to the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives.

(5) REFERRAL AFTER TERMINATION.—A missing Armed Forces and civilian personnel record that is identified, located, or otherwise discovered after the date on which the Review Board terminates shall be transmitted to the Archivist for the Collection and referred to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives for review, ongoing oversight and, as warranted, referral for possible enforcement action relating to a violation of this subtitle and determination as to whether declassification of the missing Armed Forces and civilian personnel is warranted under this subtitle.

(c) NOTICE TO PUBLIC.—Every 30 days, beginning on the date that is 60 days after the date on which the Review Board first approves the postponement of disclosure of a missing Armed Forces and civilian personnel record, the Review Board shall highlight and make accessible on a publicly available website reasonably calculated to make interested members of the public aware of the existence of the postponement a notice that summarizes the postponements approved by the Review Board, including a description of the subject, originating body, length or other physical description, and each ground for postponement that is relied upon.

(d) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the Review Board terminates, the Review Board shall submit a report regarding the activities of the Review Board to—

(A) the Committee on Oversight and Reform of the House of Representatives;

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

(C) the President;

(D) the Archivist; and

(E) the head of any Government office the records of which have been the subject of Review Board activity.

(2) CONTENTS.—Each report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its employees.

(B) The progress made on review, transmission to the Archivist, and public disclosure of missing Armed Forces and civilian personnel records.

(C) The estimated time and volume of missing Armed Forces and civilian personnel records involved in the completion of the duties of the Review Board under this subtitle.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to carry out its duties under this subtitle.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized under this subtitle, and a record of the volume of records reviewed and postponed.

(F) Suggestions and requests to Congress for additional legislative authority needs.

(G) An appendix containing copies of reports relating to postponed records submitted to the Archivist under subsection (b)(3) since the end of the period covered by the most recent report under paragraph (1).

(3) TERMINATION NOTICE.—Not later than 90 days before the Review Board expects to complete the work of the Review Board under this subtitle, the Review Board shall provide written notice to Congress of the intent of the Review Board to terminate operations at a specified date.

SEC. 1099A. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court of the United States or of a foreign country to release any information relevant to the loss, fate, or status of missing Armed Forces and civilian personnel that is held under seal of the court.

(2) GRAND JURY INFORMATION.—

(A) IN GENERAL.—The Review Board may request the Attorney General to petition any court of the United States to release any information relevant to loss, fate, or status of missing Armed Forces and civilian personnel that is held under the injunction of secrecy of a grand jury.

(B) TREATMENT.—A request for disclosure of missing Armed Forces and civilian personnel materials under this subtitle shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) the Secretary of State should—

(A) contact the Governments of the Russian Federation, the People's Republic of China, and the Democratic People's Republic of Korea to seek the disclosure of all records in their respective custody, possession, or control relevant to the loss, fate, or status of missing Armed Forces and civilian personnel; and

(B) contact any other foreign government that may hold information relevant to the loss, fate, or status of missing Armed Forces and civilian personnel, and seek disclosure of such information; and

(3) all agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the loss, fate, or status of missing Armed Forces and civilian personnel consistent with the public interest.

SEC. 1099B. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—When this subtitle requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decision construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure, with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this subtitle shall be construed to eliminate or limit any right to file requests with any Executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this subtitle shall be construed to preclude judicial review under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this subtitle.

(d) EXISTING AUTHORITY.—Nothing in this subtitle revokes or limits the existing authority of the President, any Executive agency, the Senate, or the House of Representatives, or any other entity of the Government to publicly disclose records in its custody, possession, or control.

(e) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—To the extent that any provision of this subtitle establishes a procedure to be followed in the Senate or the House of Representatives, such provision is adopted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

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

SEC. 1099C. REQUESTS FOR EXTENSIONS.

The head of a Government office required to comply with a deadline under this subtitle that is based off the confirmation date of the members of the Missing Armed Forces and Civilian Personnel Records Review Board may request an extension from the Board for good cause. If the Board agrees to the request, the deadline applicable to the Government office for the purpose of such requirement shall be such later date as the Board may determine appropriate.

SEC. 1099D. TERMINATION OF EFFECT OF SUBTITLE.

(a) PROVISIONS PERTAINING TO THE REVIEW BOARD.—The provisions of this subtitle that pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated under section 1097(o).

(b) OTHER PROVISIONS.—The remaining provisions of this subtitle shall continue in effect until such time as the Archivist certifies to the President and Congress that all missing Armed Forces and civilian personnel records have been made available to the public in accordance with this subtitle.

SEC. 1099E. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle, to remain available until expended.

SEC. 1099F. SEVERABILITY.

If any provision of this subtitle, or the application thereof to any person or circumstance, is held invalid, the remainder of this subtitle and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

SA 521. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2____. NAVAL INTEGRATED FIRE CONTROL–COUNTER AIR SYSTEMS ENGINEERING.

(a) FUNDING.—The amount authorized to be appropriated for fiscal year 2024 by section

201 for research, development, test, and evaluation is hereby increased by $10,000,000, with the amount of the increase to be available for Naval Integrated Fire Control–Counter Air Systems Engineering (PE 0604378N).

(b) AVAILABILITY.—The amount available under subsection (a) shall be available for procurement of stratospheric balloons.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2024 by section 301 for operation and maintenance is hereby reduced by $10,000,000, with the amount of the decrease to be taken from the availability of amounts for Washington Headquarters Services specified in section 4301, line 530.

SA 522. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 865(a)(1), strike ''relevant''.

At the end of section 865(a)(2), add the following:

(F) An assessment of mining schools with a demonstrated record of accomplishment in critical mineral research and development.

At the end of section 865(a)(1), add the following: ''The plan should focus on mining schools that are minority-serving institutions (as described in paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).''.

At the end of section 865(b)(2), add the following:

(D) Supporting undergraduate and graduate students of mining schools to participate in appropriate educational and career development activities.

SA 523. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INVESTMENT OF THRIFT SAVINGS FUND.

Section 8438 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) In this subsection—

''(A) the term 'country of concern' means any country (including any special administrative region of such country) identified as a threat to the national security of the United States in the most recent report submitted by the Director of National Intelligence under section 108B of the National Security Act of 1947 (50 U.S.C. 3043b) (commonly referred to as the 'Annual Threat Assessment');

''(B) the terms 'exchange', 'issuer', and 'security' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a));

''(C) the term 'national securities exchange' means an exchange that is registered pursuant to section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

''(D) the term 'publicly listed company' means an issuer, the securities of which are listed on a national securities exchange; and

''(E) the term 'security of concern' means a security—

''(i) that is listed on an exchange in a country of concern;

''(ii) the issuer with respect to which is incorporated in, or otherwise subject to the jurisdiction of the government of, a country of concern; or

''(iii) more than 50 percent of the revenue of the issuer with respect to which is—

''(I) generated in a country of concern;

''(II) consolidated under generally accepted accounting principles in the United States; and

''(III) after the consolidation described in subclause (II), incorporated into the financial statement of a publicly listed company.

''(2) Notwithstanding any other provision of this section, no sums in the Thrift Savings Fund may be invested in any security of concern, without regard to—

''(A) the exchange through which the security of concern is purchased; or

''(B) whether the security of concern is purchased—

''(i) in synthetic form, such as through an equity swap or similar financial instrument; or

''(ii) through a mutual fund made available through any mutual fund window added pursuant to subsection (b)(5).

''(3) The Executive Director shall consult with the Securities and Exchange Commission on a biennial basis in order to ensure compliance with paragraph (2).

''(4) Not later than 1 year after the date of enactment of this subsection, the Executive Director shall certify to Congress that no sums in the Thrift Savings Fund are invested in any security of concern.''.

SA 524. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. STRATEGY FOR COUNTERING THE PEOPLE'S REPUBLIC OF CHINA.

(a) IDENTIFICATION OF VULNERABILITIES AND LEVERAGE.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that identifies—

(1) goods and services from the United States that are relied on by the People's Republic of China such that that reliance presents a strategic opportunity and source of leverage against the People's Republic of China, including during a conflict; and

(2) procurement practices of the United States Government that are reliant on trade with the People's Republic of China and other inputs from the People's Republic of China, such that that reliance presents a strategic vulnerability and source of leverage that the Chinese Communist Party could exploit, including during a conflict.

(b) STRATEGY TO RESPOND TO COERCIVE ACTION.—

(1) IN GENERAL.—Not later than 180 days after the submission of the report required by subsection (a), the President shall submit to the appropriate committees of Congress a report, utilizing the findings of the report required by subsection (a), that describes a comprehensive sanctions strategy to advise policymakers on policies the United States and allies and partners of the United States could adopt with respect to the People's Republic of China in response to any coercive action, including an invasion, by the People's Republic of China that infringes upon the territorial sovereignty of Taiwan by preventing access to international waterways, airspace, or telecommunications networks.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include policies that—

(A) restrict the access of the People's Liberation Army to oil, natural gas, munitions, and other supplies needed to conduct military operations against Taiwan, United States facilities in the Pacific and Indian Oceans, and allies and partners of the United States in the region;

(B) diminish the capacity of the industrial base of the People's Republic of China to manufacture and deliver defense articles to replace those lost in operations of the People's Liberation Army against Taiwan, the United States, and allies and partners of the United States;

(C) inhibit the ability of the People's Republic of China to evade United States and multilateral sanctions through third parties, including through secondary sanctions;

(D) identify specific sanctions-related tools that may be effective in responding to coercive action described in paragraph (1) and assess the feasibility of the use and impact of the use of those tools;

(E) identify and resolve potential impediments to coordinating sanctions-related efforts with respect to responding to or deterring aggression against Taiwan with allies and partners of the United States;

(F) identify industries, sectors, or goods and services with respect to which the United States, working with allies and partners of the United States, can take coordinated action through sanctions or other economic tools that will have a significant negative impact on the economy of the People's Republic of China; and

(G) identify tactics used by the Government of the People's Republic of China to influence the public in the United States and Taiwan through propaganda and disinformation campaigns, including such campaigns focused on delegitimizing Taiwan or legitimizing a forceful action by the People's Republic of China against Taiwan.

(c) RECOMMENDATIONS FOR REDUCTION OF VULNERABILITIES AND LEVERAGE.—Not later than 180 days after the submission of the report required by subsection (a), the President shall submit to the appropriate committees of Congress a report that—

(1) identifies critical sectors within the United States economy that rely on trade with the People's Republic of China and other inputs from the People's Republic of China (including active pharmaceutical ingredients, rare earth minerals, and metallurgical inputs), such that those sectors present a strategic vulnerability and source of leverage that the Chinese Communist Party or the People's Republic of China could exploit; and

(2) makes recommendations to Congress on steps that can be taken to reduce the sources of leverage described in paragraph (1) and subsection (a)(1), including through—

(A) provision of economic incentives and making other trade and contracting reforms to support United States industry and job growth in critical sectors and to indigenize production of critical resources; and

(B) policies to facilitate ''near- or friend-shoring'', or otherwise developing strategies to facilitate that process with allies and partners of the United States, in other sectors for which domestic reshoring would prove infeasible for any reason.

(d) FORM.—The reports required by subsections (a), (b), and (c) shall be submitted in unclassified form but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) RULE OF CONSTRUCTION ON MAINTAINING ONE CHINA POLICY.—Nothing in this section may be construed as a change to the one China policy of the United States, which is guided by the Taiwan Relations Act (22 U.S.C. 3301 et seq.), the three United States-People's Republic of China Joint Communiqués, and the Six Assurances.

(g) RULE OF CONSTRUCTION REGARDING NOT AUTHORIZING THE USE OF FORCE.—Nothing in this section may be construed as authorizing the use of military force.

SA 525. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12____. FOREIGN PORT SECURITY ASSESSMENTS.

(a) SHORT TITLE.—This section may be cited as the ''International Port Security Enforcement Act''.

(b) IN GENERAL.—Section 70108 of title 46, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking ''provided that'' and all that follows and inserting the following: ''if—

''(A) the Secretary certifies that the foreign government or international organization—

''(i) has conducted the assessment in accordance with subsection (b); and

''(ii) has provided the Secretary with sufficient information pertaining to its assessment (including information regarding the outcome of the assessment); and

''(B) the foreign government that conducted the assessment is not a state sponsor of terrorism (as defined in section 3316(h).''; and

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

''(3) LIMITATIONS.—Nothing in this section may be construed—

''(A) to require the Secretary to treat an assessment conducted by a foreign government or an international organization as an assessment that satisfies the requirement under subsection (a);

''(B) to limit the discretion or ability of the Secretary to conduct an assessment under this section;

''(C) to limit the authority of the Secretary to repatriate aliens to their respective countries of origin; or

''(D) to prevent the Secretary from requesting security and safety measures that the Secretary considers necessary to safeguard Coast Guard personnel during the repatriation of aliens to their respective countries of origin.''; and

(2) by adding at the end the following:

''(g) STATE SPONSORS OF TERRORISM AND INTERNATIONAL TERRORIST ORGANIZATIONS.—The Secretary—

''(1) may not enter into an agreement under subsection (f)(2) with—

''(A) a foreign government that is a state sponsor of terrorism; or

''(B) a foreign terrorist organization; and

''(2) shall—

''(A) deem any port that is under the jurisdiction of a foreign government that is a state sponsor of terrorism as not having effective antiterrorism measures for purposes of this section and section 70109; and

''(B) immediately apply the sanctions described in section 70110(a) to such port.''.

SA 526. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 633. MODIFICATIONS TO TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS SEPARATED FOR DEPENDENT ABUSE.

(a) COVERED PUNITIVE ACTIONS.—Subsection (b) of section 1059 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) who is—

''(A) convicted of a dependent-abuse offense in a district court of the United States or a State court; and

''(B) separated from active duty pursuant to a sentence of a court-martial, or administratively separated, voluntarily or involuntarily, from active duty, for an offense other than the dependent-abuse offense.''.

(b) COMMENCEMENT OF PAYMENT.—Subsection (e)(1) of such section is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting after ''offense'' the following: ''or an offense described in subsection (b)(3)(B)''; and

(B) in clause (ii), by striking ''; and'' and inserting a semicolon; and

(2) in subparagraph (B), by striking ''(if the basis'' and all that follows through ''offense)''.

(c) DEFINITION OF DEPENDENT CHILD.—Subsection (l) of such section is amended, in the matter preceding paragraph (1)—

(1) by striking ''resulting in the separation of the former member or'' and inserting ''referred to in subsection (b) or''; and

(2) by striking ''resulting in the separation of the former member and'' and inserting ''and''.

(d) DELEGATION OF DETERMINATIONS RELATING TO EXCEPTIONAL ELIGIBILITY.—Subsection (m)(4) of such section is amended to read as follows:

''(4) The Secretary concerned may delegate the authority under paragraph (1) to authorize eligibility for benefits under this section for dependents and former dependents of a member or former member to the first general or flag officer (or civilian equivalent) in the chain of command of the member.''.

SA 527. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AGREEMENTS WITH PRIVATE AND COMMERCIAL ENTITIES AND STATE GOVERNMENTS TO PROVIDE CERTAIN SUPPLIES, SUPPORT, AND SERVICES.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) AGREEMENTS WITH COMMERCIAL ENTITIES AND STATE GOVERNMENTS.—The Administration—

''(1) may enter into an agreement with a private or commercial entity or a State government to provide the entity or State government with supplies, support, and services related to private, commercial, or State government space activities carried on at a property owned or operated by the Administration; and

''(2) on request by such an entity or State government, may include such supplies, support, and services in the requirements of the Administration if—

''(A) the Administrator determines that the inclusion of such supplies, support, or services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Administration; and

''(iii) does not compete with the commercial space activities of other such entities or State governments; and

''(B) the Administration has full reimbursable funding from the entity or State government that requested such supplies, support, and services before making any obligation for the delivery of the supplies, support, or services under an Administration procurement contract or any other agreement.''.

SA 528. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X of division A, insert the following:

SEC. ___. PROHIBITION ON AFFILIATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(10) PROHIBITION ON AFFILIATION WITH THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of this Act, a small business concern may not—

''(A) be headquartered in the People's Republic of China; or

''(B) have more than 25 percent of the voting stock of the small business concern owned by affiliates that are citizens of the People's Republic of China.''.

SA 529. Mr. RUBIO (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—North Korean Human Rights

SEC. 12__1. SHORT TITLE.

This subtitle may be cited as the ''North Korean Human Rights Reauthorization Act of 2023''.

SEC. 12__2. FINDINGS.

Congress makes the following findings:

(1) The North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) and subsequent reauthorizations of such Act were the product of broad, bipartisan consensus regarding the promotion of human rights, documentation of human rights violations, transparency in the delivery of humanitarian assistance, and the importance of refugee protection.

(2) The human rights and humanitarian conditions within North Korea remain deplorable and have been intentionally perpetuated against the people of North Korea through policies endorsed and implemented by Kim Jong-un and the Workers' Party of Korea.

(3) According to a 2014 report released by the United Nations Human Rights Council's Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, between 80,000 and 120,000 children, women, and men were being held in political prison camps in North Korea, where they were subjected to deliberate starvation, forced labor, executions, torture, rape, forced abortion, and infanticide.

(4) North Korea continues to hold a number of South Koreans and Japanese abducted after the signing of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ''Korean War Armistice Agreement''), and refuses to acknowledge the abduction of more than 100,000 South Koreans during the Korean War in violation of the Geneva Convention.

(5) Human rights violations in North Korea, which include forced starvation, sexual violence against women and children, restrictions on freedom of movement, arbitrary detention, torture, executions, and enforced disappearances, amount to crimes against humanity according to the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea.

(6) The effects of the COVID–19 pandemic and North Korea's strict lockdown of its borders and crackdowns on informal market activities and small entrepreneurship have drastically increased food insecurity for its people and given rise to famine conditions in parts of the country.

(7) North Korea's COVID–19 border lockdown measures also include shoot-to-kill orders that have resulted in the killing of—

(A) North Koreans attempting to cross the border; and

(B) at least 1 South Korean citizen in September 2020.

(8) The Chinese Communist Party and the Government of the People's Republic of China are aiding and abetting in crimes against humanity by forcibly repatriating North Korean refugees to North Korea where they are sent to prison camps, harshly interrogated, and tortured or executed.

(9) The forcible repatriation of North Korean refugees violates the People's Republic of China's freely undertaken obligation to uphold the principle of non-refoulement, under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (and made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(10) North Korea continues to bar freedom of religion and persecute religious minorities, especially Christians. Eyewitnesses report that Christians in North Korea have been tortured, forcibly detained, and even executed for possessing a Bible or professing Christianity.

(11) United States and international broadcasting operations into North Korea—

(A) serve as a critical source of outside news and information for the North Korean people; and

(B) provide a valuable service for countering regime propaganda and false narratives.

(12) The position of Special Envoy on North Korean Human Rights Issues has been vacant since January 2017, even though the President is required to appoint a Senate-confirmed Special Envoy to fill this position in accordance with section 107 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817).

SEC. 12__3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) promoting information access in North Korea continues to be a successful method of countering North Korean propaganda;

(2) the United States Government should continue to support efforts described in paragraph (1), including by enacting and implementing the Otto Warmbier North Korean Censorship and Surveillance Act of 2021, which was introduced by Senator Portman on June 17, 2021;

(3) because refugees among North Koreans fleeing into China face severe punishments upon their forcible return, the United States should urge the Government of the People's Republic of China—

(A) to immediately halt its forcible repatriation of North Koreans;

(B) to allow the United Nations High Commissioner for Refugees (referred to in this section as ''UNHCR'') unimpeded access to North Koreans within China to determine whether they are refugees and require assistance;

(C) to fulfill its obligations under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (and made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)) and the Agreement on the upgrading of the UNHCR Mission in the People's Republic of China to UNHCR branch office in the People's Republic of China, done at Geneva December 1, 1995;

(D) to address the concerns of the United Nations Committee Against Torture by incorporating into domestic legislation the principle of non-refoulement; and

(E) to recognize the legal status of North Korean women who marry or have children with Chinese citizens and ensure that all such mothers and children are granted resident status and access to education and other public services in accordance with Chinese law and international standards;

(4) the United States Government should continue to promote the effective and transparent delivery and distribution of any humanitarian aid provided in North Korea to ensure that such aid reaches its intended recipients to the point of consumption or utilization by cooperating closely with the Government of the Republic of Korea and international and nongovernmental organizations;

(5) the Department of State should continue to take steps to increase public awareness about the risks and dangers of travel by United States citizens to North Korea, including by continuing its policy of blocking United States passports from being used to travel to North Korea without a special validation from the Department of State;

(6) the United Nations, which has a significant role to play in promoting and improving human rights in North Korea, should press for access for the United Nations Special Rapporteur and the United Nations High Commissioner for Human Rights on the situation of human rights in North Korea;

(7) the Special Envoy for North Korean Human Rights Issues should be appointed without delay—

(A) to properly promote and coordinate North Korean human rights and humanitarian issues; and

(B) to participate in policy planning and implementation with respect to refugee issues;

(8) the United States should urge North Korea to repeal the Reactionary Thought and Culture Denunciation Law and other draconian laws, regulations, and decrees that manifestly violate the freedom of opinion and expression and the freedom of thought, conscience, and religion;

(9) the United States should urge North Korea to ensure that any restrictions on addressing the COVID–19 pandemic are necessary, proportionate, nondiscriminatory, time-bound, transparent, and allow international staff to operate inside the North Korea to provide international assistance based on independent needs assessments;

(10) the United States should expand the Rewards for Justice program to be open to North Korean officials who can provide evidence of crimes against humanity being committed by North Korean officials;

(11) the United States should continue to seek cooperation from all foreign governments—

(A) to allow the UNHCR access to process North Korean refugees overseas for resettlement; and

(B) to allow United States officials access to process refugees for possible resettlement in the United States; and

(12) the Secretary of State, through diplomacy by senior officials, including United States ambassadors to Asia-Pacific countries, and in close cooperation with South Korea, should make every effort to promote the protection of North Korean refugees, escapees, and defectors.

SEC. 12__4. REAUTHORIZATIONS.

(a) SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.—Section 102(b)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended by striking ''2022'' and inserting ''2028''.

(b) ACTIONS TO PROMOTE FREEDOM OF INFORMATION.—Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended—

(1) in subsection (b)(1), by striking ''2022'' and inserting ''2028''; and

(2) in subsection (c), by striking ''2022'' and inserting ''2028''.

(c) REPORT BY SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.—Section 107(d) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817(d)) is amended by striking ''2022'' and inserting ''2028''.

(d) REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.—Section 201(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7831(a)) is amended, in the matter preceding paragraph (1), by striking ''2022'' and inserting ''2028''.

(e) ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.—Section 203 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7833) is amended—

(1) in subsection (b)(2), by striking ''103(15)'' and inserting ''103(17)''; and

(2) in subsection (c)(1), by striking ''2018 through 2022'' and inserting ''2023 through 2028''.

(f) ANNUAL REPORTS.—Section 305(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7845(a)) is amended, in the matter preceding paragraph (1) by striking ''2022'' and inserting ''2028''.

SEC. 12__5. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

Title I of the North Korean Human Rights Act of 2004 (22 U.S.C. 7811 et seq.) is amended—

(1) in section 103(a), by striking ''Broadcasting Board of Governors'' and inserting ''United States Agency for Global Media''; and

(2) in section 104(a)—

(A) by striking ''Broadcasting Board of Governors'' each place such term appears and inserting ''United States Agency for Global Media'';

(B) in paragraph (7)(B)—

(i) in the matter preceding clause (i), by striking ''5 years'' and inserting ''10 years'';

(ii) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively;

(iii) by inserting before clause (ii) the following:

''(i) an update of the plan required under subparagraph (A);''; and

(iv) in clause (iii), as redesignated, by striking ''pursuant to section 403'' and inserting ''to carry out this section''.

SEC. 12__6. SPECIAL ENVOY FOR NORTH KOREAN HUMAN RIGHTS ISSUES.

Section 107 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817) is amended by adding at the end the following:

''(e) REPORT ON APPOINTMENT OF SPECIAL ENVOY.—Not later than 180 days after the date of the enactment of this subsection and annually thereafter through 2028 if the position of Special Envoy remains vacant, the Secretary of State shall submit a report to the appropriate congressional committees that describes the efforts being taken to appoint the Special Envoy.''.

SEC. 12__7. SUPPORT FOR NORTH KOREAN REFUGEES.

(a) IN GENERAL.—The Secretary of State and the Secretary of Homeland Security should collaborate with faith-based and Korean-American organizations to resettle North Korean participants in the United States Refugee Admissions Program in areas with existing Korean-American communities to mitigate trauma and mental health considerations of refugees, as appropriate.

(b) RESETTLEMENT LOCATION ASSISTANCE EDUCATION.—The Secretary of State shall publicly disseminate guidelines and information relating to resettlement options in the United States or South Korea for eligible North Korean refugees, with a particular focus on messaging to North Koreans.

(c) MECHANISMS.—The guidelines and information described in subsection (b)—

(1) shall be published on a publicly available website of the Department of State;

(2) shall be broadcast into North Korea through radio broadcasting operations funded or supported by the United States Government; and

(3) shall be distributed through brochures or electronic storage devices.

SEC. 12__8. AUTHORIZATION OF SANCTIONS FOR FORCED REPATRIATION OF NORTH KOREAN REFUGEES.

(a) DISCRETIONARY DESIGNATIONS.—Section 104(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214) is amended—

(1) in subparagraph (M), by striking ''or'' after the semicolon;

(2) in subparagraph (N), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(O) knowingly, directly or indirectly, forced the repatriation of North Korean refugees to North Korea.''.

(b) EXEMPTIONS.—Section 208(a)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228(a)(1)) is amended by inserting '', the Republic of Korea, and Japan'' before the period at the end.

SEC. 12__9. REPORT ON HUMANITARIAN EXEMPTIONS TO SANCTIONS IMPOSED WITH RESPECT TO NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the continued pursuit by the North Korean regime of weapons of mass destruction (including nuclear, chemical, and biological weapons), in addition to its ballistic missile program, along with the regime's gross violations of human rights, have led the international community to impose sanctions with respect to North Korea, including sanctions imposed by the United Nations Security Council;

(2) authorities should grant exemptions for humanitarian assistance to the people of North Korea consistent with past United Nations Security Council resolutions; and

(3) humanitarian assistance intended to provide humanitarian relief to the people of North Korea must not be exploited or misdirected by the North Korean regime to benefit the military or elites of North Korea.

(b) REPORTS REQUIRED.—

(1) DEFINED TERM.—In this subsection, the term ''covered period'' means—

(A) in the case of the first report required to be submitted under paragraph (2), the period beginning on January 1, 2018, and ending on the date that is 90 days after the date of the enactment of this Act; and

(B) in the case of each subsequent report required to be submitted under paragraph (2), the 1-year period preceding the date by which the report is required to be submitted.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 2 years, the Secretary of State shall submit a report to Congress that—

(A) describes—

(i) how the North Korean regime has previously exploited humanitarian assistance from the international community to benefit elites and the military in North Korea;

(ii) the most effective methods to provide humanitarian relief, including mechanisms to facilitate humanitarian assistance, to the people of North Korea, who are in dire need of such assistance;

(iii) any requests to the Committee of the United Nations Security Council established by United Nations Security Council Resolution 1718 (2006) (referred to in this section as the ''1718 Sanctions Committee'') for humanitarian exemptions from sanctions known to have been denied during the covered period or known to have been in process for more than 30 days as of the date of the report; and

(iv) any known explanations for the denials and delays referred to in clause (iii); and

(B) details any action by a foreign government during the covered period that has delayed or impeded humanitarian assistance that was approved by the 1718 Sanctions Committee.

SA 530. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle A—Legal Gold and Mining Partnership

SECTION 12__1. SHORT TITLE.

This subtitle may be cited as the ''United States Legal Gold and Mining Partnership Act''.

SEC. 12__2. FINDINGS.

Congress makes the following findings:

(1) The illicit mining, trafficking, and commercialization of gold in the Western Hemisphere—

(A) negatively affects the region's economic and social dynamics;

(B) strengthens transnational criminal organizations and other international illicit actors; and

(C) has a deleterious impact on the environment, indigenous peoples, and food security.

(2) A lack of economic opportunities and the weak rule of law promote illicit activities, such as illicit gold mining, which increases the vulnerability of individuals in mining areas, including indigenous communities, who have been subjected to trafficking in persons, other human rights abuses, and population displacement in relation to mining activity, particularly in the artisanal and small-scale mining sector.

(3) Illicit gold mining in Latin America often involves and benefits transnational criminal organizations, drug trafficking organizations, terrorist groups, and other illegal armed groups that extort miners and enter into illicit partnerships with them in order to gain revenue from the illicit activity.

(4) Illicit gold supply chains are international in nature and frequently involve—

(A) the smuggling of gold and supplies, such as mercury;

(B) trade-based money laundering; and

(C) other cross-border flows of illicit assets.

(5) In Latin America, mineral traders and exporters, local processors, and shell companies linked to transnational criminal networks and illegally armed groups all play a key role in the trafficking, laundering, and commercialization of illicit gold from the region.

(6) According to a report on illegally mined Gold in Latin America by the Global Initiative Against Transnational Organized Crime—

(A) more than 70 percent of the gold mined in several Latin American countries, such as Colombia, Ecuador, and Peru, is mined through illicit means; and

(B) about 80 percent of the gold mined in Venezuela is mined through illicit means and a large percentage of such gold is sold—

(i) to Mibiturven, a joint venture operated by the Maduro regime composed of Minerven, a gold processor that has been designated by the Office of Foreign Assets Control of the Department of the Treasury, pursuant to Executive Order 13850 (relating to blocking property of additional persons contributing to the situation in Venezuela), and Marilyns Proje Yatirim, S.A., a Turkish company; or

(ii) through other trafficking and commercialization networks from which the Maduro regime benefits financially.

(7) Illegal armed groups and foreign terrorist organizations, such as the Ejército de Liberación Nacional (National Liberation Army—ELN), work with transnational criminal organizations in Venezuela that participate in the illicit mining, trafficking, and commercialization of gold.

(8) Transnational criminal organizations based in Venezuela, such as El Tren de Aragua, have expanded their role in the illicit mining, trafficking, and commercialization of gold to increase their criminal profits.

(9) Nicaragua's gold exports during 2021 were valued at an estimated $989,000,000 in value, of which

(A) gold valued at an estimated $898,000,000 was shipped to the United States;

(B) gold valued at an estimated $48,700,000 was shipped to Switzerland;

(C) gold valued at an estimated $39,000,000 was shipped to the United Arab Emirates; and

(D) gold valued at an estimated $3,620,000 was shipped to Austria.

SEC. 12__3. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Financial Services of the House of Representatives .

(2) ARTISANAL AND SMALL-SCALE MINING; ASM.—The terms ''artisanal and small-scale mining'' and ''ASM'' refer to a form of mining common in the developing world that—

(A) typically employs rudimentary, simple, and low-cost extractive technologies and manual labor-intensive techniques;

(B) is frequently subject to limited regulation; and

(C) often features harsh and dangerous working conditions.

(3) ILLICIT ACTORS.—The term ''illicit actors'' includes—

(A) any person included on any list of—

(i) United States-designated foreign terrorist organizations;

(ii) specially designated global terrorists (as defined in section 594.310 of title 31, Code of Federal Regulations);

(iii) significant foreign narcotics traffickers (as defined in section 808 of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1907); or

(iv) blocked persons, as maintained by the Office of Foreign Assets Control of the Department of the Treasury; and

(B) drug trafficking organizations.

(4) KEY STAKEHOLDERS.—The term ''key stakeholders'' means private sector organizations, industry representatives, and civil society groups that represent communities in areas affected by illicit mining and trafficking of gold, including indigenous groups, that are committed to the implementation of the Legal Gold and Mining Partnership Strategy.

(5) LEGAL GOLD AND MINING PARTNERSHIP STRATEGY; STRATEGY.—The terms ''Legal Gold and Mining Partnership Strategy'' and ''Strategy'' mean the strategy developed pursuant to section 12__4.

(6) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means—

(A) the Department of State;

(B) the Department of the Treasury;

(C) the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement;

(D) the Department of Justice, including the Federal Bureau of Investigation and the Drug Enforcement Administration;

(E) the Department of the Interior;

(F) the United States Agency for International Development; and

(G) other Federal agencies designated by the President.

SEC. 12__4. LEGAL GOLD AND MINING PARTNERSHIP STRATEGY.

(a) STRATEGY REQUIRED.—The Secretary of State, in coordination with the heads of relevant Federal departments and agencies, shall develop a comprehensive, multi-year strategy, which shall be known as the Legal Gold and Mining Partnership Strategy (referred to in this section as the ''Strategy''), to combat illicit gold mining in the Western Hemisphere.

(b) ELEMENTS.—The Strategy shall include policies, programs, and initiatives—

(1) to interrupt the linkages between ASM and illicit actors that profit from ASM in the Western Hemisphere;

(2) to deter ASM in environmentally protected areas, such as national parks and conservation zones, to prevent mining-related contamination of critical natural resources, such as water resources, soil, tropical forests, and other flora and fauna, and aerosol contamination linked to detrimental health impacts;

(3) to counter the financing and enrichment of actors involved in the illicit mining, trafficking, and commercialization of gold, and the abetting of their activities by—

(A) promoting the exercise of due diligence and the use of responsible sourcing methods in the purchase and trade of ASM;

(B) preventing and prohibiting foreign persons who control commodity trading chains linked to illicit actors from enjoying the benefits of access to the territory, markets or financial system of the United States, and halting any such ongoing activity by such foreign persons;

(C) combating related impunity afforded to illicit actors by addressing corruption in government institutions; and

(D) supporting the capacity of financial intelligence units, customs agencies, and other government institutions focused on anti-money laundering initiatives and combating the financing of criminal activities and terrorism to exercise oversight consistent with the threats posed by illicit gold mining;

(4) to build the capacity of foreign civilian law enforcement institutions in the Western Hemisphere to effectively counter—

(A) linkages between illicit gold mining, illicit actors, money laundering, and other financial crimes, including trade-based money laundering;

(B) linkages between illicit gold mining, illicit actors, trafficking in persons, and forced or coerced labor, including sex work and child labor;

(C) the cross-border trafficking of illicit gold, and the mercury, cyanide, explosives, and other hazardous materials used in illicit gold mining; and

(D) surveillance and investigation of illicit and related activities that are related to or are indicators of illicit gold mining activities;

(5) to ensure the successful implementation of the existing Memoranda of Understanding signed with the Governments of Peru and of Colombia in 2017 and 2018, respectively, to expand bilateral cooperation to combat illicit gold mining;

(6) to work with governments in the Western Hemisphere, bolster the effectiveness of anti-money laundering efforts to combat the financing of illicit actors in Latin America and the Caribbean and counter the laundering of proceeds related to illicit gold mining by—

(A) fostering international and regional cooperation and facilitating intelligence sharing, as appropriate, to identify and disrupt financial flows related to the illicit gold mining, trafficking, and commercialization of gold and other minerals and illicit metals; and

(B) supporting the formulation of strategies to ensure the compliance of reporting institutions involved in the mining sector and to promote transparency in mining-sector transactions;

(7) to support foreign government efforts—

(A) to increase regulations of the ASM sector;

(B) to facilitate licensing and formalization processes for ASM miners;

(C) to create and implement environmental safeguards to reduce the negative environmental impact of mining on sensitive ecosystems; and

(D) to develop mechanisms to support regulated cultural artisanal mining and artisanal mining as a job growth area;

(8) to engage the mining industry to encourage the building of technical expertise in best practices, environmental safeguards, and access to new technologies;

(9) to support the establishment of gold commodity supply chain due diligence, responsible sourcing, tracing and tracking capacities, and standards-compliant commodity certification systems in countries in Latin America and the Caribbean, including efforts recommended in the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas, Third Edition (2016);

(10) to engage with civil society to reduce the negative environmental impacts of ASM, particularly—

(A) the use of mercury in preliminary refining;

(B) the destruction of tropical forests;

(C) the construction of illegal and unregulated dams and the resulting valley floods;

(D) the pollution of water resources and soil; and

(E) the release of dust, which can contain toxic chemicals and heavy metals that can cause severe health problems;

(11) to aid and encourage ASM miners—

(A) to formalize their business activities, including through skills training, technical and business assistance, and access to financing, loans, and credit;

(B) to utilize environmentally safe and sustainable mining practices, including by scaling up the use of mercury-free gold refining technologies, and mining methods and technologies that do not result in deforestation, forest destruction, air pollution, water and soil-contamination, and other negative environmental impacts associated with ASM;

(C) to reduce the costs associated with formalization and compliance with mining regulations;

(D) to fully break away from the influence of illicit actors who leverage the control of territory and use violence to extort miners and push them into illicit arrangements;

(E) to adopt and utilize environmentally safe and sustainable mining practices, including—

(i) mercury-free gold refining technologies; and

(ii) extractive techniques that do not result in—

(I) forest clearance and water contamination; or

(II) the release of dust or uncontrolled tailings containing toxic chemicals;

(F) to pursue alternative livelihoods outside the mining sector; and

(G) to fully access public social services in ASM-dependent communities;

(12) to support and encourage socio-economic development programs, law enforcement capacity-building programs, and support for relevant international initiatives, including by providing assistance to achieve such ends by implementing the Strategy;

(13) to interrupt the illicit gold trade in Nicaragua, including through the use of United States punitive measures against the government led by President Daniel Ortega and Vice-President Rosario Murillo and their collaborators pursuant to Executive Order 14088 (relating to taking additional steps to address the national emergency with respect to the situation in Nicaragua), which was issued on October 24, 2022;

(14) to assist local journalists with investigations of illicit mining, trafficking, and commercialization of gold and its supplies in the Western Hemisphere; and

(15) to promote responsible sourcing and due diligence at all levels of gold supply chains.

(c) CHALLENGES ASSESSED.—The Strategy shall include an assessment of the challenges posed by, and policy recommendations to address—

(1) linkages between ASM sector production and trade, particularly relating to gold, to the activities of illicit actors, including linkages that help to finance or enrich such illicit actors or abet their activities;

(2) linkages between illicit or grey market trade, and markets in gold and other metals or minerals and legal trade and commerce in such commodities, notably with respect to activities that abet the entry of such commodities into legal commerce, including—

(A) illicit cross-border trafficking, including with respect to goods, persons and illegal narcotics;

(B) money-laundering;

(C) the financing of illicit actors or their activities; and

(D) the extralegal entry into the United States of—

(i) metals or minerals, whether of legal foreign origin or not; and

(ii) the proceeds of such metals or minerals;

(3) linkages between the illicit mining, trafficking, and commercialization of gold, diamonds, and precious metals and stones, and the financial and political activities of the regime of Nicolás Maduro of Venezuela;

(4) factors that—

(A) produce linkages between ASM miners and illicit actors, prompting some ASM miners to utilize mining practices that are environmentally damaging and unsustainable, notably mining or related ore processing practices that—

(i) involve the use of elemental mercury; or

(ii) result in labor, health, environmental, and safety code infractions and workplace hazards; and

(B) lead some ASM miners to operate in the extralegal or poorly regulated informal sector, and often prevent such miners from improving the socioeconomic status of themselves and their families and communities, or hinder their ability to formalize their operations, enhance their technical and business capacities, and access finance of fair market prices for their output;

(5) mining-related trafficking in persons and forced or coerced labor, including sex work and child labor; and

(6) the use of elemental mercury and cyanide in ASM operations, including the technical aims and scope of such usage and its impact on human health and the environment, including flora, fauna, water resources, soil, and air quality.

(d) FOREIGN ASSISTANCE.—The Strategy shall describe—

(1) existing foreign assistance programs that address elements of the Strategy; and

(2) additional foreign assistance resources needed to fully implement the Strategy.

(e) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the President shall submit the Strategy to the appropriate congressional committees.

(f) BRIEFING.—Not later than 180 days after submission of the Strategy, and semiannually thereafter for the following 3 years, the Secretary of State, or the Secretary's designee, shall provide a briefing to the appropriate congressional committees regarding the implementation of the strategy, including efforts to leverage international support and develop a public-private partnership to build responsible gold value chains with other governments.

SEC. 12__5. CLASSIFIED BRIEFING ON ILLICIT GOLD MINING IN VENEZUELA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State, or the Secretary's designee, in coordination with the Director of National Intelligence, shall provide a classified briefing to the appropriate congressional committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives that describes—

(1) the activities related to illicit gold mining, including the illicit mining, trafficking, and commercialization of gold, inside Venezuelan territory carried out by illicit actors, including defectors from the Revolutionary Armed Forces of Colombia (FARC) and members of the National Liberation Army (ELN); and

(2) Venezuela's illicit gold trade with foreign governments, including the Government of the Republic of Turkey and the Government of the Islamic Republic of Iran.

SEC. 12__6. INVESTIGATION OF THE ILLICIT GOLD TRADE IN VENEZUELA.

The Secretary of State, in coordination with the Secretary of the Treasury, the Attorney General, and allied and partner governments in the Western Hemisphere, shall—

(1) lead a coordinated international effort to carry out financial investigations to identify and track assets taken from the people and institutions in Venezuela that are linked to money laundering and illicit activities, including mining-related activities, by sharing financial investigations intelligence, as appropriate and as permitted by law; and

(2) provide technical assistance to help eligible governments in Latin America establish legislative and regulatory frameworks capable of imposing and effectively implementing targeted sanctions on—

(A) officials of the Maduro regime who are directly engaged in the illicit mining, trafficking, and commercialization of gold; and

(B) foreign persons engaged in the laundering of illicit gold assets linked to designated terrorist and drug trafficking organizations.

SEC. 12__7. LEVERAGING INTERNATIONAL SUPPORT.

In implementing the Legal Gold and Mining Partnership Strategy pursuant to section 12__4, the President should direct United States representatives accredited to relevant multilateral institutions and development banks and United States ambassadors in the Western Hemisphere to use the influence of the United States to foster international cooperation to achieve the objectives of this subtitle, including—

(1) marshaling resources and political support; and

(2) encouraging the development of policies and consultation with key stakeholders to accomplish such objectives and provisions.

SEC. 12__8. PUBLIC-PRIVATE PARTNERSHIP TO BUILD RESPONSIBLE GOLD VALUE CHAINS.

(a) BEST PRACTICES.—The Administrator of the United States Agency for International Development (referred to in this section as the ''Administrator''), in coordination with the Governments of Colombia, of Ecuador, and of Peru, and with other democratically-elected governments in the region, shall consult with the Government of Switzerland regarding best practices developed through the Swiss Better Gold Initiative, a public-private partnership that aims to improve transparency and traceability in the international gold trade.

(b) IN GENERAL.—The Administrator shall coordinate with the Governments of Colombia, Ecuador, Peru, and other democratically-elected governments in the region determined by the Administrator to establish a public-private partnership to advance the best practices identified in subsection (a), including supporting programming in participating countries that will—

(1) support formalization and compliance with appropriate environmental and labor standards in ASM gold mining;

(2) increase access to financing for ASM gold miners who are taking significant steps to formalize their operations and comply with labor and environmental standards;

(3) enhance the traceability and support the establishment of a certification process for ASM gold;

(4) support a public relations campaign to promote responsibly-sourced gold;

(5) include representatives of local civil society to work towards soliciting the free and informed consent of those living on lands with mining potential;

(6) facilitate contact between vendors of responsibly-sourced gold and United States companies; and

(7) promote policies and practices in participating countries that are conducive to the formalization of ASM gold mining and promoting adherence of ASM to internationally-recognized best practices and standards.

(c) MEETING.—The Secretary of State or the Administrator, without delegation and in coordination with the governments of participating countries, should—

(1) host a meeting with senior representatives of the private sector and international governmental and nongovernmental partners; and

(2) make commitments to improve due diligence and increase the responsible sourcing of gold.

SEC. 12__9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Department of State $10,000,000 to implement the Legal Gold and Mining Partnership Strategy developed pursuant to section 12__4.

SA 531. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE XVIII—SOUTH CHINA SEA AND EAST CHINA SEA SANCTIONS ACT OF 2023

SEC. 1801. SHORT TITLE.

This title may be cited as the ''South China Sea and East China Sea Sanctions Act of 2023''.

SEC. 1802. SANCTIONS WITH RESPECT TO CHINESE PERSONS RESPONSIBLE FOR CHINA'S ACTIVITIES IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

(a) INITIAL IMPOSITION OF SANCTIONS.—On and after the date that is 120 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (b) with respect to any Chinese person, including any senior official of the Government of the People's Republic of China, that the President determines—

(1) is responsible for or significantly contributes to large-scale reclamation, construction, militarization, or ongoing supply of outposts in disputed areas of the South China Sea;

(2) is responsible for or significantly contributes to, or has engaged in, directly or indirectly, actions, including the use of coercion, to inhibit another country from protecting its sovereign rights to access offshore resources in the South China Sea, including in such country's exclusive economic zone, consistent with such country's rights and obligations under international law;

(3) is responsible for or complicit in, or has engaged in, directly or indirectly, actions that significantly threaten the peace, security, or stability of disputed areas of the South China Sea or areas of the East China Sea administered by Japan or the Republic of Korea, including through the use of vessels and aircraft by the People's Republic of China to occupy or conduct extensive research or drilling activity in those areas;

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to, or in support of, any person subject to sanctions pursuant to paragraph (1), (2), or (3); or

(5) is owned or controlled by, or has acted for or on behalf of, directly or indirectly, any person subject to sanctions pursuant to paragraph (1), (2), or (3).

(b) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a person described in subsection (a) are the following:

(1) BLOCKING OF PROPERTY.—The President may, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—In the case of an alien, the alien may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subparagraph (A) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) may—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(3) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the person.

(4) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the person under—

(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(B) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(5) INCLUSION ON ENTITY LIST.—The President may include the 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, for activities contrary to the national security or foreign policy interests of the United States.

(6) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing equity or debt instruments of the person.

(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person.

(8) CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—In the case of a foreign financial institution, the President may prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by the foreign financial institution.

(c) EXCEPTIONS.—

(1) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of subsection (b)(1).

(2) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(3) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraphs (2) and (3) of subsection (b) shall not apply if admission of an alien to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success, June 26, 1947, and entered into force, November 21, 1947, between the United Nations and the United States.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(e) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) ALIEN.—The term ''alien'' has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) CHINESE PERSON.—The term ''Chinese person'' means—

(A) an individual who is a citizen or national of the People's Republic of China; or

(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(6) PERSON.—The term ''person'' means any individual or entity.

(7) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 1803. SENSE OF CONGRESS REGARDING PORTRAYALS OF THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.

It is the sense of Congress that the Government Publishing Office should not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea that is disputed among two or more parties or the territory or airspace of areas administered by Japan or the Republic of Korea, including in the East China Sea, is part of the territory or airspace of the People's Republic of China.

SEC. 1804. SENSE OF CONGRESS ON 2016 PERMANENT COURT OF ARBITRATION'S TRIBUNAL RULING ON ARBITRATION CASE BETWEEN PHILIPPINES AND PEOPLE'S REPUBLIC OF CHINA.

(a) FINDING.—Congress finds that on July 12, 2016, a tribunal of the Permanent Court of Arbitration found in the arbitration case between the Philippines and the People's Republic of China under the United Nations Convention on the Law of the Sea that the People's Republic of China's claims, including those to offshore resources and ''historic

rights'', were unlawful, and that the tribunal's ruling is final and legally binding on both parties.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States and the international community should reject the unlawful claims of the People's Republic of China within the exclusive economic zone or on the continental shelf of the Philippines, as well as the maritime claims of the People's Republic of China beyond a 12-nautical-mile territorial sea from the islands it claims in the South China Sea;

(2) the provocative behavior of the People's Republic of China, including coercing other countries with claims in the South China Sea and preventing those countries from accessing offshore resources, undermines peace and stability in the South China Sea;

(3) the international community should—

(A) support and adhere to the ruling described in subsection (a) in compliance with international law; and

(B) take all necessary steps to support the rules-based international order in the South China Sea; and

(4) all claimants in the South China Sea should—

(A) refrain from engaging in destabilizing activities, including illegal occupation or efforts to unlawfully assert control over disputed claims;

(B) ensure that disputes are managed without intimidation, coercion, or force;

(C) clarify or adjust claims in accordance with international law; and

(D) uphold the principle that territorial and maritime claims, including over territorial waters or territorial seas, must be derived from land features and otherwise comport with international law.

SEC. 1805. REPORT ON COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report identifying each country that the Secretary determines has taken an official and stated position to recognize, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace disputed by one or more countries in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(c) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.

SA 532. Mr. RUBIO (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF DOMESTIC BIOPHARMACEUTICAL MANUFACTURING CAPABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in cooperation with the Director of the Biomedical Advanced Research and Development Authority, shall seek to enter into an agreement with the National Institute for Innovation in Manufacturing Biopharmaceuticals to perform the services described in subsection (b).

(b) REVIEW AND RECOMMENDATIONS.—Under an agreement described in subsection (a) between the Secretary, the Director of the Biomedical Advanced Research and Development Authority, and the National Institute for Innovation in Manufacturing Biopharmaceuticals, the National Institute for Innovation in Manufacturing Biopharmaceuticals shall—

(1) review current domestic biopharmaceutical manufacturing capacity at the Department of Health and Human Services and such department's adaptability to various threats;

(2) draft recommendations for developing, demonstrating, deploying, and advancing new domestic biopharmaceutical manufacturing technologies that address gaps identified under paragraph (1) and align Federal technologies with technologies available to the private sector, including through the new BioMAP initiative of the Biomedical Advanced Research and Development Authority; and

(3) identify other opportunities and priorities to improve the United States public health and medical preparedness and response capabilities and domestic biopharmaceutical manufacturing capabilities.

SA 533. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—SENSIBLE CLASSIFICATION REFORM

SEC. __01. SHORT TITLE.

This title may be cited as the ''Sensible Classification Act of 2023''.

SEC. __02. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(2) CLASSIFIED INFORMATION.—The term ''classified information'' means information that has been determined pursuant to Executive order 12958 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(3) CLASSIFICATION.—The term ''classification'' means the act or process by which information is determined to be classified information.

(4) DECLASSIFICATION.—The term ''declassification'' means the authorized change in the status of information from classified information to unclassified information.

(5) DOCUMENT.—The term ''document'' means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

(6) DOWNGRADE.—The term ''downgrade'' means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

(7) INFORMATION.—The term ''information'' means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

(8) ORIGINATE, ORIGINATING, AND ORIGINATED.—The term ''originate'', ''originating'', and ''originated'', with respect to classified information and an authority, means the authority that classified the information in the first instance.

(9) RECORDS.—The term ''records'' means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

(10) SECURITY CLEARANCE.—The term ''security clearance'' means an authorization to access classified information.

(11) UNAUTHORIZED DISCLOSURE.—The term ''unauthorized disclosure'' means a communication or physical transfer of classified information to an unauthorized recipient.

(12) UNCLASSIFIED INFORMATION.—The term ''unclassified information'' means information that is not classified information.

SEC. __03. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to a report released by the Office of the Director of Intelligence in 2020 titled ''Fiscal Year 2019 Annual Report on Security Clearance Determinations'', more than 4,000,000 individuals have been granted eligibility for a security clearance.

(2) At least 1,300,000 of such individuals have been granted access to information classified at the Top Secret level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the classification system of the Federal Government is in urgent need of reform;

(2) the number of people with access to classified information is exceedingly high and must be justified or reduced;

(3) reforms are necessary to reestablish trust between the Federal Government and the people of the United States; and

(4) classification should be limited to the minimum necessary to protect national security while balancing the public's interest in disclosure.

SEC. __04. CLASSIFICATION AUTHORITY.

(a) IN GENERAL.—The authority to classify information originally may be exercised only by—

(1) the President and, in the performance of executive duties, the Vice President;

(2) the head of an agency or an official of any agency authorized by the President pursuant to a designation of such authority in the Federal Register; and

(3) an official of the Federal Government to whom authority to classify information originally has been delegated pursuant to subsection (c).

(b) SCOPE OF AUTHORITY.—An individual authorized by this section to classify information originally at a specified level may also classify the information originally at a lower level.

(c) DELEGATION OF ORIGINAL CLASSIFICATION AUTHORITY.—An official of the Federal Government may be delegated original classification authority subject to the following:

(1) Delegation of original classification authority shall be limited to the minimum required to administer this section. Agency heads shall be responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) Authority to originally classify information at the level designated as ''Top Secret'' may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2).

(3) Authority to originally classify information at the level designated as ''Secret'' or ''Confidential'' may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2), or the senior agency official described in section 5.4(d) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, provided that official has been delegated ''Top Secret'' original classification authority by the agency head.

(4) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as provided by paragraph (1), (2), and (3). Each delegation shall identify the official by name or position title.

(d) TRAINING REQUIRED.—

(1) IN GENERAL.—An individual may not be delegated original classification authority under this section unless the individual has first received training described in paragraph (2).

(2) TRAINING DESCRIBED.—Training described in this paragraph is training on original classification that includes instruction on the proper safeguarding of classified information and of the criminal, civil, and administrative sanctions that may be brought against an individual who fails to protect classified information from unauthorized disclosure.

(e) EXCEPTIONAL CASES.—

(1) IN GENERAL.—When an employee, Government contractor, licensee, certificate holder, or grantee of an agency who does not have original classification authority originates information believed by that employee, contractor, licensee, certificate holder, or grantee to require classification, the information shall be protected in a manner consistent with Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order.

(2) TRANSMITTAL.—An employee, contractor, licensee, certificate holder, or grantee described in paragraph (1), who originates information described in such paragraph, shall promptly transmit such information to—

(A) the agency that has appropriate subject matter interest and classification authority with respect to this information; or

(B) if it is not clear which agency has appropriate subject matter interest and classification authority with respect to the information, to the Director of the Information Security Oversight Office.

(3) AGENCY DECISIONS.—An agency that receives information pursuant to paragraph (2)(A) or (4) shall decide within 30 days whether to classify this information.

(4) INFORMATION SECURITY OVERSIGHT OFFICE ACTION.—If the Director of the Information Security Oversight Office receives information under paragraph (2)(B), the Director shall determine the agency having appropriate subject matter interest and classification authority and forward the information, with appropriate recommendations, to that agency for a classification determination.

SEC. __05. PROMOTING EFFICIENT DECLASSIFICATION REVIEW.

(a) IN GENERAL.—Whenever an agency is processing a request pursuant to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') or the mandatory declassification review provisions of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, and identifies responsive classified records that are more than 25-years-of-age as of December 31 of the year in which the request is received, the head of the agency shall review the record and process the record for declassification and release by the National Declassification Center of the National Archives and Records Administration.

(b) APPLICATION.—Subsection (a) shall apply—

(1) regardless of whether or not the record described in such subsection is in the legal custody of the National Archives and Records Administration; and

(2) without regard for any other provisions of law or existing agreements or practices between agencies.

SEC. __06. TRAINING TO PROMOTE SENSIBLE CLASSIFICATION.

(a) DEFINITIONS.—In this section:

(1) OVER-CLASSIFICATION.—The term ''over-classification'' means classification at a level that exceeds the minimum level of classification that is sufficient to protect the national security of the United States.

(2) SENSIBLE CLASSIFICATION.—The term ''sensible classification'' means classification at a level that is the minimum level of classification that is sufficient to protect the national security of the United States.

(b) TRAINING REQUIRED.—Each head of an agency with classification authority shall conduct training for employees of the agency with classification authority to discourage over-classification and to promote sensible classification.

SEC. __07. IMPROVEMENTS TO PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 703 of the Public Interest Declassification Act of 2000 (50 U.S.C. 3355a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) A member of the Board whose term has expired may continue to serve until a successor is appointed and sworn in.''; and

(2) in subsection (f)—

(A) by inserting ''(1)'' before ''Any employee''; and

(B) by adding at the end the following:

''(2)(A) In addition to any employees detailed to the Board under paragraph (1), the Board may hire not more than 12 staff members.

''(B) There are authorized to be appropriated to carry out subparagraph (A) such sums as are necessary for fiscal year 2024 and each fiscal year thereafter.''.

SEC. __08. IMPLEMENTATION OF TECHNOLOGY FOR CLASSIFICATION AND DECLASSIFICATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Office of Electronic Government (in this section referred to as the ''Administrator'') shall, in consultation with the Secretary of Defense, the Director of the Central Intelligence Agency, the Director of National Intelligence, the Public Interest Declassification Board, the Director of the Information Security Oversight Office, and the head of the National Declassification Center of the National Archives and Records Administration—

(1) research a technology-based solution—

(A) utilizing machine learning and artificial intelligence to support efficient and effective systems for classification and declassification; and

(B) to be implemented on an interoperable and federated basis across the Federal Government; and

(2) submit to the President a recommendation regarding a technology-based solution described in paragraph (1) that should be adopted by the Federal Government.

(b) STAFF.—The Administrator may hire sufficient staff to carry out subsection (a).

(c) REPORT.—Not later than 540 days after the date of the enactment of this Act, the President shall submit to Congress a classified report on the technology-based solution recommended by the Administrator under subsection (a)(2) and the President's decision regarding its adoption.

SEC. __09. STUDIES AND RECOMMENDATIONS ON NECESSITY OF SECURITY CLEARANCES.

(a) AGENCY STUDIES ON NECESSITY OF SECURITY CLEARANCES.—

(1) STUDIES REQUIRED.—The head of each agency that grants security clearances to personnel of such agency shall conduct a study on the necessity of such clearances.

(2) REPORTS REQUIRED.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each head of an agency that conducts a study under paragraph (1) shall submit to Congress a report on the findings of the agency head with respect to such study, which the agency head may classify as appropriate.

(B) REQUIRED ELEMENTS.—Each report submitted by the head of an agency under subparagraph (A) shall include, for such agency, the following:

(i) The number of personnel eligible for access to information up to the Top Secret level.

(ii) The number of personnel eligible for access to information up to the Secret level.

(iii) Information on the any reduction in the number of personnel eligible for access to classified information based on the study conducted under paragraph (1).

(iv) A description of how the agency head will ensure that the number of security clearances granted by such agency will be kept to the minimum required for the conduct of agency functions, commensurate with the size, needs, and mission of the agency.

(3) INDUSTRY.—This subsection shall apply to the Secretary of Defense in the Secretary's capacity as the Executive Agent for the National Industrial Security Program and the Secretary shall treat contractors, licensees, and grantees as personnel of the Department of Defense for purposes of the studies and reports required by this subsection.

(b) DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF SENSITIVE COMPARTMENTED INFORMATION.—The Director of National Intelligence shall—

(1) review the number of personnel eligible for access to sensitive compartmented information; and

(2) submit to Congress a report on how the Director will ensure that the number of such personnel is limited to the minimum required.

(c) AGENCY REVIEW OF SPECIAL ACCESS PROGRAMS.—Each head of an agency who is authorized to establish a special access program by Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, shall—

(1) review the number of personnel of the agency eligible for access to such special access programs; and

(2) submit to Congress a report on how the agency head will ensure that the number of such personnel is limited to the minimum required.

(d) SECRETARY OF ENERGY REVIEW OF Q AND L CLEARANCES.—The Secretary of Energy shall—

(1) review the number of personnel of the Department of Energy granted Q and L access; and

(2) submit to Congress a report on how the Secretary will ensure that the number of such personnel is limited to the minimum required

(e) INDEPENDENT REVIEWS.—Not later than 180 days after the date on which a study is completed under subsection (a) or a review is completed under subsections (b) through (d), the Director of the Information Security Oversight Office of the National Archives and Records Administration, the Director of National Intelligence, and the Public Interest Declassification Board shall each review the study or review, as the case may be.

SA 534. Mr. FETTERMAN (for himself and Ms. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XXXI, insert the following:

SEC. 31_____. PROHIBITION ON CERTAIN EXPORTS.

(a) IN GENERAL.—The Energy Policy and Conservation Act is amended by inserting after section 163 (42 U.S.C. 6243) the following:

''SEC. 164. PROHIBITION ON CERTAIN EXPORTS.

''(a) IN GENERAL.—The Secretary shall prohibit the export or sale of petroleum products drawn down from the Strategic Petroleum Reserve, under any provision of law, to—

''(1) the People's Republic of China;

''(2) the Democratic People's Republic of Korea;

''(3) the Russian Federation;

''(4) the Islamic Republic of Iran;

''(5) any other country the government of which is subject to sanctions imposed by the United States; and

''(6) any entity owned, controlled, or influenced by—

''(A) a country referred to in any of paragraphs (1) through (5); or

''(B) the Chinese Communist Party.

''(b) WAIVER.—The Secretary may issue a waiver of the prohibition described in subsection (a) if the Secretary certifies that any export or sale authorized pursuant to the waiver is in the national security interests of the United States.

''(c) RULE.—Not later than 60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2024, the Secretary shall issue a rule to carry out his section.''.

(b) CONFORMING AMENDMENTS.—

(1) DRAWDOWN AND SALE OF PETROLEUM PRODUCTS.—Section 161(a) of the Energy Policy and Conservation Act (42 U.S.C. 6241(a)) is amended by inserting ''and section 164'' before the period at the end.

(2) CLERICAL AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 163 the following:

''Sec. 164. Prohibition on certain exports.''.

SA 535. Ms. DUCKWORTH (for herself, Mr. KENNEDY, Mrs. GILLIBRAND, and Ms. BALDWIN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ENHANCED DOMESTIC CONTENT REQUIREMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the domestic source content of procurements carried out in connection with a major defense acquisition program.

(2) INFORMATION REPOSITORY.—The Secretary of Defense shall establish an information repository for the collection and analysis of information related to domestic source content for products the Secretary deems critical, where such information can be used for continuous data analysis and program management activities.

(b) ENHANCED DOMESTIC CONTENT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of chapter 83 of title 41, United States Code, manufactured articles, materials, or supplies procured in connection with a major defense acquisition program are manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States if the cost of such component articles, materials, or supplies—

(A) supplied not later than the date of the enactment of this Act, exceeds 60 percent of cost of the manufactured articles, materials, or supplies procured;

(B) supplied during the period beginning January 1, 2024, and ending December 31, 2028, exceeds 65 percent of the cost of the manufactured articles, materials, or supplies; and

(C) supplied on or after January 1, 2029, exceeds 75 percent of the cost of the manufactured articles, materials, or supplies.

(2) EXCLUSION FOR CERTAIN MANUFACTURED ARTICLES.—Paragraph (1) shall not apply to manufactured articles that consist wholly or predominantly of iron, steel, or a combination of iron and steel.

(3) RULEMAKING TO CREATE A FALLBACK THRESHOLD.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to determine the treatment of the lowest price offered for a foreign end product for which 55 percent or more of the component articles, materials, or supplies of such foreign end product are manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States if—

(i) the application of paragraph (1) results in an unreasonable cost; or

(ii) no offers are submitted to supply manufactured articles, materials, or supplies manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(B) TERMINATION.—Rules issued under this paragraph shall cease to have force or effect on January 1, 2030.

(4) APPLICABILITY.—The requirements of this subsection—

(A) shall apply to contracts entered into on or after the date of the enactment of this Act; and

(B) shall be applied in a manner consistent with the obligations of the United States under any relevant international agreement.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—The term ''major defense acquisition program'' has the meaning given the term in section 4201 of title 10, United States Code.

SA 536. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7___. CONTRACEPTION COVERAGE PARITY UNDER THE TRICARE PROGRAM.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) Notwithstanding subparagraphs (A), (B), and (C), cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any eligible covered beneficiary for any prescription contraceptive on the uniform formulary provided through a retail pharmacy described in paragraph (2)(E)(ii) or through the national mail-order pharmacy program.''.

(b) TRICARE SELECT.—Section 1075 of such title is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(4)(A) Notwithstanding any other provision of this section, cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any beneficiary under this section for a service described in subparagraph (B) that is provided by a network provider.

''(B) A service described in this subparagraph is any contraceptive method approved, cleared, or authorized under section 505, 510(k), 513(f)(2), or 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360(k), 360c(f)(2), 360e), any contraceptive care (including with respect to insertion, removal, and follow up), any sterilization procedure, or any patient education or counseling service provided in connection with any such contraceptive, care, or procedure.''; and

(2) in subsection (f), by striking ''calculated as'' and inserting ''calculated (except as provided in subsection (c)(4)) as''.

(c) TRICARE PRIME.—Section 1075a of such title is amended by adding at the end the following new subsection:

''(d) PROHIBITION ON COST-SHARING FOR CERTAIN SERVICES.—(1) Notwithstanding subsections (a), (b), and (c), cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any beneficiary enrolled in TRICARE Prime for a service described in paragraph (2) that is provided under TRICARE Prime.

''(2) A service described in this paragraph is any contraceptive method approved, cleared, or authorized under section 505, 510(k), 513(f)(2), or 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360(k), 360c(f)(2), 360e), any contraceptive care (including with respect to insertion, removal, and follow up), any sterilization procedure, or any patient education or counseling service provided in connection with any such contraceptive, care, or procedure.''.

SA 537. Mrs. SHAHEEN (for herself and Mr. FETTERMAN) submitted an

amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 6___. AUTHORIZATION OF ADMINISTRATIVE ABSENCES AND TRAVEL AND TRANSPORTATION ALLOWANCES FOR REPRODUCTIVE HEALTH CARE.

(a) LEAVES OF ABSENCE.—

(1) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 708 the following new section:

''§ 708a. Reproductive health administrative absence

''(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, the Secretary shall grant an administrative absence to a member of the armed forces who requests such an absence—

''(1) to receive non-covered reproductive health care; or

''(2) to accompany a spouse or other dependent who receives non-covered reproductive health care.

''(b) DURATION.—An administrative absence granted under subsection (a) pursuant to a request made under that subsection may extend for a period of not more than 21 days for each such request.

''(c) REQUIREMENTS FOR REGULATIONS.—The regulations prescribed under subsection (a) shall provide that—

''(1) no additional requirement, including consultations with a chaplain, medical testing, or any other form of counseling, may be imposed on a member requesting an administrative absence under subsection (a) by the Secretary or the commander or other approval authority of the member; and

''(2) the Secretary and the commander or other approval authority of a member shall prioritize the privacy of the member (and the spouse or other dependent of the member, if applicable), consistent with applicable statutes and regulations governing protected medical information.

''(d) CONSTRUCTION WITH OTHER LEAVE.—Leave under this section may not be charged or credited to leave that accrued or that may accrue under section 701. Any benefits provided to a member under this section are in addition to any other leave or absence to which the member may be entitled under this chapter.

''(e) NON-COVERED REPRODUCTIVE HEALTH CARE DEFINED.—In this section, the term 'non-covered reproductive health care' means reproductive health care not authorized to be performed at a medical treatment facility or other facility of the Department of Defense consistent with Federal law, including—

''(1) an abortion; or

''(2) assisted reproductive technology, including—

''(A) ovarian stimulation and egg retrieval, including any needed medications and procedures required for retrieval, processing, and utilization of an egg for assisted reproductive technology or cryopreservation;

''(B) sperm collection and processing for assisted reproductive technology or cryopreservation;

''(C) intrauterine insemination; and

''(D) in vitro fertilization, including—

''(i) in vitro fertilization with fresh embryo transfer;

''(ii) gamete intrafallopian transfer;

''(iii) zygote intrafollopian transfer;

''(iv) pronuclear stage tubal transfer;

''(v) tubal embryo transfer; and

''(vi) frozen embryo transfer.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 708 the following new item:

''708a. Reproductive health administrative absence.''.

(b) AUTHORIZATION OF TRAVEL AND TRANSPORTATION ALLOWANCES.—Section 452(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(24) Travel by a member or a dependent to receive non-covered reproductive health care (as defined in section 708a(e) of title 10), including an abortion and assisted reproductive technology.''.

(c) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section may be construed to restrict or deprive a member of the Armed Forces from accessing or being granted convalescent leave consistent with section 701 of title 10, United States Code.

SA 538. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1240A. SPECIAL ENVOY FOR BELARUS.

(a) SPECIAL ENVOY.—The President shall appoint a Special Envoy for Belarus within the Department of State (referred to in this section as the ''Special Envoy'').

(b) QUALIFICATIONS.—The Special Envoy—

(1) should be a person of recognized distinction in the field of European security, geopolitics, democracy, and human rights; and

(2) may be a career foreign service officer.

(c) CENTRAL OBJECTIVE.—The central objective of the Special Envoy is to coordinate and promote efforts—

(1) to improve respect for the fundamental human rights of the people of Belarus;

(2) to sustain focus on the national security implications, for the United States, of Belarus's political and military alignment; and

(3) to respond to the political, economic, and security impacts of events in Belarus on neighboring countries and the wider region.

(d) DUTIES AND RESPONSIBILITIES.—The Special Envoy shall—

(1) engage in discussions with Belarusian officials regarding human rights and political, economic, and security issues in Belarus;

(2) support international efforts to promote human rights and political freedoms in Belarus, including coordination and dialogue between the United States and the United Nations, the Organization for Security and Cooperation in Europe, the European Union, Belarus, and the other countries in Eastern Europe;

(3) consult with nongovernmental organizations that have attempted to address human rights and political and economic instability in Belarus;

(4) make recommendations regarding the funding of activities promoting human rights, democracy, the rule of law, and the development of a market economy in Belarus;

(5) review strategies for improving protection of human rights in Belarus, including technical training and exchange programs;

(6) develop an action plan for holding to account the perpetrators of the human rights violations documented in the United Nations High Commissioner for Human Rights report on the situation of human rights in Belarus in the run-up to the 2020 presidential election and its aftermath (Human Rights Council Resolution 49/36);

(7) engage with member countries of the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe, and the European Union with respect to the implications of Belarus's political and security alignment for transatlantic security; and

(8) to work within the Department of State and among partnering countries to sustain focus on the political situation in Belarus.

(e) ROLE.—The position of Special Envoy—

(1) shall be a full-time position;

(2) may not be combined with any other position within the Department of State;

(3) shall only exist for the period during which United States diplomatic operations in Belarus at the United States Embassy in Minsk have been suspended; and

(4) shall oversee the operations and personnel of the Belarus Affairs Unit of the Department of State.

(f) REPORT ON ACTIVITIES.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in consultation with the Special Envoy, shall submit to the appropriate congressional committees a report that describes the activities undertaken pursuant to subsection (d) during the reporting period.

(g) TERMINATION.—The position of Special Envoy for Belarus Affairs and the authorities provided by this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 539. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Afghan Allies Protection Act of 2023

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Afghan Allies Protection Act of 2023''.

SEC. 1092. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) section 1248(h) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note) requires the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense to designate senior coordinating officials, with sufficient expertise, authority, and resources, to carry out duties relating to the issuance of special immigrant visas under that Act and the Afghan Allies Protection Act of 2009 (Public Law 111–8; U.S.C. 1101 note);

(2) the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense should take all necessary steps to designate such senior coordinating officials;

(3) all criteria relating to the requirements for special immigrant visa applicants under the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note) and the Afghan Allies Protection Act of 2009 (Public

Law 111–8; 8 U.S.C. 1101 note) should be implemented on the date of the enactment of Act;

(4) in the case of any individual with respect to whom the Chief of Mission has erroneously denied a request for approval to apply for a special immigrant visa under the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note) or the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note), the Chief of Mission should reopen such requests sua sponte, including for any individual who has—

(A) not appealed;

(B) submitted an appeal; or

(C) had an appeal denied; and

(5) each applicant for a special immigrant visa under the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) should be provided the opportunity to submit not more than one appeal for each written denial, which would allow the applicant the opportunity to understand and respond to the denial.

SEC. 1093. AUTHORIZING ADDITIONAL AFGHAN SPECIAL IMMIGRANT VISAS.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking ''**Fiscal years 2015 through 2022**'' and inserting ''**Fiscal years 2015 through 2029**'';

(B) in clause (i), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(C) in clause (ii), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(2) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2025'' and inserting ''January 31, 2030''.

SEC. 1094. EXEMPTION FOR AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.

Section 602(b)(2)(A) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in paragraph (2)(A)—

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

''(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

''(aa) by, or on behalf of, the United States Government; or

''(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

''(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

''(BB) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force); or

''(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;''; and

(B) in clause (iii), by striking ''clause (ii)'' and inserting ''clause (ii)(I)'';

(2) in paragraph (13)(A)(i), by striking ''subclause (I) or (II)(bb) of paragraph (2)(A)(ii)'' and inserting ''item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)'';

(3) in paragraph (14)(C), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''; and

(4) in paragraph (15), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''.

SEC. 1095. STRATEGY FOR THE EFFICIENT PROCESSING OF ALL AFGHAN SPECIAL IMMIGRANT VISA APPLICATIONS AND APPEALS.

Section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''In this section'' and inserting ''Except as otherwise explicitly provided, in this section''; and

(2) in subsection (b), by adding at the end the following:

''(16) DEPARTMENT OF STATE STRATEGY FOR EFFICIENT PROCESSING OF APPLICATIONS AND APPEALS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the head of any other relevant Federal agency, the appropriate committees of Congress, and civil society organizations (including legal advocates), shall develop a strategy to address applications pending at all steps of the special immigrant visa process under this section.

''(B) ELEMENTS.—The strategy required by subparagraph (A) shall include the following:

''(i) A review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process under this section.

''(ii) An analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this Act during the several years after the date of the enactment of this paragraph.

''(iii) A plan for collecting and disaggregating data on—

''(I) individuals who have applied for special immigrant visas under this section; and

''(II) individuals who have been issued visas under this section.

''(iv) An assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas under this section in appropriate circumstances and consistent with applicable laws.

''(v) An assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

''(C) FORM.—The strategy required by subparagraph (A) shall be submitted in unclassified form but may include an classified annex.

''(D) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Armed Services of the Senate; and

''(ii) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.''.

SEC. 1096. SENIOR COORDINATING OFFICIALS.

Section 602(b)(2)(D)(ii) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101) is amended by adding at the end the following:

''(III) SENIOR SPECIAL IMMIGRANT VISA COORDINATING OFFICIALS.—

''(aa) IN GENERAL.—The head of each Federal agency that employs a national of Afghanistan who may be eligible for a special immigrant visa under this section, and the head of each Federal agency that is integral to the processing of such visas (including the Department of State, the Department of Defense, the Department of Homeland Security, and the Department of Health and Human Services), shall designate a senior coordinating official to oversee the efficiency and integrity of the processing of visas for such nationals of Afghanistan.

''(bb) QUALIFICATIONS.—An official designated under item (aa) shall be of a sufficient seniority to allow for interagency coordination and responsiveness among the relevant Federal agencies.

''(cc) RESPONSIBILITIES AND CLEARANCES.—Such an official shall be given the responsibilities and clearances described in items (aa),(bb), and (cc) of subclause (II).''.

SEC. 1097. AUTHORITY FOR REIMBURSEMENT OF MEDICAL EXAMINATIONS IN CASES OF ECONOMIC HARDSHIP.

Section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) MEDICAL EXAMINATIONS.—

''(1) REIMBURSEMENT.—Subject to the amounts provided in advance in appropriations Acts, the Secretary of State shall, on receipt of a petition for reimbursement, reimburse an alien described in subparagraph (A), (B), or (C) of subsection (b)(2) for the costs incurred by the alien for any medical examination required under the immigration laws (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)))

''(2) PETITION.—Not later than the date on which an alien receives Chief of Mission approval pursuant to subsection (b), the alien shall submit to a consular officer of the United States in the foreign country in which the alien is located a petition for reimbursement for any medical examination required under the immigration laws.

''(3) CONSULAR OFFICER DETERMINATION.—

''(A) IN GENERAL.—Not later than 7 business days after the date on which a petition under paragraph (2) is submitted, a consular officer of the United States shall provide to the alien who submitted the petition a written notice of approval or denial of the petition.

''(B) EXPLANATION OF DENIAL.—A written notice of denial under subparagraph (A) shall be accompanied by an explanation for the denial and instructions for appealing the denial.

''(4) APPEALS PROCESS.—The Secretary of State shall establish a process by which an alien may appeal the denial of a petition under this subsection.

''(5) CAP ON REIMBURSEMENT.—A reimbursement approved under this subsection may not exceed the fair market value of medical examinations, as determined by the Secretary of State, in the applicable foreign country.

''(6) PAYMENT BEFORE EXAMINATION.—The Secretary of State, on a case-by-case basis, may approve and disburse payment for a medical examination in advance of the medical examination.''.

SEC. 1098. AUTHORIZATION OF VIRTUAL INTERVIEWS.

Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 21 note) is amended by adding at the end the following:

''(D) VIRTUAL INTERVIEWS.—Notwithstanding section 222(e) of the Immigration

and Nationality Act (8 U.S.C. 1202(e)), an application for an immigrant visa under this section may be signed by the applicant through a virtual video meeting before a consular officer and verified by the oath of the applicant administered by the consular officer during a virtual video meeting.''.

SEC. 1099. ANNUAL REPORT ON EFFICIENCY IMPROVEMENTS TO APPLICATION PROCESSING FOR CERTAIN IRAQI AND AFGHAN TRANSLATORS AND INTERPRETERS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall publish on the internet website of the Department of State a report that describes the efficiency improvements made with respect to the processes by which applications for special immigrant visas under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) are processed.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) For each month of the preceding fiscal year, the number of aliens who have applied for special immigrant visas under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(2) The number of visas issued to principal and derivative applicants under such section during the preceding fiscal year.

(3) The number of visas that remained authorized and available at the end of the preceding fiscal year.

(4) In the case of a failure to process an application for such a visa that has been pending for more than one year, the reasons for such failure.

(5) The total number of applications for such visas that are pending as of the date of the report due to—

(A) failure to receive approval through the normal course of the process of adjudicating applications; and

(B) an insufficient number of visas available.

(6) The number of, and reasons for, denials or rejections of such applications.

(c) INITIAL REPORT.—In addition to the elements under subsection (b), the initial report submitted under subsection (a) shall include the number of visas converted under Section 2 of Public Law 110–242 (8 U.S.C. 1101 note).

SA 540. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Afghan Allies Protection Act of 2023

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Afghan Allies Protection Act of 2023''.

SEC. 1092. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) section 1248(h) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note) requires the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense to designate senior coordinating officials, with sufficient expertise, authority, and resources, to carry out duties relating to the issuance of special immigrant visas under that Act and the Afghan Allies Protection Act of 2009 (Public Law 111–8; U.S.C. 1101 note);

(2) the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense should take all necessary steps to designate such senior coordinating officials;

(3) all criteria relating to the requirements for special immigrant visa applicants under the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note) and the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) should be implemented on the date of the enactment of Act;

(4) in the case of any individual with respect to whom the Chief of Mission has erroneously denied a request for approval to apply for a special immigrant visa under the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note) or the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note), the Chief of Mission should reopen such requests sua sponte, including for any individual who has—

(A) not appealed;

(B) submitted an appeal; or

(C) had an appeal denied; and

(5) each applicant for a special immigrant visa under the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) should be provided the opportunity to submit not more than one appeal for each written denial, which would allow the applicant the opportunity to understand and respond to the denial.

SEC. 1093. AUTHORIZING ADDITIONAL AFGHAN SPECIAL IMMIGRANT VISAS.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking ''**Fiscal years 2015 through 2022**'' and inserting ''**Fiscal years 2015 through 2029**'';

(B) in the matter preceding clause (i), by striking ''38,500'' and inserting ''58,500'';

(C) in clause (i), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(D) in clause (ii), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(2) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2025'' and inserting ''January 31, 2030''.

SEC. 1094. EXEMPTION FOR AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.

Section 602(b)(2)(A) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in paragraph (2)(A)—

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

''(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

''(aa) by, or on behalf of, the United States Government; or

''(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

''(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

''(BB) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force); or

''(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;''; and

(B) in clause (iii), by striking ''clause (ii)'' and inserting ''clause (ii)(I)'';

(2) in paragraph (13)(A)(i), by striking ''subclause (I) or (II)(bb) of paragraph (2)(A)(ii)'' and inserting ''item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)'';

(3) in paragraph (14)(C), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''; and

(4) in paragraph (15), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''.

SEC. 1095. STRATEGY FOR THE EFFICIENT PROCESSING OF ALL AFGHAN SPECIAL IMMIGRANT VISA APPLICATIONS AND APPEALS.

Section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''In this section'' and inserting ''Except as otherwise explicitly provided, in this section''; and

(2) in subsection (b), by adding at the end the following:

''(16) DEPARTMENT OF STATE STRATEGY FOR EFFICIENT PROCESSING OF APPLICATIONS AND APPEALS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the head of any other relevant Federal agency, the appropriate committees of Congress, and civil society organizations (including legal advocates), shall develop a strategy to address applications pending at all steps of the special immigrant visa process under this section.

''(B) ELEMENTS.—The strategy required by subparagraph (A) shall include the following:

''(i) A review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process under this section.

''(ii) An analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this Act during the several years after the date of the enactment of this paragraph.

''(iii) A plan for collecting and disaggregating data on—

''(I) individuals who have applied for special immigrant visas under this section; and

''(II) individuals who have been issued visas under this section.

''(iv) An assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas under this section in appropriate circumstances and consistent with applicable laws.

''(v) An assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

''(C) FORM.—The strategy required by subparagraph (A) shall be submitted in unclassified form but may include an classified annex.

''(D) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Armed Services of the Senate; and

''(ii) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.''.

SEC. 1096. SENIOR COORDINATING OFFICIALS.

Section 602(b)(2)(D)(ii) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101) is amended by adding at the end the following:

''(III) SENIOR SPECIAL IMMIGRANT VISA COORDINATING OFFICIALS.—

''(aa) IN GENERAL.—The head of each Federal agency that employs a national of Afghanistan who may be eligible for a special immigrant visa under this section, and the head of each Federal agency that is integral to the processing of such visas (including the Department of State, the Department of Defense, the Department of Homeland Security, and the Department of Health and Human Services), shall designate a senior coordinating official to oversee the efficiency and integrity of the processing of visas for such nationals of Afghanistan.

''(bb) QUALIFICATIONS.—An official designated under item (aa) shall be of a sufficient seniority to allow for interagency coordination and responsiveness among the relevant Federal agencies.

''(cc) RESPONSIBILITIES AND CLEARANCES.—Such an official shall be given the responsibilities and clearances described in items (aa),(bb), and (cc) of subclause (II).''.

SEC. 1097. AUTHORITY FOR REIMBURSEMENT OF MEDICAL EXAMINATIONS IN CASES OF ECONOMIC HARDSHIP.

Section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) MEDICAL EXAMINATIONS.—

''(1) REIMBURSEMENT.—Subject to the amounts provided in advance in appropriations Acts, the Secretary of State shall, on receipt of a petition for reimbursement, reimburse an alien described in subparagraph (A), (B), or (C) of subsection (b)(2) for the costs incurred by the alien for any medical examination required under the immigration laws (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)))

''(2) PETITION.—Not later than the date on which an alien receives Chief of Mission approval pursuant to subsection (b), the alien shall submit to a consular officer of the United States in the foreign country in which the alien is located a petition for reimbursement for any medical examination required under the immigration laws.

''(3) CONSULAR OFFICER DETERMINATION.—

''(A) IN GENERAL.—Not later than 7 business days after the date on which a petition under paragraph (2) is submitted, a consular officer of the United States shall provide to the alien who submitted the petition a written notice of approval or denial of the petition.

''(B) EXPLANATION OF DENIAL.—A written notice of denial under subparagraph (A) shall be accompanied by an explanation for the denial and instructions for appealing the denial.

''(4) APPEALS PROCESS.—The Secretary of State shall establish a process by which an alien may appeal the denial of a petition under this subsection.

''(5) CAP ON REIMBURSEMENT.—A reimbursement approved under this subsection may not exceed the fair market value of medical examinations, as determined by the Secretary of State, in the applicable foreign country.

''(6) PAYMENT BEFORE EXAMINATION.—The Secretary of State, on a case-by-case basis, may approve and disburse payment for a medical examination in advance of the medical examination.''.

SEC. 1098. AUTHORIZATION OF VIRTUAL INTERVIEWS.

Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 21 note) is amended by adding at the end the following:

''(D) VIRTUAL INTERVIEWS.—Notwithstanding section 222(e) of the Immigration and Nationality Act (8 U.S.C. 1202(e)), an application for an immigrant visa under this section may be signed by the applicant through a virtual video meeting before a consular officer and verified by the oath of the applicant administered by the consular officer during a virtual video meeting.''.

SEC. 1099. ANNUAL REPORT ON EFFICIENCY IMPROVEMENTS TO APPLICATION PROCESSING FOR CERTAIN IRAQI AND AFGHAN TRANSLATORS AND INTERPRETERS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall publish on the internet website of the Department of State a report that describes the efficiency improvements made with respect to the processes by which applications for special immigrant visas under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) are processed.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) For each month of the preceding fiscal year, the number of aliens who have applied for special immigrant visas under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(2) The number of visas issued to principal and derivative applicants under such section during the preceding fiscal year.

(3) The number of visas that remained authorized and available at the end of the preceding fiscal year.

(4) In the case of a failure to process an application for such a visa that has been pending for more than one year, the reasons for such failure.

(5) The total number of applications for such visas that are pending as of the date of the report due to—

(A) failure to receive approval through the normal course of the process of adjudicating applications; and

(B) an insufficient number of visas available.

(6) The number of, and reasons for, denials or rejections of such applications.

(c) INITIAL REPORT.—In addition to the elements under subsection (b), the initial report submitted under subsection (a) shall include the number of visas converted under Section 2 of Public Law 110–242 (8 U.S.C. 1101 note).

SA 541. Mrs. SHAHEEN (for herself and Mr. ROMNEY) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1213. BLACK SEA SECURITY AND DEVELOPMENT STRATEGY.

(a) SHORT TITLE.—This section may be cited as the ''Black Sea Security Act of 2023''.

(b) SENSE OF CONGRESS ON BLACK SEA SECURITY.—It is the sense of Congress that—

(1) it is in the interest of the United States to support efforts to prevent the spread of further armed conflict in Europe by recognizing the Black Sea region as an arena of Russian aggression;

(2) littoral states of the Black Sea are critical in countering aggression by the Government of the Russian Federation and contributing to the collective security of NATO;

(3) the repeated, illegal, unprovoked, and violent attempts of the Russian Federation to expand its territory and control access to the Mediterranean Sea through the Black Sea constitutes a threat to the national security of the United States and NATO;

(4) the United States condemns attempts by the Russian Federation to change or alter boundaries in the Black Sea region by force or any means contrary to international law and to impose a sphere of influence across the region;

(5) the United States and its allies should robustly counter Russia's illegitimate territorial claims on the Crimean Peninsula, along Ukraine's territorial waters in the Black Sea and the Sea of Azov, in the Black Sea's international waters, and in the territories it is illegally occupying in Ukraine;

(6) the United States should continue to work within NATO and with NATO allies to develop a long-term strategy to enhance security, establish a permanent, sustainable presence along NATO's eastern flank, and bolster the democratic resilience of its allies and partners in the region;

(7) the United States should work within NATO and with NATO allies to develop a regular, rotational maritime presence in the Black Sea;

(8) the United States should work with the European Union on coordinating a strategy to support democratic initiatives and economic prosperity in the region, which includes 2 European Union members and 4 European Union aspirant nations;

(9) Turkey's behavior towards some regional allies and democratic states has been counterproductive and has contributed to increased tensions in the region, and Turkey should avoid any actions to further escalate regional tensions;

(10) the United States should work to foster dialogue among countries within the Black Sea region to improve communication and intelligence sharing and increase cyber defense capabilities;

(11) countries with historic and economic ties to Russia are looking to the United States and Europe to provide a positive economic presence in the broader region as a counterbalance to the Russian Federation's malign influence in the region;

(12) it is in the interest of the United States to support and bolster the economic ties between the United States and Black Sea states;

(13) the United States should support the initiative undertaken by central and eastern European states to advance the Three Seas Initiative Fund to strengthen transport, energy, and digital infrastructure connectivity in the region between the Adriatic Sea, Baltic Sea, and Black Sea;

(14) there are mutually beneficial opportunities for increased investment and economic expansion, particularly on energy, climate, and transport infrastructure initiatives, between the United States and Black Sea states and the broader region;

(15) improved economic ties between the United States and the Black Sea states and the broader region can lead to a strengthened strategic partnership;

(16) the United States must seek to address the food security challenges arising from disruption of Ukraine's Black Sea and Azov Sea ports, as this global challenge will have critical national security implications for the United States, our partners, and allies;

(17) Turkey, in coordination with the United Nations, has played an important role in alleviating global food insecurity by negotiating 2 agreements to allow grain exports from Ukrainian ports through a safe corridor in the Black Sea;

(18) Russia has a brutal history of using hunger as a weapon and must be stopped;

(19) countering the PRC's coercive economic pursuits remains an important policy imperative in order to further integrate the Black Sea states into western economies and improve regional stability; and

(20) Turkey's continued delay in ratifying Sweden and Finland's accession to NATO undermines the strength of the alliance and inhibits the united international response to Russia's unprovoked war in Ukraine.

(c) UNITED STATES POLICY.—It is the policy of the United States—

(1) to actively deter the threat of Russia's further escalation in the Black Sea region and defend freedom of navigation in the Black Sea to prevent the spread of further armed conflict in Europe;

(2) to advocate within NATO, among NATO allies, and within the European Union to develop a long-term coordinated strategy to enhance security, establish a permanent, sustainable presence in the eastern flank, and bolster the democratic resilience of United States allies and partners in the region;

(3) to advocate within NATO and among NATO allies to develop a regular, rotational maritime presence in the Black Sea;

(4) to support and bolster the economic ties between the United States and Black Sea partners and mobilize the Department of State, the Department of Defense, and other relevant Federal departments and agencies by enhancing the United States presence and investment in Black Sea states;

(5) to provide economic alternatives to the PRC's coercive economic options that destabilize and further erode economic integration of the Black Sea states;

(6) to ensure that the United States continues to support Black Sea states' efforts to strengthen their democratic institutions to prevent corruption and accelerate their advancement into the Euroatlantic community; and

(7) to encourage the initiative undertaken by central and eastern European states to advance the Three Seas Initiative to strengthen transport, energy, and digital infrastructure connectivity in the region between the Adriatic Sea, Baltic Sea, and Black Sea.

(d) DEFINITIONS.—In this section:

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

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

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

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

(2) BLACK SEA STATES.—The term ''Black Sea states'' means Turkey, Romania, Bulgaria, Moldova, Ukraine, and Georgia.

(3) PRC.—The term ''PRC'' means the People's Republic of China.

(e) BLACK SEA SECURITY AND DEVELOPMENT STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the National Security Council, in coordination with the Department of State, the Department of Defense, and other relevant Federal departments and agencies, is authorized to direct an interagency strategy—

(1) to increase coordination with NATO and the European Union;

(2) to deepen economic ties;

(3) to strengthen energy security;

(4) to support efforts to bolster their democratic resilience; and

(5) to enhance security assistance with our regional partners in accordance with the values and interests of the United States.

(f) PURPOSE AND OBJECTIVES.—The strategy authorized under subsection (e) shall have the following goals and objectives:

(1) Ensuring the efficient and effective delivery of security assistance to regional partners in accordance with the values and interests of the United States, prioritizing assistance that will bolster defenses against hybrid warfare and improve interoperability with NATO forces.

(2) Bolstering United States support for the region's energy security and integration with Europe and reducing their dependence on Russia while supporting energy diversification.

(3) Mitigating the impact of economic coercion by the Russian Federation and the PRC on Black Sea states and identifying new opportunities for foreign direct investment from the United States and cooperating countries and the enhancement of United States business ties with regional partners in accordance with the values and interests of the United States.

(4) Increasing high-level engagement between the United States and regional partners, and reinforcing economic growth, financing quality infrastructure, and reinforcing trade with a focus on improving high-level economic cooperation.

(5) Increasing United States coordination with the European Union and NATO to maximize effectiveness and minimize duplication.

(g) ACTIVITIES.—

(1) SECURITY.—The strategy authorized under subsection (e) should include the following elements related to security:

(A) A plan to increase interagency coordination on the Black Sea region.

(B) An assessment of whether a United States-led initiative with NATO allies to increase coordination, presence, and regional engagement among Black Sea states is advisable.

(C) A strategy to increase security assistance toward Black Sea states, which is focused on Ukraine, Romania, Bulgaria, Moldova, and Georgia.

(D) Prioritization of intelligence, surveillance, and reconnaissance systems to monitor Russia's operations in the Black Sea region.

(E) An assessment of the value of establishing a joint, multinational three-star headquarters on the Black Sea, responsible for planning, readiness, exercises, and coordination of all Allied and partner military activity in the greater Black Sea region.

(F) An assessment of the challenges and opportunities of establishing a regular, rotational NATO maritime presence in the Black Sea, including an analysis of the capacity, capabilities, and commitment of NATO members to create this type of mission.

(G) An overview of Foreign Military Financing, International Military Education and Training, and other United States security assistance to the Black Sea region.

(H) A plan for communicating the changes to NATO posture to the public in allied and partner countries and to the public in the Russian Federation and Belarus.

(I) A plan for combating Russian disinformation and propaganda in the Black Sea region that utilizes the resources of the United States Government, including the Global Engagement Center.

(J) A plan to promote greater freedom of navigation to allow for greater security and economic Black Sea access.

(2) ECONOMIC PROSPERITY.—The strategy authorized under subsection (e) shall include the following elements related to economic prosperity:

(A) A strategy to foster dialogue between experts from the United States and from the Black Sea states on economic expansion, foreign direct investment, strengthening rule of law initiatives, and mitigating economic coercion by Russia and the PRC.

(B) A strategy for all the relevant Federal departments and agencies that contribute to United States economic statecraft to expand their presence and identify new opportunities for private investment with regional partners in accordance with the values and interests of the United States.

(C) Assessments on energy diversification, focusing on the immediate need to replace energy supplies from Russia, and recognizing the long-term importance of broader energy diversification, including clean energy initiatives.

(D) Assessments of potential food security solutions, including sustainable, long-term arrangements beyond the Black Sea Grain Initiative.

(3) DEMOCRATIC RESILIENCE.—The strategy authorized under subsection (e) shall include the following elements related to democratic resilience:

(A) A strategy to increase independent media and United States-supported media initiatives to combat foreign malign influence in the Black Sea region.

(B) Greater mobilization of initiatives spearheaded by the Global Engagement Center and the United States Agency for International Development to counter Russian propaganda and disinformation in the Black Sea region.

(4) REGIONAL CONNECTIVITY.—The strategy authorized under subsection (e) shall promote regional connectivity by sending high-level representatives of the Department of State or other agency partners to—

(A) the Black Sea region not less frequently than twice per year; and

(B) major regional fora on infrastructure and energy security, including the Three Seas Initiative Summit.

(h) IDENTIFICATION OF NECESSARY PROGRAMS AND RESOURCES.—Not later than 360 days after the date of the enactment of this Act, the interagency strategy shall identify any necessary program, policy, or budgetary resources required, by agency, to support the implementation of the Black Sea Security Strategy for fiscal years 2024, 2025, and 2026.

(i) RESPONSIBILITIES OF FEDERAL DEPARTMENTS AND AGENCIES.—Nothing under this section may be construed to authorize the National Security Council to assume any of the responsibilities or authorities of the head of any Federal department, agency, or office, including the foreign affairs responsibilities and authorities of the Secretary of State, to oversee the implementation of programs and policies under this section.

SA 542. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. EXTENSION OF BRIEFING REQUIREMENTS RELATED TO THE ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.

Section 6603(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 50 U.S.C. 3001 note) is amended by striking ''the following two years'' both places it appears and inserting ''the following four years''.

SA 543. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1225. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT POPULATIONS IN SYRIA.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Financial Services, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Homeland Security of the House of Representatives.

(2) ISIS MEMBER.—The term ''ISIS member'' means a person who was part of, or substantially supported, the Islamic State in Iraq and Syria.

(3) SENIOR COORDINATOR.—The term ''Senior Coordinator'' means the coordinator for detained ISIS members and relevant displaced populations in Syria designated under subsection (a) of section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1642), as amended by subsection (d).

(b) SENSE OF CONGRESS.—

It is the sense of Congress that—

(A) ISIS detainees held by the Syrian Democratic Forces and ISIS-affiliated individuals located within displaced persons camps in Syria pose a significant and growing humanitarian challenge and security threat to the region;

(B) the vast majority of individuals held in displaced persons camps in Syria are women and children, approximately 50 percent of whom are under the age of 12 at the al-Hol camp, and they face significant threats of violence and radicalization, as well as lacking access to adequate sanitation and health care facilities;

(C) there is an urgent need to seek a sustainable solution to such camps through repatriation and reintegration of the inhabitants;

(D) the United States should work closely with international allies and partners to facilitate the repatriation and reintegration efforts required to provide a long-term solution for such camps and prevent the resurgence of ISIS; and

(E) if left unaddressed, such camps will continue to be drivers of instability that jeopardize the long-term prospects for peace and stability in the region.

(c) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) ISIS-affiliated individuals located within displacement camps in Syria, and other inhabitants of displacement camps in Syria, be repatriated and, where appropriate, prosecuted, or where possible, reintegrated into their country of origin, consistent with all relevant domestic laws and applicable international laws prohibiting refoulement; and

(2) the camps will be closed as soon as is practicable.

(d) MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.—Section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1642) is amended—

(1) by striking subsection (a);

(2) by amending subsection (b) to read as follows:

''(a) DESIGNATION.—

''(1) IN GENERAL.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official to serve within the executive branch as senior-level coordinator to coordinate, in conjunction with other relevant agencies, matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

''(A) by engaging foreign partners to support the repatriation and disposition of such individuals, including by encouraging foreign partners to repatriate, transfer, investigate, and prosecute such ISIS members, and share information;

''(B) coordination of all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of such ISIS members;

''(C) the funding and coordination of the provision of technical and other assistance to foreign countries to aid in the successful investigation and prosecution of such ISIS members, as appropriate, in accordance with relevant domestic laws, international humanitarian law, and other internationally recognized human rights and rule of law standards;

''(D) coordination of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Syria that hold family members of such ISIS members;

''(E) coordination with relevant agencies on matters described in this section; and

''(F) any other matter the President considers relevant.

''(2) RULE OF CONSTRUCTION.—If, on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, an individual has already been designated, consistent with the requirements and responsibilities described in paragraph (1), the requirements under that paragraph shall be considered to be satisfied with respect to such individual until the date on which such individual no longer serves as the Senior Coordinator.'';

(3) in subsection (c), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(4) in subsection (d), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(5) in subsection (e), by striking ''January 31, 2021'' and inserting ''January 31, 2025'';

(6) in subsection (f)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) SENIOR COORDINATOR.—The term 'Senior Coordinator' means the individual designated under subsection (a).''; and

(C) by adding at the end the following new paragraph:

''(4) RELEVANT AGENCIES.—The term 'relevant agencies' means—

''(A) the Department of State;

''(B) the Department of Defense;

''(C) the Department of the Treasury;

''(D) the Department of Justice;

''(E) the United States Agency for International Development;

''(F) the Office of the Director of National Intelligence; and

''(G) any other agency the President considers relevant.''; and

(7) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(e) STRATEGY ON ISIS-RELATED DETAINEE AND DISPLACEMENT CAMPS IN SYRIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall submit to the appropriate committees of Congress an interagency strategy with respect to ISIS-affiliated individuals and ISIS-related detainee and other displaced persons camps in Syria.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include—

(A) methods to address—

(i) disengagement from and prevention of recruitment into violence, violent extremism, and other illicit activity in such camps;

(ii) efforts to encourage and facilitate repatriation and, as appropriate, investigation and prosecution of foreign nationals from such camps, consistent with all relevant domestic and applicable international laws;

(iii) the return and reintegration of displaced Syrian and Iraqi women and children into their communities of origin;

(iv) international engagement to develop processes for repatriation and reintegration of foreign nationals from such camps;

(v) contingency plans for the relocation of detained and displaced persons who are not able to be repatriated from such camps;

(vi) efforts to improve the humanitarian conditions in such camps, including through the delivery of medicine, psychosocial support, clothing, education, and improved housing; and

(vii) assessed humanitarian and security needs of all camps and detainment facilities based on prioritization of such camps and facilities most at risk of humanitarian crises, external attacks, or internal violence;

(B) an assessment of—

(i) rehabilitation centers in northeast Syria, including humanitarian conditions and processes for admittance and efforts to improve both humanitarian conditions and admittance processes for such centers and camps, as well as on the prevention of youth radicalization; and

(ii) processes for being sent to, and resources directed towards, rehabilitation centers and programs in countries that receive returned ISIS affiliated individuals, with a focus on the prevention of radicalization of minor children;

(C) a plan to improve, in such camps—

(i) security conditions, including by training of personnel and through construction; and

(ii) humanitarian conditions;

(D) a framework for measuring progress of humanitarian, security, and repatriation efforts with the goal of closing such camps; and

(E) any other matter the Secretary of State considers appropriate.

(3) FORM.—The strategy required by paragraph (1) shall be submitted in unclassified form but may include a classified annex that is transmitted separately.

(f) ANNUAL INTERAGENCY REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter through January 31, 2025, the Senior Coordinator, in coordination with the relevant agencies, shall submit to the appropriate committees of Congress a detailed report that includes the following:

(A) A detailed description of the facilities and camps where detained ISIS members, and families with perceived ISIS affiliation, are being held and housed, including—

(i) a description of the security and management of such facilities and camps;

(ii) an assessment of resources required for the security of such facilities and camps;

(iii) an assessment of the adherence by the operators of such facilities and camps to international humanitarian law standards; and

(iv) an assessment of children held within such facilities and camps that may be used as part of smuggling operations to evade security at the facilities and camps.

(B) A description of all efforts undertaken by, and the resources needed for, the United States Government to address deficits in the humanitarian environment and security of such facilities and camps.

(C) A description of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Iraq, Syria, and any other area affected by ISIS activity, including a description of—

(i) support for efforts by the Syrian Democratic Forces to facilitate the return and reintegration of displaced people from Iraq and Syria;

(ii) repatriation efforts with respect to displaced women and children and male children aging into adults while held in these facilities and camps;

(iii) any current or future potential threat to United States national security interests posed by detained ISIS members or displaced families, including an analysis of the al-Hol camp and annexes; and

(iv) United States Government plans and strategies to respond to any threat identified under clause (iii).

(D) The number of individuals repatriated from the custody of the Syrian Democratic Forces.

(E) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained or displaced ISIS members, and an assessment of any measures available to mitigate such releases.

(F) A detailed description of efforts to encourage the final disposition and security of detained or displaced ISIS members with other countries and international organizations.

(G) A description of foreign repatriation and rehabilitation programs deemed successful systems to model, and an analysis of the long-term results of such programs.

(H) A description of the manner in which the United States Government communicates regarding repatriation and disposition efforts with the families of United States citizens believed to have been victims of a criminal act by a detained or displaced ISIS member, in accordance with section 503(c) of the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141(c)) and section 3771 of title 18, United States Code.

(I) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share related information that may aid in resolving the final disposition of ISIS members, and any obstacles that may hinder such efforts.

(J) Any other matter the Coordinator considers appropriate.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex that is transmitted separately.

(g) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, may be construed—

(1) to limit the authority of any Federal agency to independently carry out the authorized functions of such agency; or

(2) to impair or otherwise affect the activities performed by that agency as granted by law.

SA 544. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, insert the following:

SEC. 2853. PILOT PROGRAM TO PROVIDE AIR PURIFICATION TECHNOLOGY IN MILITARY HOUSING.

(a) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to—

(1) provide commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) for air purification and covered sensors to landlords; and

(2) monitor and measure the effect of such items on environmental and public health of tenants of military housing.

(b) SELECTION OF INSTALLATIONS.—

(1) IN GENERAL.—The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each select one military installation at which to carry out the pilot program under subsection (a).

(2) CONSIDERATIONS.—The Secretary concerned shall ensure that the military installation selected under paragraph (1)—

(A) contains military unaccompanied housing in which the items described in subsection (a) may be used; and

(B) is engaged in efforts to modernize military housing.

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the pilot program established under this section, including a description of the items described in subsection (a) used under such program.

(2) ELEMENTS.—The briefing required under paragraph (1) shall include—

(A) a description of any cost savings identified from use of items described in subsection (a) relating to—

(i) extending the life and habitability of military housing; and

(ii) reducing maintenance frequency; and

(B) with respect to cost savings identified in subparagraph (A), a plan to expand the use of the covered sensors in new military housing.

(d) DEVICES.—An air purification device or covered sensor provided under this section shall use technology proven to reduce indoor air risks and yield measurable environmental and public health outcomes.

(e) DEFINITIONS.—In this section:

(1) COVERED SENSOR.—The term ''covered sensor'' means a commercially available product manufactured in the United States that detects the conditions for potential mold growth before mold is present.

(2) MILITARY HOUSING.—The term ''military housing'' includes military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SA 545. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7___. INCLUSION OF EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS PART OF PERIODIC HEALTH ASSESSMENTS.

(a) PERIODIC HEALTH ASSESSMENT.—The Secretary of Defense shall ensure that any periodic health assessment provided to a member of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a military installation identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(2) exposed to such substances, including by evaluating any information in the health record of the member.

(b) SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.—Section 1145(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)'';

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

''(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of

perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

''(ii) exposed to such substances, including by assessing any information in the health record of the member.''.

(c) DEPLOYMENT ASSESSMENTS.—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(E) An assessment of whether the member was—

''(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

''(ii) exposed to such substances, including by assessing any information in the health record of the member.''.

SEC. 7___. PROVISION OF BLOOD TESTING FOR MEMBERS OF THE ARMED FORCES, FORMER MEMBERS OF THE ARMED FORCES, AND THEIR FAMILIES TO DETERMINE EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary of Defense shall provide to that member, during that covered evaluation, blood testing to determine and document potential exposure to such substances.

(2) INCLUSION IN HEALTH RECORD.—The results of blood testing of a member of the Armed Forces conducted under paragraph (1) shall be included in the health record of the member.

(b) FORMER MEMBERS OF THE ARMED FORCES AND FAMILY MEMBERS.—The Secretary shall pay for blood testing to determine and document potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances for any covered individual, at the election of the individual, either through the TRICARE program for individuals otherwise eligible for such program or through the use of vouchers to obtain such testing.

(c) DEFINITIONS.—In this section:

(1) COVERED EVALUATION.—The term ''covered evaluation'' means—

(A) a periodic health assessment conducted in accordance with ⟦section 7___(a)⟧;

(B) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by ⟦section 7___(b)⟧; and

(C) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by ⟦section 7___(c)⟧.

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means a former member of the Armed Forces or a family member of a member or former member of the Armed Forces who lived at a location (or the surrounding area of such a location) identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the individual lived at that location (or surrounding area).

(3) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 546. Mr. KING (for himself, Mr. CORNYN, Mr. KAINE, Mr. CRAMER, Mr. CARPER, Ms. HIRONO, Mr. TILLIS, Mr. YOUNG, Mrs. SHAHEEN, Ms. COLLINS, Mr. BLUMENTHAL, Mr. MANCHIN, Ms. ROSEN, Mr. ROUNDS, Ms. MURKOWSKI, Mr. SULLIVAN, Mrs. FISCHER, and Mr. FETTERMAN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. CHINA GRAND STRATEGY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission, to be known as the ''China Grand Strategy Commission'' (in this section referred to as the ''Commission''), to develop a consensus on a comprehensive grand strategy and whole-of-government approach with respect to the United States relationship with the People's Republic of China for purposes of—

(1) ensuring a holistic approach toward the People's Republic of China across all Federal departments and agencies; and

(2) defining specific steps necessary to build a stable international order that accounts for the People's Republic of China's participation in that order; and

(3) providing actionable recommendations with respect to the United States relationship with the People's Republic of China, which are aimed at protecting and strengthening United States national security interests.

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of the following members:

(i) The Deputy National Security Advisor.

(ii) The Deputy Secretary of Defense.

(iii) The Deputy Secretary of State.

(iv) The Deputy Secretary of the Treasury.

(v) The Deputy Secretary of Commerce.

(vi) The Principal Deputy Director of National Intelligence.

(vii) Three members appointed by the majority leader of the Senate, in consultation with the chairperson of the Committee on Armed Services of the Senate, one of whom shall be a Member of the Senate and two of whom shall not be.

(viii) Three members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Armed Services of the Senate, one of whom shall be a Member of the Senate and two of whom shall not be.

(ix) Three members appointed by the Speaker of the House of Representatives, in consultation with the chairperson of the Committee on Armed Services of the House of Representatives, one of whom shall be a Member of the House of Representatives and two of whom shall not be.

(x) Three members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Armed Services of the House of Representatives, one of whom shall be a Member of the House of Representatives and two of whom shall not be.

(B) QUALIFICATIONS.—The members described in clauses (vii) through (x) of subparagraph (A) who are not Members of Congress shall be individuals who are nationally recognized and have well-documented expertise, knowledge, or experience in—

(i) the history, culture, economy, or national security policies of the People's Republic of China;

(ii) the United States economy;

(iii) the use of intelligence information by national policymakers and military leaders;

(iv) the implementation, funding, or oversight of the foreign and national security policies of the United States; or

(v) the implementation, funding, or oversight of economic and trade policies of the United States.

(C) AVOIDANCE OF CONFLICTS OF INTEREST.—An official who appoints members of the Commission may not appoint an individual as a member of the Commission if such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(2) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The Commission shall have two co-chairpersons, selected from among the members of the Commission, of whom—

(i) one co-chairperson shall be a member of the Democratic Party; and

(ii) one co-chairperson shall be a member of the Republican Party.

(B) CONSENSUS.—The individuals selected to serve as the co-chairpersons of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(c) APPOINTMENT; INITIAL MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) INITIAL MEETING.—The Commission shall hold its initial meeting on or before the date that is 60 days after the date of the enactment of this Act.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) IN GENERAL.—After its initial meeting, the Commission shall meet upon the call of the co-chairpersons of the Commission.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum for purposes of conducting business, except that two members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(4) QUORUM WITH VACANCIES.—If vacancies on the Commission occur on any day after the date that is 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered to be the findings and determinations of the Commission unless approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff member of the Commission may, if authorized by the co-chairpersons of the Commission, take any action that the Commission is authorized to take pursuant to this section.

(f) DUTIES OF COMMISSION.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategy described in subsection (a).

(2) To provide definitions of the terms ''grand strategy'' and ''stable international order'' as such terms relate to United States national security interests and policy toward the People's Republic of China.

(3) To recommend steps toward a stable international order that includes the People's Republic of China that accounts for the People's Republic of China's participation in that order.

(4) To consider the manner in which the United States and the allies and partners of the United States cooperate and compete with the People's Republic of China and to identify areas for such cooperation and competition.

(5) To consider methods for recalibrating economic ties with the People's Republic of China, and any necessary modifications to such ties that may be undertaken by the United States Government.

(6) To consider methods for recalibrating additional non-economic ties with the People's Republic of China, and any necessary modifications to such ties to be undertaken by the United States Government, including research, political, and security ties.

(7) To understand the linkages across multiple levels of the Federal Government with respect to United States policy toward the People's Republic of China.

(8) To seek to protect and strengthen global democracy and democratic norms.

(9) To understand the history, culture, and goals of the People's Republic of China and to consider the manner in which the People's Republic of China defines and seeks to implement its goals.

(10) To review—

(A) the strategies and intentions of the People's Republic of China that affect United States national and global interests;

(B) the purpose and efficacy of current programs for the defense of the United States; and

(C) the capabilities of the Federal Government for understanding whether, and the manner in which, the People's Republic of China is currently being deterred or thwarted in its aims and ambitions, including in cyberspace.

(11) To detail and evaluate current United States policy and strategic interests, including the pursuit of a free and open Indo-Pacific region, with respect to the People's Republic of China, and the manner in which United States policy affects the policy of the People's Republic of China.

(12) To assess the manner in which the invasion of Ukraine by the Russian Federation may have impacted the People's Republic of China's calculations on an invasion of Taiwan and the implications of such impact on the prospects for short-term, medium-term, and long-term stability in the Taiwan Strait.

(13) In evaluating options for such strategy, to consider possible structures and authorities that need to be established, revised, or augmented within the Federal Government to maintain United States national security interests in relation to policy toward the People's Republic of China.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, as delegated by the co-chairpersons of the Commission, any panel or member thereof, may, for the purpose of carrying out this section—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, or such designated panel or designated member, considers necessary; and

(B) subject to paragraph (2), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated panel or designated member considers necessary.

(2) SUBPOENAS.—

(A) IN GENERAL.—Subpoenas may be issued under paragraph (1)(B) under the signature of the co-chairpersons of the Commission, and may be served by any person designated by such co-chairpersons.

(B) FAILURE TO COMPLY.—The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of a witness to comply with any subpoena or to testify when summoned under authority of this section.

(3) CONTRACTS.—The Commission may, to such extent and in such amounts as are provided in advance in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section.

(B) FURNISHING INFORMATION.—Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chairperson of the Commission.

(C) HANDLING OF CLASSIFIED INFORMATION.—The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable law.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) SECRETARY OF DEFENSE.—The Secretary of Defense shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—Other Federal departments and agencies may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(C) COOPERATION.—The Commission shall receive the full and timely cooperation of any official, department, or agency of the Federal Government whose assistance is necessary, as jointly determined by the co-chairpersons of the Commission, for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

(6) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(7) GIFTS.—A member or staff of the Commission may not receive a gift or benefit by reason of the service of such member or staff to the Commission.

(h) STAFF AND COMPENSATION.—

(1) STAFF.—

(A) COMPENSATION.—The co-chairpersons of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) COMMISSION MEMBERS.—

(A) COMPENSATION.—

(i) IN GENERAL.—Subject to clause (ii) and except as provided in subparagraph (B), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission under this section.

(ii) MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES.—Members of the Commission who are Members of Congress or officers or employees of the Federal Government may not receive additional pay by reason of their service on the Commission.

(B) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(3) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(4) SECURITY CLEARANCES FOR COMMISSION MEMBERS, STAFF, AND CONSULTANTS.—

(A) IN GENERAL.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to Commission members, staff, and consultants appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided access to classified information under this Act without the appropriate security clearances.

(B) EXPEDITED PROCESSING.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances for personnel appointed to the Commission by their respective Senate and House of Representatives offices under processes developed for the clearance of legislative branch employees.

(i) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) IN GENERAL.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this section.

(2) APPROVAL REQUIRED.—Information related to the national security of the United States that is provided to the Commission by the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Armed Services of the

Senate, or the Committee on Armed Services of the House of Representatives may not be further provided or released without the approval of the chairperson of such committee.

(3) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (k), only the members and designated staff of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(j) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2025, the Commission shall submit to the appropriate committees of Congress, the Assistant to the President for National Security Affairs, the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Director of National Intelligence a final report on the findings and recommendations of the Commission.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form and shall include a classified annex.

(k) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on the date on which the final report is submitted under subsection (j).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 120-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to Congress concerning the final report required by subsection (j) and disseminating such report.

(l) ASSESSMENTS OF FINAL REPORT.—Not later than 60 days after the date on which the final report required by subsection (j) is submitted, the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Director of National Intelligence shall each submit to the appropriate committees of Congress an assessment of the final report that includes such comments on the findings and recommendations contained in the final report as the Director or Secretary, as applicable, considers appropriate.

(m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), shall not apply to the activities, records, and proceedings of the Commission under this section.

(n) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense, $5,000,000 shall be made available to carry out this section, to remain available until the termination of the Commission.

(o) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

SA 547. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. NONIMMIGRANT TRADERS AND INVESTORS FROM ICELAND.

Iceland shall be considered to be a foreign state under clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) if the Government of Iceland offers similar nonimmigrant status to nationals of the United States.

SA 548. Mr. REED (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. PROTECTION FROM ABUSIVE PASSENGERS.

(a) SHORT TITLE.—This section may be cited as the ''Protection from Abusive Passengers Act''.

(b) DEFINED TERM.—In this section, the term ''abusive passenger'' means any individual who, on or after the date of the enactment of this Act, engages in behavior that results in—

(1) the assessment of a civil penalty for—

(A) engaging in conduct prohibited under section 46318 of title 49, United States Code; or

(B) tampering with, interfering with, compromising, modifying, or attempting to circumvent any security system, measure, or procedure related to civil aviation security in violation of section 1540.105(a)(1) of title 49, Code of Federal Regulations, if such violation is committed on an aircraft in flight (as defined in section 46501(1) of title 49, United States Code);

(2) a conviction for a violation of section 46503 or 46504 of title 49, United States Code; or

(3) a conviction for any other Federal offense involving assaults, threats, or intimidation against a crewmember on an aircraft in flight (as defined in section 46501(1) of title 49, United States Code).

(c) REFERRALS.—The Administrator of the Federal Aviation Administration or the Attorney General shall provide the identity (including the full name, full date of birth, and gender) of all abusive passengers to the Administrator of the Transportation Security Administration.

(d) BANNED FLIERS.—

(1) LIST.—The Administrator of the Transportation Security Administration shall maintain a list of abusive passengers.

(2) EFFECT OF INCLUSION ON LIST.—

(A) IN GENERAL.—Any individual included on the list maintained pursuant to subsection (a) shall be prohibited from boarding any commercial aircraft flight until such individual is removed from such list in accordance with the procedures established by the Administrator pursuant to subsection (e).

(B) OTHER LISTS.—The placement of an individual on the list maintained pursuant to paragraph (1) shall not preclude the placement of such individual on other lists maintained by the Federal Government and used by the Administrator of the Transportation Security Administration pursuant to sections 114(h) and 44903(j)(2)(C) of title 49, United States Code, to prohibit such individual from boarding a flight or to take other appropriate action with respect to such individual if the Administrator determines that such individual—

(i) poses a risk to the transportation system or national security;

(ii) poses a risk of air piracy or terrorism;

(iii) poses a threat to airline or passenger safety; or

(iv) poses a threat to civil aviation or national security.

(e) POLICIES AND PROCEDURES FOR HANDLING ABUSIVE PASSENGERS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall develop, and post on a publicly available website of the Transportation Security Administration, policies and procedures for handling individuals included on the list maintained pursuant to subsection (d)(1), including—

(1) the process for receiving and handling referrals received pursuant to subsection (c);

(2) the method by which the list of banned fliers required under subsection (d)(1) will be maintained;

(3) specific guidelines and considerations for removing an individual from such list based on the gravity of each offense described in subsection (b);

(4) the procedures for the expeditious removal of the names of individuals who were erroneously included on such list;

(5) the circumstances under which certain individuals rightfully included on such list may petition to be removed from such list, including the procedures for appealing a denial of such petition; and

(6) the process for providing to any individual who is the subject of a referral under subsection (c)—

(A) written notification, not later than 5 days after receiving such referral, including an explanation of the procedures and circumstances referred to in paragraphs (4) and (5); and

(B) an opportunity to seek relief under paragraph (4) during the 5-day period beginning on the date on which the individual received the notification referred to in subparagraph (A) to avoid being erroneously included on the list of abusive passengers referred to in subsection (d)(1).

(f) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives regarding the policies and procedures developed pursuant to subsection (e).

(g) ANNUAL REPORT.—The Administrator of the Transportation Security Administration shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that contains nonpersonally identifiable information regarding the composition of the list required under subsection (d)(1), including—

(1) the number of individuals included on such list;

(2) the age and sex of the individuals included on such list;

(3) the underlying offense or offenses of the individuals included on such list;

(4) the period of time each individual has been included on such list;

(5) the number of individuals rightfully included on such list who have petitioned for removal and the status of such petitions;

(6) the number of individuals erroneously included on such list and the time required to remove such individuals from such list; and

(7) the number of individuals erroneously included on such list who have been prevented from traveling.

(h) INSPECTOR GENERAL REVIEW.—Not less frequently than once every 3 years, the Inspector General of the Department of Homeland Security shall review and report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives regarding the administration and maintenance of the list required under subsections (d) and (e), including an assessment of any disparities based on race or ethnicity in the treatment of petitions for removal.

(i) INELIGIBILITY FOR TRUSTED TRAVELER PROGRAMS.—Except under policies and procedures established by the Secretary of Homeland Security, all abusive passengers shall be permanently ineligible to participate in—

(1) the Transportation Security Administration's PreCheck program; or

(2) U.S. Customs and Border Protection's Global Entry program.

(j) LIMITATION.—

(1) IN GENERAL.—The inclusion of a person's name on a list described in subsection (d)(1) may not be used as the basis for denying any right or privilege under Federal law except for the rights and privileges described in subsections (d)(2), (e), and (i).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the dissemination, or bar the consideration, of the facts and circumstances that prompt placement of a person on the list described in subsection (d)(1).

(k) PRIVACY.—Personally identifiable information used to create the list required under subsection (d)(1)—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal, State, Tribal, or local authority pursuant to any Federal, State, Tribal, or local law requiring public disclosure of information or records.

(l) SAVINGS PROVISION.—Nothing in this section may be construed to limit the authority of the Transportation Security Administration or of any other Federal agency to undertake measures to protect passengers, flight crew members, or security officers under any other provision of law.

SA 549. Mr. REED (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WING-IN-GROUND CRAFT.

(a) COAST GUARD AUTHORITY FOR CERTAIN WING-IN-GROUND CRAFT.—Section 3306 of title 46, United States Code, is amended by adding at the end the following:

''(o) AUTHORITY FOR CERTAIN WING-IN-GROUND CRAFT.—

''(1) ESTABLISHMENT OF LEAD AGENCY.—The Coast Guard shall be the lead agency of jurisdiction for the regulation of applicable wing-in-ground craft. The lead agency shall supervise and coordinate the preparation of regulations, permitting, licensing, and training documents or other approvals or decisions relating to applicable wing-in-ground craft and required by Federal law.

''(2) INTERAGENCY COLLABORATION.—

''(A) MEMORANDUM OF UNDERSTANDING.—In carrying out this subsection, not later than 1 year after the date of enactment of this subsection, the Commandant and the Administrator of the Federal Aviation Administration shall enter into a memorandum of understanding. The memorandum of understanding shall—

''(i) identify the specific roles of each agency; and

''(ii) provide procedures for, at a minimum, the following:

''(I) Approval of applicable wing-in-ground craft designs and fabrication.

''(II) The operations, licensing and certification, crewing, inspection, and maintenance of applicable wing-in-ground craft.

''(III) Other approvals or decisions relating to applicable wing-in-ground craft.

''(B) SUBMISSION TO CONGRESS.—The Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the memorandum of understanding entered into by the Coast Guard and Federal Aviation Administration.

''(3) CLARIFICATION.—Nothing in this section shall be construed to confer upon the Commandant the authority to determine the impact of any civil aircraft operation on the safety or efficiency of the national airspace system.

''(4) DEFINITION OF APPLICABLE WING-IN-GROUND CRAFT.—In this subsection, the term 'applicable wing-in-ground craft' means a vessel that—

''(A) is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the craft and the water's surface; and

''(B) through design or technology limitations, is not capable of sustained flight out of ground effect.''.

(b) EXEMPTING CERTAIN WING-IN-GROUND CRAFT FROM THE AUTHORITY OF THE FEDERAL AVIATION ADMINISTRATION.—

(1) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by inserting after section 44743 the following:

''§ 44744. Exempting certain wing-in-ground craft from the authority of the Federal Aviation Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Federal Aviation Administration shall not regulate an applicable craft that is operated solely on, under, or over the high seas and waters subject to the jurisdiction of the United States. For purposes of the preceding sentence, the term 'high seas and waters subject to the jurisdiction of the United States' shall include land under or adjacent to high seas and such waters that may be exposed at low tide, including mud flats, sand bars, and marshes.

''(b) CONSULTATION.—As necessary, the Federal Aviation Administration shall consult with the Coast Guard, the lead agency of the applicable craft, in the regulation, permitting, licensing, and training documents or other approvals or decisions of the applicable craft.

''(c) DEFINITION OF APPLICABLE CRAFT.—In this section, the term 'applicable craft' means a craft that—

''(1) is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the craft and the water's surface;

''(2) through design or technology limitations, is not capable of sustained flight out of ground effect; and

''(3) is regulated by the Coast Guard.

''(d) CLARIFICATION.—Nothing in this section shall be construed to limit the authority of the Federal Aviation Administration over aircraft other than an applicable craft, including a wing-in-ground craft (as defined in section 2101 of title 46) that is capable of sustained flight out of ground effect.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 447 of title 49, United States Code, is amended by inserting after the item relating to section 44743 the following:

''44744. Exempting certain wing-in-ground craft from the authority of the Federal Aviation Administration.''.

(c) SPECIAL RULE PROHIBITING THE SECRETARY OF TRANSPORTATION FROM REGULATING CERTAIN WING-IN-GROUND CRAFT OPERATORS AS AIR CARRIERS.—Notwithstanding any other provision of law or regulation, except for operators of wing-in-ground-effect craft over which the Federal Aviation Administration retains authority under section 44744 of title 49, United States Code, the Secretary of Transportation shall not regulate an operator of a wing-in-ground-effect craft (as defined in section 2101 of title 46) as an air carrier (as such term is defined in section 40102(a) of title 49, United States Code).

SA 550. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. MEDICAL TESTING AND RELATED SERVICES FOR FIREFIGHTERS OF DEPARTMENT OF DEFENSE.

(a) PROVISION OF SERVICES.—During the annual periodic health assessment of each firefighter of the Department of Defense, or at such other intervals as may be indicated in subsection (b), the Secretary of Defense shall provide to the firefighter (at no cost to the firefighter) appropriate medical testing and related services to detect, document the presence or absence of, and prevent, certain cancers.

(b) CRITERIA.—Services required to be provided under subsection (a) shall meet, at a minimum, the following criteria:

(1) BREAST CANCER.—With respect to breast cancer screening, if the firefighter is a female firefighter—

(A) such services shall include the provision of a mammogram to the firefighter—

(i) if the firefighter is 40 years old to 49 years old (inclusive), not less frequently than twice each year;

(ii) if the firefighter is 50 years old or older, not less frequently than annually; and

(iii) as clinically indicated (without regard to age); and

(B) in connection with the provision of a mammogram under subparagraph (A), a licensed radiologist shall review the most recent mammogram provided to the firefighter, as compared to prior mammograms so provided, and provide to the firefighter the results of such review.

(2) COLON CANCER.—With respect to colon cancer screening—

(A) if the firefighter is 40 years old or older, or as clinically indicated without regard to age, such services shall include the communication to the firefighter of the risks and benefits of stool-based blood testing;

(B) if the firefighter is 45 years old or older, or as clinically indicated without regard to age, such services shall include the provision, at regular intervals, of visual examinations (such as a colonoscopy, CT colonoscopy, or flexible sigmoidoscopy) or stool-based blood testing; and

(C) in connection with the provision of a visual examination or stool-based blood testing under subparagraph (B), a licensed physician shall review and provide to the firefighter the results of such examination or testing, as the case may be.

(3) PROSTATE CANCER.—With respect to prostate cancer screening, if the firefighter is a male firefighter, such services shall include the communication to the firefighter of the risks and benefits of prostate cancer screenings and the provision to the firefighter of a prostate-specific antigen test—

(A) not less frequently than annually if the firefighter—

(i) is 50 years old or older; or

(ii) is 40 years old or older and is a high-risk individual; and

(B) as clinically indicated (without regard to age).

(4) OTHER CANCERS.—Such services shall include routine screenings for any other cancer the risk or occurrence of which the Director of the Centers for Disease Control and Prevention has identified as higher among firefighters than among the general public, the provision of which shall be carried out during the annual periodic health assessment of the firefighter.

(c) OPTIONAL NATURE.—A firefighter of the Department of Defense may opt out of the receipt of medical testing or a related service provided under subsection (a).

(d) USE OF CONSENSUS TECHNICAL STANDARDS.—In providing medical testing and related services under subsection (a), the Secretary shall use consensus technical standards in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113; 15 U.S.C. 272 note).

(e) DOCUMENTATION.—

(1) IN GENERAL.—In providing medical testing and related services under subsection (a), the Secretary—

(A) shall document the acceptance rates of such tests offered and the rates of such tests performed;

(B) shall document tests results to identify trends in the rates of cancer occurrences among firefighters; and

(C) may collect and maintain additional information from the recipients of such tests and other services to allow for appropriate scientific analysis.

(2) PRIVACY.—In analyzing any information of an individual documented, collected, or maintained under paragraph (1), in addition to complying with other applicable privacy laws, the Secretary shall ensure the name and any other personally identifiable information of the individual is removed from such information prior to the analysis.

(3) SHARING WITH CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary may share data from any tests performed under subsection (a) with the Director of the Centers for Disease Control and Prevention, as appropriate, to increase the knowledge and understanding of cancer occurrences among firefighters.

(f) DEFINITIONS.—In this section:

(1) FIREFIGHTER.—The term ''firefighter'' means someone whose primary job or military occupational specialty is being a firefighter.

(2) HIGH-RISK INDIVIDUAL.—The term ''high-risk individual'' means an individual who—

(A) is African American;

(B) has at least one first-degree relative who has been diagnosed with prostate cancer at an early age; or

(C) is otherwise determined by the Secretary to be high risk with respect to prostate cancer.

SA 551. Mr. CARPER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—CUSTOMS TRADE PARTNERSHIP AGAINST TERRORISM

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Customs Trade Partnership Against Terrorism Pilot Program Act of 2023'' or the ''CTPAT Pilot Program Act of 2023''.

SEC. 1802. DEFINITIONS.

In this title:

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

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

(B) the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives.

(2) CTPAT.—The term ''CTPAT'' means the Customs Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act (6 U.S.C. 961 et seq.).

SEC. 1803. PILOT PROGRAM ON PARTICIPATION OF THIRD-PARTY LOGISTICS PROVIDERS IN CTPAT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall carry out a pilot program to assess whether allowing entities described in subsection (b) to participate in CTPAT would enhance port security, combat terrorism, prevent supply chain security breaches, or otherwise meet the goals of CTPAT.

(2) FEDERAL REGISTER NOTICE.—Not later than one year after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a notice specifying the requirements for the pilot program required by paragraph (1).

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) a non-asset-based third-party logistics provider that—

(A) arranges international transportation of freight and is licensed by the Department of Transportation; and

(B) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2); or

(2) an asset-based third-party logistics provider that—

(A) facilitates cross border activity and is licensed or bonded by the Federal Maritime Commission, the Transportation Security Administration, U.S. Customs and Border Protection, or the Department of Transportation;

(B) manages and executes logistics services using its own warehousing assets and resources on behalf of its customers; and

(C) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2).

(c) REQUIREMENTS.—In carrying out the pilot program required by subsection (a)(1), the Secretary shall—

(1) ensure that—

(A) not more than 10 entities described in paragraph (1) of subsection (b) participate in the pilot program; and

(B) not more than 10 entities described in paragraph (2) of that subsection participate in the program;

(2) provide for the participation of those entities on a voluntary basis;

(3) continue the program for a period of not less than one year after the date on which the Secretary publishes the Federal Register notice required by subsection (a)(2); and

(4) terminate the pilot program not more than 5 years after that date.

(d) REPORT REQUIRED.—Not later than 180 days after the termination of the pilot program under subsection (c)(4), the Secretary shall submit to the appropriate congressional committees a report on the findings of, and any recommendations arising from, the pilot program concerning the participation in CTPAT of entities described in subsection (b), including an assessment of participation by those entities.

SEC. 1804. REPORT ON EFFECTIVENESS OF CTPAT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report assessing the effectiveness of CTPAT.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of—

(A) security incidents in the cargo supply chain during the 5-year period preceding submission of the report that involved criminal activity, including drug trafficking, human smuggling, commercial fraud, or terrorist activity; and

(B) whether those incidents involved participants in CTPAT or entities not participating in CTPAT.

(2) An analysis of causes for the suspension or removal of entities from participating in CTPAT as a result of security incidents during that 5-year period.

(3) An analysis of the number of active CTPAT participants involved in one or more security incidents while maintaining their status as participants.

(4) Recommendations to the Commissioner of U.S. Customs and Border Protection for improvements to CTPAT to improve prevention of security incidents in the cargo supply chain involving participants in CTPAT.

SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated for the purpose of carrying out this title.

SA 552. Mr. CARPER submitted an amendment intended to be proposed by

him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. ADMINISTRATION OF RISK-BASED SURVEYS TO CERTAIN EDUCATIONAL INSTITUTIONS.

(a) DEVELOPMENT REQUIRED.—The Secretary of Defense, acting through the Voluntary Education Institutional Compliance Program of the Department of Defense, shall develop a risk-based survey for oversight of covered educational institutions.

(b) SCOPE.—

(1) IN GENERAL.—The scope of the risk-based survey developed under subsection (a) shall be determined by the Secretary.

(2) SPECIFIC ELEMENTS.—At a minimum, the scope determined under paragraph (1) shall include the following:

(A) Rapid increase or decrease in enrollment.

(B) Rapid increase in tuition and fees.

(C) Complaints tracked and published from students pursuing programs of education, based on severity or volume of the complaints.

(D) Student completion rates.

(E) Indicators of financial stability.

(F) Review of the advertising and recruiting practices of the educational institution, including those by third-party contractors of the educational institution.

(G) Matters for which the Federal Government or a State government brings an action in a court of competent jurisdiction against an educational institution, including matters in cases in which the Federal Government or the State comes to a settled agreement on such matters outside of the court.

(c) ACTION OR EVENT.—

(1) SUSPENSION.—If, pursuant to a risk-based survey under this section, the Secretary determines that an educational institution has experienced an action or event described in paragraph (2), the Secretary may suspend the participation of the institution in Department of Defense programs for a period of two years, or such other period as the Secretary determines appropriate.

(2) ACTION OR EVENT DESCRIBED.—An action or event described in this paragraph is any of the following:

(A) The receipt by an educational institution of payments under the heightened cash monitoring level 2 payment method pursuant to section 487(c)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1094).

(B) Punitive action taken by the Attorney General, the Federal Trade Commission, or any other Federal department or agency for misconduct or misleading marketing practices that would violate the standards defined by the Secretary of Veterans Affairs.

(C) Punitive action taken by a State against an educational institution.

(D) The loss, or risk of loss, by an educational institution of an accreditation from an accrediting agency or association, including notice of probation, suspension, an order to show cause relating to the educational institution's academic policies and practices or to its financial stability, or revocation of accreditation.

(E) The placement of an educational institution on provisional certification status by the Secretary of Education.

(d) DATABASE.—The Secretary shall establish a searchable database or use an existing system, as the Secretary considers appropriate, to serve as a central repository for information required for or collected during site visits for the risk-based survey developed under subsection (a), so as to improve future oversight of educational institutions.

(e) COVERED EDUCATIONAL INSTITUTION.—In this section, the term ''covered educational institution'' means an educational institution selected by the Secretary based on quantitative, publicly available metrics indicating risk designed to separate low-risk and high-risk institutions, to focus on high-risk institutions.

SA 553. Mr. SCHATZ (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. IMPROVING TRANSPARENCY AND ACCOUNTABILITY OF EDUCATIONAL INSTITUTIONS FOR PURPOSES OF VETERANS EDUCATIONAL ASSISTANCE.

(a) REQUIREMENT RELATING TO G.I. BILL COMPARISON TOOL.—

(1) REQUIREMENT TO MAINTAIN TOOL.—The Secretary of Veterans Affairs shall maintain the G.I. Bill Comparison Tool that was established pursuant to Executive Order 13607 (77 Fed. Reg. 25861; relating to establishing principles of excellence for educational institutions serving service members, veterans, spouses, and other family members) and in effect on the day before the date of the enactment of this Act, or successor tool, to provide relevant and timely information about programs of education approved under chapter 36 of title 38, United States Code, and the educational institutions that offer such programs.

(2) DATA RETENTION.—The Secretary shall ensure that historical data that is reported via the tool maintained under paragraph (1) remains easily and prominently accessible on the benefits.va.gov website, or successor website, for a period of not less than seven years from the date of initial publication.

(b) PROVIDING TIMELY AND RELEVANT EDUCATION INFORMATION TO VETERANS, MEMBERS OF THE ARMED FORCES, AND OTHER INDIVIDUALS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in coordination with the Secretary of Education, shall make such changes to the tool maintained under subsection (a) as the Secretary determines appropriate to ensure that such tool is an effective and efficient method for providing information pursuant to section 3698(b)(5) of title 38, United States Code.

(2) MODIFICATION OF SCOPE OF COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION.—Section 3698 of title 38, United States Code, is amended—

(A) in subsection (a), by striking ''veterans and members of the Armed Forces'' and inserting ''individuals entitled to educational assistance under laws administered by the Secretary of Veterans Affairs''; and

(B) in subsection (b)(5)—

(i) by striking ''veterans and members of the Armed Forces'' and inserting ''individuals described in subsection (a)''; and

(ii) by striking ''the veteran or member'' and inserting ''the individual''.

(3) G.I. BILL COMPARISON TOOL REQUIRED DISCLOSURES.—Paragraph (1) of subsection (c) of such section is amended—

(A) by striking subparagraph (B) and inserting the following:

''(B) for each individual described in subsection (a) seeking information provided under subsection (b)(5) the name of each Federal student aid program, and a description of each such program, from which the individual may receive educational assistance.''.

(B) in subparagraph (C)—

(i) in clause (i), by inserting ''and a definition of each type of institution;'' before the semicolon;

(ii) in clause (iv), by inserting ''and if so, which programs;'' before the semicolon;

(iii) by striking clause (v) and inserting the following:

''(v) the average annual cost to earn an associate's degree and a bachelor's degree, with available cost information on any other degree or credential the institution awards;'';

(iv) in clause (vi), by inserting before the semicolon ''disaggregated by—

''(I) individuals who received a credential and individuals who did not; and

''(II) individuals using educational assistance under laws administered by the Secretary and individuals who are not'';

(v) in clause (xv), by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following new clauses:

''(xvi) transfer-out rates;

''(xvii) credentials available and the average time for completion of each credential;

''(xviii) employment rate and median income of graduates of the institution in general, disaggregated by—

''(I) specific credential; and

''(II) individuals using educational assistance under laws administered by the Secretary and individuals who are not;

''(xix) the number of individuals using educational assistance under laws administered by the Secretary who are enrolled in the institution per year; and

''(xx) a list of each civil settlement or finding resulting from a Federal or State action in a court of competent jurisdiction against the institution for violation of a provision of Federal or State law that materially affects the education provided at the institution or is the result of illicit activity, including deceptive marketing or misinformation provided to prospective students or current enrollees.''.

(4) CLARITY OF INFORMATION PROVIDED.—Paragraph (2) of such subsection is amended—

(A) by inserting ''(A)'' before ''To the extent''; and

(B) by adding at the end the following new subparagraph:

''(B) The Secretary shall ensure that information provided under subsection (b)(5) is provided in a manner that is easy and accessible to individuals described in subsection (a).''.

(c) IMPROVEMENTS FOR STUDENT FEEDBACK.—

(1) IN GENERAL.—Subsection (b)(2) of such section is amended—

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

''(A) provides institutions of higher learning up to 90 days to review and respond to any feedback and address issues regarding the feedback before the feedback is published;'';

(B) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following new subparagraphs:

''(D) for each institution of higher learning that is approved under this chapter, retains, maintains, and publishes all of such feedback for the entire duration that the institution of higher is approved under this chapter; and

''(E) is easily accessible to individuals described in subsection (a) and to the general public.''.

(2) ACCESSIBILITY FROM G.I. BILL COMPARISON TOOL.—The Secretary shall ensure that—

(A) the feedback tracked and published under subsection (b)(2) of such section, as amended by paragraph (1), is prominently displayed in the tool maintained under subsection (a) of this section; and

(B) when such tool displays information for an institution of higher learning, the applicable feedback is also displayed for such institution of higher learning.

(d) TRAINING FOR PROVISION OF EDUCATION COUNSELING SERVICES.—

(1) IN GENERAL.—Not less than one year after the date of the enactment of this Act, the Secretary shall ensure that personnel employed or contracted by the Department of Veteran Affairs to provide education benefits counseling, vocational or transition assistance, or similar functions, including employees or contractors of the Department who provide such counseling or assistance as part of the Transition Assistance Program, are trained on how—

(A) to use properly the tool maintained under subsection (a); and

(B) to provide appropriate educational counseling services to individuals described in section 3698(a) of such title, as amended by subsection (b)(2)(A).

(2) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this subsection, the term ''Transition Assistance Program'' means the program of counseling, information, and services under section 1142 of title 10, United States Code.

SEC. 10___. RESTORATION OF ENTITLEMENT TO VETERANS EDUCATIONAL ASSISTANCE AND OTHER RELIEF FOR VETERANS AFFECTED BY CIVIL ENFORCEMENT ACTIONS AGAINST EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 3699(b)(1) of title 38, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (C), by striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(D) a Federal or State civil enforcement action against the education institution; or

''(E) an action taken by the Secretary; and''.

(b) MECHANISM.—The Secretary of Veterans Affairs shall establish a simple mechanism that can be used by an individual described in subsection (b)(1) of section 3699 of such title by reason of subparagraph (C) or (D) of such subsection, as added by subsection (a)(3) of this section, to obtain relief under section 3699(a) of such title.

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 3699 of such title is amended by striking ''**or disapproval of educational institution**'' and inserting ''**of, disapproval of, or civil enforcement actions against educational institutions**''.

(2) SUBSECTION HEADING.—The heading for subsection (a) of such section is amended by striking ''OR DISAPPROVAL'' and inserting '', DISAPPROVAL, CIVIL ENFORCEMENT ACTIONS, AND OTHER ACTIONS BY SECRETARY OF VETERANS AFFAIRS''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3699 and inserting the following new item:

''3699. Effects of closure of, disapproval of, or civil enforcement actions against educational institutions.''.

SA 554. Mr. SCHATZ (for himself, Mr. MORAN, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. RED HILL HEALTH IMPACTS.

(a) REGISTRY FOR IMPACTED INDIVIDUALS OF THE RED HILL INCIDENT.—

(1) ESTABLISHMENT OF REGISTRY.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall establish within the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control and Prevention or through an award of a grant or contract, as the Secretary determines appropriate, a Red Hill Incident exposure registry to collect data on health implications of petroleum contaminated water for impacted individuals on a voluntary basis. Such registry shall be complementary to, and not duplicative of, the Red Hill Incident Report of the Defense Occupational and Environmental Health Readiness System.

(2) OTHER RESPONSIBILITIES.—

(A) IN GENERAL.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention, and in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and such State and local authorities or other partners as the Secretary of Health and Human Services considers appropriate, shall—

(i) review the Federal programs and services available to individuals exposed to petroleum;

(ii) review current research on petroleum exposure in order to identify additional research needs;

(iii) identify effective services, individuals and communities affected by petroleum contaminated water; and

(iv) undertake any other review or activities that the Secretary determines to be appropriate.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 6 additional years, the Secretary shall submit to the appropriate congressional committees a report on the review and activities undertaken under subparagraph (A) that includes—

(i) strategies for communicating and engaging with stakeholders on the Red Hill Incident;

(ii) the number of impacted and potentially impacted individuals enrolled in the registry established under paragraph (1);

(iii) processes for referring such registry enrollees to comprehensive, coordinated services to mitigate the effects of petroleum exposure;

(iv) measures and frequency of follow-up to collect data and specimens related to exposure, health, and developmental milestones as appropriate; and

(v) a summary of data and analyses on exposure, health, and developmental milestones for impacted individuals.

(C) CONSULTATION.—In carrying out subparagraphs (A) and (B), the Secretary shall consult with non-Federal experts, including individuals with certification in epidemiology, toxicology, mental health, pediatrics, and environmental health, and members of the impacted community.

(3) FUNDING.—Without regard to section 2215 of title 10, United States Code, the Secretary of the Defense is authorized to provide, from amounts made available to such Secretary, such sums as may be necessary for each of fiscal years 2024 through 2030 for the Secretary of Health and Human Services to carry out this subsection.

(b) RED HILL EPIDEMIOLOGICAL HEALTH OUTCOMES STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and such State and local health authorities or other partners as the Secretary of Health and Human Services considers appropriate, shall conduct an epidemiological study or studies for a period of not less than 20 years to assess health outcomes for impacted individuals of the Red Hill Incident.

(2) ADDITIONAL CONTRACTS.—The Secretary of Health and Human Services may contract with independent research institutes or consultants, nonprofit or public entities, laboratories, or medical schools, as the Secretary considers appropriate, that are not part of the Federal Government to assist with the feasibility assessment required by paragraph (4) and the study or studies under paragraph (1).

(3) FUNDING.—Without regard to section 2215 of title 10, United States Code, the Secretary of the Defense is authorized to provide, from amounts made available to such Secretary, no less than $4,000,000 for fiscal year 2024 for the Secretary of Health and Human Services to carry out the assessment under paragraph (4), and such sums as may be necessary to complete the study or studies under paragraph (1).

(4) FEASIBILITY ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate congressional committees the results of a feasibility assessment to inform the design of the epidemiological study or studies to assess health outcomes for impacted individuals and a plan for such study or studies under paragraph (1), which may include—

(A) a strategy to recruit impacted individuals to participate in the study or studies, including incentives for participation;

(B) a description of protocols and methodologies to assess health outcomes from the Red Hill Incident, including data management protocols to secure the privacy and security of the personal information of impacted individuals; and

(C) the periodicity for data collection that takes into account the differences between health care practices among impacted individuals who are—

(i) members of the Armed Forces on active duty or spouses or dependents of such members;

(ii) members of the Armed Forces separating from active duty or spouses or dependents of such members;

(iii) veterans and other individuals with access to health care from the Department of Veterans Affairs; and

(iv) individuals without access to health care from the Department of Defense or the Department of Veterans Affairs;

(D) a description of methodologies to analyze data received from the study or studies to determine possible connections between exposure to water contaminated during the Red Hill Incident and adverse impacts to the health of impacted individuals;

(E) an identification of exposures resulting from the Red Hill Incident that may qualify individuals to be eligible for participation in the study or studies as a result of those exposures; and

(F) steps that will be taken to provide individuals impacted by the Red Hill Incident with information on available resources and services.

(5) POTENTIALLY IMPACTED INDIVIDUALS.—

(A) IN GENERAL.—The Secretary of Health and Human Services may enlarge the scope of the study or studies under paragraph (1) to include potentially impacted individuals based on—

(i) the request of a potentially impacted individual, as applicable;

(ii) the recommendation of the Secretary of Defense, the Secretary of Veterans Affairs, or any contracted party under paragraph (2);

(iii) the exposures identified in paragraph (4)(E); or

(iv) other exigent circumstances.

(B) TREATMENT OF POTENTIALLY IMPACTED INDIVIDUALS.—If, under subparagraph (A), the Secretary enlarges the scope of the study or studies under paragraph (1), potentially impacted individuals shall be treated as impacted individuals for purposes of this subsection.

(6) NOTIFICATIONS; BRIEFINGS.—

(A) IN GENERAL.—Not later than one year after the completion of the feasibility assessment under paragraph (4), and annually thereafter, the Secretary of Health and Human Services shall—

(i) notify impacted individuals on the interim findings of the study or studies; and

(ii) brief the appropriate congressional committees on the interim findings of the study or studies.

(B) FINAL NOTIFICATION.—Upon completion of the study or studies under paragraph (1), the Secretary of Health and Human Services shall notify the appropriate congressional committees and all impacted individuals of the completion of the study or studies and the publication of the final report under paragraph (7)(B).

(7) REPORTS.—

(A) ANNUAL REPORTS.—Not later than one year after the date of the commencement of the study or studies under paragraph (1), and annually thereafter, the Secretary of Health and Human Services shall publish on the website of the Department of Health and Human Services a report on the interim findings of the study or studies.

(B) FINAL REPORT.—Upon completion of the study or studies under paragraph (1), the Secretary of Health and Human Services—

(i) shall publish on a publicly available internet website of the Department of Health and Human Services a report on the findings of the study or studies; and

(ii) may publish such report in a scientific publication.

(c) DEFINITIONS.—In this section:

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

(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

(B) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(C) the Committee on Veterans' Affairs of the Senate;

(D) the Committee on Energy and Commerce of the House of Representatives;

(E) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(F) the Committee on Veterans' Affairs of the House of Representatives.

(2) IMPACTED INDIVIDUAL.—The term ''impacted individual'' means an individual who, at the time of the Red Hill Incident, lived or worked in a building or residence served by the community water system at Joint Base Pearl Harbor-Hickam, Oahu, Hawaii.

(3) RED HILL INCIDENT.—The term ''Red Hill Incident'' means the release of fuel from the Red Hill Bulk Fuel Storage Facility, Oahu, Hawaii, into the sole-source basal aquifer located 100 feet below the facility, contaminating the community water system at Joint Base Pearl Harbor-Hickam on November 20, 2021.

SA 555. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 543. ANNUAL REPORT ON INITIATIVE TO ENHANCE THE CAPABILITY OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS TO PREVENT AND COMBAT CHILD SEXUAL EXPLOITATION.

In order to effectively carry out the initiative under section 550D of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1561 note prec.), the Secretary of Defense shall carry out the following actions:

(1) Not later than 90 days after the date of the enactment of this Act, and annually thereafter, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the progress of the initiative carried out under such section, outlining specific actions taken and planned to detect, combat, and stop the use of the Department of Defense network to further online child sexual exploitation (CSE).

(2) Develop partnerships and execute collaborative agreements with functional experts, including highly qualified national child protection organizations or law enforcement training centers with demonstrated expertise in the delivery of law enforcement training, to identify, investigate and prosecute individuals engaged in online CSE.

(3) Establish mandatory training for Department of Defense criminal investigative organizations and personnel at military installations to maintain capacity and address turnover and relocation issues.

SA 556. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REFORM AND OVERSIGHT OF DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.

(a) IN GENERAL.—Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (b)'' and inserting ''the provisions of this section''; and

(B) by adding at the end the following:

''(3) The Secretary may transfer non-controlled property to nonprofit organizations involved in humanitarian response or first responder activities.'';

(2) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting '', and provides a description of the training courses;''; and

(C) by adding at the end the following:

''(7) the recipient, on an annual basis, certifies that if the recipient determines that any controlled property received is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense;

''(8) the recipient, when requisitioning property, submits to the Department of Defense a justification for why the recipient needs the property and a description of the expected uses of the property;

''(9) with respect to a recipient that is not a Federal agency, the recipient certifies annually to the Department of Defense that the recipient has notified the local community of its participation in the program under this section by—

''(A) publishing a notice of such participation on a publicly accessible internet website, including information on how members of the local community can track property requested or received by the recipient on the website of the Department of Defense;

''(B) posting such notice at several prominent locations in the jurisdiction of the recipient; and

''(C) ensuring that such notices were available to the local community for a period of not less than 30 days;

''(10) with respect to a recipient that is a local law enforcement agency, the recipient publishes a notice on a publicly accessible internet website and at several prominent locations in the jurisdiction of the recipient of the approval of the city council or other local governing body to acquire the property sought under this section; and

''(11) with respect to a recipient that is a State law enforcement agency, the recipient publishes a notice on a publicly accessible internet website and at several prominent locations in the jurisdiction of the recipient of the approval of the appropriate State governing body to acquire the property sought under this section.'';

(3) in subsection (e), by adding at the end the following:

''(5) Grenade launchers.

''(6) Explosives (unless used for explosive detection canine training).

''(7) Firearms of .50 caliber or higher.

''(8) Ammunition of 0.5 caliber or higher.

''(9) Asphyxiating gases, including those comprised of lachrymatory agents, and analogous liquids, materials, or devices.

''(10) Silencers.

''(11) Long-range acoustic devices.''; and

(4) by striking subsections (f) and (g) and inserting the following:

''(f) LIMITATIONS ON TRANSFERS.—(1) The prohibitions under subsection (e) shall also apply with respect to the transfer of previously transferred property of the Department of Defense from a Federal or State agency to another such agency.

''(2) Each year, the Attorney General shall—

''(A) review all recipients of transferred equipment under this section; and

''(B) make recommendations to the Secretary on recipients that should be restricted, suspended, or terminated from the program under this section based on the findings of the Attorney General, including a finding that a recipient used equipment to conduct actions against individuals that infringe upon their rights under the First Amendment to the Constitution of the United States.

''(3) In the case of a recipient that is under investigation for a violation of, or is subject to a consent decree authorized by, section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), the Attorney General shall provide a recommendation to the Secretary with respect to the continued participation of the recipient in the program under this section.

''(g) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) For each fiscal year, the Secretary shall submit to Congress certification in writing that each State or local agency to which the Secretary has transferred personal property under this section—

''(A) has provided to the Secretary documentation accounting for all controlled property, including arms, that the Secretary has transferred to the agency, including any item described in subsection (e) so transferred before the date of enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3388); and

''(B) has carried out each of paragraphs (5) through (9) of subsection (b).

''(2) If the Secretary cannot provide a certification under paragraph (1) for a State or local agency, the Secretary may not transfer additional property to that agency under this section.

''(h) CONDITIONS FOR EXTENSION OF PROGRAM.—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to the appropriate committees of Congress a certification, for the preceding fiscal year, that—

''(1) each non-Federal agency that has received personal property under this section has—

''(A) demonstrated full and complete accountability for all such property, in accordance with paragraph (2); or

''(B) been suspended or terminated from the program pursuant to paragraph (3);

''(2) the State Coordinator responsible for each non-Federal agency that has received property under this section has verified that—

''(A) the State Coordinator or an agent of the State Coordinator has conducted an inventory of the property transferred to the agency; and

''(B)(i) all property transferred to the agency was accounted for during the inventory described in subparagraph (A); or

''(ii) the agency has been suspended or terminated from the program pursuant to paragraph (3);

''(3) with respect to any non-Federal agency that has received property under this section for which all of such property was not accounted for during an inventory described in paragraph (2), the eligibility of the agency to receive property transferred under this section has been suspended or terminated; and

''(4) each State Coordinator has certified, for each non-Federal agency located in the State for which the State Coordinator is responsible, that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated.

''(i) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) The Secretary shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the Secretary has transferred personal property under this section during the preceding fiscal year—

''(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and

''(B) has complied with paragraphs (5) and (6) of subsection (b) with respect to the property so transferred during such fiscal year.

''(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

''(j) REPORTS TO CONGRESS.—Not later than 30 days after the last day of a fiscal year, the Secretary shall submit to Congress a report on the following for the preceding fiscal year:

''(1) The percentage of equipment lost by recipients of property transferred under this section, including specific information about the type of property lost, the monetary value of such property, and the recipient that lost the property.

''(2) The transfer of items under this section classified under Supply Condition Code A, including specific information about the type of property, the recipient of the property, the original acquisition value of each item of the property, and the total original acquisition of all such property transferred during the fiscal year.

''(k) PUBLICLY ACCESSIBLE WEBSITE ON TRANSFERRED CONTROLLED PROPERTY.—(1) The Secretary shall create, maintain, and update on a quarterly basis a publicly available internet website that provides information, in a searchable format, on the controlled property transferred under this section and the recipients of such property.

''(2) The contents of the internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the request, transfer, denial, and repossession of controlled property under this section, including—

''(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by—

''(i) the name of the Federal agency, or the State, county, and recipient agency;

''(ii) the item name, item type, and item model;

''(iii) the date on which such property was transferred; and

''(iv) the current status of such item;

''(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers;

''(C) a list of each agency suspended or terminated from further receipt of property under this section, including any State, county, or local agency, and the reason for and duration of such suspension or termination; and

''(D) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.

''(l) DEFINITIONS.—In this section:

''(1) The term 'agent of a State Coordinator' means any individual to whom a State Coordinator formally delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (h)(2).

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

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

''(B) the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives.

''(3) The term 'controlled property' means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Manual 4160.21–M, 'Defense Materiel Disposition Manual', or any successor document.

''(4) The term 'State Coordinator', with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.''.

(b) INTERAGENCY LAW ENFORCEMENT EQUIPMENT WORKING GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Defense and the Secretary of Homeland Security, shall establish an interagency Law Enforcement Equipment Working Group (referred to in this subsection as the ''Working Group'') to support oversight and policy development functions for controlled equipment programs.

(2) PURPOSE.—The Working Group shall—

(A) examine and evaluate the Controlled and Prohibited Equipment Lists for possible additions or deletions;

(B) track law enforcement agency controlled equipment inventory;

(C) ensure Government-wide criteria to evaluate requests for controlled equipment;

(D) ensure uniform standards for compliance reviews;

(E) harmonize Federal programs to ensure the programs have consistent and transparent policies with respect to the acquisition of controlled equipment by law enforcement agencies;

(F) require after-action analysis reports for significant incidents involving federally provided or federally funded controlled equipment;

(G) develop policies to ensure that law enforcement agencies abide by any limitations or affirmative obligations imposed on the acquisition of controlled equipment or receipt of funds to purchase controlled equipment from the Federal Government and the obligations resulting from receipt of Federal financial assistance;

(H) require a State and local governing body to review and authorize a law enforcement agency's request for or acquisition of controlled equipment;

(I) require that law enforcement agencies participating in Federal controlled equipment programs receive necessary training regarding appropriate use of controlled equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties;

(J) provide uniform standards for suspending law enforcement agencies from Federal controlled equipment programs for specified violations of law, including civil rights laws, and ensuring those standards are implemented consistently across agencies; and

(K) create a process to monitor the sale or transfer of controlled equipment from the Federal Government or controlled equipment purchased with funds from the Federal Government by law enforcement agencies to third parties.

(3) COMPOSITION.—

(A) IN GENERAL.—The Working Group shall be co-chaired by the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security.

(B) MEMBERSHIP.—The Working Group shall be comprised of—

(i) representatives of interested parties, who are not Federal employees, including appropriate State, local, and Tribal officials, law enforcement organizations, civil rights and civil liberties organizations, and academics; and

(ii) the heads of such other Federal agencies and offices as the Co-Chairs may, from time to time, designate.

(C) DESIGNATION.—A member of the Working Group described in subparagraph (A) or (B)(ii) may designate a senior-level official from the agency or office represented by the member to perform the day-to-day Working Group functions of the member, if the designated official is a full-time officer or employee of the Federal Government.

(D) SUBGROUPS.—At the direction of the Co-Chairs, the Working Group may establish subgroups consisting exclusively of Working Group members or their designees under this subsection, as appropriate.

(E) EXECUTIVE DIRECTOR.—

(i) IN GENERAL.—There shall be an Executive Director of the Working Group, to be appointed by the Attorney General.

(ii) RESPONSIBILITIES.—The Executive Director appointed under clause (i) shall determine the agenda of the Working Group, convene regular meetings, and supervise the work of the Working Group under the direction of the Co-Chairs.

(iii) FUNDING.—

(I) IN GENERAL.—To the extent permitted by law and using amounts already appropriated, the Attorney General shall fund, and provide administrative support for, the Working Group.

(II) REQUIREMENT.—Each agency shall bear its own expenses for participating in the Working Group.

(F) COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY.—In general, the Working Group shall coordinate with the Homeland Security Advisory Council of the Department of Homeland Security to identify areas of overlap or potential national preparedness implications of further changes to Federal controlled equipment programs.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) REPORT ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.—

(1) APPROPRIATE RECIPIENTS DEFINED.—In this subsection, the term ''appropriate recipients'' means—

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

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

(C) the Committee on Appropriations of the Senate; and

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

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense, in consultation with the Attorney General and the Secretary of Homeland Security, shall submit a report to the appropriate recipients.

(3) CONTENTS.—The report required under paragraph (2) shall contain—

(A) a review of the efficacy of the surplus equipment transfer program under section 1033 of title 10, United States Code; and

(B) a determination of whether to recommend continuing or ending the program described in subparagraph (A) in the future.

SA 557. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. OVERSIGHT OF THE PROCUREMENT OF EQUIPMENT BY STATE AND LOCAL GOVERNMENTS THROUGH THE DEPARTMENT OF DEFENSE.

Section 281 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d) LIMITATIONS ON PURCHASES.—(1) The Secretary shall require, as a condition of any purchase of equipment under this section, that if the Department of Justice opens an investigation into a State or unit of local government under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), the Secretary shall pause all pending or future purchases by that State or unit of local government.

''(2) The Secretary shall prohibit the purchase of equipment by a State or unit of local government for a period of 5 years upon a finding that equipment purchased under this section by the State or unit of local government was used as part of a violation under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601).

''(e) PUBLICLY ACCESSIBLE WEBSITE ON PURCHASED EQUIPMENT.—(1) The Secretary, in coordination with the Administrator of General Services, shall create and maintain a publicly available internet website that provides in searchable format information on the purchase of equipment under this section and the recipients of such equipment.

''(2) The internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the purchase of equipment under this section, including—

''(A) the catalog of equipment available for purchase under subsection (c);

''(B) the recipient state or unit of local government;

''(C) the purpose of the purchase under subsection (a)(1);

''(D) the type of equipment;

''(E) the cost of the equipment;

''(F) the administrative costs under subsection (b); and

''(G) other information the Secretary determines is necessary.

''(3) The Secretary shall update on a quarterly basis information included on the internet website required under paragraph (1).''.

SA 558. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUDING SERVICE IN THE ARMED FORCES IN DETERMINING FAMILY AND MEDICAL LEAVE ELIGIBILITY FOR FEDERAL EMPLOYEES.

(a) TITLE 5.—Section 6381(1)(B) of title 5, United States Code, is amended to read as follows:

''(B) has completed at least 12 months of service—

''(i) as an employee (as that term is defined in section 2105) of the Government of the United States, including service with the United States Postal Service, the Postal Regulatory Commission, and a nonappropriated fund instrumentality as described in section 2105(c); or

''(ii) that qualifies as military service described in section 8401(31)(A) (regardless of when such service was completed), except that this clause shall not apply with respect to a member of the commissioned corps of the Public Health Service or the commissioned corps of the National Oceanic and Atmospheric Administration;''.

(b) CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 202(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(a)(1)) is amended by adding at the end the following: ''In applying section 101(2)(A) of such Act, a covered employee who has completed 12 months of service that qualifies as military service described in section 8401(31)(A) of title 5, United States Code (regardless of when such service was completed), shall be deemed to have met the service requirement in such section 101(2)(A).''.

(c) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended—

(1) in subparagraph (E), by adding at the end the following: ''In the case of an employee of the Government Accountability Office, the requirements of subparagraph (A) shall be deemed to have been met if that employee has completed 12 months of service that qualifies as military service described in section 8401(31)(A) of title 5, United States Code (regardless of when such service was completed).''; and

(2) by adding at the end the following:

''(F) LIBRARY OF CONGRESS EMPLOYEES.—Consistent with section 101(a)(3)(J) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(a)(3)(J)), in the case of an employee of the Library of Congress, the requirements of subparagraph (A) shall be deemed to have been met if that employee has completed 12 months of service that qualifies as military service described in section 8401(31)(A) of title 5, United States Code (regardless of when such service was completed).''.

(d) EXECUTIVE OFFICE OF THE PRESIDENT.—Section 412(a)(1) of title 3, United States Code, is amended by adding at the end the following: ''In applying section 101(2)(A) of such Act, a covered employee who has completed 12 months of service that qualifies as military service described in section 8401(31)(A) of title 5, United States Code (regardless of when such service was completed), shall be deemed to have met the service requirement in such section 101(2)(A).''.''

(e) DEPARTMENT OF VETERANS AFFAIRS.—Not later than 180 days after the effective date of this section, the Secretary of Veterans Affairs shall modify the family and medical leave program provided by operation of section 7425(c) of title 38, United States Code, to conform with the requirements of

the amendment made by subsection (a) of this section with respect to military service in section 6381(1)(B)(ii) of title 5, United States Code, as added by such subsection (a).

(f) FAA.—Section 40122(g) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (I)(iii), by striking ''and'' at the end;

(B) in subparagraph (J), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(K) section 6381(1)(B)(ii), but only with respect to the treatment of military service for purposes of eligibility for leave (to the extent provided) on the basis of an event for which leave may be taken under subchapter V of chapter 63 of title 5.'';

(2) in paragraph (5), by inserting ''(including with respect to the application of military service under section 6381(1)(B)(ii) of title 5)'' after ''section 6382 of title 5''; and

(3) in paragraph (6), by striking ''This subsection'' and inserting ''Except with respect to amendments made to this subsection by the National Defense Authorization Act for Fiscal Year 2024 which shall take effect on the date of enactment of that Act, this subsection''.

(g) DISTRICT OF COLUMBIA COURTS AND DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—

(1) DISTRICT OF COLUMBIA COURTS.—Subsection (d) of section 11–1726, District of Columbia Official Code, is amended by adding at the end the following: ''To the extent that the program requires a minimum length of employment in order to be eligible for such leave, a nonjudicial employee of the District of Columbia courts who has completed 12 months of service that qualifies as military service described in section 8401(31)(A) of title 5, United States Code, shall be deemed to have met that requirement.''.

(2) DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—Subsection (d) of section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1605, D.C. Official Code) is amended by adding at the end the following: ''To the extent that the program requires a minimum length of employment in order to be eligible for such leave, an employee of the Service who has completed 12 months of service that qualifies as military service described in section 8401(31)(A) of title 5, United States Code, shall be deemed to have met that requirement.''.

(h) ARTICLE I JUDGES.—

(1) BANKRUPTCY JUDGES.—Section 153(d) of title 28, United States Code, is amended—

(A) by striking ''A bankruptcy judge'' and inserting ''(1) Except as provided in paragraph (2), a bankruptcy judge''; and

(B) by adding at the end the following:

''(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a bankruptcy judge as if the bankruptcy judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).''.

(2) MAGISTRATE JUDGES.—Section 631(k) of title 28, United States Code, is amended—

(A) by striking ''A United States magistrate judge'' and inserting ''(1) Except as provided in paragraph (2), a United States magistrate judge''; and

(B) by adding at the end the following: (2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a United States magistrate judge as if the United States magistrate judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).''.

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 60 days after the date of enactment of this Act.

SA 559. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After subtitle G of title X, insert the following:

Subtitle H—TSA Workforce

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Rights for the Transportation Security Administration Workforce Act of 2023'' or the ''Rights for the TSA Workforce Act of 2023''.

SEC. 1092. DEFINITIONS.

In this subtitle—

(1) the term ''2022 Determination'' means the publication, entitled ''Determination on Transportation Security Officers and Collective Bargaining'', issued on December 30, 2022, by Administrator David P. Pekoske, as modified, or any superseding subsequent determination.

(2) the term ''adjusted basic pay'' means—

(A) the rate of pay fixed by law or administrative action for a position occupied by a covered employee before any deductions; and

(B) any regular, fixed supplemental payment for non-overtime hours of work creditable as basic pay for retirement purposes, including any applicable locality payment and any special rate supplement;

(3) the term ''Administration'' means the Transportation Security Administration;

(4) the term ''Administrator'' means the Administrator of the Administration;

(5) the term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

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

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

(D) the Committee on Oversight and Accountability of the House of Representatives;

(6) the term ''conversion date'' means the date on of which subparagraphs (A) through (F) of section 1093(c)(1) take effect;

(7) the term ''covered employee'' means an employee who occupies a covered position;

(8) the term ''covered position'' means a position within the Administration;

(9) the term ''employee'' has the meaning given the term in section 2105 of title 5, United States Code;

(10) the term ''screening agent'' means a full- or part-time non-supervisory covered employee carrying out screening functions under section 44901 of title 49, United States Code;

(11) the term ''Secretary'' means the Secretary of Homeland Security; and

(12) the term ''TSA personnel management system'' means any personnel management system established or modified under—

(A) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note); or

(B) section 114(n) of title 49, United States Code.

SEC. 1093. CONVERSION OF TSA PERSONNEL.

(a) RESTRICTIONS ON CERTAIN PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective as of the date of enactment of this Act—

(A) any TSA personnel management system in use for covered employees and covered positions on the day before that date of enactment, and any personnel management policy, letter, guideline, or directive of the Administration in effect on that day, may not be modified;

(B) no personnel management policy, letter, guideline, or directive of the Administration that was not established before that date issued pursuant to section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) or section 114(n) of title 49, United States Code, may be established; and

(C) any authority to establish or adjust a human resources management system under chapter 97 of title 5, United States Code, shall terminate with respect to covered employees and covered positions.

(2) EXCEPTIONS.—

(A) PAY.—Notwithstanding paragraph (1)(A), the limitation in that paragraph shall not apply to any personnel management policy, letter, guideline, or directive of the Administration relating to annual adjustments to pay schedules and locality-based comparability payments in order to maintain parity with those adjustments authorized under sections 5303, 5304, 5304a, and 5318 of title 5, United States Code; and

(B) ADDITIONAL POLICY.—Notwithstanding paragraph (1)(B), new personnel management policy of the Administration may be issued if—

(i) that policy is needed to resolve a matter not specifically addressed in policy in effect on that date of enactment; and

(ii) the Secretary provides that policy, with an explanation of the necessity of that policy, to the appropriate congressional committees not later than 7 days after the date on which the policy is issued.

(C) EMERGING THREATS TO TRANSPORTATION SECURITY DURING TRANSITION PERIOD.—

(i) IN GENERAL.—Notwithstanding paragraph (1), any personnel management policy, letter, guideline, or directive of the Administration relating to an emerging threat to transportation security, including national emergencies or disasters and public health threats to transportation security, may be modified or established until the conversion date.

(ii) SUBMISSION TO CONGRESS.—Not later than 7 days after the date on which any personnel management policy, letter, guideline, or directive of the Administration is modified or established under clause (i), the Secretary shall provide to the appropriate congressional committees that established or modified policy, letter, guideline, or directive, as applicable, which shall contain an explanation of the necessity of that establishment or modification.

(b) PERSONNEL AUTHORITIES DURING TRANSITION PERIOD.—Any TSA personnel management system in use for covered employees and covered positions on the day before the date of enactment of this Act, and any personnel management policy, letter, guideline, or directive of the Administration in effect on the day before the date of enactment of this Act, shall remain in effect until the conversion date.

(c) TRANSITION TO TITLE 5.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective beginning on a date determined by the Secretary, but in no event later than December 31, 2023—

(A) all TSA personnel management systems shall cease to be in effect;

(B) section 114(n) of title 49, United States Code, is repealed;

(C) section 111(d) of the Aviation and Transportation Security Act (Public Law 107–71; 49 U.S.C. 44935 note) is repealed;

(D) any personnel management policy, letter, guideline, or directive of the Administration, including the 2022 Determination, shall cease to be effective;

(E) any human resources management system established or adjusted under chapter 97 of title 5, United States Code, with respect to covered employees or covered positions shall cease to be effective; and

(F) covered employees and covered positions shall be subject to the provisions of title 5, United States Code.

(2) CHAPTERS 71 AND 77 OF TITLE 5.—Not later than 90 days after the date of enactment of this Act—

(A) chapters 71 and 77 of title 5, United States Code, shall apply to covered employees carrying out screening functions pursuant to section 44901 of title 49, United States Code; and

(B) any policy, letter, guideline, or directive issued under section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) relating to matters otherwise covered by chapter 71 or 77 of title 5, United States Code, shall cease to be in effect.

(3) ASSISTANCE OF OTHER AGENCIES.—Not later than 180 days after the date of enactment of this Act, or December 31, 2023, whichever is earlier—

(A) the Director of the Office of Personnel Management shall establish a position series and classification standard for the positions of Transportation Security Officer, Federal air marshal, Transportation Security Inspector, and other positions requested by the Administrator; and

(B) the National Finance Center of the Department of Agriculture shall make necessary changes to Financial Management Services and Human Resources Management Services to ensure payroll, leave, and other personnel processing systems for covered employees are consistent with chapter 53 of title 5, United States Code, and provide functions as needed to implement this subtitle.

(d) SAFEGUARDS ON GRIEVANCES AND APPEALS.—

(1) IN GENERAL.—Each covered employee with a grievance or appeal pending within the Administration on the date of enactment of this Act or initiated during the transition period described in subsection (c) may have that grievance or appeal removed to proceedings pursuant to title 5, United States Code, or continued within TSA.

(2) AUTHORITY.—With respect to any grievance or appeal continued within the Administration under paragraph (1), the Administrator may consider and finally adjudicate that grievance or appeal notwithstanding any other provision of this subtitle.

(3) PRESERVATION OF RIGHTS.—Notwithstanding any other provision of law, any appeal or grievance continued under this section that is not finally adjudicated under paragraph (2) shall be preserved and all timelines tolled until the rights afforded by application of chapters 71 and 77 of title 5, United States Code, are made available under subsection (c)(2).

SEC. 1094. TRANSITION RULES.

(a) NONREDUCTION IN PAY AND COMPENSATION.—Under such pay conversion rules as the Secretary may prescribe to carry out this subtitle, a covered employee converted from a TSA personnel management system to the provisions of title 5, United States Code, under section 1093(c)(1)(F)—

(1) may not be subject to any reduction in either the rate of adjusted basic pay payable or law enforcement availability pay payable to that covered employee; and

(2) shall be credited for years of service in a specific pay band under a TSA personnel management system as if the covered employee had served in an equivalent General Schedule position at the same grade, for purposes of determining the appropriate step within a grade at which to establish the converted rate of pay of the covered employee.

(b) RETIREMENT PAY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposal, including proposed legislative changes if needed, for determining the average pay of any covered employee who retires not later than 3 years after the conversion date for purposes of calculating the retirement annuity of the covered employee.

(2) REQUIREMENTS.—The proposal required under paragraph (1) shall be structured in a manner that—

(A) is consistent with title 5, United States Code; and

(B) appropriately accounts for the service of a covered employee to which the proposal applies, and the annual rate of basic pay of such a covered employee, following the conversion date.

(c) LIMITATION ON PREMIUM PAY.—

(1) IN GENERAL.—Notwithstanding section 5547 of title 5, United States Code, or any other provision of law, a Federal air marshal or criminal investigator who is appointed to that position before the date of enactment of this Act may be eligible for premium pay up to the maximum level allowed by the Administrator before the date of enactment of this Act.

(2) OPM RECOGNITION.—The Director of the Office of Personnel Management shall recognize premium pay paid pursuant to paragraph (1) as fully creditable for the purposes of calculating pay and retirement benefits.

(d) PRESERVATION OF LAW ENFORCEMENT AVAILABILITY PAY AND OVERTIME PAY RATES FOR FEDERAL AIR MARSHALS.—

(1) LEAP.—Section 5545a of title 5, United States Code, is amended—

(A) in subsection (a)(2), in the matter preceding subparagraph (A), by striking ''subsection (k)'' and inserting ''subsection (l)'';

(B) by redesignating subsection (k) as subsection (l); and

(C) by inserting after subsection (j) the following:

''(k) The provisions of subsections (a) through (h) providing for availability pay shall apply to any Federal air marshal who is an employee of the Transportation Security Administration.''.

(2) OVERTIME.—Section 5542 of title 5, United States Code, is amended by adding at the end the following:

''(i) Notwithstanding any other provision of law, a Federal air marshal who is an employee of the Transportation Security Administration shall receive overtime pay under this section, at such a rate and in such a manner so that such Federal air marshal does not receive less overtime pay than such Federal air marshal would receive were that Federal air marshal subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207).''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply beginning on the conversion date.

(e) COLLECTIVE BARGAINING UNIT.—Notwithstanding section 7112 of title 5, United States Code, following the application of chapter 71 of that title pursuant to section 1093(c)(2) of this subtitle, screening agents shall remain eligible to form a collective bargaining unit.

(f) PRESERVATION OF OTHER RIGHTS.—The Secretary shall take any actions necessary to ensure that the following rights are preserved and available for each covered employee beginning on the conversion date, and for any covered employee appointed after the conversion date, and continue to remain available to covered employees after the conversion date:

(1) Any annual leave, sick leave, or other paid leave accrued, accumulated, or otherwise available to a covered employee immediately before the conversion date shall remain available to the covered employee until used, subject to any limitation on accumulated leave under chapter 63 of title 5, United States Code.

(2) Part-time screening agents pay premiums under chapter 89 of title 5, United States Code, on the same basis as full-time covered employees.

(3) Notwithstanding section 6329a of title 5, United States Code, covered employees are provided appropriate leave during national emergencies to assist the covered employees and ensure the Administration meets mission requirements.

(4) Eligible screening agents receive a split-shift differential for regularly scheduled split-shift work as well as regularly scheduled overtime and irregular and occasional split-shift work.

(5) Notwithstanding sections subsections (c), (e), and (f) of section 5754 of title 5, United States Code, eligible covered employees receive group retention incentives, as appropriate.

SEC. 1095. CONSULTATION REQUIREMENT.

(a) EXCLUSIVE REPRESENTATIVE.—

(1) IN GENERAL.—

(A) APPLICATION.—Beginning on the date that chapter 71 of title 5, United States Code (referred to in this subsection as ''chapter 71''), begins to apply to covered employees under section 1093(c)(2), the labor organization certified by the Federal Labor Relations Authority on June 29, 2011, or any successor labor organization, shall be treated as the exclusive representative of screening agents and shall be the exclusive representative for screening agents under chapter 71, with full rights under chapter 71.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent covered employees from selecting an exclusive representative other than the labor organization described in paragraph (1) for purposes of collective bargaining under chapter 71.

(2) NATIONAL LEVEL.—

(A) IN GENERAL.—Notwithstanding any provision of chapter 71, collective bargaining for any unit of covered employees shall occur at the national level, but may be supplemented by local level bargaining and local level agreements in furtherance of elements of a national agreement or on issues of any local unit of covered employees not otherwise covered by a national agreement.

(B) MUTUAL CONSENT REQUIRED.—Local-level bargaining and local-level agreements described in subparagraph (A) shall occur only by mutual consent of the exclusive representative of screening agents and the Federal Security Director (or a designee of such an official) of those screening agents.

(3) CURRENT AGREEMENT.—Any collective bargaining agreement covering such personnel in effect on the date of enactment of this Act shall remain in effect until a collective bargaining agreement is entered into under chapter 71, unless the Administrator and exclusive representative mutually agree to revisions to such an agreement.

(b) CONSULTATION PROCESS.—

(1) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary shall consult with the exclusive representative for the screening agents described in subsection (a)(1) under chapter 71 of title 5, United States Code, on the formulation of plans and deadlines to carry out the conversion, under this subtitle, of those screening agents.

(2) WRITTEN PLANS.—Before the date that chapter 71 of title 5, United States Code, begins to apply under section 1093(c)(2), the Secretary shall provide (in writing) to the

exclusive representative described in paragraph (1) the plans for how the Secretary intends to carry out the conversion of covered employees under this subtitle, including with respect to such matters as—

(A) the anticipated conversion date; and

(B) measures to ensure compliance with sections 1093 and 1094.

(c) REQUIRED AGENCY RESPONSE.—If any views or recommendations are presented under subsection (b) by the exclusive representative described in that subsection, the Secretary shall—

(1) consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) provide the exclusive representative a written statement of the reasons for the final actions to be taken.

SEC. 1096. NO RIGHT TO STRIKE.

Nothing in this subtitle may be considered—

(1) to repeal or otherwise affect—

(A) section 1918 of title 18, United States Code (relating to disloyalty and asserting the right to strike against the Government); or

(B) section 7311 of title 5, United States Code (relating to loyalty and striking); or

(2) to otherwise authorize any activity that is not permitted under a provision of law described in subparagraph (A) or (B) of paragraph (1).

SEC. 1097. PROPOSAL ON HIRING AND CONTRACTING BACKGROUND CHECK REQUIREMENTS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to harmonize and update, for the purposes of making appointments and for authorizing or entering into any contract for service, the restrictions under section 70105(c) of title 46, United States Code, (relating to the issuance of transportation security cards) and section 44936 of title 49, United States Code, (relating to employment investigations and restrictions).

SEC. 1098. COMPTROLLER GENERAL REVIEWS.

(a) REVIEW OF RECRUITMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the efforts of the Administration regarding recruitment, including recruitment efforts relating to veterans, the dependents of veterans, members of the Armed Forces, and the dependents of such members.

(2) RECRUITMENT.—The report required under paragraph (1) shall include recommendations regarding how the Administration may improve the recruitment efforts described in that paragraph.

(b) REVIEW OF IMPLEMENTATION.—The Comptroller General of the United States shall—

(1) not later than 60 days after the conversion date, commence a review of the implementation of this subtitle; and

(2) not later than 1 year after the conversion date, submit to Congress a report on the review conducted under paragraph (1).

(c) REVIEW OF PROMOTION POLICIES AND LEADERSHIP DIVERSITY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report—

(1) on the efforts of the Administration to ensure that recruitment, appointment, promotion, and advancement opportunities within the Administration are equitable and provide for demographics among senior leadership that are reflective of the workforce demographics of the United States; and

(2) that, to the extent possible, includes—

(A) an overview and analysis of the current (as of the date on which the report is submitted) demographics of the leadership of the Administration; and

(B) as appropriate, recommendations to improve appointment and promotion procedures and diversity in leadership roles, which may include recommendations for how the Administration can better promote from within the Administration and retain and advance covered employees.

(d) REVIEW OF HARASSMENT AND ASSAULT POLICIES AND PROTECTIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the efforts of the Administration to ensure the safety of the staff of the Administration with respect to harassment and assault in the workplace, such as incidents—

(A) of sexual harassment and violence and harassment and violence motivated by the perceived race, ethnicity, religion, gender identity, or sexuality of an individual; and

(B) in which the alleged perpetrator is a member of the general public.

(2) INCLUSIONS.—The report required under paragraph (1) shall include—

(A) an overview and analysis of the current (as of the date on which the report is submitted) policies and response procedures of the Administration;

(B) a detailed description of if, when, and how the policies described in subparagraph (A) fail to adequately protect covered employees; and

(C) as appropriate, recommendations for steps the Administration can take to better protect covered employees from harassment and violence in the workplace.

(3) OPPORTUNITY FOR COMMENT.—In conducting the review required under this subsection, the Comptroller General of the United States shall provide opportunities for covered employees of all levels and positions, and labor organizations and associations representing those covered employees, to submit comments, including in an anonymous form, and take those comments into account in the final recommendations of the Comptroller General.

SEC. 1099. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) TSA personnel management systems provide insufficient benefits and workplace protections to the workforce that secures the transportation systems of the United States;

(2) covered employees should be provided protections and benefits under title 5, United States Code; and

(3) the provision of the protections and benefits described in paragraph (2) should not result in a reduction of pay or benefits to current covered employees.

SEC. 1099A. ASSISTANCE FOR FEDERAL AIR MARSHAL SERVICE.

The Administrator shall communicate with organizations representing a significant number of Federal air marshals, to the extent provided by law, to address concerns regarding Federal Air Marshals related to the following:

(1) Mental health.

(2) Suicide rates.

(3) Morale and recruitment.

(4) Equipment and training.

(5) Work schedules and shifts, including mandated periods of rest.

(6) Any other personnel issues the Administrator determines appropriate.

SEC. 1099B. STUDY ON FEASIBILITY OF COMMUTING BENEFITS.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate congressional committees a feasibility study on allowing covered employees carrying out screening functions under section 44901 of title 49, United States Code, to treat as hours of employment time spent by those covered employees regularly traveling between parking lots and bus and transit stops of airports and screening checkpoints before and after the regular work day.

(b) CONSIDERATIONS.—In conducting the study required under subsection (a), the Administrator shall consider—

(1) the amount of time needed to travel to and from parking lots and bus and transit stops of airports at small hub airports, medium hub airports, and large hub airports, as those terms are defined in section 40102 of title 49, United States Code;

(2) the feasibility of using mobile phones and location data to allow covered employees to report their arrival to and departure from parking lots and bus and transit stops of airports; and

(3) the estimated costs of treating the amount of time described in paragraph (1) as hours of employment time spent.

SEC. 1099C. BRIEFING ON ASSAULTS AND THREATS ON TSA EMPLOYEES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall brief the appropriate congressional committees regarding the following:

(1) Reports to the Administrator of instances of physical or verbal assaults or threats made by members of the general public against screening agents since January 1, 2019.

(2) Procedures for reporting the assaults and threats described in paragraph (1), including information on how the Administrator communicates the availability of those procedures.

(3) Any steps taken by the Administration to prevent and respond to the assaults and threats described in paragraph (1).

(4) Any related civil actions and criminal referrals made annually since January 1, 2019.

(5) Any additional authorities needed by the Administrator to better prevent or respond to the assaults and threats described in paragraph (1).

SEC. 1099D. ANNUAL REPORTS ON TSA WORKFORCE.

Not later than 1 year after the date of enactment of this Act and annually thereafter, the Administrator shall submit to the appropriate congressional committees a report that contains the following:

(1) An analysis of the Federal Employee Viewpoint Survey of the Office of Personnel Management to determine job satisfaction rates of covered employees.

(2) Information relating to retention rates of covered employees at each airport, including transfers, in addition to aggregate retention rates of covered employees across the workforce of the Administration.

(3) Information relating to actions taken by the Administration intended to improve workforce morale and retention.

SEC. 1099E. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary, to remain available until expended, to carry out this subtitle and the amendments made by this subtitle.

SA 560. Mr. WYDEN (for himself, Mr. CRAPO, Mr. BRAUN, Mr. FETTERMAN, Mr. RISCH, Mr. YOUNG, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for

military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. NATIONAL MEDAL OF HONOR HIGHWAY.

(a) PURPOSE.—The purposes of this section are—

(1) to honor all current and future Medal of Honor recipients; and

(2) to recognize the valor and service of those Medal of Honor recipients.

(b) DESIGNATION.—United States Route 20 in each of the States of Oregon, Idaho, Montana, Wyoming, Nebraska, Iowa, Illinois, Indiana, Ohio, Pennsylvania, New York, and Massachusetts shall be known and designated as the ''National Medal of Honor Highway''.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway referred to in subsection (b) shall be deemed to be a reference to the ''National Medal of Honor Highway''.

SA 561. Mr. WYDEN (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—EXPORT CONTROLS WITH RESPECT TO PERSONAL DATA OF UNITED STATES NATIONALS

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Protecting Americans' Data From Foreign Surveillance Act of 2023''.

SEC. 1802. 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 Act, the United States Government should explore the establishment of a shared zone of mutual trust with respect to sensitive personal data.

SEC. 1803. 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. 1804. 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 562. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADJUDICATION OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION AND PRIOR USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term ''cannabis'' has the meaning given the term ''marihuana'' in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ''eligibility for access to classified information'' has the meaning given such term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(3) INITIATION OF A NATIONAL SECURITY VETTING PROCESS.—The term ''initiation of a national security vetting process'' means the process that commences once an individual

signs the certification contained in the Standard Form 86 (SF–86), Questionnaire for National Security Positions, or successor form.

(b) ADJUDICATIONS.—Recreational use of cannabis by an individual that occurs before the initiation of a national security vetting process by the individual may be relevant, but not determinative, to adjudications of the eligibility of the individual for access to classified information or the eligibility of the individual to hold a sensitive position.

SA 563. Mr. WYDEN (for himself, Mr. CASSIDY, and Ms. LUMMIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 16___. IMPROVEMENTS RELATING TO CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

Section 1645 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2224 note) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT'';

(B) in paragraph (1)—

(i) by striking ''may'' and inserting ''shall'';

(ii) by inserting ''and personal accounts'' after ''personal technology devices''; and

(iii) by inserting ''and shall provide such support to any such personnel who request the support'' after ''in paragraph (2)''; and

(C) in paragraph (2)(B), by inserting ''or personal accounts'' after ''personal technology devices'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or personal accounts'' after ''personal technology devices''; and

(B) in paragraph (2), by striking ''and networks'' and inserting '', personal networks, and personal accounts''; and

(3) by striking subsections (d) and (e) and inserting the following new subsection (d):

''(d) DEFINITIONS.—In this section:

''(1) The term 'personal accounts' means accounts for online and telecommunications services, including telephone, residential internet access, email, text and multimedia messaging, cloud computing, social media, health care, and financial services, used by Department of Defense personnel outside of the scope of their employment with the Department.

''(2) The term 'personal technology devices ' means technology devices used by Department of Defense personnel outside of the scope of their employment with the Department and includes networks to which such devices connect.''.

SEC. 16___. COMPTROLLER GENERAL REPORT ON EFFORTS TO PROTECT PERSONAL INFORMATION OF DEPARTMENT OF DEFENSE PERSONNEL FROM EXPLOITATION BY FOREIGN ADVERSARIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall brief the appropriate congressional committees on Department of Defense efforts to protect personal information of its personnel from exploitation by foreign adversaries.

(b) ELEMENTS.—The briefing required under subsection (a) shall include any observations on the following elements:

(1) An assessment of efforts by the Department of Defense to protect the personal information, including location data generated by smart phones, of members of the Armed Forces, civilian employees of the Department of Defense, veterans, and their families from exploitation by foreign adversaries.

(2) Recommendations to improve Department of Defense policies and programs to meaningfully address this threat.

(c) REPORT.—The Comptroller General shall publish on its website an unclassified report, which may contain a classified annex submitted to the congressional defense and intelligence committees, on the elements described in subsection (b) at a time mutually agreed upon.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives.

SA 564. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title II, insert the following:

SEC. 2___. IMPROVEMENTS RELATING TO STEERING COMMITTEE ON EMERGING TECHNOLOGY AND NATIONAL SECURITY.

Section 236 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) by redesignating subsection (e) and (f) as subsections (f) and (g), respectively;

(3) by inserting after subsection (d) the following:

''(e) REPORT ON COMPARATIVE CAPABILITIES OF ADVERSARIES WITH RESPECT TO LETHAL AUTONOMOUS WEAPON SYSTEMS.—

''(1) IN GENERAL.—Not later than December 31, 2024, and annually thereafter, the Steering Committee shall submit the appropriate congressional committees a report comparing the capabilities of the United States with the capabilities of adversaries of the United States with respect to weapon systems described in paragraph (3).

''(2) ELEMENTS.—The report required by paragraph (1) shall include—

''(A) for each weapon system described in subsection (c)—

''(i) an evaluation of spending by the United States and adversaries on such weapon system;

''(ii) an evaluation of the test infrastructure and workforce supporting such weapon system; and

''(iii) an evaluation of the quantity of such weapon system under development, developed, or deployed;

''(B) an assessment of the technological progress of the United States and adversaries on lethal fully automated weapon systems technology;

''(C) a description of the timeline for operational deployment of such technology by the United States and adversaries;

''(D) an assessment, conducted in coordination with the Director of National Intelligence, of the intent or willingness of adversaries to use such technology; and

''(E) the approval process of the United States for the development and deployment of lethal automated weapon systems.

''(3) WEAPON SYSTEMS DESCRIBED.—The weapon systems described in this subsection are the following:

''(A) Weapon systems with lethal, offensive capabilities that are fully-automated or have the potential to become fully-automated.

''(B) Weapon systems with targeting assist capabilities.

''(C) Automated systems with intelligence, surveillance, and reconnaissance capabilities.

''(4) FORM.—The report required by paragraph (1) shall be submitted in classified form.

''(5) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

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

''(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''; and

(4) in subsection (f), as redesignated by paragraph (2)—

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

(B) by inserting after paragraph (1) the following:

''(2) FULLY AUTOMATED; POTENTIAL TO BECOME FULLY AUTOMATED.—

''(A) FULLY AUTOMATED.—The term 'fully automated', with respect to a weapon system, means that the weapon system, once activated, can select and engage targets without further intervention by an operator, as defined in Department of Defense Directive 3000.09; or

''(B) POTENTIAL TO BECOME FULLY AUTOMATED.—The term 'potential to become fully automated', with respect to a weapon system, means that the weapon system has the potential to be deployed in a manner that would qualify as an autonomous weapon system under Department of Defense Directive 3000.09.''.

SA 565. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XV, insert the following:

SEC. 15___. ASSESSMENT OF QUALITY OF DATA USED TO TRAIN ALGORITHMS FOR TARGET IDENTIFICATION.

(a) IN GENERAL.—Not later than December 31, 2024, the Secretary of Defense shall complete a comprehensive assessment of the quality of data and potential for racial bias of data labeling used to train algorithms for target identification and sensor processing and decision-making support.

(b) CONTENTS.—The assessment required by subsection (a) shall include an assessment of data used to train—

(1) target identification algorithms for Project Maven;

(2) intelligence, surveillance, and reconnaissance systems;

(3) weapon systems that have lethal, offensive strike capabilities that are autonomous or planned to become autonomous; and

(4) weapon systems subject to senior review under Department of Defense Directive 3000.09; and

(c) BRIEFING.—Not later than February 1, 2025, the Secretary shall brief the appropriate congressional committees on the completed assessment required by subsection (a) and recommendations how to improve the quality of the assessed data.

(d) DEFINITIONS.—In this section:

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

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

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) AUTONOMOUS; PLANNED TO BECOME AUTONOMOUS.—

(A) AUTONOMOUS.—The term ''autonomous'', with respect to a weapon system, means that the weapon system, once activated, can select and engage targets without further intervention by an operator, as defined in Department of Defense Directive 3000.09; or

(B) PLANNED TO BECOME AUTONOMOUS.—The term ''planned to become autonomous'', with respect to a weapon system, means that the weapon system has the potential to be deployed in a manner that would qualify as an autonomous weapon system under Department of Defense Directive 3000.09.

(3) QUALITY OF DATA.—The term ''quality of data'' includes—

(A) the accuracy of data labeling;

(B) the condition of the data;

(C) the accuracy of data indexing;

(D) the suitability of the data for the intended task; and

(E) the freedom of the data from unintended bias.

SA 566. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XV, insert the following:

SEC. 15____. FRAMEWORK FOR CONSISTENT DATA MANAGEMENT FOR ARTIFICIAL INTELLIGENCE TARGET IDENTIFICATION.

(a) IN GENERAL.—Not later than December 31, 2024, the Secretary of Defense shall develop and implement a framework for artificial intelligence and machine learning for intelligence, surveillance, reconnaissance, defense, and offensive purposes throughout the Department of Defense.

(b) CONTENTS.—The framework required by subsection (a) shall include—

(1) criteria for data reviewers to ensure data quality—

(A) suitability for training artificial intelligence; and

(B) such additional criteria as the Secretary determines necessary;

(2) a consistent development process and labeling procedures that adhere to the ethical principals for the use of artificial intelligence adopted by the Department, including the principles of responsibility, equitability, traceability, reliability, and governability; and

(3) processes for data input, evaluation, review, feedback, update, and oversight.

(c) BRIEFING.—Not later than February 1, 2025, the Secretary shall brief the appropriate congressional committees on the status of the development and implementation of the framework.

(d) DEFINITIONS.—In this section:

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

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

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) DATA QUALITY.—The term ''data quality'' includes—

(A) the accuracy of data labeling;

(B) the condition of the data;

(C) the accuracy of data indexing;

(D) the suitability of the data for the intended task; and

(E) the freedom of the data from unintended bias.

SA 567. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2018. Use of human-based methods for certain medical training

''(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2024, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

''(2) Not later than October 1, 2026, the Secretary—

''(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

''(B) may not use animals for such purpose.

''(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

''(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

''(c) ANNUAL REPORTS.—(1) Not later than October 1 of each year, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

''(2) Each report under this subsection on or after October 1, 2026, shall include a description of any exemption under subsection (b) that is in force at the time of such report, and a current justification for such exemption.

''(d) DEFINITIONS.—In this section:

''(1) The term 'combat trauma injuries' means severe injuries likely to occur during combat, including—

''(A) hemorrhage;

''(B) tension pneumothorax;

''(C) amputation resulting from blast injury;

''(D) compromises to the airway; and

''(E) other injuries.

''(2) The term 'human-based training methods' means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

''(A) simulators;

''(B) partial task trainers;

''(C) moulage;

''(D) simulated combat environments;

''(E) human cadavers; and

''(F) rotations in civilian and military trauma centers.

''(3) The term 'partial task trainers' means training aids that allow individuals to learn or practice specific medical procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2018. Use of human-based methods for certain medical training.''.

SA 568. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. REPEAL OF MILITARY SELECTIVE SERVICE ACT.

(a) REPEAL.—The Military Selective Service Act (50 U.S.C. 3801 et seq.) is repealed.

(b) TRANSFERS IN CONNECTION WITH REPEAL.—Notwithstanding the proviso in section 10(a)(4) of the Military Selective Service Act (50 U.S.C. 3809(a)(4)), the Office of Selective Service Records shall not be reestablished upon the repeal of the Act. Not later than 180 days after the date of the enactment of this Act, the assets, contracts, property, and records held by the Selective Service System, and the unexpended balances of any appropriations available to the Selective Service System, shall be transferred to the Administrator of General Services upon the repeal of the Act. The Director of the Office of Personnel Management shall assist officers and employees of the Selective Service System to transfer to other positions in the executive branch.

(c) EFFECT ON EXISTING SANCTIONS.—

(1) Notwithstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a).

(2) A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation,

or other provision having the force and effect of law to penalize or deny any privilege or benefit to a person who failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a). In this section, ''State'' means a State, the District of Columbia, and a territory or possession of the United States.

(3) Failing to present oneself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a), shall not be reason for any entity of the United States Government to determine that a person lacks good moral character or is unsuited for any privilege or benefit.

(d) CONSCIENTIOUS OBJECTORS.—Nothing contained in this section shall be construed to undermine or diminish the rights of conscientious objectors under laws and regulations of the United States.

SA 569. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1063. REPORT ON FOOD PURCHASING BY THE DEPARTMENT OF DEFENSE.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives and make publicly available on the website of the Department of Defense a report on the following for each of fiscal years 2018, 2019, 2020, 2021, and 2022:

(1) The total dollar amount spent by the Department of Defense on food service operations worldwide for all personnel, contractors, and families, including all food service provided at or through—

(A) all facilities, such as combat operations, military posts, medical facilities;

(B) all vessels (air, land, and sea);

(C) all entertainment and hosting operations such as officers' clubs and other such facilities; and

(D) all food programs provided to other Federal agencies, such as the Fresh Fruit and Vegetable Program of the Department of Agriculture and the Department of Defense.

(2) The total dollar amount spent by the Department for each category described in paragraph (1).

(3) The dollar amount spend by the Department for each of—

(A) the 25 largest food service contractors or operators; and

(B) the top 10 categories of food, such as meat and poultry, seafood, eggs, dairy product, produce (fruits, vegetables, and nuts), grains and legumes, and processed and packaged foods.

(4) The percentage of all food purchased by the Department that was a product of the United States, pursuant to section 4862 of title 10, United States Code.

(5) The dollar amount of third-party certified and verified foods (such as USDA Organic, Equitable Food Initiative, Fair Trade Certified, and other categories determined to be appropriate by the Secretary) purchased by the Department.

(6) The dollar amount of contracts for food service, food, or food products entered into by the Department with woman-, minority-, and veteran-owned businesses.

SA 570. Mr. REED (for himself, Mr. MORAN, Mr. ROUNDS, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. ADJUSTMENT OF THRESHOLD AMOUNT FOR MINOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) SHORT TITLE.—This section may be cited as the ''Department of Veterans Affairs Minor Construction Threshold Adjustment Act of 2023''.

(b) ADJUSTMENT OF THRESHOLD AMOUNT.—Section 8104(a) of title 38, United States Code, is amended—

(1) in paragraph (3)(A), by striking ''$20,000,000'' each place it appears and inserting ''the amount specified in paragraph (4)''; and

(2) by adding at the end the following new paragraph:

''(4)(A) The amount specified in this paragraph is $30,000,000, as adjusted pursuant to this paragraph.

''(B)(i) The Secretary shall develop, through regulations, a mechanism to adjust the amount under subparagraph (A) to account for relevant factors relating to construction, cost of land, real estate, economic conditions, labor conditions, inflation, and other relevant factors the Secretary considers necessary to ensure such amount keeps pace with all economic conditions that impact the price of construction projects, to include planning, management, and delivery of the project.

''(ii) In developing the mechanism under clause (i), the Secretary may—

''(I) use a mechanism or index already relied upon by the Department for other relevant programs, a mechanism or index used by another Federal agency, or a commercial mechanism or index if such mechanism or index satisfactorily addresses the intent of this subparagraph; or

''(II) create a new mechanism or index if the Secretary considers it appropriate and necessary to do so.

''(C)(i) Not less frequently than once every two years, the Secretary shall—

''(I) adjust the amount under subparagraph (A); or

''(II) publish a notice in the Federal Register indicating that no adjustment is warranted.

''(ii) Not later than 30 days before adjusting an amount pursuant to clause (i)(I) or publishing a notice pursuant to clause (i)(II), the Secretary shall notify the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

''(D) The Secretary shall determine a logical schedule for adjustments under this paragraph to take effect so that the amounts for and types of construction projects requested by the Department in the budget of the President under section 1105(a) of title 31 are consistent with the threshold for construction projects as so adjusted.''.

SA 571. Mr. REED (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Unity Through Service

SEC. 1091. INTERAGENCY COUNCIL ON SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Interagency Council on Service (in this section referred to as the ''Council'').

(2) FUNCTIONS.—The Council shall—

(A) advise the President with respect to promoting, strengthening, and expanding opportunities for military service, national service, and public service for all people of the United States; and

(B) review, assess, and coordinate holistic recruitment strategies and initiatives of the executive branch to foster an increased sense of service and civic responsibility among all people of the United States and to explore ways of enhancing connectivity of interested applicants to national service programs and opportunities.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Council shall be composed of such officers and employees of the Federal Government as the President may designate, including not less than 1 such officer or employee the appointment of whom as such officer or employee was made by the President by and with the advice and consent of the Senate.

(2) CHAIR.—The President shall annually designate to serve as the Chair of the Council a member of the Council under paragraph (1), the appointment of whom as an officer or employee of the Federal Government was made by the President by and with the advice and consent of the Senate.

(3) MEETINGS.—The Council shall meet on a quarterly basis or more frequently as the Chair of the Council may direct.

(c) RESPONSIBILITIES OF THE COUNCIL.—The Council shall—

(1) assist and advise the President in the establishment of strategies, goals, objectives, and priorities to promote service and civic responsibility among all people of the United States;

(2) develop and recommend to the President common recruitment strategies and outreach opportunities for increasing the participation, and propensity of people of the United States to participate, in military service, national service, and public service in order to address national security and domestic investment;

(3) serve as a forum for Federal officials responsible for military service, national service, and public service programs to, as feasible and practicable—

(A) coordinate and share best practices for service recruitment; and

(B) develop common interagency, cross-service initiatives and pilots for service recruitment;

(4) lead a strategic, interagency coordinated effort on behalf of the Federal Government to develop joint awareness and recruitment, retention, and marketing initiatives involving military service, national service, and public service, including the sharing of marketing and recruiting research between and among Council members;

(5) consider approaches for assessing impacts of service on the needs of the United

States and individuals participating in and benefitting from such service;

(6) consult, as the Council considers advisable, with representatives of non-Federal entities, including State, local, and Tribal governments, State and local educational agencies, State Service Commissions, institutions of higher education, nonprofit organizations, philanthropic organizations, and the private sector, in order to promote and develop initiatives to foster and reward military service, national service, and public service;

(7) not later than 2 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Service Strategy, which shall set forth—

(A) a review of programs and initiatives of the Federal Government relating to the mandate of the Council;

(B) a review of Federal Government online content relating to the mandate of the Council, including user experience with such content;

(C) current and foreseeable trends for service to address the needs of the United States;

(D) recommended service recruitment strategies and branding opportunities to address outreach and communication deficiencies identified by the Council; and

(E) to the extent practical, a joint service messaging strategy for military service, national service, and public service;

(8) identify any notable initiatives by State, local, and Tribal governments and by public and nongovernmental entities to increase awareness of and participation in national service programs; and

(9) perform such other functions as the President may direct.

SEC. 1092. JOINT MARKET RESEARCH TO ADVANCE MILITARY AND NATIONAL SERVICE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps may carry out a joint market research, market studies, recruiting, and advertising program to complement the existing programs of the military departments, the national service programs administered by the Corporation, and the Peace Corps.

(b) INFORMATION SHARING PERMITTED.—Section 503 of title 10, United States Code, shall not be construed to prohibit sharing of information among, or joint marketing efforts of, the Department of Defense, the Corporation for National and Community Service, and the Peace Corps to carry out this section.

SEC. 1093. TRANSITION OPPORTUNITIES FOR MILITARY SERVICEMEMBERS AND NATIONAL SERVICE PARTICIPANTS.

(a) EMPLOYMENT ASSISTANCE.—Section 1143(c)(1) of title 10, United States Code, is amended by inserting ''the Corporation for National and Community Service,'' after ''State employment agencies,''.

(b) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES: DEPARTMENT OF LABOR.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(11) Provide information on public service opportunities, training on public service job recruiting, and the advantages of careers with the Federal Government.''; and

(2) in subsection (f)(1)(D)—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv) the following new clause:

''(v) National and community service, taught in conjunction with the Chief Executive Officer of the Corporation for National and Community Service.''.

(c) AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.—Section 193A(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651d(b)) is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(26) ensure that individuals completing a partial or full term of service in a program under subtitle C or E or part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) receive information about military and public service opportunities for which they may qualify or in which they may be interested.''.

SEC. 1094. JOINT REPORT TO CONGRESS ON INITIATIVES TO INTEGRATE MILITARY AND NATIONAL SERVICE.

(a) REPORTING REQUIREMENT.—Not later than 4 years after the date of enactment of this Act and quadrennially thereafter, the Chair of the Interagency Council on Service, in coordination with the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps, shall submit to Congress a joint report on cross-service marketing, research, and promotion, including recommendations for increasing joint advertising and recruitment initiatives for the Armed Forces, programs administered by the Corporation for National and Community Service, and the Peace Corps.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include the following:

(1) The number of Peace Corps volunteers and participants in national service programs administered by the Corporation for National and Community Service, who previously served as a member of the Armed Forces.

(2) The number of members of the Armed Forces who previously served in the Peace Corps or in a program administered by the Corporation for National and Community Service.

(3) An assessment of existing (as of the date of the report submission) joint recruitment and advertising initiatives undertaken by the Department of Defense, the Peace Corps, or the Corporation for National and Community Service.

(4) An assessment of the feasibility and cost of expanding such existing initiatives.

(5) An assessment of ways to improve the ability of the reporting agencies to recruit individuals from the other reporting agencies.

(c) CONSULTATION.—The Chair of the Interagency Council on Service, the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall undertake studies of recruiting efforts that are necessary to carry out the provisions of this section. Such studies may be conducted using any funds appropriated to those entities under Federal law other than this subtitle.

SEC. 1095. DEFINITIONS.

In this subtitle:

(1) INTERAGENCY COUNCIL ON SERVICE.—The term ''Interagency Council on Service'' means the Interagency Council on Service established under section 1091.

(2) MILITARY DEPARTMENT.—The term ''military department'' means each of the military departments listed in section 102 of title 5, United States Code.

(3) MILITARY SERVICE.—The term ''military service'' means active service (as defined in subsection (d)(3) of section 101 of title 10, United States Code) or active status (as defined in subsection (d)(4) of such section) in one of the Armed Forces (as defined in subsection (a)(4) of such section).

(4) NATIONAL SERVICE.—The term ''national service'' means participation, other than military service or public service, in a program that—

(A) is designed to enhance the common good and meet the needs of communities, the States, or the United States;

(B) is funded or facilitated by—

(i) an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(ii) the Federal Government or a State, Tribal, or local government; and

(C) is a program authorized in—

(i) the Peace Corps Act (22 U.S.C. 2501 et seq.);

(ii) section 171 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226) relating to the YouthBuild Program;

(iii) the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.); or

(iv) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(5) PUBLIC SERVICE.—The term ''public service'' means civilian employment in the Federal Government or a State, Tribal, or local government.

(6) SERVICE.—The term ''service'' means a personal commitment of time, energy, and talent to a mission that contributes to the public good by protecting the Nation and the citizens of the United States, strengthening communities, States, or the United States, or promoting the general social welfare.

(7) STATE SERVICE COMMISSION.—The term ''State Service Commission'' means a State Commission on National and Community Service maintained by a State pursuant to section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638).

SA 572. Mr. KING (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 345. BRIEFING ON ARCTIC WATCHTOWER RESEARCH.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) confronting and adapting to rapidly evolving challenges in the Arctic region, including coastal resilience, would benefit from increased place-based, forward operating research capacity;

(2) establishing strategically located watchtower field research centers to conduct on-the-ground research in Arctic gateways could improve the reliability and breadth of monitoring data to inform decision making of the Department of Defense, such as when defense operations impact mammalian habitat;

(3) locally-based, forward operating research benefits from robust partnerships with regional and local universities, Tribal communities, and international communities; and

(4) the Secretary of Defense should consider a role for watchtower research efforts in the Arctic region as part of the execution of the Arctic strategy of the Department.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the

Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the potential and return on investment for watchtower field research centers in the Arctic region.

SA 573. Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

The table in section 2602 is amended by adding at the end the following new row:

Georgia	Marine Corps Logistics Base Albany	$40,000,000

SA 574. Mr. WARNOCK (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. DESIGNATION OF NATIONAL MUSEUM OF THE MIGHTY EIGHTH AIR FORCE.

(a) DESIGNATION.—The National Museum of the Mighty Eighth Air Force located at 175 Bourne Avenue, Pooler, Georgia (or any successor location), is designated as the official National Museum of the Mighty Eighth Air Force of the United States (referred to in this section as the ''National Museum'').

(b) RELATION TO NATIONAL PARK SYSTEM.—The National Museum shall not be included as a unit of the National Park System.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to appropriate, or authorize the appropriation of, Federal funds for any purpose related to the National Museum.

SA 575. Mr. KELLY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. SEMICONDUCTOR SUPPLY CHAIN.

(a) SHORT TITLE.—This section may be cited as the ''Semiconductor Supply Chain Protection Act of 2023''.

(b) DEFINITIONS.—Section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651) is amended by adding at the end the following:

''(14) The term 'ineligible equipment'—

''(A) means completed, fully assembled semiconductor manufacturing equipment manufactured or assembled by a foreign entity of concern or a subsidiary of a foreign entity of concern; and

''(B) includes—

''(i) deposition equipment;

''(ii) etching equipment;

''(iii) lithography equipment;

''(iv) inspection and measuring equipment;

''(v) wafer slicing equipment;

''(vi) water dicing equipment;

''(vii) wire bonders;

''(viii) ion implantation equipment; and

''(ix) diffusion/oxidation furnaces.''.

(c) INELIGIBLE USE OF FUNDS.—Section 9902(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)) is amended by adding at the end the following:

''(7) INELIGIBLE USE OF FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a covered entity that receives financial assistance under this section may not use any portion of such financial assistance to purchase ineligible equipment.

''(B) WAIVER.—The Secretary may waive the requirement under subparagraph (A) if—

''(i) the ineligible equipment to be purchased by the applicable covered entity is not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality to support established production capabilities; or

''(ii) the Secretary, in consultation with the Director of the National Security Agency and the Secretary of Defense, determines that the purchase of ineligible equipment by the applicable covered entity is in the national security interest of the United States.''.

SA 576. Mr. KELLY (for himself, Mr. HAGERTY, Mr. BROWN, Mr. YOUNG, Ms. SINEMA, Mr. HEINRICH, and Mr. BUDD) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BUILDING CHIPS IN AMERICA.

Section 9909 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4659) is amended by adding at the end the following:

''(c) AUTHORITY RELATING TO ENVIRONMENTAL REVIEW.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, none of the following shall be considered to be a major Federal action under NEPA or an undertaking for the purposes of division A of subtitle III of title 54, United States Code:

''(A) The provision by the Secretary of any Federal financial assistance for a project described in section 9902, if—

''(i) the covered activity described in the application for that project has commenced before the date on which the Secretary provides that assistance;

''(ii) the facility that is the subject of the project is on or adjacent to a site—

''(I) that is owned or leased by the covered entity to which Federal financial assistance is provided for that project; and

''(II) on which substantially similar construction, expansion, or modernization has been carried out such that the facility would not more than double existing developed acreage or supporting infrastructure at the facility;

''(iii) the Secretary determines, in the sole discretion of the Secretary, that the laws and regulations governing environmental reviews in the State in which the facility that is the subject of the project is or will be located are functionally equivalent to the requirements under NEPA;

''(iv) the Federal financial assistance provided is in the form of a loan or loan guarantee; or

''(v) the Federal financial assistance provided, excluding any loan or loan guarantee, comprises less than 15 percent of the total estimated cost of the project.

''(B) The provision by the Secretary of Defense of any Federal financial assistance relating to—

''(i) the creation, expansion, or modernization of one or more facilities described in the second sentence of section 9903(a)(1); or

''(ii) carrying out section 9903(b).

''(C) Any activity relating to carrying out section 9906.

''(2) SAVINGS CLAUSE.—Nothing in this subsection may be construed as altering whether an activity described in subparagraph (A), (B), or (C) of paragraph (1) is considered to be a major Federal action under NEPA, or an undertaking under division A of subtitle III of title 54, United States Code, for a reason other than that the activity is eligible for funding provided under this title.

''(d) LEAD FEDERAL AGENCY AND COOPERATING AGENCIES.—

''(1) DEFINITION.—In this subsection, the term 'lead agency' has the meaning given the term in section 111 of NEPA.

''(2) OPTION TO SERVE AS LEAD AGENCY.—With respect to a covered activity that is a major Federal action under NEPA, the Department of Commerce shall have the first right to serve as the lead agency with respect to that covered activity under NEPA.

''(3) COOPERATING AGENCY.—The Secretary may designate any Federal, State, Tribal, or local agency as a cooperating agency with respect to a covered activity for which the Department of Commerce serves as the lead agency under paragraph (1), if the applicable agency has—

''(A) the jurisdiction to issue an authorization or take action for or relating to that covered activity; or

''(B) special expertise with respect to that covered activity.

''(4) ENVIRONMENTAL DOCUMENTS.—

''(A) SINGLE DOCUMENT.—All authorizations relating to a covered activity shall rely on a single environmental document and joint record of decision prepared by the lead agency with respect to that covered activity for the purposes of NEPA.

''(B) INCLUSION.—An environmental document and joint record of decision described in subparagraph (A) shall—

''(i) rely on any comments, analysis, proposals, or documentation developed by cooperating agencies designated under paragraph (3); and

''(ii) provide all authorizations necessary for the applicable covered activity as if any cooperating agency designated under paragraph (3) had issued an environmental document and joint record of decision.

''(e) ADOPTION OF CATEGORICAL EXCLUSIONS.—

''(1) ESTABLISHMENT OF CATEGORICAL EXCLUSIONS.—Each of the following categorical exclusions is established for the National Institute of Standards and Technology and, beginning on the date of enactment of this subsection, is available for use by the Secretary:

''(A) Categorical exclusion 17.04.d (relating to the acquisition of machinery and equipment) in the document entitled 'EDA Program to Implement the National Environmental Policy Act of 1969 and Other Federal Environmental Mandates As Required' (Directive No. 17.02-2; effective date October 14, 1992).

''(B) Categorical exclusion A9 in Appendix A to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

''(C) Categorical exclusions B1.24, B1.31, B2.5, and B5.1 in Appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

''(D) The categorical exclusions described in paragraphs (4) and (13) of section 50.19(b) of title 24, Code of Federal Regulations, or any successor regulation.

''(E) Categorical exclusion (c)(1) in Appendix B to part 651 of title 32, Code of Federal Regulations, or any successor regulation.

''(F) Categorical exclusions A2.3.8 and A2.3.14 in Appendix B to part 989 of title 32, Code of Federal Regulations, or any successor regulation.

''(G) Any other categorical exclusion adopted by another Federal agency that the Secretary determines would accelerate the completion of a covered activity if the categorical exclusion were available to the Secretary.

''(2) SUBSEQUENT CHANGES.—In any NEPA process that is ongoing (as of the date of enactment of this subsection), or that occurs on or after the date of enactment of this subsection, the Secretary may update, amend, revise, or remove any categorical exclusion established under paragraph (1).

''(3) SCOPE OF REVIEW.—The application of any categorical exclusion established under paragraph (1), as the categorical exclusion may be updated, amended, or revised under paragraph (2), shall not be subject to evaluation for extraordinary circumstances under section 1501.4(b) of title 40, Code of Federal Regulations, or any successor regulation.

''(f) INCORPORATION OF PRIOR PLANNING DECISIONS.—

''(1) DEFINITION.—In this subsection, the term 'prior studies and decisions' means baseline data, planning documents, studies, analyses, decisions, and documentation that a Federal agency has completed for a project (or that have been completed under the laws and procedures of a State or Indian Tribe), including for determining the reasonable range of alternatives for that project.

''(2) RELIANCE ON PRIOR STUDIES AND DECISIONS.—In completing an environmental review under NEPA for a covered activity, the Secretary may consider and, as appropriate, rely on or adopt prior studies and decisions, if the Secretary determines that—

''(A) those prior studies and decisions meet the standards for an adequate statement, assessment, or determination under applicable procedures of the Department of Commerce implementing the requirements of NEPA;

''(B) in the case of prior studies and decisions completed under the laws and procedures of a State or Indian Tribe, those laws and procedures are of equal or greater rigor than those of each applicable Federal law, including NEPA, implementing procedures of the Department of Commerce; or

''(C) if applicable, the prior studies and decisions are informed by other analysis or documentation that would have been prepared if the prior studies and decisions were prepared by the Secretary under NEPA.

''(g) NEPA ASSIGNMENT.—

''(1) ASSUMPTION OF RESPONSIBILITY.—

''(A) WRITTEN AGREEMENT.—

''(i) IN GENERAL.—Subject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to 1 or more covered activities within the State under NEPA.

''(ii) REQUIREMENTS.—A written agreement between the Secretary and a State under clause (i) shall—

''(I) be executed by the governor of the State;

''(II) provide that the State—

''(aa) agrees to assume all or part of the responsibilities of the Secretary described in that clause;

''(bb) expressly consents, on behalf of the State, to accept the jurisdiction of the courts of the United States with respect to compliance with, the discharge of, and the enforcement of any responsibility of the Secretary assumed by the State;

''(cc) certifies that there are laws of the State, including regulations, in effect that—

''(AA) authorize the State to take the actions necessary to carry out the responsibilities being assumed by the State; and

''(BB) are comparable to section 552 of title 5, United States Code, including by providing that any decision regarding the public availability of a document under those laws of the State may be reviewed by a court of competent jurisdiction; and

''(dd) agrees to make available the financial resources necessary to carry out the responsibilities being assumed by the State;

''(III) require the State to provide to the Secretary any information that the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities being assumed by the State; and

''(IV) be renewable.

''(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A), the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a covered activity.

''(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this subsection subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

''(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by a State by written agreement under this subsection shall remain the responsibility of the Secretary.

''(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Commerce, under applicable law (including regulations) with respect to a project.

''(2) STATE PARTICIPATION.—The Secretary may develop an application for a State to assume responsibility under paragraph (1), at such a time and containing such information as the Secretary determines appropriate.

''(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibility under this subsection only if—

''(A) the Secretary determines that the State has the capability, including financial and with respect to personnel, to assume the responsibility; and

''(B) the governor of the State has entered into the written agreement with the Secretary required under paragraph (1)(A).

''(4) LIMITATIONS ON AGREEMENTS.—Nothing in this subsection permits a State to assume any rulemaking authority of the Secretary under any Federal law.

''(5) AUDITS.—To ensure compliance by a State (including compliance by the State with all Federal laws for which responsibility is assumed under paragraph (1)(B)), for each State participating in the program under this subsection, the Secretary shall—

''(A) conduct annual audits for each year of State participation;

''(B) not later than 180 days after the date on which the agreement between the Secretary and the State is executed, meet with the State to review implementation of the agreement and discuss plans for the first annual audit required under subparagraph (A); and

''(C) ensure that the time period for completing an audit under subparagraph (A), from initiation to completion, does not exceed 180 days.

''(6) TERMINATION.—

''(A) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program under this subsection, if—

''(i) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(ii) the Secretary provides the State with—

''(I) a notification of the determination of noncompliance under clause (i);

''(II) a period of not less than 120 days to take corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

''(III) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under clause (i); and

''(iii) the State, after the period provided under clause (ii), fails to take satisfactory corrective action, as determined by the Secretary.

''(B) TERMINATION BY THE STATE.—A State, at any time, may terminate the participation of the State in the program under this subsection by providing to the Secretary notice not later than 90 days before the date on which that termination will take effect, subject to such terms and conditions as the Secretary may provide.

''(h) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall affect whether any final Federal agency action may be reviewed in a court of the United States or of any State.

''(2) EFFICIENCY OF CLAIMS.—

''(A) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, and except as provided in subparagraph (B), a claim arising under Federal law seeking judicial review of Federal financial assistance provided under this title, or with respect to any authorization issued or denied under NEPA by the Secretary for a covered activity, shall be barred unless the claim is filed not later than 150 days after the date on which the Secretary announces that, as applicable—

''(i) the Secretary has approved the application for such Federal financial assistance;

''(ii) the Secretary has issued that authorization; or

''(iii) the Secretary has denied that authorization.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if a shorter deadline than the applicable deadline under that subparagraph is specified in the Federal law under which judicial review is allowed.

''(i) DEFINITIONS.—In this section:

''(1) COVERED ACTIVITY.—The term 'covered activity' means any activity relating to the construction, expansion, or modernization of a facility, the investment in which is eligible for Federal financial assistance under section 9902 or 9906.

''(2) NEPA.—The term 'NEPA' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

SA 577. Mr. KELLY (for himself, Mr. COTTON, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 633. PROHIBITION ON MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ACCEPTING EMPLOYMENT WITH CHINESE OR RUSSIAN GOVERNMENT ENTITIES.

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

(1) Members of the Armed Forces gain skills, knowledge, and training through their service that are integral to the mission of the United States military.

(2) The specialized skillsets gained through service in the United States Armed Forces are the product of unique United States Government training.

(3) Public reports have revealed the People's Republic of China has employed, or contracted through intermediaries, former United States military personnel and former military personnel of countries that are allies of the United States to train Chinese military personnel on specialized skills.

(4) The closest allies of the United States, including the United Kingdom, Australia, and New Zealand, are taking steps to stop their former military personnel from training the armed forces of foreign adversaries, including instituting policy and legal reviews and consideration of criminal penalties to prevent that type of post-military service activity.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interests of the United States that current and former members of the Armed Forces be prohibited from taking employment or holding positions that provide substantial support to the military of the People's Republic of China or the Russian Federation to prevent the exploitation of specialized United States military competencies and capabilities by governments of those adversaries of the United States.

(c) PROHIBITION.—Section 207 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(m) PROHIBITION ON ALL MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ACCEPTING EMPLOYMENT WITH DESIGNATED FOREIGN GOVERNMENT ENTITIES.—

''(1) IN GENERAL.—Any person who is a member or former member of the Armed Forces who, on or after the date of the enactment of this subsection, knowingly accepts employment for or occupies a position with a designated entity shall be punished as provided in section 216(a)(2) of this title.

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

''(A) DESIGNATED ENTITY.—The term 'designated entity' means any entity determined by the Secretary of Defense to be associated with or to provide substantial support to the military of a designated foreign government.

''(B) DESIGNATED FOREIGN GOVERNMENT.—The term 'designated foreign government' means a government, at the national, regional, or local level, in—

''(i) the People's Republic of China; or

''(ii) the Russian Federation.''.

(d) WRITTEN NOTICE ABOUT PROHIBITION.—The Secretary of Defense or the Secretary of Veterans Affairs, as appropriate, shall provide written notice of the prohibition under subsection (m) of section 207 of title 18, United States Code, as added by subsection (c)—

(1) to any person subject to the prohibition as of the date of the enactment of this Act, as soon as practicable after such date of enactment; and

(2) to any person who becomes subject to the prohibition after such date of enactment, as soon as practicable thereafter.

SA 578. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title XII, strike subtitle E and insert the following:

Subtitle E—Securing Maritime Data From China

SEC. 1271. SHORT TITLE.

This subtitle may be cited as the ''Securing Maritime Data From China Act of 2023''.

SEC. 1272. COUNTERING THE SPREAD OF LOGINK.

(a) CONTRACTING PROHIBITION.—

(1) IN GENERAL.—The Department of Defense shall not enter into any contract with an entity that uses covered logistics software.

(2) APPLICABILITY.—This subsection applies with respect to any contract entered into on or after the date that is 180 days after the enactment of this section.

(b) WAIVER.—The Secretary of Defense may waive the provisions of this section for a specific contract—

(1) if the Secretary makes a determination that such waiver is vital to the national security of the United States; and

(2) submits a report to Congress as to why such waiver was granted and why it was vital to the national security of the United States.

(c) REPORTING.—The Secretary of Defense shall issue reports to Congress beginning within one year of the date of the enactment of this Act and continuing for three years thereafter on the implementation of this section.

SEC. 1273. POLICY WITH RESPECT TO PORTS ACCEPTING FEDERAL GRANT MONEY.

(a) PROHIBITED USE.—

(1) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 50309. Prohibited use

''(a) IN GENERAL.—A covered port authority shall not utilize covered logistics software, as defined in section 5 of the Securing Maritime Data From China Act of 2023.

''(b) GUIDANCE.—The Secretary of Transportation in consultation with the Secretary of Defense shall publish on the website of the Department of Transportation, and update regularly, a list of entities subject to the prohibition in subsection (a).

''(c) CONSULTATION.—The Secretary of Transportation shall consult with the Department of State in carrying out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50308 the following new item:

''50309. Prohibited use.''.

(b) APPLICABILITY.—This subsection applies with respect to any contract entered into on or after the date that is two years after the date of the enactment of this section.

(c) WAIVER.—The Secretary of Transportation, in consultation with the Secretary of State, may waive the provisions of this section for a specific contract—

(1) if the Secretary makes a determination that such waiver is vital to the national security of the United States; and

(2) submits a report to Congress as to why such waiver was granted and why it was vital to the national security of the United States.

(d) REPORTING.—The Secretary of Transportation shall issue reports to Congress beginning within one year of the date of the enactment of this Act and continuing for three years thereafter on the implementation of this section.

SEC. 1274. NEGOTIATIONS WITH ALLIES AND PARTNERS.

(a) NEGOTIATIONS REQUIRED.—The Secretary of State shall enter into negotiations with United States allies and partners, including those described in subsection (c), if the President determines that ports or other entities operating within the jurisdiction of such allies and partners are using or are considering using covered logistics software.

(b) ELEMENTS.—As part of the negotiations described in subsection (a), the President shall—

(1) urge governments to require entities within their countries to terminate their use of covered logistics software;

(2) describe the threats posed by covered logistics software to the United States military and strategic interests and the implications this threat may have for the presence of the United States armed forces in such countries;

(3) urge governments to use their voice, influence, and vote to align with the United States and to counter attempts by foreign adversaries at international standards-setting bodies to adopt standards that incorporate covered logistics software; and

(4) attempt to establish, through multilateral entities, bilateral or multilateral negotiations, military cooperation, and other relevant engagements or agreements, a prohibition on the use of LOGINK and other covered logistics software.

(c) ALLIES AND PARTNERS DESCRIBED.—The countries and entities with which the President shall conduct negotiations described in this subsection include, but are not limited to—

(1) all countries party to a collective defense arrangement with the United States;

(2) India; and

(3) Taiwan.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees describing—

(1) the efforts made by the United States Government thus far in the negotiations described in this section; and

(2) the actions taken by the governments of allies and partners pursuant to the negotiation priorities described in this section.

SEC. 1275. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) COVERED LOGISTICS SOFTWARE.—The term ''covered logistics software'' means—

(A) the public, open, shared logistics information network known as the National Public Information Platform for Transportation and Logistics by the Ministry of Transport of China or any affiliate or successor entity;

(B) any other transportation logistics software designed to be used by port authorities subject to the jurisdiction, ownership, direction, or control of a foreign adversary; or

(C) any other logistics platform or software that shares data with a system described in subparagraph (A) or (B).

(3) COVERED PORT AUTHORITY.—The term ''covered port authority'' means a port authority that receives funding from any Federal agency.

(4) FOREIGN ADVERSARY.—The term ''foreign adversary'' means—

(A) the People's Republic of China, including the Hong Kong and Macau Special Administrative Regions;

(B) the Republic of Cuba;

(C) the Islamic Republic of Iran;

(D) the Democratic People's Republic of Korea;

(E) the Russian Federation; and

(F) the Bolivarian Republic of Venezuela under the regime of Nicholas Maduro Moros.

SA 579. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—AUKUS Partnership

SEC. 1299L. ACCEPTANCE OF CONTRIBUTIONS IN SUPPORT OF AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES.

(a) IN GENERAL.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2608 the following new section:

''§ 2609. Acceptance of contributions for Australia, United Kingdom, and United States submarine security activities; Submarine Security Activities Account

''(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from the Government of Australia contributions of money made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities between Australia, the United Kingdom, and the United States (in this section referred to as 'AUKUS').

''(b) ESTABLISHMENT OF SUBMARINE SECURITY ACTIVITIES ACCOUNT.—(1) There is established in the Treasury of the United States a special account to be known as the 'Submarine Security Activities Account'.

''(2) Contributions of money accepted by the Secretary of Defense under subsection (a) shall be credited to the Submarine Security Activities Account.

''(c) USE OF THE SUBMARINE SECURITY ACTIVITIES ACCOUNT.—(1) The Secretary of Defense may use funds in the Submarine Security Activities Account—

''(A) for any purpose authorized by law that the Secretary determines would support AUKUS submarine security activities; or

''(B) to carry out a military construction project that is consistent with the purposes for which the contributions were made and is not otherwise authorized by law.

''(2) Funds in the Submarine Security Activities Account may be used as described in this subsection without further specific authorization in law.

''(d) TRANSFERS OF FUNDS.—(1) In carrying out subsection (c), the Secretary of Defense may transfer funds available in the Submarine Security Activities Account to appropriations available to the Department of Defense.

''(2) In carrying out subsection (c), and in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Secretary of Defense may transfer funds available in the Submarine Security Activities Account to appropriations or funds of the Department of Energy available to carry out activities related to AUKUS submarine security activities.

''(3) Funds transferred under this subsection shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred.

''(4) Upon a determination by the Secretary that all or part of the funds transferred from the Submarine Security Activities Account are not necessary for the purposes for which such funds were transferred, all or such part of such funds shall be transferred back to the Submarine Security Activities Account.

''(e) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Submarine Security Activities Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

''(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Submarine Security Activities Account.

''(f) RELATIONSHIP TO OTHER LAWS.—The authority to accept or transfer funds under this section is in addition to any other authority to accept or transfer funds.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of title 10, United States Code, is amended by inserting after the item relating to section 2608 the following new item:

''2609. Acceptance of contributions for Australia, United Kingdom, and United States submarine security activities; Submarine Security Activities Account.''.

SEC. 1299M. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES.

(a) AUTHORIZATION TO TRANSFER SUBMARINES.—

(1) IN GENERAL.—Subject to paragraph (6), the President may transfer not more than two Virginia class submarines from the inventory of the Navy to the Government of Australia on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) COSTS OF TRANSFER.—Any expense incurred by the United States in connection with a transfer under this subsection shall be charged to the Government of Australia.

(3) WAIVER OF CERTIFICATION REQUIREMENT.—The requirement for the Chief of Naval Operations to make a certification under section 8678 of title 10, United States Code, shall not apply to a transfer under this subsection.

(4) USE OF FUNDS.—The Secretary of the Navy may use the proceeds of a transfer under this subsection—

(A) for the acquisition of vessels to replace the vessels transferred to the Government of Australia; or

(B) to carry out any other authority the use of which the Secretary of the Navy determines would improve the submarine industrial base.

(5) CREDITING OF RECEIPTS.—Notwithstanding any provision of law pertaining to the crediting of amounts received from a sale under section 21 the Arms Export Control Act (22 U.S.C. 2761), any amounts received by the United States as a result of a transfer under this subsection shall—

(A) be credited, at the discretion of the Secretary of the Navy, to—

(i) the appropriation account or fund from which amounts were expended for the cost of the applicable vessel;

(ii) an appropriate appropriation account or fund from which, as of the date of the transfer, amounts are available for constructing Virginia class submarines; or

(iii) any other appropriation account or fund from which amounts are available for the purpose specified in paragraph (4)(B); and

(B) remain available for obligation until expended for the same purpose as other amounts in the appropriation account or fund to which the receipt is credited.

(6) APPLICABILITY OF EXISTING LAW TO TRANSFER OF SPECIAL NUCLEAR MATERIAL AND UTILIZATION FACILITIES FOR MILITARY APPLICATIONS.—

(A) IN GENERAL.—With respect to any special nuclear material for use in utilization facilities or any portion of a vessel transferred under this subsection constituting utilization facilities for military applications under section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121), transfer of such material or such facilities shall occur only in accordance with such section 91.

(B) USE OF FUNDS.—The Secretary of Energy may use proceeds from a transfer described in subparagraph (A) for the acquisition of submarine naval nuclear propulsion plants and nuclear fuel to replace the propulsion plants and fuel transferred to the Government of Australia.

(b) REPAIR AND REFURBISHMENT OF AUKUS SUBMARINES.—Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) REPAIR AND REFURBISHMENT OF CERTAIN SUBMARINES.—

''(1) SHIPYARD.—Notwithstanding any other provision of this section, the Secretary of the Navy shall determine the appropriate shipyard in the United States, Australia, or the United Kingdom to perform any repair or refurbishment of a United States submarine involved in submarine security activities between Australia, the United Kingdom, and the United States.

''(2) PERSONNEL.—Repair or refurbishment described in paragraph (1) may be carried out by personnel of the United States, the United Kingdom, or Australia in accordance with the international arrangements governing the submarine security activities described in such paragraph.''.

SEC. 1299N. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY TRAINING.

(a) IN GENERAL.—The President may transfer or authorize export of defense services to the Government of Australia under the Arms Export Control Act (22 U.S.C. 2751 et seq.) that may also be directly exported to private-sector personnel in Australia to support the development of the Australian submarine industrial base necessary for submarine security activities between Australia, the United Kingdom, and the United

States (in this section referred to as ''AUKUS''), including where such private-sector personnel are not officers, employees, or agents of the Government of Australia.

(b) APPLICATION OF REQUIREMENTS FOR FURTHER TRANSFER.—Any transfer of defense services to the Government of Australia pursuant to subsection (a) to persons other than those directly provided such defense services pursuant to such subsection shall only be made in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

SEC. 1299O. AUKUS DEFENSE TRADE PARTNERSHIP.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(l) AUKUS DEFENSE TRADE COOPERATION.—

''(1) EXEMPTION FROM LICENSING AND APPROVAL REQUIREMENTS.—Subject to paragraph (2) and notwithstanding any other provision of this section, the Secretary of State may exempt from the licensing or other approval requirements under this section exports and transfers (including reexports, retransfers, temporary imports, and brokering activities) of defense articles and defense services between or among the United States, the United Kingdom, and Australia that—

''(A) are not excluded by those countries;

''(B) are not referred to in subsection (j)(1)(C)(ii); and

''(C) involve only entities that are approved by relevant authorities within those countries.

''(2) REQUIRED STANDARDS OF EXPORT CONTROLS.—The Secretary of State may only exercise the authority under paragraph (1) with respect to the United Kingdom or Australia after the Secretary submits to Congress a certification that the country concerned has implemented standards for a system of export controls that satisfies the elements described in subsection (j)(2)(A) for defense articles and defense services, and for controlling the provision of military training, that are at least comparable to those administered by the United States.

''(3) REEXPORTS AND RETRANSFERS.—

''(A) EXEMPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—Paragraphs (1) through (3) of section 3(d) shall not apply to transfers described in paragraph (1) (including transfers of United States Government sales or grants, or commercial exports authorized under this Act) among the United States, the United Kingdom, or Australia.

''(B) REPORTS OF TRANSFERS.—The Secretary of State shall require all transfers that would be subject to the requirements under paragraphs (1) through (3) of section 3(d) but for the application of subparagraph (A) to be reported to the Secretary on a quarterly basis.''.

SA 580. Mr. KAINE (for himself and Mr. CRAMER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. VIRGINIA CLASS SUBMARINE TRANSFER CERTIFICATION.

(a) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Not less than 60 days prior to transferring one or more Virginia class submarines from the inventory of the United States Navy to the Government of Australia, under section 21 of the Arms Export Control Act (22 U.S.C. 2761), the President shall certify to the appropriate congressional committees that—

(A) any submarine transferred under such authority shall be used to support the joint security interests and military operations of the United States and Australia;

(B) Submarine Rotational Forces-West Full Operational Capability to support 4 rotationally deployed Virginia-class submarines and one Astute-class submarine has been achieved, including the Government of Australia having demonstrated the domestic capacity to fully perform all the associated activities necessary for the safe hosting and operation of nuclear-powered submarines; and

(C) Australia Sovereign-Ready Initial Operational Capability to support a Royal Australian Navy Virginia-class submarine has been achieved, including the Government of Australia having demonstrated the domestic capacity to fully perform all the associated—

(i) activities necessary for the safe hosting and operation of nuclear-powered submarines;

(ii) crewing;

(iii) operations;

(iv) regulatory and emergency procedures, including those specific to nuclear power plants; and

(v) detailed planning for enduring Virginia-class submarine ownership, including each significant event leading up to and including nuclear defueling.

(b) DEFINITIONS.—In this section:

(1) ACTIVITIES NECESSARY FOR THE SAFE HOSTING OR OPERATION OF NUCLEAR-POWERED SUBMARINES.—The term ''activities necessary for the safe hosting and operation of nuclear-powered submarines'' means each of the following activities as it relates to Virginia-class and Astute-class submarines, as appropriate, and in accordance with applicable United States Navy or other Government agency instructions, regulations, and standards:

(A) Maintenance.

(B) Training.

(C) Technical oversight.

(D) Safety certifications.

(E) Physical, communications, operational, cyber, and other security measures.

(F) Port operations and infrastructure support.

(G) Storage, including spare parts, repair parts, and munitions.

(H) Hazardous material handling and storage.

(I) Information technology systems.

(J) Support functions, including those related to medical, quality-of-life, and family needs.

(K) Such other related tasks as may be specified by the Secretary of Defense.

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

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SA 581. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS.

(a) DEFINITION.—In this section, the term ''foreign adversary'' means a foreign government that the President has determined to pose a significant national security risk to the United States or individuals in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should undertake a rulemaking process to protect United States data linked to sensitive populations that could be exploited by foreign adversaries to the detriment of the national security of the United States while preserving freedom of expression and rights under the Constitution of the United States; and

(2) the Information and Communications Technology and Services Supply Chain security program of the Department of Commerce should be authorized to identify, assess, and mitigate risks to the information and communications technology and services supply chain in the United States.

SA 582. Mr. WARNER (for himself and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. RELEASE OF EDUCATION RECORDS TO FACILITATE THE AWARD OF A RECOGNIZED POSTSECONDARY CREDENTIAL.

Section 444(b)(1) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)) is amended—

(1) in subparagraph (K)(ii), by striking ''and'' after the semicolon;

(2) in subparagraph (L), by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (L) the following:

''(M) an institution of postsecondary education in which the student was previously enrolled, to which records of postsecondary coursework and credits are sent for the purpose of applying such coursework and credits toward completion of a recognized postsecondary credential (as that term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), upon condition that the student provides written consent prior to receiving such credential.''.

SA 583. Mr. BARRASSO (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STREAMLINING PERMITTING PROCESS FOR REPLACING COVERED COMMUNICATIONS EQUIPMENT.

(a) DEFINITIONS.—In this section:

(1) COMMUNICATIONS FACILITY.—The term ''communications facility'' includes—

(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

(B) any antenna or apparatus that—

(i) is designed for the purpose of emitting radio frequency;

(ii)(I) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission; or

(II) is using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, pole, cable, or other structure.

(2) COMMUNICATIONS USE AUTHORIZATION.—The term ''communications use authorization'' means a right-of-way, permit, or lease granted, issued, or executed by a Federal land management agency for the primary purpose of authorizing the occupancy and use of Federal land for the construction, placement, and operation of a communications facility.

(3) COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.—The term ''covered communications equipment or services'' has the meaning given the term in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608).

(4) FEDERAL LAND.—The term ''Federal land'' means land under the jurisdiction and management of a Federal land management agency.

(5) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' means—

(A) the National Park Service;

(B) the Bureau of Land Management;

(C) the Bureau of Reclamation;

(D) the United States Fish and Wildlife Service; and

(E) the Forest Service.

(6) PREVIOUSLY DISTURBED FEDERAL LAND.—The term ''previously disturbed Federal land'', in the case of an application for a communications use authorization, means Federal land with respect to which a communications use authorization has been granted for a substantially similar use.

(7) SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM.—The term ''Secure and Trusted Communications Networks Reimbursement Program'' means the program established under section 4(a) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(a)).

(b) PREVIOUSLY DISTURBED RIGHTS-OF-WAY EXEMPTION.—No review shall be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or division A of subtitle III of title 54, United States Code, as a condition of granting a communications use authorization for the occupancy and use of previously disturbed Federal land in order to replace covered communications equipment or services using a reimbursement under the Secure and Trusted Communications Networks Reimbursement Program.

(c) WIRELESS FACILITY MODIFICATIONS.—Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(a)) is amended by striking paragraph (3).

SA 584. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. PROHIBITION ON RESTRICTIONS ON POWER-GENERATION PROJECTS BY UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION IN CERTAIN COUNTRIES.

(a) SHORT TITLES.—This section may be cited as the ''Providing Opportunities With Energy Resources to Uproot Poverty Act'' or the ''POWER UP Act''.

(b) IN GENERAL.—Section 1451 of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9671) is amended by adding at the end the following:

''(j) PROHIBITION ON RESTRICTIONS ON POWER-GENERATION PROJECTS IN CERTAIN COUNTRIES.—

''(1) PROHIBITION ON CERTAIN RESTRICTIONS ON POWER-GENERATION PROJECTS.—The Corporation may not implement or enforce any rule, regulation, policy, procedure, or guideline that would prohibit or restrict the source of energy used by a power-generation project the purpose of which is to provide affordable electricity in an IDA-eligible country or an IDA-blend country.

''(2) LIMITATION ON BOARD.—The Board of the Corporation may not, whether directly or through authority delegated by the Board, reject a power-generation project in an IDA-eligible country or an IDA-blend country based on the source of energy used by the project.

''(3) ALL-OF-THE-ABOVE ENERGY DEVELOPMENT STRATEGY.—The Corporation shall promote a technology- and fuel-neutral, all-of-the-above energy development strategy for IDA-eligible countries and an IDA-blend countries that includes the use of oil, natural gas, coal, hydroelectric, wind, solar, and geothermal power and other sources of energy.

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

''(A) IDA-ELIGIBLE COUNTRY.—The term 'IDA-eligible country' means a country that—

''(i) is eligible for support from the International Development Association; and

''(ii) is not eligible for support from the International Bank for Reconstruction and Development.

''(B) IDA-BLEND COUNTRY.—The term 'IDA-blend country' means a country that is eligible for support from both the International Development Association and the International Bank for Reconstruction and Development.''.

SA 585. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XII, insert the following:

SEC. _____. SENSE OF CONGRESS ON THE EXPIRATION OF THE UNITED STATES-CHINA AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY.

(a) FINDINGS.—Congress finds the following:

(1) In 1979, the United States and the People's Republic of China signed the Agreement Between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology, signed at Washington (referred to in this section as the ''Agreement'').

(2) The purpose of the Agreement is to promote greater collaboration on civilian research in the fields of agriculture, energy, space, health, environment, earth sciences, engineering, and other such areas of science and technology.

(3) In line with a drive to achieve self-sufficiency across a variety of sectors for national security purposes, including agriculture, health, and environmental technologies, the Communist Party of China has sponsored or allowed widespread predatory economic practices, such as intellectual property theft and forced technology transfer, in all such sectors.

(4) Such predatory economic practices lead to significant costs for United States businesses and the innovation ecosystem of the United States.

(5) In 2019, the Federal Bureau of Investigation estimated that the cost of theft of trade secrets, counterfeit goods, and pirated software could be as much as $600,000,000 per year.

(6) Intellectual property theft and forced technology transfer severely undermine the value of the Agreement and hurting the national security and economic interests of the United States.

(7) The Communist Party of China actively practices a policy of military-civil fusion, which was first documented as a guiding principle for the Communist Party of China in 2007.

(8) According to the Department of State, the goal of military-civil fusion is to ''eliminate barriers between China's civilian research and commercial sectors, and its military and defense industrial sectors... to develop the People's Liberation Army into a world class military by 2049''.

(9) The Agreement has been renewed several times and is set to expire on August 27, 2023, unless the President takes action to renew it.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) due to the standing policy of military-civilian fusion of the Communist Party of China and the history of anticompetitive economic practices of the People's Republic of China, collaborative research conducted under the Agreement could be used—

(A) to support the modernization of the People's Liberation Army; and

(B) through the theft of technology, trade secrets, and other economic information, to exploit economic advantages of the United States; and

(2) allowing the Agreement to expire on August 27, 2023, is a step toward protecting intellectual property and strengthening the national security of the United States.

SA 586. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for

such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XII, insert the following:

SEC. _____. REPORT ON VISA VETTING FOR STUDENTS FROM SEVEN SONS OF NATIONAL DEFENSE UNIVERSITIES AND OTHER ACADEMIC INSTITUTIONS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress finds the following:

(1) The Government of the People's Republic of China is the greatest infringer of intellectual property rights in the world and uses laws and regulations to disadvantage foreign companies.

(2) The Federal Bureau of Investigation estimates that the annual cost to the United States economy of counterfeit goods, pirated software, and theft of trade secrets is between $225,000,000,000 and $600,000,000,000.

(3) The Government of the People's Republic of China recruits students, mostly postgraduate students and postdoctoral researchers studying science, technology, engineering, and mathematics, as collectors of intellectual property to benefit academic institutions, businesses, and defense industries in the People's Republic of China.

(4) The students or graduates of the universities may visit the United States on an exchange program or for postgraduate education and then return to the People's Republic of China to contribute to the military modernization of the country.

(5) In 2022, four Chinese nationals were indicted by the Department of Justice for participation in an intelligence campaign aimed to convert United States citizens into agents of the People's Republic of China.

(6) The four Chinese nationals operated through an academic institute at Ocean University of China, one of the academic institutes identified by the Department of Defense in accordance with section 1286(c)(8) of the John S. McCain National Defense Authorization Act of 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

(7) The Seven Sons of National Defense are the 7 top-ranked universities administered by Ministry of Industry and Information Technology of the People's Republic of China.

(8) The primary purpose of the universities, commonly referred to as ''military academies'', is to support defense research and development and the defense industrial base of the People's Republic of China.

(9) Approximately 75 percent of the graduates of such universities are recruited by state defense industries of the People's Republic of China.

(b) REPORT.—Not more than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the screening process, including a review of social media as part of the process, of foreign nationals entering the United States from the People's Republic of China who attend or have attended—

(A) a Seven Sons of National Defense university; or

(B) an academic institution of the People's Republic of China identified on the list required by section 1286(c)(8) of the John S. McCain National Defense Authorization Act of 2019 (Public Law 115–232; 10 U.S.C. 2358 note);

(2) an assessment of the current vulnerabilities in the screening process, and recommendations for legal, regulatory, or other changes or steps to address such vulnerabilities; and

(3) a confirmation of the number of visas approved and the number of visas denied by the Department of State for students from the People's Republic of China in science, technology, engineering, and mathematics fields, including the number of such students who are pursuing an advanced degree or repeating a degree in such fields.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SA 587. Mr. DURBIN (for himself, Ms. COLLINS, Mr. REED, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. BROWN, Mr. KAINE, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. PROHIBITION ON SMOKING IN FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) PROHIBITION.—

(1) IN GENERAL.—Section 1715 of title 38, United States Code, is amended to read as follows:

''§ 1715. Prohibition on smoking in facilities of the Veterans Health Administration

''(a) PROHIBITION.—No person (including any veteran, patient, resident, employee of the Department, contractor, or visitor) may smoke on the premises of any facility of the Veterans Health Administration.

''(b) DEFINITIONS.—In this section:

''(1) The term 'facility of the Veterans Health Administration' means any land or building (including any medical center, nursing home, domiciliary facility, outpatient clinic, or center that provides readjustment counseling) that is—

''(A) under the jurisdiction of the Department of Veterans Affairs;

''(B) under the control of the Veterans Health Administration; and

''(C) not under the control of the General Services Administration.

''(2) The term 'smoke' includes—

''(A) the use of cigarettes, cigars, pipes, and any other combustion or heating of tobacco; and

''(B) the use of any electronic nicotine delivery system, including electronic or e-cigarettes, vape pens, and e-cigars.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by striking the item relating to section 1715 and inserting the following new item:

''1715. Prohibition on smoking in facilities of the Veterans Health Administration.''.

(b) CONFORMING AMENDMENT.—Section 526 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1715 note) is repealed.

SA 588. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. LIMITATION ON ATTORNEY FEES FOR FEDERAL CAUSE OF ACTION RELATING TO WATER AT CAMP LEJEUNE, NORTH CAROLINA.

Section 804 of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (Public Law 117–168; 28 U.S.C. 2671 note prec.) is amended by adding at the end the following new subsection:

''(k) ATTORNEY FEES.—

''(1) LIMITATIONS.—No legal representative of an individual who brings an action under subsection (b) or who presents a claim under section 2675 of title 28, United States Code, pursuant to subsection (h) shall charge, demand, receive, or collect for services rendered in bringing such action or presenting such claim, fees in excess of—

''(A) 20 percent of an award, compromise, or settlement made or reached within 180 days after presenting a claim under section 2675 of title 28, United States Code, pursuant to subsection (h); and

''(B) 33.3 percent on a claim that is resolved by settlement, compromise, or judgement after the initiation of an action.

''(2) TERMS FOR PAYMENT OF FEES.—Any judgment rendered, settlement entered, compromise made, or other award made with respect to an action brought under subsection (b) or a claim presented under section 2675 of title 28, United States Code, pursuant to subsection (h) by a legal representative of an individual shall require the following:

''(A) All funds from the judgment, settlement, compromise, or other award shall be deposited into an account held in trust for the individual in accordance with all applicable provisions of State law.

''(B) The legal representative shall—

''(i) once any funds described in subparagraph (A) have been deposited into an account pursuant to such subparagraph, notify the individual of such deposit; and

''(ii) promptly deliver to such individual such amount of such funds as the individual is entitled to receive.

''(C) That no funds shall be paid from the account described in subparagraph (A) to a legal representative of the individual as compensation for services rendered to such individual until the relevant funds from such account have been disbursed to the individual in accordance with subparagraph (B).

''(3) PENALTIES.—

''(A) FEE LIMITATIONS.—Any legal representative who charges, demands, receives, or collects for services rendered in connection with an action under subsection (b) or a claim under section 2675 of title 28, United States Code, pursuant to subsection (h), any amount in excess of that allowed under paragraph (1) of this subsection, if recovery be had, shall be fined not more than $5,000.

''(B) TERMS FOR PAYMENT.—Failure of a legal representative subject to paragraph (2) to comply with a requirement of such paragraph shall be punishable consistent with the penalties provided in section 2678 of title 28, United States Code.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to annul, alter, affect, or exempt any person from

complying with the laws of any State or locality with respect to the practice of law, except to the extent that those laws are inconsistent with any provision of this subsection, and then only to the extent of the inconsistency.''.

SA 589. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 715. MODIFICATION OF REQUIREMENT TO TRANSFER RESEARCH AND DEVELOPMENT AND PUBLIC HEALTH FUNCTIONS TO DEFENSE HEALTH AGENCY.

Section 720(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 10 U.S.C. 1073c note) is amended, in the matter preceding paragraph (1), by striking ''February 1, 2024'' and inserting ''February 1, 2025''.

SA 590. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. EXTENSION OF AUTHORITY TO WAIVE LIMITATIONS ON THE TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.

Section 205(d)(2) of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 3053), is amended by striking ''one fiscal year'' and inserting ''three fiscal years''.

SA 591. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place title X, insert the following:

Subtitle _____—Strengthening Sanctions on Fentanyl Traffickers Act of 2023

SEC. _____. SHORT TITLE.

This subtitle may be cited as the ''Strengthening Sanctions on Fentanyl Traffickers Act of 2023''.

SEC. _____. PRIORITIZATION OF IDENTIFICATION OF PERSONS FROM THE PEOPLE'S REPUBLIC OF CHINA.

Section 7211 of the Fentanyl Sanctions Act (21 U.S.C. 2311) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) PRIORITIZATION.—

''(A) IN GENERAL.—In preparing the report required by paragraph (1), the President shall prioritize the identification of persons of the People's Republic of China involved in the shipment of fentanyl, fentanyl analogues, fentanyl precursors, precursors for fentanyl analogues, pre-precursors for fentanyl and fentanyl analogues, and equipment for the manufacturing of fentanyl and fentanyl-laced counterfeit pills to Mexico or any other country that is involved in the production of fentanyl that is trafficked into the United States, including—

''(i) any entity involved in the production of pharmaceuticals; and

''(ii) any person that is acting on behalf of any such entity.

''(B) TERMINATION OF PRIORITIZATION.—

''(i) The President shall continue the prioritization described in subparagraph (A) until the People's Republic of China is no longer the primary source for the shipment of fentanyl, fentanyl analogues, fentanyl precursors, precursors for fentanyl analogues, pre-precursors for fentanyl and fentanyl analogues, and equipment for the manufacturing of fentanyl and fentanyl-laced counterfeit pills to Mexico or any other country that is involved in the production of fentanyl that is trafficked into the United States; and

''(ii) the President so certifies to the appropriate congressional committees.

''(C) PERSON OF THE PEOPLE'S REPUBLIC OF CHINA DEFINED.—In this section, the term 'person of the People's Republic of China' means—

''(i) an individual who is a citizen or national of the People's Republic of China; or

''(ii) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.''; and

(2) in subsection (c), by striking ''the date that is 5 years after such date of enactment'' and inserting ''December 31, 2030''.

SEC. _____. SANCTIONS WITH RESPECT TO SIGNIFICANT FENTANYL TRAFFICKING ORGANIZATIONS.

(a) IN GENERAL.—United States sanctions imposed on the transnational criminal organizations listed in subsection (b) provided for in the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), as in effect on the date of the enactment of this Act, shall remain in effect except as provided in subsection (c).

(b) TRANSNATIONAL CRIMINAL ORGANIZATIONS.—The transnational criminal organizations listed in this subsection are the following:

(1) The Sinaloa Cartel.
(2) The Jalisco New Generation Cartel.
(3) The Beltran-Leyva Organization.
(4) Los Zetas.
(5) The Guerreros Unidos.
(6) The Gulf Cartel.
(7) The Juarez Cartel.
(8) La Familia Michocana.
(9) Los Rojos.

(c) TERMINATION OF CERTAIN SANCTIONS.—The President may terminate the application of any sanctions described in subsection (a) with respect to any transnational criminal organization listed in subsection (b) if the President submits to the appropriate congressional committees a notice that such transnational criminal organization is not engaging in the activity that was the basis for such sanctions.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

SEC. _____. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS INVOLVED IN GLOBAL ILLICIT DRUG TRADE.

(a) IN GENERAL.—The President may impose any of the sanctions described in subsection (b) with respect to any foreign person determined by the President—

(1) to have engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international trafficking of illicit drugs or their means of production;

(2) to have knowingly received any property or interest in property that the foreign person knows—

(A) constitutes or is derived from proceeds of activities or transactions described in paragraph (1); or

(B) was used or intended to be used to commit or to facilitate such activities or transactions;

(3) to have provided, or attempted to provide, financial, material, or technological support for, or goods or services in support of—

(A) any activity or transaction described in paragraph (1); or

(B) any sanctioned person;

(4) to be a leader or official of any sanctioned person or of any foreign person that has engaged in any activity or transaction described in paragraph (1); or

(5) to be owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, any sanctioned person.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The President may, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in property and interests in property of the sanctioned person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) BANKING TRANSACTIONS.—The President may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The President may prohibit any United States financial institution from making loans or providing credit to the sanctioned person.

(4) FOREIGN EXCHANGE TRANSACTIONS.—The President may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

(5) PROHIBITION ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the sanctioned person.

(6) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The President may direct that the following prohibitions be imposed with respect to a sanctioned person that is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(7) PROCUREMENT BAN.—The President may direct that the United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(8) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a leader, official, senior executive officer, or director of, or a shareholder with a controlling interest in, the sanctioned person.

(9) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the sanctioned person, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(c) INADMISSIBILITY OF CERTAIN SANCTIONED PERSONS.—

(1) VISAS, ADMISSION, OR PAROLE.—Except as provided by paragraph (3), an alien with respect to whom the President imposed sanctions under paragraph (1) or (8) of subsection (b) shall be—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—The visa or other entry documentation of any alien described in paragraph (1) is subject to revocation regardless of the date on which the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under subparagraph (A) shall—

(i) take effect immediately; and

(ii) cancel any other valid visa or entry documentation that is in the possession of the alien.

(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply with respect to the admission of an alien described in paragraph (1) if the President determines that the admission of the alien would not be contrary to the interests of the United States, including if the Secretary of State or the Secretary of Homeland Security, as appropriate, determines, based on a recommendation of the Attorney General, that the admission of the alien would further important United States law enforcement objectives.

(d) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(e) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this Act shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(f) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN; LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL.—The terms ''admission'', ''admitted'', ''alien'', ''lawfully admitted for permanent residence'', and ''national'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(3) FINANCIAL INSTITUTION.—The term ''financial institution'' includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(1))), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)));

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter; and

(E) any other entity that provides financial services.

(4) KNOWINGLY; KNOWS.—The terms ''knowingly'' and ''knows'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) MEANS OF PRODUCTION.—The terms ''means of production'' includes any activities or transactions involving any equipment, chemical, product, or material that may be used, directly or indirectly, in the manufacture of illicit drugs or precursor chemicals.

(6) PERSON.—The term ''person'' means an individual or entity.

(7) PROLIFERATION OF ILLICIT DRUGS.—The term ''proliferation of illicit drugs'' means any illicit activity to produce, manufacture, distribute, sell, or knowingly finance or transport narcotic drugs, controlled substances, listed chemicals, or controlled substance analogues, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(8) SANCTIONED PERSON.—The term ''sanctioned person'' means any person with respect to which sanctions are imposed under this section.

(9) UNITED STATES FINANCIAL INSTITUTION.—The term ''United States financial institution'' means a financial institution (including its foreign branches)—

(A) organized under the laws of the United States or of any jurisdiction within the United States; or

(B) located in the United States.

SA 592. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. RESOURCES FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

Section 302(d) of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741(d)) is amended—

(1) in the subsection heading, by striking ''RESOURCE GUIDANCE'' and inserting ''RESOURCES FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD'';

(2) in paragraph (1), by striking the paragraph heading and all that follows through ''Not later than'' and inserting the following:

''(1) RESOURCE GUIDANCE.—

''(A) IN GENERAL.—Not later than'';

(3) in paragraph (2), by redesignating subparagraphs (A), (B), (C), (D), and (E) and clauses (i), (ii), (iii), (iv), and (v), respectively, and moving such clauses (as so redesignated) 2 ems to the right;

(4) by redesignating paragraph (2) as subparagraph (B) and moving such subparagraph (as so redesignated) 2 ems to the right;

(5) in subparagraph (B), as redesignated by paragraph (4), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(6) by adding at the end the following:

''(2) TRAVEL ASSISTANCE.—

''(A) FAMILY ADVOCACY.—For the purpose of facilitating meetings between the United States Government and the family members of United States nationals unlawfully or wrongfully detained abroad, the Secretary shall provide financial assistance to cover the costs of travel to Washington, D.C., including travel by air, train, bus, or other transit as appropriate, to any individual who—

''(i) is—

''(I) a family member of a United States national unlawfully or wrongfully detained abroad as determined by the Secretary under subsection (a); or

''(II) an appropriate individual who—

''(aa) is approved by the Special Presidential Envoy for Hostage Affairs; and

''(bb) does not represent in any legal capacity a United States national unlawfully or wrongfully detained abroad or the family of such United States national;

''(ii) has a permanent address that is more than 50 miles from Washington, D.C.; and

''(iii) requests such assistance.

''(B) TRAVEL AND LODGING.—

''(i) IN GENERAL.—For each such United States national unlawfully or wrongfully detained abroad, the financial assistance described in subparagraph (A) shall be provided for not more than 2 trips per fiscal year, unless the Special Presidential Envoy for Hostage Affairs determines that a third trip is warranted.

''(ii) LIMITATIONS.—Any trip described in clause (i) shall—

''(I) consist of not more than 2 family members or other individuals approved in accordance with subparagraph (A)(i)(II), unless the Special Presidential Envoy for Hostage Affairs determines that circumstances warrant an additional family member or other individual approved in accordance with subparagraph (A)(i)(II) and approves assistance to such third family member or other individual; and

''(II) not exceed more than 2 nights lodging, which shall not exceed the applicable government rate.

''(C) RETURN TRAVEL.—If other United States Government assistance is unavailable, the Secretary may provide to a United States national unlawfully or wrongfully detained abroad as determined by the Secretary under subsection (a), compensation and assistance, as necessary, for return travel to the United States upon release of such United States national.

''(3) SUPPORT.—The Secretary shall seek to make available operational psychologists and clinical social workers, to support the mental health and well-being of—

''(A) any United States national unlawfully or wrongfully detained abroad; and

''(B) any family member of such United States national, with regard to the psychological, social, and mental health effects of such unlawful or wrongful detention.

''(4) NOTIFICATION REQUIREMENT.—The Secretary shall notify the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives of any amount spent above $250,000 for any fiscal year to carry out paragraphs (2) and (3).

''(5) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committee on Foreign Affairs and Appropriations of the House of Representatives a report that includes—

''(A) a detailed description of expenditures made pursuant to paragraphs (2) and (3);

''(B) a detailed description of support provided pursuant to paragraph (3) and the individuals providing such support; and

''(C) the number and location of visits outside of Washington, D.C., during the prior fiscal year made by the Special Presidential Envoy for Hostage Affairs to family members of each United States national unlawfully or wrongfully detained abroad.

''(6) SUNSET.—The authority and requirements under paragraphs (2), (3), (4), and (5) shall terminate on December 31, 2027.

''(7) FAMILY MEMBER DEFINED.—In this subsection, the term 'family member' means a spouse, father, mother, child, brother, sister, grandparent, grandchild, aunt, uncle, nephew, niece, cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.''.

SA 593. Ms. CORTEZ MASTO (for herself and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. DATA MATCHING AGREEMENT WITH THE DEPARTMENT OF EDUCATION.

The Secretary of Defense shall complete a data matching agreement with the Secretary of Education in order to ensure that individuals who are current or former active-duty military service members and are eligible for assistance under the public service loan forgiveness program under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)) have their certified periods of employment automatically counted towards the public service loan forgiveness program.

SA 594. Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. TRANSFER OF LAND INTO TRUST FOR THE PALA BAND OF MISSION INDIANS.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBE.—The term ''Tribe'' means the Pala Band of Mission Indians.

(b) TRANSFER AND ADMINISTRATION.—

(1) TRANSFER OF LAND INTO TRUST.—If, not later than 180 days after the date of enactment of this Act, the Tribe transfers title to the land referred to in subsection (c) to the United States, the Secretary, not later than 180 days after the date of that transfer, shall take that land into trust for the benefit of the Tribe.

(2) ADMINISTRATION.—The land taken into trust under paragraph (1) shall be part of the Pala Indian Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe.

(c) LAND DESCRIPTION.—The land referred to in subsection (b)(1) is the approximately 721.12 acres of land located in San Diego County, California, generally depicted as ''Gregory Canyon Property Boundary'' on the map entitled ''Pala Gregory Canyon Property Boundary and Parcels'' and dated May 12, 2020.

(d) RULES OF CONSTRUCTION.—Nothing in this section—

(1) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land that is in existence before the date of enactment of this Act;

(2) affects any water right of the Tribe in existence before the date of enactment of this Act; or

(3) terminates or limits any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of enactment of this Act.

(e) RESTRICTED USE OF TRANSFERRED LANDS.—The Tribe may not conduct, on the land taken into trust under subsection (b)(1), gaming activities—

(1) as a matter of claimed inherent authority; or

(2) under any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and regulations promulgated by the Secretary or the National Indian Gaming Commission under that Act.

SA 595. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. INVESTING IN CURES BEFORE MISSILES ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''Investing in Cures Before Missiles Act of 2023'' or the ''ICBM Act''.

(b) FINDINGS.—Congress finds the following:

(1) According to the Congressional Budget Office, the projected cost to sustain and modernize the United States nuclear arsenal, as of 2017, ''is $1.2 trillion in 2017 dollars over the 2017–2046 period: more than $800 billion to operate and sustain (that is, incrementally upgrade) nuclear forces and about $400 billion to modernize them''. With inflation, the cost rises to $1,700,000,000,000 and does not include the cost of the additional nuclear capabilities proposed in the 2018 Nuclear Posture Review.

(2) The Government Accountability Office found in July 2020 that the Department of Defense and the National Nuclear Security Administration have still not taken meaningful steps to address affordability concerns or heeded the Government Accountability Office's recommendation to consider ''deferring the start of or cancelling specific modernization programs'', including the W87–1 warhead modification program, to address increases in the weapons activities budget requests of the National Nuclear Security Administration.

(3) The LGM-35A Sentinel weapon system (formerly known as the Ground Based Strategic Deterrent) is expected to cost between $93,100,000,000 and $95,800,000,000, which does not include the cost of the W87–1 warhead modification program or the cost to produce new plutonium pits for the warhead. The total estimated life cycle cost of the LGM-35A Sentinel weapon system is $264,000,000,000, and the program is intended to replace 400 deployed Minuteman III missiles with more than 600 new missiles, to allow for test flights and spares.

(4) The Air Force awarded a sole-source contract to Northrop Grumman for the engineering and manufacturing component of the LGM-35A Sentinel weapon system in September 2020, raising concerns that the absence of competition for the award may result in higher than projected costs to United States taxpayers.

(5) The National Nuclear Security Administration is also in the early stages of developing a replacement intercontinental ballistic missile warhead, the W87–1, and expanding plutonium pit production to build new warhead cores, costing at least $12,000,000,000 and $9,000,000,000, respectively, to meet the modernization needs of the LGM-35A Sentinel weapon system.

(6) Maintaining and updating the current Minuteman III missiles is possible for multiple decades and, according to the Congressional Budget Office, through 2036, this would cost $37,000,000,000 less in 2017 dollars than developing and deploying the LGM-35A Sentinel weapon system. The Congressional Budget Office estimates that between 2021 and 2030, the United States has budgeted $82,000,000,000 for intercontinental ballistic missiles.

(7) A public opinion poll conducted from October 12 to 28, 2020, by ReThink Media and the Federation of American Scientists found that only 26 percent of registered voters in the United States preferred replacing the Minuteman III intercontinental ballistic missile with the LGM-35A Sentinel weapon system, as compared to 60 percent of registered voters who opposed replacing the Minuteman III missile.

(8) On April 3, 2019, Lieutenant General Richard M. Clark, then-Air Force Deputy Chief of Staff for Strategic Deterrence and Nuclear Integration, noted in testimony before the Committee on Armed Services of the House of Representatives that we have ''one more opportunity'' to conduct life extension on the Minuteman III intercontinental ballistic missile, indicating the technical feasibility of extending the Minuteman III missile despite his stated preference for the LGM-35A Sentinel weapon system.

(9) Even in the absence of an intercontinental ballistic missile leg of the triad, the 2018 Nuclear Posture Review signaled that the United States would have an assured retaliatory capability in the form of several ballistic missile submarines, which are, ''at present, virtually undetectable, and there are no known, near-term credible threats to

the survivability of the [ballistic missile submarine] force'', a benefit that will be enhanced as the Department of Defense moves to replace the Ohio class ballistic submarine fleet with the new Columbia class ballistic missile fleet.

(10) While intercontinental ballistic missiles had historically been the most responsive leg of the United States nuclear triad, advances in ballistic missile submarine communications to allow for the dissemination of emergency action messages in wartime have negated that advantage.

(11) Intercontinental ballistic missiles cannot be recalled, leaving decision makers with mere minutes to decide whether to launch the missiles before they are destroyed, known as a posture of ''launch on warning'' or ''launch under attack'' in the face of a perceived nuclear attack, greatly increasing the risk of a national leader initiating a nuclear war by mistake.

(12) In 1983, Stanislav Petrov, a former lieutenant colonel of the Soviet Air Defense Forces correctly identified a false warning in an early warning system that showed several United States incoming nuclear missiles, preventing Soviet leaders from launching a retaliatory response, earning Colonel Petrov the nickname ''the man who saved the world''.

(13) Former Secretary of Defense William Perry, who once briefed President Bill Clinton on a suspected Russian first nuclear strike, wrote that the ground-based leg of the nuclear triad is ''destabilizing because it invites an attack'' and intercontinental ballistic missiles are ''some of the most dangerous weapons in the world'' and ''could even trigger an accidental nuclear war''.

(14) General James Cartwright, former vice chair of the Joint Chiefs of Staff and former Commander of the United States Strategic Command, wrote, with Secretary Perry, ''[T]he greatest danger is not a Russian bolt but a US blunder—that we might accidentally stumble into nuclear war. As we make decisions about which weapons to buy, we should use this simple rule: If a nuclear weapon increases the risk of accidental war and is not needed to deter an intentional attack, we should not build it. . . . Certain nuclear weapons, such as . . . the [intercontinental ballistic missile], carry higher risks of accidental war that, fortunately, we no longer need to bear. We are safer without these expensive weapons, and it would be foolish to replace them.''.

(15) General George Lee Butler, the former Commander-in-Chief of the Strategic Air Command and subsequently Commander-in-Chief of the United States Strategic Command, said, ''I would have removed land-based missiles from our arsenal a long time ago. I'd be happy to put that mission on the submarines. So, with a significant fraction of bombers having a nuclear weapons capability that can be restored to alert very quickly, and with even a small component of Trident submarines—with all those missiles and all those warheads on patrol—it's hard to imagine we couldn't get by.''.

(16) While a sudden ''bolt from the blue'' first strike from a near-peer nuclear adversary is a highly unlikely scenario, extending the Minuteman III would maintain the purported role of the intercontinental ballistic missile leg of the triad to absorb such an attack.

(c) STATEMENT OF POLICY ON EXTENSION OF LIFESPAN OF MINUTEMAN III AND DEVELOPING A VACCINE OF MASS PREVENTION.—It is the policy of the United States that—

(1) the operational life of the Minuteman III missiles can be safely extended until at least 2050; and

(2) investments in developing a universal coronavirus vaccine and efforts to save lives from other types of infectious diseases are a better use of United States taxpayer resources than building a new and unnecessary intercontinental ballistic missile.

(d) AVAILABILITY OF FUNDS FOR VACCINES INSTEAD OF MISSILES.—

(1) TRANSFER FROM DEPARTMENT OF DEFENSE.—Of the unobligated balances of appropriations made available for the Department of Defense for the research, development, test, and evaluation of the LGM-35A Sentinel weapon system, the Secretary of Defense shall transfer $1,000,000,000 to the National Institute of Allergy and Infectious Diseases to conduct or support comprehensive research for the development of a universal coronavirus vaccine.

(2) TRANSFER FROM NATIONAL NUCLEAR SECURITY ADMINISTRATION.—The Secretary of Energy shall transfer all unobligated balances of appropriations made available for the National Nuclear Security Administration for the W87–1 warhead modification program to the Centers for Disease Control and Prevention to research and combat emerging and zoonotic infectious diseases.

(e) PROHIBITION ON USE OF FUNDS FOR LGM-35A SENTINEL WEAPON SYSTEM AND W87–1 WARHEAD MODIFICATION PROGRAM.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 may be obligated or expended for the LGM-35A Sentinel weapon system or the W87–1 warhead modification program.

(f) INDEPENDENT STUDY ON EXTENSION OF MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.—

(1) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with the National Academy of Sciences to conduct a study on extending the life of Minuteman III intercontinental ballistic missiles to 2050.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) A comparison of the costs through 2050 of—

(i) extending the life of Minuteman III intercontinental ballistic missiles; and

(ii) deploying the LGM-35A Sentinel weapon system.

(B) An analysis of opportunities to incorporate technologies into the Minuteman III intercontinental ballistic missile program as part of a service life extension program that could also be incorporated in the future LGM-35A Sentinel weapon system, including, at a minimum, opportunities to increase the resilience against adversary missile defenses.

(C) An analysis of the benefits and risks of incorporating sensors and nondestructive testing methods and technologies to reduce destructive testing requirements and increase the service life and number of Minuteman III missiles through 2050.

(D) An analysis and validation of the methods used to estimate the operational service life of Minuteman II and Minuteman III motors, taking into account the test and launch experience of motors retired after the operational service life of such motors in the rocket systems launch program.

(E) An analysis of the risks and benefits of alternative methods of estimating the operational service life of Minuteman III motors, such as those methods based on fundamental physical and chemical processes and nondestructive measurements of individual motor properties.

(F) An analysis of risks, benefits, and costs of configuring a Trident II D5 submarine launched ballistic missile for deployment in a Minuteman III silo.

(G) An analysis of the impacts of the estimated service life of the Minuteman III force associated with decreasing the deployed intercontinental ballistic missiles delivery vehicle force from 400 to 300.

(H) An assessment on the degree to which the Columbia class ballistic missile submarines will possess features that will enhance the current invulnerability of ballistic missile submarines of the United States to future antisubmarine warfare threats.

(I) An analysis of the degree to which an extension of the Minuteman III would impact the decision of Russian Federation to target intercontinental ballistic missiles of the United States in a crisis, as compared to proceeding with the LGM-35A Sentinel weapon system.

(J) A best case estimate of what percentage of the strategic forces of the United States would survive a counterforce strike from the Russian Federation, broken down by intercontinental ballistic missiles, ballistic missile submarines, and heavy bomber aircraft.

(K) The benefits, risks, and costs of relying on the W–78 warhead for either the Minuteman III or a new LGM-35A Sentinel weapon system missile as compared to proceeding with the W–87 life extension.

(L) The benefits, risks, and costs of adding additional launchers or uploading submarine-launched ballistic missiles with additional warheads to compensate for a reduced deployment of intercontinental ballistic missiles of the United States.

(3) SUBMISSION TO DEPARTMENT OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary a report containing the study conducted under paragraph (1).

(4) SUBMISSION TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate congressional committees the report required by paragraph (3), without change.

(5) FORM.—The report required by paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 596. Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X of division A, insert the following:

Subtitle H—Tule River Tribe Served Water Rights Settlement

SEC. 1083. PURPOSES.

The purposes of this subtitle are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of California for—

(A) the Tule River Tribe; and

(B) the United States, acting as trustee for the Tribe;

(2) to authorize, ratify, and confirm the 2007 Agreement entered by the Tribe, the South Tule Independent Ditch Company, and the Tule River Association, to the extent that the 2007 Agreement is consistent with this subtitle;

(3) to authorize and direct the Secretary—

(A) to execute the 2007 Agreement, with amendments to facilitate implementation and approval of the 2007 Agreement; and

(B) to take any other actions necessary to carry out the 2007 Agreement in accordance with this subtitle;

(4) to authorize funds necessary for the implementation of the 2007 Agreement and this subtitle; and

(5) to authorize the transfer of certain lands to the Tribe, to be held in trust.

SEC. 1084. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) 2007 AGREEMENT.—The term ''2007 Agreement'' means—

(A) the agreement dated November 21, 2007, as amended on April 22, 2009, between the Tribe, the South Tule Independent Ditch Company, and the Tule River Association, and exhibits attached thereto; and

(B) any amendment to the Agreement referred to in subparagraph (A) (including an amendment to any exhibit) that is executed in accordance with section 1085(a)(2).

(2) COURT.—The term ''Court'' means the United States District Court for the Eastern District of California, unless otherwise specified herein.

(3) DIVERT; DIVERSION.—The terms ''divert'' and ''diversion'' mean to remove water from its natural course or location by means of a ditch, canal, flume, bypass, pipeline, conduit, well, pump, or other structure or device, or act of a person.

(4) DOWNSTREAM WATER USERS.—The term ''Downstream Water Users'' means—

(A) the Tule River Association and its successors and assigns;

(B) the South Tule Independent Ditch Company and its successors and assigns; and

(C) any and all other holders of water rights in the South Fork Tule River Basin.

(5) ENFORCEABILITY DATE.—The term ''Enforceability Date'' means the date described in section 1092.

(6) OM&R.—

(A) IN GENERAL.—The term ''OM&R'' means operation, maintenance, and replacement.

(B) INCLUSIONS.—The term ''OM&R'' includes—

(i) any recurring or ongoing activity relating to the day-to-day operation of a project;

(ii) any activity relating to scheduled or unscheduled maintenance of a project; and

(iii) any activity relating to repairing or replacing a feature of a project.

(7) OPERATION RULES.—The term ''Operation Rules'' means the rules of operation for the Phase I Reservoir, as established in accordance with the 2007 Agreement and this subtitle.

(8) PARTIES.—The term ''Parties'' means the signatories to the 2007 Agreement, including the Secretary.

(9) PHASE I RESERVOIR.—The term ''Phase I Reservoir'' means the reservoir described in either section 3.4.B.(1) or section 3.4.B.(2) of the 2007 Agreement.

(10) RESERVATION; TULE RIVER RESERVATION.—The terms ''Reservation'' and ''Tule River Reservation'' mean the reservation of lands set aside for the Tribe by the Executive Orders of January 9, 1873, October 3, 1873, and August 3, 1878, including lands added to the Reservation pursuant to section 1089.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(12) SOUTH TULE INDEPENDENT DITCH COMPANY.—The term ''South Tule Independent Ditch Company'' means the nonprofit mutual water company incorporated in 1895 that has claims to ownership of water rights dating back to 1854, which provides water diverted from the South Fork of the Tule River to its shareholders on lands downstream from the Tule River Reservation.

(13) TRIBAL WATER RIGHT.—The term ''Tribal Water Right'' means the water rights ratified, confirmed, and declared to be valid for the benefit of the Tribe as set forth and described in the 2007 Agreement and this subtitle.

(14) TRIBE.—The term ''Tribe'' means the Tule River Indian Tribe of the Tule River Reservation, California, a federally recognized Indian Tribe.

(15) TRUST FUND.—The term ''Trust Fund'' means the Tule River Indian Tribe Settlement Trust Fund established under section 1087(a).

(16) TULE RIVER ASSOCIATION.—

(A) IN GENERAL.—The term ''Tule River Association'' means the association formed by agreement in 1965, the members of which are representatives of all pre-1914 appropriative and certain riparian water right holders of the Tule River at and below the Richard L. Schafer Dam and Reservoir.

(B) INCLUSIONS.—The term ''Tule River Association'' includes the Pioneer Water Company, the Vandalia Irrigation District, the Porterville Irrigation District, and the Lower Tule River Irrigation District.

(17) WATER DEVELOPMENT PROJECT.—The term ''Water Development Project'' means a project for domestic, commercial, municipal, and industrial water supply, including but not limited to water treatment, storage, and distribution infrastructure, to be constructed, in whole or in part, using monies from the Trust Fund.

(b) DEFINITIONS OF OTHER TERMS.—Any other term used in this subtitle but not defined in subsection (a)—

(1) has the meaning given the term in the 2007 Agreement; or

(2) if no definition for the term is provided in the 2007 Agreement, shall be used in a manner consistent with its use in the 2007 Agreement.

SEC. 1085. RATIFICATION OF 2007 AGREEMENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except as modified by this subtitle and to the extent that the 2007 Agreement does not conflict with this subtitle, the 2007 Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—

(A) GENERAL AMENDMENTS.—If an amendment to the 2007 Agreement, or to any exhibit attached to the 2007 Agreement requiring the signature of the Secretary, is executed in accordance with this subtitle to make the 2007 Agreement consistent with this subtitle, the amendment is authorized, ratified, and confirmed.

(B) SPECIFIC AMENDMENTS.—

(i) SUBSTITUTE SITES.—If a substitute site for the Phase I Reservoir is identified by the Tribe pursuant to section 3.4.B.(2)(a) of the 2007 Agreement, then amendments related to the Operation Rules are authorized, ratified, and confirmed, to the extent that such Amendments are consistent with the 2007 Agreement and this subtitle.

(ii) PRIORITY DATE.—Amendments agreed to by the Parties to establish that the priority date for the Tribal Water Right is no later than January 9, 1873, is authorized, ratified, and confirmed.

(iii) SENIOR WATER RIGHTS.—Amendments agreed to by the Parties to accommodate senior water rights of those Downstream Water Users described in section 1084(a)(4)(C) are authorized, ratified, and confirmed, to the extent that the Court finds any such Downstream Water Users possess senior water rights that can be accommodated only by amendment of the 2007 Agreement.

(iv) OTHER AMENDMENTS.—Other amendments agreed to by the Parties to facilitate implementation and approval of the 2007 Agreement are authorized, ratified, and confirmed, to the extent that such amendments are otherwise consistent with this subtitle and with other applicable law.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent the 2007 Agreement does not conflict with this subtitle, the Secretary shall execute the 2007 Agreement, in accordance with paragraph (2), including all exhibits to, or parts of, the 2007 Agreement requiring the signature of the Secretary.

(2) TIMING.—The Secretary shall not execute the 2007 Agreement until—

(A) the Parties agree on amendments related to the priority date for the Tribal Water Right; and

(B) either—

(i) the Tribe moves forward with the Phase I Reservoir described in section 3.4.B.(1) of the 2007 Agreement; or

(ii) if the Tribe selects a substitute site pursuant to section 3.4.B.(2) of the 2007 Agreement, either—

(I) the Parties agree on Operation Rules; or

(II) the Secretary determines, in the discretion of the Secretary, that the Parties have reached an impasse in attempting to negotiate the Operation Rules.

(3) MODIFICATIONS.—Nothing in this subtitle prohibits the Secretary, after execution of the 2007 Agreement, from approving any modification to the 2007 Agreement, including any exhibit to the 2007 Agreement, that is consistent with this subtitle, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the 2007 Agreement and this subtitle, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(C) other applicable Federal environmental laws and regulations.

(2) COMPLIANCE.—

(A) IN GENERAL.—In implementing the 2007 Agreement and this subtitle, the Tribe shall prepare any necessary environmental documents, consistent with all applicable provisions of—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) AUTHORIZATIONS.—The Secretary shall—

(i) independently evaluate the documentation submitted under subparagraph (A); and

(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) EFFECT OF EXECUTION.—The execution of the 2007 Agreement by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COSTS.—Any costs associated with the performance of the compliance activities under this subsection shall be paid from funds deposited in the Trust Fund, subject to the condition that any costs associated with

the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

SEC. 1086. TRIBAL WATER RIGHT.

(a) CONFIRMATION OF TRIBAL WATER RIGHT.—

(1) IN GENERAL.—The Tribal Water Right is ratified, confirmed, and declared valid.

(2) QUANTIFICATION.—The Tribal Water Right includes the right to divert and use or permit the diversion and use of up to 5,828 acre-feet per year of surface water from the South Fork Tule River, as described in the 2007 Agreement and as confirmed in the decree entered by the Court pursuant to subsections (b) and (c) of section 1093.

(3) USE.—Any diversion, use, and place of use of the Tribal Water Right shall be subject to the terms and conditions of the 2007 Agreement and this subtitle.

(b) TRUST STATUS OF TRIBAL WATER RIGHT.—The Tribal Water Right—

(1) shall be held in trust by the United States for the use and benefit of the Tribe in accordance with this subtitle; and

(2) shall not be subject to loss through nonuse, forfeiture, abandonment, or other operation of law.

(c) AUTHORITY OF THE TULE RIVER TRIBE.—

(1) IN GENERAL.—The Tule River Tribe shall have the authority to allocate and distribute the Tribal Water Right for use on the Reservation in accordance with the 2007 Agreement, this subtitle, and applicable Federal law.

(d) ADMINISTRATION.—

(1) NO ALIENATION.—The Tribe shall not permanently alienate any portion of the Tribal Water Right.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this subtitle for the allocation, distribution, leasing, or other arrangement entered into pursuant to this subtitle shall be considered to satisfy any requirement for authorization of the action by treaty or convention imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(3) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the Tribal Water Right by any water user shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Tribal Water Right.

SEC. 1087. TULE RIVER TRIBE TRUST ACCOUNTS.

(a) ESTABLISHMENT.—The Secretary shall establish a trust fund, to be known as the ''Tule River Indian Tribe Settlement Trust Fund'', to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any interest earned on those amounts, for the purpose of carrying out this subtitle.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following Accounts:

(1) The Tule River Tribe Water Development Projects Account.

(2) The Tule River Tribe OM&R Account.

(c) DEPOSITS.—The Secretary shall deposit—

(1) in the Tule River Tribe Water Development Projects Account established under subsection (b)(1), the amounts made available pursuant to section 1088(a)(1); and

(2) in the Tule River Tribe OM&R Account established under subsection (b)(2), the amounts made available pursuant to section 1088(a)(2).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—On receipt and deposit of funds into the accounts in the Trust Fund pursuant to subsection (c), the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in accordance with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (52 Stat. 1037, chapter 648; 25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INVESTMENT EARNINGS.—In addition to the deposits under subsection (c), any investment earnings, including interest, credited to amounts held in the Trust Fund are authorized to be used in accordance with subsections (e) and (h).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, including interest, shall be made available to the Tribe by the Secretary beginning on the Enforceability Date and subject to the requirements set forth in this section, except for funds to be made available to the Tribe pursuant to paragraph (2).

(2) USE OF CERTAIN FUNDS.—Notwithstanding paragraph (1), $20,000,000 of the amounts deposited in the Tule River Tribe Water Development Projects Account shall be made available to conduct technical studies and related investigations regarding the Phase I Reservoir and to establish appropriate Operation Rules.

(f) WITHDRAWALS.—

(1) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—

(A) IN GENERAL.—The Tribe may withdraw any portion of the amounts in the Trust Fund on approval by the Secretary of a Tribal management plan submitted by the Tribe in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the Tribe shall spend all amounts withdrawn from the Trust Fund, and any investment earnings accrued through the investments under the Tribal management plan, in accordance with this subtitle.

(C) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan under this paragraph to ensure that amounts withdrawn by the Tribe from the Trust Fund under this paragraph are used in accordance with this subtitle.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribe may submit to the Secretary a request to withdraw amounts from the Trust Fund pursuant to an approved expenditure plan.

(B) REQUIREMENTS.—To be eligible to withdraw amounts under an expenditure plan under this paragraph, the Tribe shall submit to the Secretary an expenditure plan for any portion of the Trust Fund that the Tribe elects to withdraw pursuant to this subparagraph, subject to the condition that the amounts shall be used for the purposes described in this subtitle.

(C) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Tribe in accordance with subsections (e) and (h).

(D) APPROVAL.—The Secretary shall approve an expenditure plan submitted under this paragraph if the Secretary determines that the plan—

(i) is reasonable; and

(ii) is consistent with, and will be used for, the purposes of this subtitle.

(E) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this subtitle.

(g) EFFECT OF SECTION.—Nothing in this section gives the Tribe the right to judicial review of a determination of the Secretary relating to whether to approve a Tribal management plan under subsection (f)(1) or an expenditure plan under subsection (f)(2) except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(h) USES.—Amounts from the Trust Fund may only be used by the Tribe for the following purposes:

(1) The Tule River Tribe Water Development Projects Account may only be used to plan, design, and construct Water Development Projects on the Tule River Reservation, and for the conduct of related activities, including for environmental compliance in the development and construction of projects under this subtitle.

(2) The Tule River Tribe OM&R Account may only be used for the OM&R of Water Development Projects.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Tribe under paragraphs (1) and (2) of subsection (f).

(j) TITLE TO INFRASTRUCTURE.—Title to, control over, and operation of any project constructed using funds from the Trust Fund shall remain in the Tribe.

(k) OPERATION, MAINTENANCE, & REPLACEMENT.—All OM&R costs of any project constructed using funds from the Trust Fund shall be the responsibility of the Tribe.

(l) NO PER CAPITA DISTRIBUTIONS.—No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Tribe.

(m) EXPENDITURE REPORT.—The Tule River Tribe shall annually submit to the Secretary an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan under this subtitle.

SEC. 1088. FUNDING.

(a) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

(1) for deposit in the Tule River Tribe Water Development Projects Account $518,000,000, to be available until expended, withdrawn, or reverted to the general fund of the Treasury; and

(2) for deposit in the Tule River Tribe OM&R Account $50,000,000, to be available until expended, withdrawn, or reverted to the general fund of the Treasury.

(b) FLUCTUATION IN COSTS.—

(1) IN GENERAL.—The amounts authorized to be appropriated under subsection (a) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after November 1, 2020, as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend.

(2) CONSTRUCTION COSTS ADJUSTMENT.—The amounts authorized to be appropriated under subsection (a) shall be adjusted to address construction cost changes necessary to account for unforeseen market volatility that

may not otherwise be captured by engineering cost indices as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

(3) REPETITION.—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(4) PERIOD OF INDEXING.—The period of indexing adjustment under this subsection for any increment of funding shall end on the date on which the funds are deposited into the Trust Fund.

SEC. 1089. TRANSFER OF LAND INTO TRUST.

(a) TRANSFER OF LAND TO TRUST.—

(1) IN GENERAL.—Subject to valid existing rights, and the requirements of this subsection, all right, title, and interest of the United States in and to the land described in paragraph (2) shall be held in trust by the United States for the benefit of the Tribe as part of the Reservation upon the Enforceability Date, provided that the Tribal fee land described in paragraph (2)(C)—

(A) is free from any liens, encumbrances, or other infirmities; and

(B) has no existing evidence of any hazardous substances or other environmental liability.

(2) LANDS TO BE HELD IN TRUST.—The land referred to in paragraph (1) is the following:

(A) BUREAU OF LAND MANAGEMENT LANDS.—

(i) Approximately 26.15 acres of land located in T. 22 S., R. 29 E., sec. 35, Lot 9.

(ii) Approximately 85.50 acres of land located in T. 22 S., R. 29 E., sec. 35, Lots 6 and 7.

(iii) Approximately 38.77 acres of land located in—

(I) T. 22 S., R. 30 E., sec. 30, Lot 1; and

(II) T. 22 S., R. 30 E., sec. 31, Lots 6 and 7.

(iv) Approximately 154.9 acres of land located in T. 22 S., R. 30 E., sec. 34, N¼SW¼ and SW¼SW¼, Lots 2 and 3.

(v) Approximately 40 acres of land located in T. 22 S., R. 30 E., sec. 34, NE¼SE¼.

(vi) Approximately 375.17 acres of land located in—

(I) T. 22 S., R. 30 E., sec. 35, S½NE¼, N½SE¼, and SE¼SE¼, Lots 3, 4, and 6; and

(II) T. 23 S., R. 30 E., sec. 2, S½NE¼, Lots 6 and 7.

(vii) Approximately 60.43 acres of land located in—

(I) T. 22 S., R. 30 E., sec. 35, SW¼SW¼; and

(II) T. 23 S., R. 30 E., sec. 2, Lot 9.

(viii) Approximately 15.48 acres of land located in T. 21 S., R. 30 E., sec. 31 in that portion of the NW¼ lying between Lots 8 and 9.

(ix) Approximately 29.26 acres of land located in T. 21 S., R. 30 E., sec. 31, Lot 7.

(B) FOREST SERVICE LANDS.—Approximately 9,037 acres of land comprising the headwaters area of the South Fork Tule River watershed located east of and adjacent to the Tule River Indian Reservation, and more particularly described as follows:

(i) Commencing at the northeast corner of the Tule River Indian Reservation in T. 21 S., R. 31 E., sec. 16, Mount Diablo Base and Meridian, running thence east and then southeast along the ridge of mountains dividing the waters of the South Fork of the Tule River and Middle Fork of the Tule River, continuing south and then southwest along the ridge of mountains dividing the waters of the South Fork of the Tule River and the Upper Kern River until intersecting with the southeast corner of the Tule River Indian Reservation in T. 22 S., R. 31 E., sec. 28, thence from such point north along the eastern boundary of the Tule River Indian Reservation to the place of beginning.

(ii) The area encompasses—

(I) all of secs. 22, 23, 26, 27, 34, 35, and portions of secs. 13, 14, 15, 16, 21, 24, 25, 28, 33, and 36, in T. 21 S., R. 31 E.; and

(II) all of secs. 3 and 10, and portions of secs. 1, 2, 4, 9, 11, 14, 15, 16, 21, 22, 27, and 28, in T. 22 S., R. 31 E.

(C) TRIBALLY OWNED FEE LANDS.—

(i) Approximately 300 acres of land known as the McCarthy Ranch and more particularly described as follows:

(I) The SW¼ and that portion of the SE¼ of sec. 9 in T. 22 S., R. 29 E., Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, lying south and west of the center line of the South Fork of the Tule River, as such river existed on June 9, 1886, in the County of Tulare, State of California; excepting therefrom an undivided one-half interest in and to the oil, gas, minerals, and other hydrocarbon substances in, on, or under such land, as reserved by Alice King Henderson, a single woman, by Deed dated January 22, 1959, and Recorded February 18, 1959, in Book 2106, page 241, Tulare County Official Records.

(II) An easement over and across that portion of the SW¼ of sec. 10 in T. 22 S., R. 29 E., Mount Diablo Base and Meridian, County of Tulare, State of California, more particularly described as follows:

(aa) Beginning at the intersection of the west line of the SW¼ of sec. 10, and the south bank of the South Tule Independent Ditch; thence south 20 rods; thence in an easterly direction, parallel with such ditch, 80 rods; thence north 20 rods, thence westerly along the south bank of such ditch 80 rods to the point of beginning; for the purpose of—

(AA) maintaining thereon an irrigation ditch between the headgate of the King Ditch situated on such land and the SW¼ and that portion of the SE¼ of sec. 9 in T. 22 S., R. 29 E., lying south and west of the centerline of the South Fork of the Tule River, as such river existed on June 9, 1886, in the County of Tulare, State of California; and

(BB) conveying therethrough water from the South Fork of the Tule River to the SW¼ and that portion of the SE¼ of sec. 9 in T. 22 S., R. 29 E., lying south and west of the centerline of the South Fork of the Tule River, as such river existed on June 9, 1886.

(bb) The easement described in item (aa) shall follow the existing route of the King Ditch.

(ii) Approximately 640 acres of land known as the Pierson/Diaz property in T. 22 S., R. 29 E., sec. 16, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

(iii) Approximately 375.44 acres of land known as the Hyder property and more particularly described as follows:

(I) That portion of the S½ of sec. 12 in T. 22 S., R. 28 E., Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, lying south of the County Road known as Reservation Road, excepting therefrom an undivided one-half interest in all oil, gas, minerals, and other hydrocarbon substances as reserved in the deed from California Lands, Inc., to Lovell J. Wilson and Genevieve P. Wilson, recorded February 17, 1940, in book 888, page 116, Tulare County Official Records.

(II) The NW¼ of sec. 13 in T. 22 S., R. 28 E., Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, excepting therefrom the south 1,200 feet thereof.

(III) The south 1,200 feet of the NW¼ of sec. 13 in T. 22 S., R. 28 E., Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

(iv) Approximately 157.22 acres of land situated in the unincorporated area of the County of Tulare, State of California, known as the Trailor property, and more particularly described as follows: The SW¼ of sec. 11 in T. 22 S., R. 28 E., Mount Diablo Base and Meridian, in the unincorporated area of the County of Tulare, State of California, according to the official plat thereof.

(v) Approximately 89.45 acres of land known as the Tomato Patch in that portion of the SE¼ of sec. 11 in T. 22 S., R. 28 E., Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat of the survey of such land on file in the Bureau of Land Management at the date of the issuance of the patent thereof, and more particularly described as follows: Beginning at the southeast corner of T. 22 S., R. 28 E., sec. 11, thence north and along the east line of such sec. 11, 1,342 feet, thence south 83° 44′ west 258 feet, thence north 84° 30' west 456 feet, thence north 65° 28′ west 800 feet, thence north 68° 44′ west 295 feet, thence south 71° 40′ west 700 feet, thence south 56° 41′ west 240 feet to the west line of the SE¼ of such sec. 11, thence south 0° 21′ west along such west line of the SE¼ of sec. 11, thence west 1,427 feet to the southwest corner of such SE¼ of sec. 11, thence south 89° 34′ east 2,657 feet to the point of beginning, excepting therefrom—

(I) a strip of land 25 feet in width along the northerly and east sides and used as a County Road; and

(II) an undivided one-half interest in all oil, gas, and minerals in and under such lands, as reserved in the Deed from Bank of America, a corporation, dated August 14, 1935, filed for record August 28, 1935, Fee Book 11904.

(vi) Approximately 160 acres of land known as the Smith Mill in the NW¼ of the NE¼, the N½ of the NW¼, and the SE¼ of the NW¼ of sec. 20 in T. 21 S., R. 31 E., Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

(vii) Approximately 35 acres of land located within the exterior boundaries of the Tule River Reservation known as the Highway 190 parcel, with the legal description as follows: That portion of T. 21 S., R. 29 E., sec. 19, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, and more particularly described as follows: Commencing at a point in the south line of the N½ of the S½ of such sec. 19, such point being south 89° 54′ 47″ east, 1,500 feet of the southwest corner of such N½, thence north 52° 41′ 17″ east, 1602.80 feet to the true point of beginning of the parcel to be described, thence north 32° 02′ 00″ west, 1,619.53 feet to a point in the southeasterly line of State Highway 190 per deeds recorded May 5, 1958, in Book 2053, pages 608 and 613, Tulare County Official Records, thence north 57° 58′ 00″ east, 232.29 feet, thence north 66° 33′ 24″ east, 667.51 fee, thence departing the southeasterly line of such Highway 190, south 44° 53′ 27″ east, 913.62 feet, thence south 85° 53′ 27″ east, 794.53 feet, thence south 52° 41′ 17″ west, 1,744.64 feet to the true point of beginning.

(viii) Approximately 61.91 acres of land located within the exterior boundaries of the Tule River Reservation known as the Shan King property, with the legal description as follows:

(I) Parcel 1: Parcel No. 1 of parcel map no. 4028 in the County of Tulare, State of California, as per the map recorded in Book 41, page 32 of Tulare County Records.

(II)(aa) Parcel 2: That portion of T. 21 S., R. 29 E., sec. 19, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Commencing at a point in the south line of the N½ of the

S½ of such sec. 19, such point being south 89° 54′ 58'' east, 1,500 feet of the southwest corner of such N½, thence north 52° 41' 06'' east, 1602.80 feet to the southwesterly corner of the 40-acre parcel shown on the Record of Survey recorded in Book 18, page 17, of Licensed Surveys, Tulare County Records, thence, north 32° 01′ 28″ west, 542.04 feet along the southwesterly line of such 40-acre parcel to the true point of beginning of the parcel to be described, thence, continuing north 32° 01′ 28″ west, 1,075.50 feet to the northwesterly corner of such 40-acre parcel, thence north 57° 58′ 50″ east, 232.31 feet along the southeasterly line of State Highway 190, thence north 66° 34′ 12'' east, 6.85 feet, thence, departing the southeasterly line of State Highway 190 south 29° 27′ 29″ east, 884.73 feet, thence south 02° 59′ 33″ east, 218 feet, thence south 57° 58′ 31″ west, 93.67 feet to the true point of beginning.

(bb) The property described in item (aa) is subject to a 100-foot minimum building setback from the right-of-way of Highway 190.

(III) Parcel 3: That portion of T. 21 S., R. 29 E., sec. 19, Mount Diablo Base and Meridian, County of Tulare, State of California, described as follows: Beginning at a point in the south line of the N½ of the S½ of such sec. 19, such point being south 89° 54′ 47″ east, 1,500 feet of the southwest corner of such N½, thence north 7° 49′ 19″ east, 1,205 feet, thence north 40° 00′ 00″ west, 850 feet to a point in the southeasterly line of State Highway 190, per deeds recorded May 5, 1958, in Book 2053, pages 608 and 613, Tulare County Official Records, thence, north 57° 58′ 00″ east, 941.46 feet, along the southeasterly line of such Highway 190, thence departing the southeasterly line of such Highway 190, south 32° 02' 00'' east, 1619.53 feet, thence south 52° 41′ 17″ west, 1,602.80 feet to the point of beginning, together with a ¾ interest in a water system, as set forth in that certain water system and maintenance agreement recorded April 15, 2005, as document no. 2005–0039177.

(ix) Approximately 18.44 acres of land located within the exterior boundaries of the Tule River Reservation known as the Parking Lot 4 parcel with the legal description as follows: That portion of the land described in that Grant Deed to Tule River Indian Tribe, recorded June 1, 2010, as document number 2010–0032879, Tulare County Official Records, lying within the following described parcel: beginning at a point on the east line of the NW¼ of sec. 3 in T. 22 S., R. 28 E., Mount Diablo Meridian, lying south 0° 49′ 43″ west, 1670.53 feet from the N¼ corner of such sec. 3, thence (1) south 89° 10′ 17″ east, 46.50 feet; thence (2) north 0° 49′ 43″ east, 84.08 feet; thence (3) north 33° 00′ 00″ west, 76.67 feet to the south line of State Route 190 as described in that Grant Deed to the State of California, recorded February 14, 1958, in Volume 2038, page 562, Tulare County Official Records; thence (4) north 0° 22' 28'' east, 73.59 feet to the north line of the SE¼ of the NW¼ of such sec. 3; thence (5) south 89° 37′ 32″ east, along such north line, 89.77 feet to the center-north sixteenth corner of such sec. 3; thence (6) south 0° 49′ 43″ west, along such east line of the NW¼ of such sec. 3, a distance of 222.06 feet to the point of beginning. Containing 0.08 acres, more or less, in addition to that portion lying within Road 284. Together with the underlying fee interest, if any, contiguous to the above-described property in and to Road 284. This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to such freeway. Reserving however, unto grantor, grantor's successors or assigns, the right of access to the freeway over and across Courses (1) and (2) herein above described. The bearings and distances used in this description are on the California Coordinate System of 1983, Zone 4. Divide distances by 0.999971 to convert to ground distances.

(b) TERMS AND CONDITIONS.—

(1) EXISTING AUTHORIZATIONS.—Any Federal land transferred under this section shall be conveyed and taken into trust subject to valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, or right-of-way requests an earlier termination in accordance with existing law. The Bureau of Indian Affairs shall assume all benefits and obligations of the previous land management agency under such existing rights, contracts, leases, permits, or rights-of-way, and shall disburse to the Tribe any amounts that accrue to the United States from such rights, contracts, leases, permits, or rights-of-ways after the date of transfer from any sale, bonus, royalty, or rental relating to that land in the same manner as amounts received from other land held by the Secretary in trust for the Tribe.

(2) IMPROVEMENTS.—Any improvements constituting personal property, as defined by State law, belonging to the holder of a right, contract, lease, permit, or right-of-way on lands transferred under this section shall remain the property of the holder and shall be removed not later than 90 days after the date on which the right, contract, lease, permit, or right-of-way expires, unless the Tribe and the holder agree otherwise. Any such property remaining beyond the 90-day period shall become the property of the Tribe and shall be subject to removal and disposition at the Tribe's discretion. The holder shall be liable for the costs the Tribe incurs in removing and disposing of the property.

(c) WITHDRAWAL OF FEDERAL LANDS.—

(1) IN GENERAL.—Subject to valid existing rights, effective on the date of enactment of this Act, all Federal lands within the parcels described in subsection (a)(2) are withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(2) EXPIRATION.—The withdrawals pursuant to paragraph (1) shall terminate on the date that the Secretary takes the lands into trust for the benefit of the Tribe pursuant to subsection (a)(1).

(d) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of land in subsection (a)(2), the United States may, with the consent of the Tribe, make technical corrections to the legal land descriptions to more specifically identify the parcels to be exchanged.

(e) SURVEY.—

(1) Unless the United States or the Tribe requests an additional survey for the transferred land or a technical correction is made under subsection (d), the description of land under this section shall be controlling.

(2) If the United States or the Tribe requests an additional survey, that survey shall control the total acreage to be transferred into trust under this section.

(3) The Secretary or the Secretary of Agriculture shall provide such assistance as may be appropriate—

(A) to conduct additional surveys of the transferred land; and

(B) to satisfy administrative requirements necessary to accomplish the land transfers under this section.

(f) DATE OF TRANSFER.—The Secretary shall issue trust deeds for all land transfers under this section by not later than 10 years after the Enforceability Date.

(g) RESTRICTION ON GAMING.—Lands taken into trust pursuant to this section shall not be considered to have been taken into trust for, nor eligible for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(h) STATUS OF WATER RIGHTS ON TRANSFERRED LANDS.—Any water rights associated with lands transferred pursuant to subparagraphs (A) through (C) of subsection (a)(2) shall be held in trust for the Tribe but shall not be included in the Tribal Water Right.

SEC. 1090. SATISFACTION OF CLAIMS.

The benefits provided under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of any claim of the Tribe against the United States that is waived and released by the Tribe under section 1091(a).

SEC. 1091. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVERS AND RELEASES OF CLAIMS BY THE TRIBE AND THE UNITED STATES AS TRUSTEE FOR THE TRIBE.—Subject to the reservation of rights and retention of claims set forth in subsection (c), as consideration for recognition of the Tribe's Tribal Water Right and other benefits described in the 2007 Agreement and this subtitle, the Tribe and the United States, acting as trustee for the Tribe, shall execute a waiver and release of all claims for the following:

(A) All claims for water rights within the State of California based on any and all legal theories that the Tribe or the United States acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a general stream adjudication, on or before the Enforceability Date, except to the extent that such rights are recognized in the 2007 Agreement and this subtitle.

(B) All claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within California against the State, or any person, entity, corporation, or municipality, that accrued at any time up to and including the Enforceability Date.

(2) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AGAINST THE UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (c), the Tribe shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States) for water rights within the State of California first arising before the Enforceability Date relating to—

(A) water rights within the State of California that the United States, acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a general stream adjudication, except to the extent that such rights are recognized as part of the Tribal Water Right under this subtitle;

(B) foregone benefits from nontribal use of water, on and off the Reservation (including water from all sources and for all uses);

(C) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights, due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State of California;

(D) a failure to establish or provide a municipal rural or industrial water delivery system on the Reservation;

(E) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of irrigation projects on the Reservation and other Federal land and facilities (including damages, losses, or injuries to fish habitat, wildlife, and wildlife habitat);

(F) failure to provide for operation, maintenance, or deferred maintenance for any irrigation system or irrigation project;

(G) failure to provide a dam safety improvement to a dam on the Reservation;

(H) the litigation of claims relating to any water rights of the Tribe within the State of California;

(I) the negotiation, execution, or adoption of the 2007 Agreement (including exhibits A–F) and this subtitle;

(J) the negotiation, execution, or adoption of operational rules referred to in article 3.4 of the 2007 Agreement in connection with any reservoir locations, including any claims related to the resolution of operational rules pursuant to the dispute resolution processes set forth in the article 8 of the 2007 Agreement, including claims arising after the Enforceability Date; and

(K) claims related to the creation or reduction of the Reservation, including any claims relating to the failure to ratify any treaties and any claims that any particular lands were intended to be set aside as a permanent homeland for the Tribe but were not included as part of the present Reservation.

(b) EFFECTIVENESS.—The waivers and releases under subsection (a) shall take effect on the Enforceability Date.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsection (a), the Tribe and the United States, acting as trustee for the Tribe, shall retain—

(1) all claims relating to the enforcement of, or claims accruing after the Enforceability Date relating to water rights recognized under the 2007 Agreement, any final court decree entered in the Federal District Court for the Eastern District of California, or this subtitle;

(2) all claims relating to the right to use and protect water rights acquired after the date of enactment of this Act;

(3) claims regarding the quality of water under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including claims for damages to natural resources;

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(4) all claims for damage, loss, or injury to land or natural resources that are not due to loss of water or water rights, including hunting, fishing, gathering, or cultural rights; and

(5) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle or the 2007 Agreement.

(d) EFFECT OF 2007 AGREEMENT AND ACT.—Nothing in the 2007 Agreement or this subtitle—

(1) affects the authority of the Tribe to enforce the laws of the Tribe, including with respect to environmental protections or reduces or extends the sovereignty (including civil and criminal jurisdiction) of any government entity;

(2) affects the ability of the United States, acting as sovereign, to carry out any activity authorized by law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(D) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); and

(E) any regulations implementing the Acts described in subparagraphs (A) through (D);

(3) affects the ability of the United States to act as trustee for any other Indian Tribe or an allottee of any other Indian Tribe;

(4) confers jurisdiction on any State court—

(A) to interpret Federal law relating to health, safety, or the environment;

(B) to determine the duties of the United States or any other party under Federal law regarding health, safety, or the environment;

(C) to conduct judicial review of any Federal agency action; or

(D) to interpret Tribal law; or

(5) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe.

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the Enforceability Date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(f) EXPIRATION.—

(1) IN GENERAL.—This subtitle shall expire in any case in which the Secretary fails to publish a statement of findings under section 1092 by not later than—

(A) 8 years from the date of enactment of this Act; or

(B) such alternative later date as is agreed to by the Tribe and the Secretary, after providing reasonable notice to the State of California.

(2) CONSEQUENCES.—If this subtitle expires under paragraph (1)—

(A) the waivers and releases under subsection (a) shall—

(i) expire; and

(ii) have no further force or effect;

(B) the authorization, ratification, confirmation, and execution of the 2007 Agreement under section 1085 shall no longer be effective;

(C) any action carried out by the Secretary, and any contract or agreement entered into pursuant to this subtitle, shall be void;

(D) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this subtitle, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this subtitle shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this subtitle that were expended or withdrawn, or any funds made available to carry out this subtitle from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United States—

(i) relating to—

(I) water rights in the State of California asserted by—

(aa) the Tribe; or

(bb) any user of the Tribal Water Right; or

(II) any other matter covered by subsection (a)(2); or

(ii) in any future settlement of water rights of the Tribe.

SEC. 1092. ENFORCEABILITY DATE.

The Enforceability Date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) to the extent that the 2007 Agreement conflicts with the subtitle, the 2007 Agreement has been amended to conform with this subtitle;

(2) the 2007 Agreement, so revised, includes waivers and releases of claims set forth in section 1091 and has been executed by the parties, including the United States;

(3) a final judgment and decree approving the 2007 Agreement, including Operation Rules, and binding all parties to the action has been entered by the Court, and all appeals have been exhausted;

(4) all of the amounts authorized to be appropriated under section 1088(a) have been appropriated and deposited in the designated accounts; and

(5) the waivers and releases under section 1091(a) have been executed by the Tribe and the Secretary.

SEC. 1093. BINDING EFFECT; JUDICIAL APPROVAL; ENFORCEABILITY.

(a) IN GENERAL.—

(1) LAWSUIT.—1 or more Parties may file suit in the Court requesting the entry of a final judgement and decree approving the Tribal Water Right and the 2007 Agreement, provided that no such suit shall be filed until after—

(A) the Tribe has confirmed that the Phase I Reservoir will be sited at the location described in section 3.4.B.(1) of the 2007 Agreement and that Exhibit E governs operation of the Phase I Reservoir; or

(B) the Tribe has selected a substitute site for the Phase I Reservoir pursuant to section 3.4.B.(2)(a) of the 2007 Agreement and—

(i) the Parties have agreed on Operation Rules and the Secretary has executed the 2007 Agreement; or

(ii) if the Parties have reached an impasse in attempting to negotiate Operation Rules, at least 1 Party has developed proposed Operation Rules to submit for judicial review and approval, and has shared the proposed Operation Rules with the other Parties at least 90 days in advance of filing the lawsuit.

(2) JOINING UNITED STATES AS PARTY.—Where suit is filed pursuant to this subsection, including the satisfaction of the requirements in subparagraph (A) or (B) of paragraph (1), the United States may be joined in litigation for the purposes set forth in this section.

(b) JUDICIAL APPROVAL.—The Court shall have exclusive jurisdiction to review and determine whether to approve the Tribal Water Right and the 2007 Agreement, and on doing so over any cause of action initiated by any Party arising from a dispute over the interpretation of the 2007 Agreement or this subtitle, and any cause of action initiated by any Party for the enforcement of the 2007 Agreement.

(c) FAILURE TO AGREE ON OPERATION RULES.—

(1) IN GENERAL.—Subject to subsection (a)(1)(B)(ii), the Court shall have jurisdiction over a cause of action that a Party initiates

to establish Operation Rules, where the Parties failed to reach agreement on such Operation Rules.

(2) VOLUNTARY DISPUTE RESOLUTION.—If a suit is filed under paragraph (1), the Court shall refer the Parties to the voluntary dispute resolution program of the Court.

(3) COURT SELECTION OF OPERATION RULES.—

(A) IN GENERAL.—If the voluntary dispute resolution program does not, after a reasonable amount of time as determined by the Court, result in agreed-on Operation Rules, the Court shall set a deadline by which any Party or Downstream Water User may submit proposed Operation Rules and, after briefing and hearing evidence, select among the proffered Operation Rule based on the criteria set forth in paragraph (4).

(B) IMPLEMENTATION OF AGREED-ON OPERATION RULES.—Once the Court selects Operation Rules pursuant to subparagraph (A), such Operation Rules shall thereafter control and shall be implemented by the Parties pursuant to the terms directed by the Court.

(4) CRITERIA FOR COURT SELECTION OF OPERATION RULES.—

(A) IN GENERAL.—The Court shall select the proffered Operation Rules that, if implemented, would be the most effective in—

(i) regulating the flows in the South Tule River to comply with the terms contained in the 2007 Agreement and the following diversion limits, where the South Tule Independent Ditch Company's point of diversion is the point of measurement, including—

(I) where the natural flow is less than 3 cubic feet per second (referred to in this clause as ''cfs''), the Tribe has a right to 1 cfs;

(II) where the natural flow is greater than or equal to 3 cfs and less than 5 cfs, the Tribe has a right to 1½ cfs;

(III) where the natural flow is greater than or equal to 5 cfs and less than 10 cfs, the Tribe has a right to 2 cfs; and

(IV) where the natural flow is greater than or equal to 10 cfs, the Tribe has a right to any amount;

(ii) minimizing adverse impact on the Parties other than the Tribe; and

(iii) maintaining the right of the Tribe to the reasonable and economic use of water for domestic and stock purposes on the Reservation.

(B) CONSIDERATION OF EXHIBIT E.—In applying the criteria set forth in subparagraph (A), the Court should consider the Operation Rules governing the Phase I Reservoir described in section 3.4.B.(1) of the 2007 Agreement, as set forth in Exhibit E to the 2007 Agreement, which the Parties agreed on based on consideration of those criteria.

(C) INCONSISTENCY OF PROPOSED OPERATION RULES WITH CRITERIA.—

(i) IN GENERAL.—The Court shall not approve the 2007 Agreement if the Court finds that none of the proffered Operation Rules are consistent with the criteria set forth in subparagraph (A).

(ii) ALTERNATIVE OPERATION RULES.—If the Court finds that none of the proffered Operation Rules are consistent with the criteria set forth in subparagraph (A), the Court may establish an alternate process to allow the Parties to develop alternate Operation Rules that are consistent with those criteria.

SEC. 1094. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Nothing in this subtitle waives the sovereign immunity of the United States, except as provided in section 1093(a)(2).

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this subtitle quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian Tribe, band, or community other than the Tribe.

(c) OTHER WATER RIGHTS OF UNITED STATES NOT ADVERSELY AFFECTED.—Nothing in this subtitle quantifies or diminishes any other water right held by the United States other than as a Downstream Water User.

(d) EFFECT ON CURRENT LAW.—Nothing in this subtitle affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(e) CONFLICT.—In the event of a conflict between the 2007 Agreement and this subtitle, this subtitle shall control.

SEC. 1095. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this subtitle, including any obligation or activity under the 2007 Agreement if adequate appropriations are not provided by Congress expressly to carry out the purposes of this subtitle.

SA 597. Mr. PADILLA submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. SUPERCOMPUTING FOR SAFER CHEMICALS (SUPERSAFE) CONSORTIUM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in consultation with the heads of relevant Federal agencies (including the Secretary of Health and Human Services and the Secretary of Energy), shall form a consortium, to be known as the ''Supercomputing for Safer Chemicals (SUPERSAFE) Consortium'' (referred to in this section as the ''Consortium''). The Consortium shall include the National Laboratories of the Department of Energy, academic and other research institutions, and other entities, as determined by the Administrator, to carry out the activities described in subsection (b).

(2) INCLUSION OF STATE AGENCIES.—The Administrator shall allow the head of a relevant State agency to join the Consortium on request of the State agency.

(b) CONSORTIUM ACTIVITIES.—

(1) IN GENERAL.—The Consortium shall use supercomputing, machine learning, and other similar capabilities—

(A) to establish rapid approaches for large-scale identification of toxic substances and the development of safer alternatives to toxic substances by developing and validating computational toxicology methods based on unique high-performance computing, artificial intelligence, machine learning, and precision measurements;

(B) to address the need to identify safe chemicals for use in consumer and industrial products and in their manufacture to support the move away from toxic substances and toward safe-by-design alternatives; and

(C) to make recommendations on how the information produced can be applied in risk assessments and other characterizations for use by the Environmental Protection Agency and other agencies in regulatory decisions, and by industry in identifying toxic and safer chemicals.

(2) MODELS.—In carrying out paragraph (1), the Consortium—

(A) shall use supercomputers and other virtual tools to develop, validate, and run models to predict adverse health effects caused by toxic substances and to identify safe chemicals for use in products and manufacturing; and

(B) may utilize, as needed, appropriate biological test systems to test and evaluate approaches and improve their predictability and reliability in industrial and regulatory applications.

(c) PUBLIC RESULTS.—The Consortium shall make model predictions, along with supporting documentation, available to the public in an accessible format.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

(1) for fiscal year 2023, $20,000,000;

(2) for fiscal year 2024, $30,000,000; and

(3) for each of fiscal years 2025 through 2027, $35,000,000.

SA 598. Mr. TESTER (for himself, Mr. ROUNDS, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION F—PROTECTING AMERICAN AGRICULTURE FROM FOREIGN ADVERSARIES ACT OF 2023

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Protecting American Agriculture from Foreign Adversaries Act of 2023''.

SEC. 6002. DEFINITIONS.

In this division:

(1) COVERED FOREIGN PERSON.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the term ''covered foreign person''—

(i) has the meaning given the term ''a person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary'' in section 7.2 of title 15, Code of Federal Regulations (as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024), except that each reference to ''foreign adversary'' in that definition shall be deemed to be a reference to the government of a covered country; and

(ii) includes an entity that—

(I) is registered in or organized under the laws of a covered country;

(II) has a principal place of business in a covered country; or

(III) has a subsidiary with a principal place of business in a covered country.

(B) EXCLUSIONS.—The term ''covered person'' does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

(2) COVERED COUNTRY.—The term ''covered country'' means any of the following:

(A) The People's Republic of China.

(B) The Russian Federation.

(C) The Islamic Republic of Iran.

(D) The Democratic People's Republic of Korea.

(3) FINCEN.—The term ''FinCEN'' means the Financial Crimes Enforcement Network of the Department of the Treasury.

TITLE LXI—IDENTIFICATION OF SHELL CORPORATIONS

SEC. 6101. MODIFICATION OF FINCEN REPORTING REQUIREMENTS.

(1) IN GENERAL.—The Director of FinCEN shall identify each reporting company, as defined in section 5336 of title 31, United States Code, that is owned by a covered foreign person.

(2) REPORT.—Not later than two business days after identifying a reporting company under paragraph (1), the Director of FinCEN shall provide to the Committee on Foreign Investment in the United States and the Secretary of Agriculture information on such reporting company.

TITLE LXII—FOREIGN PURCHASES OF AGRICULTURAL LAND AND AGRIBUSINESSES

SEC. 6201. INVESTIGATIVE ACTIONS.

(a) INVESTIGATIVE ACTIONS.—Section 4 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3503) is amended to read as follows:

''SEC. 4. INVESTIGATIVE ACTIONS.

''(a) IN GENERAL.—The Secretary shall appoint an employee in the Senior Executive Service (as described in section 3131 of title 5, United States Code) of the Department of Agriculture to serve as Chief of Operations of Investigative Actions (referred to in this section as the 'Chief of Operations'), who shall hire, appoint, and maintain additional employees to monitor compliance with the provisions of this Act.

''(b) CHIEF OF OPERATIONS.—The Chief of Operations may serve in such position simultaneously with a concurrent position within the Department of Agriculture.

''(c) SECURITY.—The Secretary shall—

''(1) provide classified storage, meeting, and other spaces, as necessary, for personnel; and

''(2) assist personnel in obtaining security clearances.

''(d) DUTIES.—The Chief of Operations shall—

''(1) monitor compliance with this Act;

''(2) refer noncompliance with this Act to the Secretary, the Farm Service Agency, and any other appropriate authority;

''(3) conduct investigations, in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the National Security Council, and State and local law enforcement agencies, on malign efforts—

''(A) to steal agricultural knowledge and technology; and

''(B) to disrupt the United States agricultural base;

''(4) seek to enter into memoranda of agreement and memoranda of understanding with the Federal agencies described in paragraph (3)—

''(A) to ensure compliance with this Act; and

''(B) to prevent the malign efforts described in that paragraph;

''(5) refer to the Committee on Foreign Investment in the United States transactions that—

''(A) raise potential national security concerns; and

''(B) result in agricultural land acquisition by a foreign person that is a citizen of, or headquartered in, as applicable, a foreign entity of concern; and

''(6) publish annual reports that summarize the information contained in every report received by the Secretary under section 2 during the period covered by the report.

''(e) ADMINISTRATION.—The Chief of Operations shall report to—

''(1) the Secretary; or

''(2) if delegated by the Secretary, to the Administrator of the Farm Service Agency.''.

(b) DEFINITION OF FOREIGN ENTITY OF CONCERN.—Section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508) is amended—

(1) in the matter preceding paragraph (1), by striking ''For purposes of this Act—'' and inserting ''In this Act:'';

(2) in each of paragraphs (1) through (6)—

(A) by striking ''the term'' and inserting ''The term''; and

(B) by inserting a paragraph heading, the text of which comprises the term defined in that paragraph;

(3) by redesignating paragraphs (2) through (6) as paragraphs (3), (4), (6), (7), and (8), respectively;

(4) by inserting after paragraph (1) the following:

''(2) FOREIGN ENTITY OF CONCERN.—The term 'foreign entity of concern' has the meaning given the term 'covered foreign person' in section 6002 of the Protecting American Agriculture from Foreign Adversaries Act of 2023.''; and

(5) by inserting after paragraph (4) (as so redesignated) the following:

''(5) MALIGN EFFORT.—The term 'malign effort' means any hostile effort undertaken by, at the direction of, on behalf of, or with the substantial support of the government of a foreign entity of concern.''.

(c) REPORTS.—The Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 11. REPORTS.

''(a) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report that describes the progress of the Secretary in implementing the amendments made by subsections (a) and (b) of section 6201 of the Protecting American Agriculture from Foreign Adversaries Act of 2023.

''(b) REPORT ON TRACKING COVERED TRANSACTIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report on the feasibility of—

''(1) establishing a mechanism for quantifying the threats posed by foreign entities of concern to United States food security, biosecurity, food safety, environmental protection, and national defense; and

''(2) building, and submitting to the Committee on Foreign Investment in the United States for further review, a rigorous discovery and review process to review transactions described in section 721(a)(4)(B)(vi) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(B)(vi)).

''(c) YEARLY REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter for the following 10 years, the Secretary shall submit to Congress a report on the activities of the Secretary pursuant to this Act during the year covered by the report.''.

SEC. 6202. PROHIBITION ON PURCHASE OR LEASE OF AGRICULTURAL LAND IN THE UNITED STATES BY PERSONS ASSOCIATED WITH CERTAIN FOREIGN GOVERNMENTS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL LAND.—

(A) IN GENERAL.—The term ''agricultural land'' has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(B) INCLUSION.—The term ''agricultural land'' includes land described in section 9(1) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(1)) that is used for ranching purposes.

(2) UNITED STATES.—The term ''United States'' includes any State, territory, or possession of the United States.

(b) PROHIBITION.—Notwithstanding any other provision of law, the President shall take such actions as may be necessary to prohibit the purchase or lease by covered foreign persons of—

(1) public agricultural land that is owned by the United States and administered by the head of any Federal department or agency, including the Secretary, the Secretary of the Interior, and the Secretary of Defense; or

(2) private agricultural land located in the United States.

(c) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out subsection (b).

(d) PENALTIES.—A person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of subsection (b) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prohibit or otherwise affect the purchase or lease of public or private agricultural land described in subsection (b) by any person other than a covered foreign person;

(2) to prohibit or otherwise affect the use of public or private agricultural land described in subsection (b) that is transferred to or acquired by a person other than a covered foreign person from a covered foreign person; or

(3) to require a covered foreign person that owns or leases public or private agricultural land described in subsection (b) as of the date of enactment of this Act to sell that land.

SEC. 6203. TRANSPARENCY IN AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE.

(a) IN GENERAL.—Section 7 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3506) is amended to read as follows:

''SEC. 7. PUBLIC DATA SETS.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Consolidated Appropriations Act, 2023 (Public Law 117–328), the Secretary shall publish in the internet database established under section 773 of division A of that Act human-readable and machine-readable data sets that—

''(1) contain all data that the Secretary possesses relating to reporting under this Act from each report submitted to the Secretary under section 2; and

''(2) as soon as practicable, but not later than 30 days, after the date of receipt of any report under section 2, shall be updated with the data from that report.

''(b) INCLUDED DATA.—The data sets established under subsection (a) shall include—

''(1) a description of—

''(A) the purchase price paid for, or any other consideration given for, each interest in agricultural land for which a report is submitted under section 2; and

''(B) updated estimated values of each interest in agricultural land described in subparagraph (A), as that information is made available to the Secretary, based on the most recently assessed value of the agricultural land or another comparable method determined by the Secretary; and

''(2) with respect to any agricultural land for which a report is submitted under section 2, updated descriptions of each foreign person who holds an interest in at least 1 percent of the agricultural land, as that information is made available to the Secretary, categorized as a majority owner or a minority owner that holds an interest in the agricultural land.''.

(b) DEADLINE FOR DATABASE ESTABLISHMENT.—Section 773 of division A of the Consolidated Appropriations Act, 2023 (Public Law 117–328), is amended, in the first proviso, by striking ''3 years'' and inserting ''2 years''.

(c) DEFINITION OF FOREIGN PERSON.—Section 9(4) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(4)) (as so redesignated) is amended—

(1) in subparagraph (C)(ii)(IV), by striking ''and'' at the end;

(2) in subparagraph (D), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(E) any person, other than an individual or a government, that issues equity securities that are primarily traded on a foreign securities exchange within—

''(i) Iran;

''(ii) North Korea;

''(iii) the People's Republic of China; or

''(iv) the Russian Federation;''.

TITLE LXIII—COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES

SEC. 6301. CONSIDERATION OF FOOD INSECURITY IN DETERMINATIONS OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. 4565(f)) is amended—

(1) by redesignating paragraph (11) as paragraph (13);

(2) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively;

(3) by inserting after paragraph (7) the following new paragraph:

''(8) the potential follow-on national security effects of the risks posed by the proposed or pending transaction to United States food security, food safety, biosecurity, environmental protection, or national defense;'';

(4) in paragraph (11) (as so redesignated), by striking ''; and'' and inserting a semicolon; and

(5) by inserting after paragraph (11) (as so redesignated) the following new paragraph:

''(12) the potential effects of the proposed or pending transaction on the security of the food and agriculture systems of the United States, including any effects on the availability of, access to, or safety and quality of food; and''.

SEC. 6302. INCLUSION OF SECRETARY OF AGRICULTURE ON THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 721(k)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(2)) is amended—

(1) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(2) by inserting after subparagraph (G) the following new subparagraph:

''(H) The Secretary of Agriculture (nonvoting, ex officio).''.

(b) ROLE OF SECRETARY OF AGRICULTURE IN CFIUS.—Section 721(k) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)) is amended by adding at the end the following new paragraph:

''(8) ROLE OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall participate in the review by the Committee of any covered transaction described in clause (vi), (vii), or (viii) of subsection (a)(4)(B).''.

SEC. 6303. REVIEW OF AGRICULTURE-RELATED TRANSACTIONS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''; and'' and inserting a semicolon;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(iii) any transaction described in clause (vi) or (vii) of subparagraph (B) proposed or pending on or after the date of the enactment of this clause.'';

(ii) in subparagraph (B), by adding at the end the following:

''(vi) Any other investment, subject to regulations prescribed under subparagraphs (D) and (E), by a foreign person in any unaffiliated United States business that is engaged in agriculture or biotechnology related to agriculture.

''(vii) Subject to subparagraphs (C) and (E), the purchase or lease by, or a concession to, a foreign person of private real estate that is—

''(I) located in the United States;

''(II) used in agriculture; and

''(III) more than 320 acres or valued in excess of $5,000,000.

''(viii) Subject to subparagraph (C), the purchase or lease by, or a concession to, a covered person (as that term is defined in subsection (r)(3)) of private or public real estate in the United States if—

''(I)(aa) the value of the purchase, lease, or concession—

''(AA) exceeds $5,000,000; or

''(BB) in combination with the value of other such purchases or leases by, or concessions to, the same entity during the preceding 3 years, exceeds $5,000,000; or

''(bb) the real estate—

''(AA) exceeds 320 acres; or

''(BB) in combination with other private or public real estate in the United States purchased or leased by, or for which a concession is provided to, the same entity during the preceding 3 years, exceeds 320 acres; and

''(II) the real estate is primarily used for—

''(aa) agriculture, including raising of livestock and forestry;

''(bb) extraction of fossil fuels, natural gas, purchases or leases of renewable energy sources; or

''(cc) extraction of critical precursor materials for biological technology industries, information technology components, or national defense technologies.'';

(iii) in subparagraph (C)(i), by striking ''subparagraph (B)(ii)'' and inserting ''clause (ii), (vii), or (viii) of subparagraph (B)'';

(iv) in subparagraph (D)—

(I) in clause (i), by striking ''subparagraph (B)(iii)'' and inserting ''clauses (iii) and (vi) of subparagraph (B)'';

(II) in clause (iii)(I), by striking ''subparagraph (B)(iii)'' and inserting ''clauses (iii) and (vi) of subparagraph (B)'';

(III) in clause (iv)(I), by striking ''subparagraph (B)(iii)'' each place it appears and inserting ''clauses (iii) and (vi) of subparagraph (B)''; and

(IV) in clause (v), by striking ''subparagraph (B)(iii)'' and inserting ''clauses (iii) and (vi) of subparagraph (B)''; and

(v) in subparagraph (E), by striking ''clauses (ii) and (iii)'' and inserting ''clauses (ii), (iii), (iv), and (vii)''; and

(B) by adding at the end the following:

''(14) AGRICULTURE.—The term 'agriculture' has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).''; and

(2) by adding at the end the following:

''(r) PROHIBITION WITH RESPECT TO AGRICULTURAL COMPANIES AND REAL ESTATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, if the Committee, in conducting a review and investigation under this section, determines that a transaction described in clause (i), (vi), or (vii) of subsection (a)(4)(B) would result in control by a covered foreign person of or investment by a covered foreign person in a United States business engaged in agriculture or private real estate used in agriculture, the President shall prohibit such transaction.

''(2) WAIVER.—The President may waive, on a case-by-case basis, the requirement to prohibit a transaction under paragraph (1), not less than 30 days after the President determines and reports to the relevant committees of jurisdiction that it is vital to the national security interests of the United States to waive such prohibition.

''(3) DEFINED TERMS.—In this subsection:

''(A) COVERED PERSON.—

''(i) IN GENERAL.—Except as provided by clause (ii), the term 'covered person'—

''(I) has the meaning given the term 'a person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary' in section 7.2 of title 15, Code of Federal Regulations (as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024), except that each reference to 'foreign adversary' in that definition shall be deemed to be a reference to the government of a covered country; and

''(II) includes an entity that—

''(aa) is registered in or organized under the laws of a covered country;

''(bb) has a principal place of business in a covered country; or

''(cc) has a subsidiary with a principal place of business in a covered country.

''(ii) EXCLUSIONS.—The term 'covered person' does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

''(B) COVERED COUNTRY.—The term 'covered country' means any of the following:

''(i) The People's Republic of China.

''(ii) The Russian Federation.

''(iii) The Islamic Republic of Iran.

''(iv) The Democratic People's Republic of Korea.''.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the risks that foreign purchases of United States businesses engaged in agriculture (as such term is defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)) pose to the agricultural sector of the United States.

SA 599. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1025. OVERSEAS MAINTENANCE OF NAVEL VESSELS.

Section 8680(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''A naval vessel'' and inserting ''Except as provided in paragraphs (2) through (4), a naval vessel''; and

(2) by adding at the end the following:

''(4) Notwithstanding paragraph (1), any conventionally-powered naval vessel may be

overhauled, repaired, or maintained outside of the United States or Guam if a delay of longer than 6 months is expected in servicing such vessel in the United States or Guam and such delay would impair the overall readiness of the fleet. If the Secretary of the Navy denies a request to overhaul, repair, or maintain a conventionally-powered naval vessel outside of the United States or Guam, the Secretary shall submit a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that explains why such denial will not impair fleet readiness.''.

SA 600. Mr. BUDD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7___. PROHIBITION OF COVERAGE UNDER TRICARE PROGRAM OF CERTAIN MEDICAL PROCEDURES FOR CHILDREN THAT COULD RESULT IN STERILIZATION.

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(20) Affirming hormone therapy, puberty blockers, and other medical interventions for the treatment of gender dysphoria that could result in sterilization may not be provided to a child under the age of 18.''.

SA 601. Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, insert the following:

SEC. 2882. DESIGNATION OF ROBERT W. BISHOP UTAH TEST AND TRAINING RANGE COMBINED MISSION CONTROL CENTER.

(a) IN GENERAL.—The Air Force Utah Test and Training Range Consolidated Mission Control Center shall after the date of the enactment of this Act be known and designated as the ''Robert W. Bishop Utah Test and Training Range Combined Mission Control Center''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper or other record of the United States to the consolidated mission control center specified in subsection (a) shall be considered to be a reference to the Robert W. Bishop Utah Test and Training Range Combined Mission Control Center.

SA 602. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, insert the following:

SEC. 1299L. GLOBAL CLIMATE ASSISTANCE FUNDS.

(a) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2024 by this Act is the aggregate amount authorized to be appropriated for fiscal year 2024 by this Act minus one percent.

(b) ALLOCATION.—The allocation of the reduction under subsection (a) shall be derived from the additional $11,000,000,000 above the President's fiscal year 2024 budget request provided by the Senate to the discretionary authorizations within the jurisdiction of the Committee on Armed Services of the Senate, as set forth in the report of the Committee on Armed Services of the Senate accompanying S. 2226 of the 118th Congress.

(c) USE OF FUNDS.—Amounts from the reduction under subsection (a) shall be used by the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, as appropriate, to increase the authorization of appropriations for funds to global climate assistance accounts, programs, organizations, and international financial institutions described in subsection (d) for the following purposes:

(1) To reduce the risks to United States national security due to climate change, as set forth in the national intelligence estimate of the National Intelligence Council entitled ''Climate Change and International Responses Increasing Challenges to US National Security Through 2040'' (NIC–NIE–2021–10030–A).

(2) To provide public climate financing to developing countries, with the objective of limiting the increase in global temperature at or below 1.5 degrees Celsius above pre-industrial levels.

(d) GLOBAL CLIMATE ASSISTANCE ACCOUNTS, PROGRAMS, ORGANIZATIONS, AND INTERNATIONAL FINANCIAL INSTITUTIONS DESCRIBED.—The global climate assistance accounts, programs, organizations, and international financial institutions described in this subsection are the following:

(1) The Green Climate Fund.
(2) Global Environment Facility.
(3) Adaptation Programs.
(4) Sustainable Landscapes.
(5) Clean Energy Programs.
(6) Biodiversity Programs.
(7) The Clean Technology Fund.
(8) Migration and Refugee Assistance.
(9) International Disaster Assistance.
(10) Montreal Protocol Multilateral Fund (MLF).
(11) The United Nations Framework Convention on Climate Change.
(12) The Adaptation Fund.

SA 603. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. STABILITY ACROSS THE TAIWAN STRAIT.

(a) SHORT TITLES.—This section may be cited as the ''Taiwan Actions Supporting Security by Undertaking Regular Engagements Act'' or the ''Taiwan ASSURE Act''.

(b) DEFINITIONS.—In this section:

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

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

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(2) CHINA; PRC.—The terms ''China'' and ''PRC'' mean the People's Republic of China.

(3) TAIWAN AUTHORITIES.—The term ''Taiwan authorities'' means officials of the Government of Taiwan.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE GLOBAL COOPERATION AND TRAINING FRAMEWORK.—There are authorized to be appropriated for the Global Cooperation and Training Framework under the Economic Support Fund authorized under section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), $6,000,000 for each of the fiscal years 2024 through 2027, which may be expended for trainings and activities that increase Taiwan's economic and international integration.

(d) SUPPORTING CONFIDENCE BUILDING MEASURES AND STABILITY DIALOGUES.—

(1) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex, that includes—

(A) a description of all military-to-military dialogues and confidence-building measures between the United States and the PRC during the 10-year period ending on the date of the enactment of this Act;

(B) a description of bilateral and multilateral diplomatic engagements with the PRC in which cross-Strait issues were substantively discussed during such 10-year period, including Track 1.5 and Track 2 dialogues;

(C) a description of the efforts in the year preceding the submission of the report to facilitate engagements described in subparagraphs (A) and (B); and

(D) a description of how and why the engagements described in subparagraphs (A) and (B) have changed in frequency or substance during such 10-year period.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State, and, as appropriate, to the Department of Defense, $2,000,000 for each of the fiscal years 2024 through 2027, which shall be used to support existing Track 1.5 and Track 2 strategic dialogues facilitated by independent nonprofit organizations or academic institutions in which participants meet to discuss stability cross-Strait stability issues.

SA 604. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. [ ]. 9/11 RESPONDER AND SURVIVOR HEALTH FUNDING CORRECTION ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''9/11 Responder and Survivor Health Funding Correction Act of 2023''.

(b) DEPARTMENT OF DEFENSE, ARMED FORCES, OR OTHER FEDERAL WORKER RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(1) in section 3306 (42 U.S.C. 300mm–5)—

(A) by redesignating paragraphs (5) through (11) and paragraphs (12) through (17) as paragraphs (6) through (12) and paragraphs (14) through (19), respectively;

(B) by inserting after paragraph (4) the following:

''(5) The term 'Federal agency' means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.''; and

(C) by inserting after paragraph (12), as so redesignated, the following:

''(13) The term 'uniformed services' has the meaning given the term in section 101(a) of title 10, United States Code.''; and

(2) in section 3311(a) (42 U.S.C. 300mm–21(a))—

(A) in paragraph (2)(C)(i)—

(i) in subclause (I), by striking ''; or'' and inserting a semicolon;

(ii) in subclause (II), by striking ''; and'' and inserting a semicolon; and

(iii) by adding at the end the following:

''(III) was an employee of the Department of Defense or any other Federal agency, worked during the period beginning on September 11, 2001, and ending on September 18, 2001, for a contractor of the Department of Defense or any other Federal agency, or was a member of a regular or reserve component of the uniformed services; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; or

''(IV) was an employee of the Department of Defense or any other Federal agency, worked during the period beginning on September 11, 2001, and ending on September 18, 2001, for a contractor of the Department of Defense or any other Federal agency, or was a member of a regular or reserve component of the uniformed services; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Shanksville, Pennsylvania, site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; and''; and

(B) in paragraph (4)(A)—

(i) by striking ''(A) IN GENERAL.—The'' and inserting the following:

''(A) LIMIT.—

''(i) IN GENERAL.—The'';

(ii) by inserting ''or subclause (III) or (IV) of paragraph (2)(C)(i)'' after ''or (2)(A)(ii)''; and

(iii) by adding at the end the following:

''(ii) CERTAIN RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—The total number of individuals who may be enrolled under paragraph (3)(A)(ii) based on eligibility criteria described in subclause (III) or (IV) of paragraph (2)(C)(i) shall not exceed 500 at any time.''.

(c) FLEXIBILITY FOR CERTIFICATIONS UNDER THE WORLD TRADE CENTER HEALTH PROGRAM.—

(1) IN GENERAL.—Section 3305(a) of the Public Health Service Act (42 U.S.C. 300mm–4(a)) is amended—

(A) in paragraph (1)(A), by inserting ''subject to paragraph (6),'' before ''for''; and

(B) by adding at the end the following:

''(6) LICENSED HEALTH CARE PROVIDER FLEXIBILITY.—

''(A) IN GENERAL.—For purposes of an initial health evaluation described in paragraph (1)(A) (including any such evaluation provided under section 3321(b) or through the nationwide network under section 3313), such evaluation may be conducted by a physician or any other licensed health care provider in a category of health care providers determined by the WTC Program Administrator under subparagraph (B).

''(B) CATEGORIES OF LICENSED HEALTH CARE PROVIDERS.—Not later than 180 days after the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023, the WTC Program Administrator shall issue regulations for the categories of licensed health care providers who, in addition to licensed physicians, may conduct evaluations under subparagraph (A) and make determinations under section 3312(b).''.

(2) FLEXIBILITY FOR WTC RESPONDERS.—Section 3312(b) of such Act (42 U.S.C. 300mm–22(b)) is amended—

(A) in paragraph (1), by striking ''physician'' each place it appears and inserting ''physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''physician'' and inserting ''physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)'';

(II) in clause (i), by striking ''physician'' and inserting ''physician or other licensed health care provider''; and

(III) in clause (ii), by striking ''such physician's determination'' and inserting ''the determination of such physician or other licensed health care provider''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''physician determinations'' and inserting ''determinations by physicians or other licensed health care providers in categories determined by the WTC Program Administrator under section 3305(a)(6)(B)''; and

(II) in clause (i), by striking ''physician panel'' and inserting ''panel of physicians or other licensed health care providers in categories determined by the WTC Program Administrator under section 3305(a)(6)(B)''; and

(C) in paragraph (5), by striking ''examining physician'' and inserting ''examining physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)''.

(d) CRITERIA FOR CREDENTIALING HEALTH CARE PROVIDERS PARTICIPATING IN THE NATIONWIDE NETWORK.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(1) in section 3305(a)(2) (42 U.S.C. 300mm–4(a)(2))—

(A) in subparagraph (A)—

(i) by striking clause (iv); and

(ii) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(2) in section 3313(b)(1) (42 U.S.C. 300mm–23(b)(1)), by striking ''Data Centers'' and inserting ''WTC Program Administrator''.

(e) CLARIFYING CALCULATION OF ENROLLMENT.—

(1) RESPONDERS.—Section 3311(a) of such Act (42 U.S.C. 300mm–21(a)) is amended by adding at the end the following:

''(6) DECEASED WTC RESPONDERS.—An individual known to the WTC Program Administrator to be deceased shall not be included in any count of enrollees under this subsection or section 3351.''.

(2) SURVIVORS.—Section 3321(a) of such Act (42 U.S.C. 300mm–31(a)) is amended by adding at the end the following:

''(5) DECEASED WTC SURVIVORS.—An individual known to the WTC Program Administrator to be deceased shall not be included in any count of certified-eligible survivors under this section or in any count of enrollees under section 3351.''.

(f) TIME PERIOD FOR ADDING HEALTH CONDITIONS TO LIST FOR WTC RESPONDERS.—Section 3312(a)(6) of the Public Health Service Act (42 U.S.C. 300mm–22(a)(6)) is amended—

(1) in subparagraph (B), by striking ''90'' and inserting ''180''; and

(2) in subparagraph (C), in the second sentence, by striking ''90'' and inserting ''180''.

(g) FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.—

(1) FEDERAL FUNDING.—Section 3351 of the Public Health Service Act (42 U.S.C. 300mm–61) is amended—

(A) in subsection (a)—

(i) in paragraph (2)(A)—

(I) in clause (x), by striking ''and'';

(II) in clause (xi)—

(aa) by striking ''subsequent fiscal year through fiscal year 2090'' and inserting ''of fiscal years 2026 through 2033''; and

(bb) by striking ''plus'' and inserting ''and''; and

(III) by adding at the end the following:

''(xii) for each of fiscal years 2034 through 2090—

''(I) the amount determined under this subparagraph for the previous fiscal year (plus the sum of any amount expended in the previous fiscal year from the World Trade Center Health Program Special Fund established under section 3353 or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania established under section 3354 and any amount expended from the World Trade Center Health Program Fund established under this section in the previous fiscal year that was carried over from any fiscal year prior to the previous fiscal year including as carried over pursuant to a deposit into such Fund under paragraph (6)) multiplied by 1.05; multiplied by

''(II) the ratio of—

''(aa) the total number of individuals enrolled in the WTC Program on July 1 of such previous fiscal year; to

''(bb) the total number of individuals so enrolled on July 1 of the fiscal year prior to such previous fiscal year; plus''; and

(ii) by adding at the end the following:

''(6) REMAINING AMOUNTS FROM SPECIAL FUND AND PENTAGON/SHANKSVILLE FUND.—Any amounts that remain available, on September 30, 2033, in the World Trade Center Health Program Special Fund under section 3353 or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354 shall be deposited into the Fund.''; and

(B) in subsection (c)—

(i) in paragraph (4)—

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

''(A) for fiscal year 2023, the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023;''; and

(II) in subparagraph (B), by striking ''2017, $15,000,000'' and inserting ''2024, $20,000,000''; and

(ii) in paragraph (5)—

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

''(A) for fiscal year 2023, the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023;'';

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

(III) by inserting after subparagraph (A) the following:

''(B) for fiscal year 2024, the greater of—

''(i) the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023; or

''(ii) $20,000,000; and''.

(2) ADDITIONAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended by adding at the end the following:

''SEC. 3353. SPECIAL FUND.

''(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Special Fund (referred to in this section as the 'Special Fund'), consisting of amounts deposited into the Special Fund under subsection (b).

''(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2024 $1,784,358,336 for deposit into the Special Fund, which amounts shall remain available in such Fund through fiscal year 2033.

''(c) USES OF FUNDS.—Amounts deposited into the Special Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of such Administrator, for carrying out any provision in this title (including sections 3303 and 3341(c)).

''(d) REMAINING AMOUNTS.—Any amounts that remain in the Special Fund on September 30, 2033, shall be deposited into the World Trade Center Health Program Fund in accordance with section 3351(a)(6) and remain available in accordance with section 3351(a)(5).

''SEC. 3354. PENTAGON/SHANKSVILLE FUND.

''(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania (referred to in this section as the 'Pentagon/Shanksville Fund'), consisting of amounts deposited into the Pentagon/Shanksville Fund under subsection (b).

''(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2024 $257,000,000 for deposit into the Pentagon/Shanksville Fund, which amounts shall remain available in such Fund through fiscal year 2033.

''(c) USES OF FUNDS.—

''(1) IN GENERAL.—Amounts deposited into the Pentagon/Shanksville Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator for the purpose of carrying out section 3312 with regard to WTC responders enrolled in the WTC Program based on eligibility criteria described in subclause (III) or (IV) of section 3311(a)(2)(C)(i).

''(2) LIMITATION ON OTHER FUNDING.—Notwithstanding sections 3331(a), 3351(b)(1), 3352(c), and 3353(c), and any other provision in this title, for the period of fiscal years 2024 through 2033, no amounts made available under this title other than those amounts appropriated under subsection (b) may be available for the purpose described in paragraph (1).

''(d) REMAINING AMOUNTS.—Any amounts that remain in the Pentagon/Shanksville Fund on September 30, 2033, shall be deposited into the World Trade Center Health Program Fund in accordance with section 3351(a)(6) and remain available in accordance with section 3351(a)(5).''.

(3) CONFORMING AMENDMENTS.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(A) in section 3311(a)(4)(B)(i)(II) (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)), by striking ''sections 3351 and 3352'' and inserting ''this title'';

(B) in section 3321(a)(3)(B)(i)(II) (42 U.S.C. 300mm–31(a)(3)(B)(i)(II)), by striking ''sections 3351 and 3352'' and inserting ''this title'';

(C) in section 3331 (42 U.S.C. 300mm–41)—

(i) in subsection (a), by striking ''the World Trade Center Health Program Fund and the World Trade Center Health Program Supplemental Fund'' and inserting ''(as applicable) the Funds established under sections 3351, 3352, 3353, and 3354''; and

(ii) in subsection (d)—

(I) in paragraph (1)(A), by inserting ''or the World Trade Center Health Program Special Fund under section 3353'' after ''section 3351'';

(II) in paragraph (1)(B), by inserting ''or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354'' after ''section 3352''; and

(III) in paragraph (2), in the flush text following subparagraph (C), by inserting ''or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354'' after ''section 3352''; and

(D) in section 3351(b) (42 U.S.C. 300mm–61(b))—

(i) in paragraph (1), by striking ''subsection (a)(2)'' and inserting ''paragraph (2) or (6) of subsection (a)'';

(ii) in paragraph (2), by inserting '', the World Trade Center Health Program Special Fund under section 3353, or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354'' before the period at the end; and

(iii) in paragraph (3), by inserting '', the World Trade Center Health Program Special Fund under section 3353, or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354'' before the period at the end.

SA 605. Mrs. GILLIBRAND (for herself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. STUDY ON CIVILIAN EMPLOYEES OF CERTAIN FEDERAL AGENCIES WHO MAY HAVE BEEN EXPOSED TO BURN PITS AND OTHER TOXINS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to investigate—

(1) the approximate number of civilian employees of the intelligence community, the Department of Defense, the Department of State, the Department of Justice (including the Federal Bureau of Investigation), and the Department of the Treasury who were deployed to locations where they may have been exposed to burn pits and other toxins; and

(2) what kind of documentation those agencies provided to those employees that those employees could use as evidence that they worked in those locations at the relevant times.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

SA 606. Mr. PETERS (for himself, Ms. COLLINS, Mr. CARPER, Ms. MURKOWSKI, Mr. TESTER, Mr. HEINRICH, Mr. KING, Mr. BOOZMAN, Mr. COONS, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle ____—FIRE GRANTS AND SAFETY

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Fire Grants and Safety Act''.

SEC. ___02. REAUTHORIZATION OF THE UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (L), by striking ''and'';

(2) in subparagraph (M)—

(A) by striking ''for for'' and inserting ''for''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(N) $95,000,000 for each of fiscal years 2024 through 2030, of which $3,420,000 for each such fiscal year shall be used to carry out section 8(f).''.

SEC. ___03. REAUTHORIZATION OF ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM AND THE FIRE PREVENTION AND SAFETY GRANTS PROGRAM.

(a) SUNSET.—Section 33(r) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(r)) is amended by striking ''2024'' and inserting ''2032''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 33(q)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(q)(1)(B)) is amended, in the matter preceding clause (i), by striking ''2023'' and inserting ''2030''.

SEC. ___04. REAUTHORIZATION OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM.

(a) SUNSET.—Section 34(k) of the Federal Fire Prevention and Control Act of 1974 (15

U.S.C. 2229a(k)) is amended by striking ''2024'' and inserting ''2032''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 34(j)(1)(I) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(j)(1)(I)) is amended, in the matter preceding clause (i), by striking ''2023'' and inserting ''2030''.

SEC. ___05. GAO AUDIT AND REPORT.

Not later than 3 years after the date of enactment of this subtitle, the Comptroller General of the United States shall conduct an audit of and issue a publicly available report on barriers that prevent fire departments from accessing Federal funds.

SEC. ___06. LIMITATION ON FIRE GRANT FUNDS.

Neither the Government of the People's Republic of China, nor any entity or organization operating or incorporated in the People's Republic of China, may be eligible to be a recipient or subrecipient of Federal assistance under any assistance program authorized under subsection (c) or (d) of section 33 or section 34(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

SEC. ___07. GAO AUDIT.

Not later than 3 years after the date of enactment of this subtitle, the Comptroller General of the United States shall conduct an audit of and issue a publicly available report on the United States Fire Administration.

SA 607. Mr. BOOKER (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ___. CURRENTLY ACCEPTED MEDICAL USE WITH SEVERE RESTRICTIONS.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by redesignating paragraph (58) (defining a serious violent felony) as paragraph (59);

(2) by redesignating the second paragraph (57) (defining a serious drug felony) as paragraph (58); and

(3) by adding at the end the following:

''(60)(A) Subject to subparagraph (B), the term 'currently accepted medical use with severe restrictions', with respect to a drug or other substance, includes a drug or other substance that is an active metabolite, moiety, or ingredient (whether in natural or synthetic form) of an investigational new drug for which a waiver is in effect under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) and that the Secretary—

''(i) designates as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)); or

''(ii) authorizes for expanded access under subsection (b) or (c) of section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb), either alone or as part of a therapeutic protocol, to treat patients with serious or life-threatening diseases for which no comparable or satisfactory therapies are available.

''(B) A drug or other substance shall not meet the criteria under subparagraph (A) for having a currently accepted medical use with severe restrictions if—

''(i) in the case of a drug or other substance described in subparagraph (A)(ii)—

''(I) the Secretary places the expanded access or protocol for such drug on clinical hold as described in section 312.42 of title 21, Code of Federal Regulations (or any successor regulations);

''(II) there is no other investigational new drug containing the drug or other substance for which expanded access has been authorized under section 561(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb(a)); and

''(III) the drug or other substance does not meet the requirements of subparagraph (A)(i); or

''(ii) the drug or other substance is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262).''.

(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION OF SUBSTANCES.—Section 201(j) of the Controlled Substances Act (21 U.S.C. 811(j)) is amended—

(1) in paragraph (1), by inserting ''a drug designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), or a drug authorized for expanded access under subsection (b) or (c) of section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb),'' after ''subsection (f),'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) the date on which the Attorney General receives notification from the Secretary of Health and Human Services that the Secretary has designated a drug as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)) or authorized a drug for expanded access under subsection (b) or (c) of section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb); or

''(D) the date on which the Attorney General receives any written notification demonstrating that the Secretary, before the date of enactment of this subparagraph, designated a drug as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)) or authorized a drug for expanded access under subsection (b) or (c) of section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb).'';

(3) in paragraph (3), by inserting ''or paragraph (4)'' after ''paragraph (1)''; and

(4) by adding at the end the following:

''(4) With respect to a drug moved from schedule I to schedule II pursuant to paragraph (1) and the expedited procedures described under this subsection, if the drug no longer has a currently accepted medical use with severe restrictions and the Secretary of Health and Human Services recommends that the Attorney General control the drug in schedule I pursuant to subsections (a) and (b), the Attorney General shall, not later than 90 days after receiving written notification from the Secretary, issue an interim final rule controlling the drug in accordance with such subsections and section 202(b) using the procedures described in paragraph (3) of this subsection.''.

SA 608. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle B of title XXVIII, add the following:

SEC. 2853. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS REGARDING MILITARY HOUSING.

(a) BASIC ALLOWANCE FOR HOUSING.—The Secretary of Defense shall ensure that the Military Compensation Policy directorate within the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy, in coordination with each military department, not later than one year after the date of the enactment of this Act, establishes and implements a process for consistently monitoring anchor points, the interpolation table, external alternative data, and any indications of potential bias by using quality information to set rates for basic allowance for housing under section 403 of title 37, United States Code, and ensuring timely remediation of any identified deficiencies.

(b) WORK ORDER DATA FOR PRIVATIZED MILITARY HOUSING.—The Secretary of Defense shall ensure that the Assistant Secretary of Defense for Sustainment, not later than one year after the date of the enactment of this Act—

(1) requires the military departments to establish a process to validate data collected by privatized military housing partners to better ensure the reliability and validity of work order data and to allow for more effective use of such data for monitoring and tracking purposes; and

(2) provides in future reports to Congress additional explanation of such work order data collected and reported, such as explaining the limitations of available survey data, how resident satisfaction was calculated, and reasons for any missing data.

(c) FINANCES FOR PRIVATIZED MILITARY HOUSING PROJECTS.—The Secretary of Defense shall ensure that the Assistant Secretary of Defense for Energy, Installations, and Environment, not later than one year after the date of the enactment of this Act, takes steps to resume issuing required reports to Congress on the financial condition of privatized military housing in a timely manner.

(d) PRIVATIZED MILITARY HOUSING DEFINED.—In this section, the term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SA 609. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 16___. AUTHORITY TO ACCEPT VOLUNTARY AND UNCOMPENSATED SERVICES FROM CYBERSECURITY EXPERTS.

(a) AUTHORITY.—Section 167b(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Commander of United States Cyber Command may accept voluntary and uncompensated services from cybersecurity

experts, notwithstanding the provisions of section 1342 of title 31, and may delegate such authority to the chiefs of the armed forces.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 167b of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''referred to as the 'cyber command' '' and inserting ''referred to as 'United States Cyber Command' ''; and

(B) in paragraph (2), by striking ''the Cyber Command'' and inserting ''United States Cyber Command'';

(2) in subsection (b), by striking ''Cyber Command'' each place it appears and inserting ''United States Cyber Command'';

(3) in subsections (c) and (d)—

(A) by striking ''cyber command'' each place it appears and inserting ''United States Cyber Command'';

(B) by striking ''commander of the'' each place it appears and inserting ''Commander of''; and

(C) by striking ''commander of such command'' each place it appears and inserting ''Commander of such Command''; and

(4) in subsection (d)(3)(C), by striking ''of the commander'' and inserting ''of the Commander''.

SA 610. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES TRANSITIONING OUT OF ACTIVE DUTY SERVICE.

(a) STUDY; EDUCATION AND OUTREACH EFFORTS.—

(1) STUDY.—The Secretary of Defense shall, in conjunction with the Secretary of Veterans Affairs, conduct a study to identify the means by which members of the Armed Forces are provided information about the availability of Federal nutrition assistance programs as they transition out of active duty service.

(2) EDUCATION AND OUTREACH EFFORTS.—The Secretary of Defense, working with the Secretary of Veterans Affairs, shall increase education and outreach efforts to members of the Armed Forces who are transitioning out of active duty service, particularly those members identified as being at-risk for food insecurity, to increase awareness of the availability of Federal nutrition assistance programs and eligibility for those programs.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under paragraph (1); and

(B) publish such report on the website of the Department of Defense.

(b) WORKING GROUP.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Agriculture, shall establish a working group to address, across the Department of Defense, the Department of Veterans Affairs, and the Department of Agriculture, coordination, data sharing, and evaluation efforts on food insecurity among members of the Armed Forces transitioning out of active duty service (in this subsection referred to as the ''working group'').

(2) MEMBERSHIP.—The working group be composed of—

(A) representatives from the Department of Defense, the Department of Veterans Affairs, the Department of Agriculture; and

(B) other relevant stakeholders as determined by the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Agriculture.

(3) REPORT.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the working group shall submit to each congressional committee with jurisdiction over the Department of Defense, the Department of Veterans Affairs, and the Department of Agriculture a report on the coordination, data sharing, and evaluation efforts described in paragraph (1).

(B) ELEMENTS.—The report required by paragraph (1) shall include the following:

(i) An accounting of the funding each department referred to in subparagraph (A) has obligated toward research relating to food insecurity among members of the Armed Forces or veterans.

(ii) An outline of methods of comparing programs and sharing best practices for addressing food insecurity by each such department.

(iii) An outline of—

(I) the plan each such department has to achieve greater government efficiency and cross-agency coordination, data sharing, and evaluation in addressing food insecurity among members of the Armed Forces; and

(II) efforts that the departments can undertake to improve coordination to better address food insecurity as it impacts members before, during, and after their active duty service.

(iv) An identification of—

(I) any legal, technological, or administrative barriers to increased coordination and data sharing in addressing food insecurity among members of the Armed Forces; and

(II) any additional authorities needed to increase such coordination and data sharing.

(v) Any other information the Secretary of Defense, the Secretary of Veterans Affairs, or the Secretary of Agriculture determines to be appropriate.

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—The Comptroller General of the United States shall conduct a study to evaluate the feasibility and advisability of expanding eligibility for the basic needs allowance under section 402b of title 37, United States Code, to individuals during the period following the transition of the individuals out of active duty service, up to three months.

SA 611. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. SUBCONTRACTING GOALS FOR MINORITY INSTITUTIONS.

(a) IN GENERAL.—Subchapter III of chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4127. Subcontracting goals for minority institutions

''(a) ESTABLISHMENT.—(1) The Secretary of Defense shall annually establish a department-wide goal for contracts awarded to Department of Defense Federally Funded Research and Development Centers or University Affiliated Research Centers that aims to increase partnerships so as to develop the capacity of minority institutions to address the research and development needs of the Department.

''(2) Each department-wide goal established pursuant to paragraph (1) shall provide for achieving the goal through subcontracts with one or more minority institutions, such that a subcontract to a contract described in paragraph (1) shall be for a total percentage amount (to be determined by the Secretary) of the total value of the contract, but not less than 5 percent of the total value of the contract.

''(b) ANNUAL REPORTS.—(1) Not less frequently than once each year, the Secretary shall submit to Congress a report on the goal most recently established under subsection (a).

''(2) Each report submitted pursuant to paragraph (1) shall include, for the goal and period covered by the report, the following:

''(A) The extent of participation by minority institutions.

''(B) Whether the Department of Defense has achieved the goal.

''(C) If the Department has failed to achieve the goal, a justification for such failure and a remediation plan.

''(c) DEFINITION OF MINORITY INSTITUTION.—In this section, the term 'minority institution' means—

''(1) a part B institution (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))); or

''(2) any other institution of higher education (as such term is defined in section 101 of such Act (20 U.S.C. 1001)) at which not less than 50 percent of the total student enrollment consists of students from ethnic groups that are underrepresented in the fields of science and engineering.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of such title is amended by inserting after the item relating to section 4126 the following new item:

''4127. Subcontracting goals for minority institutions.''.

(c) EFFECTIVE DATE.—The amendments made by paragraph (1) shall—

(1) take effect on October 1, 2026; and

(2) apply with respect to funds that are awarded by the Department of Defense on or after such date.

SA 612. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. PROMOTION OF CERTAIN FOOD AND NUTRITION ASSISTANCE PROGRAMS.

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

(1) the Department of Defense; and
(2) the Department of Agriculture.
(b) REPORTING.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report summarizing activities taken by the Secretary to carry out subsection (a).
(c) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—
(A) the congressional defense committees;
(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
(C) the Committee on Agriculture of the House of Representatives.
(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' has the meaning given that term in section 101 of title 10, United States Code.

SA 613. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 929. DESIGNATION OF SENIOR OFFICIAL TO COMBAT FOOD INSECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, combating food insecurity among members of the Armed Forces and their families. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.
(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:
(1) Oversight of policy, strategy, and planning for efforts of the Department of Defense to combat food insecurity among members of the Armed Forces and their families.
(2) Coordinating with other Federal agencies with respect to combating food insecurity.
(3) Such other matters as the Secretary considers appropriate.

SA 614. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROMOTE AND PROTECT NATIONAL SECURITY INNOVATION BASE.

(a) SPECIAL IMMIGRANT STATUS.—In accordance with the procedures established under subsection (f)(1), and subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) (and the spouse and each child of the alien if accompanying or following to join the alien) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—
(1) submits a classification petition under section 204(a)(1)(G)(i) of such Act (8 U.S.C. 1154(a)(1)(G)(i)); and
(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for lawful permanent residence.
(b) ALIENS DESCRIBED.—An alien is described in this subsection if—
(1) the alien—
(A) is a current or past participant in research funded by the Department of Defense;
(B) is a current or past employee or contracted employee of the Department of Defense;
(C) earned a master's, doctoral, or professional degree from an accredited United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or completed a graduate fellowship or graduate medical education at an accredited United States institution of higher education, that entailed research in a field of importance to the national security of the United States, as determined by the Secretary of Defense;
(D) is a current employee of, or has a documented job offer from, a company that develops new technologies or cutting-edge research that contributes to the national security of the United States, as determined by the Secretary of Defense; or
(E) is a founder or co-founder of a United States-based company that develops new technologies or cutting-edge research that contributes to the national security of the United States, as determined by the Secretary of Defense; and
(2) the Secretary of Defense issues a written statement to the Secretary of Homeland Security confirming that the alien possesses scientific or technical expertise that will contribute to the national security of the United States.
(c) NUMERICAL LIMITATIONS.—
(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed—
(A) 10 in each of fiscal years 2024 through 2033; and
(B) 100 in fiscal year 2034 and each fiscal year thereafter.
(2) EXCLUSION FROM NUMERICAL LIMITATION.—Aliens provided special immigrant status under this section shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).
(d) DEFENSE COMPETITION FOR SCIENTISTS AND TECHNICAL EXPERTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process to select, on a competitive basis from among individuals described in subsection (b), individuals for recommendation to the Secretary of Homeland Security for special immigrant status described in subsection (a).
(e) AUTHORITIES.—In carrying out this section, the Secretary of Defense shall authorize appropriate personnel of the Department of Defense to use all personnel and management authorities available to the Department, including the personnel and management authorities provided to the science and technology reinvention laboratories, the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code), and the Defense Advanced Research Projects Agency.
(f) PROCEDURES.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly establish policies and procedures implementing the provisions in this section, which shall include procedures for—
(1) processing of petitions for classification submitted under subsection (a)(1) and applications for an immigrant visa or adjustment of status, as applicable; and
(2) thorough processing of any required security clearances.
(g) FEES.—The Secretary of Homeland Security shall establish a fee—
(1) to be charged and collected to process an application filed under this section; and
(2) that is set at a level that will ensure recovery of the full costs of such processing and any additional costs associated with the administration of the fees collected.
(h) IMPLEMENTATION REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that includes—
(1) a plan for implementing the authorities provided under this section; and
(2) identification of any additional authorities that may be required to assist the Secretaries in fully implementing this section.
(i) PROGRAM EVALUATION AND REPORT.—
(1) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the competitive program and special immigrant program described in subsections (a) through (g).
(2) REPORT.—Not later than October 1, 2027, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the evaluation conducted under paragraph (1).
(j) DEFINITIONS.—In this section:
(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—
(A) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and
(B) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.
(2) NATIONAL SECURITY INNOVATION BASE.—The term ''National Security Innovation Base'' means the network of persons and organizations, including Federal agencies, institutions of higher education, federally funded research and development centers, defense industrial base entities, nonprofit organizations, commercial entities, and venture capital firms that are engaged in the military and non-military research, development, funding, and production of innovative technologies that support the national security of the United States.

SA 615. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. STUDY ON FEASIBILITY AND ADVISABILITY OF LOAN FORGIVENESS PROGRAM FOR BEHAVIORAL HEALTH CLINICIANS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility and

advisability of conducting a loan forgiveness program for behavioral health clinicians of the Department of Defense as outlined in recommendation 6.3 of the final report issued by the Suicide Prevention and Response Independent Review Committee.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Secretary shall include an assessment of—

(1) the potential need or demand for a loan forgiveness program for behavioral health clinicians of the Department;

(2) the costs associated with such a program, including actual loan forgiveness amounts per recipient;

(3) other programs that could serve as a model for such a program; and

(4) how the Secretary could best leverage such a program to maximize benefit to the Department.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

SA 616. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES AT RISK OF SUICIDE.

(a) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the Defense Health Agency, shall develop and implement a centralized program to monitor and provide assistance to members of the Armed Forces at risk of suicide who have been recently discharged from health care, as outlined in Recommendation 6.29 of the final report issued by the Suicide Prevention and Response Independent Review Committee.

(b) MATTERS TO BE INCLUDED.—The centralized program required under subsection (a) shall specify the following:

(1) The individual and agency responsible for conducting follow-up with members of the Armed Forces at risk of suicide.

(2) The time when initial follow-up will occur.

(3) The times when subsequent follow-ups will occur.

(4) The manner in which such members will be contacted.

(5) The process for documentation of follow-up attempts.

(6) The procedures for ensuring the safety of the member if the member is unreachable.

(7) The processes for military medical treatment facilities to link mortality data to health care delivery data—

(A) to better identify settings and patients at higher risk of suicide;

(B) to further inform local suicide prevention strategies for targeted high-risk groups; and

(C) to ensure compliance with reporting and investigating suicides occurring within 72 hours of discharge from a hospital.

(c) MEMBERS OF THE ARMED FORCES AT RISK OF SUICIDE DEFINED.—In this section, the term ''members of the Armed Forces at risk of suicide'' includes members of the Armed Forces who have attempted suicide and members of the Armed Forces who have been discharged as patients and who have been clinically assessed as benefitting from follow-up support related to suicide prevention.

SA 617. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. REVIEW OF ARTIFICIAL INTELLIGENCE INVESTMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review the current investment into applications of artificial intelligence to the platforms, processes, and operations of the Department of Defense; and

(2) categorize the types of artificial intelligence investments by categories including but not limited to the following:

(A) Automation.

(B) Machine learning.

(C) Autonomy.

(D) Robotics.

(E) Deep learning and neural network.

(F) Natural language processing.

(b) REPORT TO CONGRESS.—Not later than 120 days after the completion of the review and categorization required by subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the review and any action taken or proposed to be taken by the Secretary to address such findings; and

(2) an evaluation of how the findings of the Secretary align with stated strategies of the Department of Defense with regard to artificial intelligence and performance objectives established in section 226 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 4001 note).

SA 618. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ELIGIBILITY OF INDIA FOR FOREIGN MILITARY SALES AND EXPORT STATUS UNDER ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting ''India,'' before ''or New Zealand'' each place it appears;

(2) in section 3(b)(2), by inserting ''the Government of India,'' before ''or the Government of New Zealand''; and

(3) in sections 21(h)(1)(A) and 21(h)(2), by inserting ''India,'' before ''or Israel'' each place it appears.

SA 619. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 866. MODIFICATION TO PROCUREMENT REQUIREMENTS RELATING TO RARE EARTH ELEMENTS AND STRATEGIC AND CRITICAL MATERIALS.

(a) MODIFICATION REGARDING ADVANCED BATTERIES IN DISCLOSURES CONCERNING RARE EARTH ELEMENTS AND STRATEGIC AND CRITICAL MATERIALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.—Section 857 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 2727; 10 U.S.C. 4811 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking ''permanent magnet'' and inserting ''permanent magnet, or an advanced battery or advanced battery component (as those terms are defined, respectively, in section 40207(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a))),''; and

(ii) by striking ''of the magnet'' and inserting ''of the magnet, the advanced battery, or the advanced battery component (as applicable)''; and

(B) in paragraph (2), by amending to read as follows:

''(2) ELEMENTS.—A disclosure under paragraph (1) with respect to a system described in that paragraph shall include—

''(A) if the system includes a permanent magnet, an identification of the country or countries in which—

''(i) any rare earth elements and strategic and critical materials used in the magnet were mined;

''(ii) such elements and materials were refined into oxides;

''(iii) such elements and materials were made into metals and alloys; and

''(iv) the magnet was sintered or bonded and magnetized; and

''(B) if the system includes an advanced battery or an advanced battery component, an identification of the country or countries in which—

''(i) any strategic and critical materials that are covered minerals used in the battery or component were mined;

''(ii) any strategic and critical materials that are covered minerals used in the battery or component were refined, processed, or reprocessed;

''(iii) any strategic and critical materials that are covered minerals and that were manufactured into the battery or component; and

''(iv) the battery cell, module, and pack of the battery or component were manufactured and assembled.''; and

(2) by amending subsection (d) to read as follows:

''(d) DEFINITIONS.—In this section:

''(1) The term 'strategic and critical materials' means materials designated as strategic and critical under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(a)).

''(2) The term 'covered minerals' means lithium, nickel, cobalt, manganese, and graphite.''.

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section 857 is further amended—

(1) in paragraph (3), by striking ''provides the system'' and inserting ''provides the system as described in paragraph (1)''; and

(2) in paragraph (4)(C), by striking ''a senior acquisition executive'' and inserting ''a service acquisition executive''.

SA 620. Mr. WICKER (for himself, Mr. CARDIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—Holding Russian Mercenaries Accountable

SECTION 12__1. SHORT TITLES.

This subtitle may be cited as the ''Holding Accountable Russian Mercenaries Act'' or the ''HARM Act''.

SEC. 12__2. FINDINGS.

Congress makes the following findings:

(1) The Secretary of State's designation of an entity as a foreign terrorist organization results from a determination that—

(A) the entity is foreign and engages in terrorism or terrorist activity; and

(B) the terrorist activity threatens the security of the United States or its nationals.

(2) The activities of the Wagner Group and affiliated entities of Russian national Yevgeniy Prigozhin pose a threat to the national interests and national security of the United States and allies and partners of the United States, including with respect to Russia's war on Ukraine, which President Biden declared, on March 2, 2022, ''pose[s] an unusual and extraordinary threat to the national security and foreign policy of the United States''.

(3) On June 20, 2017, the Department of the Treasury's Office of Foreign Assets Control designated the Wagner Group and its military leader, Dmitry Utkin, pursuant to Executive Order 13660 (50 U.S.C. 1701 note; relating to blocking property of certain persons contributing to the situation in Ukraine) ''for being responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security, stability, sovereignty or territorial integrity of Ukraine''.

(4) On September 20, 2018, the Department of State added Yevgeniy Prigozhin and his affiliated entities, including the Wagner Group, to the list of persons identified as part of, or operating for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation under section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525).

(5) On January 20, 2023, a White House spokesperson announced that the Department of the Treasury will designate the Wagner Group as a significant transnational criminal organization pursuant to Executive Order 13581 (50 U.S.C. 1701 note; relating to blocking property of transnational criminal organizations), consistent with the authority granted to the President under section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702).

(6) The Wagner Group, a self-described private actor that undertakes military action and subversive operations at the behest of the Government of the Russian Federation, is a ''terrorist group'' that engages in ''terrorism'' (as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Year 1988 and 1989 (22 U.S.C. 2656f(d))), which is ''premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents''.

(7) The Wagner Group and its affiliated entities have committed, or are credibly accused of committing, terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B))), through their involvement in—

(A) the massacres, rape, and torture of civilians in Bucha, Ukraine, in March 2022;

(B) the massacres in Moura, Mali, in March 2022;

(C) the massacres of migrant workers and civilians in mining regions along the Sudan-Central African Republic border in 2022;

(D) the murder of Russian journalists in the Central African Republic in June 2018 as well as threats against United States journalists investigating such incident;

(E) the kidnapping of children in the Central African Republic in 2022 to work in mines;

(F) the rape and sex trafficking of women and children in the Central African Republic between 2018 and 2022;

(G) the sabotage and lethal suppression of civilian protestors in Sudan in 2019;

(H) the use of nerve agents against Libya's Government of National Accord and deployment of illegal land mines and booby-traps in civilian areas of Tripoli between 2019 and 2020;

(I) the torture and execution of a Syrian national in June 2017;

(J) efforts to assassinate Ukrainian President Volodymyr Zelensky in March 2022; and

(K) the receipt of weapons shipments initially reported in December 2022 from the Democratic People's Republic of Korea, which the Secretary of State had designated a state sponsor of terrorism on November 20, 2017.

SEC. 12__3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Russian-based mercenary Wagner Group meets the criteria for designation by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)); and

(2) the Secretary of State should designate the Wagner Group as a foreign terrorist organization under such section 219(a).

SEC. 12__4. DESIGNATION OF THE MERCENARY WAGNER GROUP AS A FOREIGN TERRORIST ORGANIZATION.

(a) IN GENERAL.—Upon the date of the enactment of this Act, the Secretary of State shall designate the Wagner Group as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) APPLICATION.—The designation required under subsection (a) shall equally apply to any affiliated and successor entities to the Wagner Group undertaking malign activities against the United States and its allies and partners, including activities taking place in Ukraine, Africa, and the Middle East.

(c) WAIVER.—The President may waive the application of sanctions under this section if the President determines and reports to the appropriate congressional committees that such a waiver is in the national security interest of the United States.

(d) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the international activities of the Russian-based mercenary Wagner Group.

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

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on Financial Services of the House of Representatives;

(5) the Committee on Foreign Affairs of the House of Representatives;

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

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

SEC. 12__5. TASK FORCE ON COUNTERING RUSSIAN MALIGN ACTORS AND MERCENARY PROXIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall establish a task force on countering the Russian mercenary groups and their proxies (referred to in this section as the ''Task Force'').

(2) RUSSIAN MERCENARY GROUPS AND THEIR PROXIES DEFINED.—In this section, the term ''Russian mercenary groups and their proxies'' means—

(A) mercenary proxy groups, such as Wagner PMC (and any relevant successors that engage in similar conduct), PMC Patriot, Andreyevsky Krest PMC, PMC Convoy, Akhmat PMC, Moran Security Group, and RSB Group;

(B) any organization or network that is directly involved in planning and carrying out influence operations in the United States or in any country that is an ally or partner of the United States; and

(C) any overt or covert financial, procurement, or logistics network directly involved in supporting the actors or activities described in subparagraphs (A) or (B).

(b) OBJECTIVES.—The objectives of the Task Force shall be to—

(1) identify individuals and entities linked to Russian mercenary groups and their proxies that are responsible for, or complicit in, transnational criminal activities and atrocities in Africa;

(2) degrade the operational capabilities of Russian mercenary groups and their proxies worldwide;

(3) disrupt and degrade the financial, procurement, and logistics networks that sustain Russian mercenary groups and their proxies and networks;

(4) deny Russian mercenary groups and their proxies the use of third-country safe havens or bases of operations that can be used to project influence or support their operations globally;

(5) coordinate diplomatic activities in countries in which the Wagner Group poses a national security threat;

(6) engage with allies and partners of the United States to carry out the objectives described in paragraphs (1) through (5); and

(7) make recommendations for sanctions, including regarding designations and any additional sanctions authorities that may be needed.

(c) COMPOSITION.—

(1) LEADERSHIP.—The Task Force shall be led by the Deputy Secretary of State or another senior official of the Department of State who has been designated by the Secretary of State to lead the Task Force.

(2) DEPARTMENT OF STATE REPRESENTATIVES.—Members of the Task Force shall include representatives of—

(A) relevant regional or functional bureaus of the Department of State;

(B) the Global Engagement Center;

(C) the Office of Sanctions Coordination;

(D) the Bureau of Cyberspace and Digital Policy; and

(E) other offices and bureaus of the Department of State that the Secretary of State determines should be represented on the Task Force.

(3) OTHER FEDERAL DEPARTMENTS AND AGENCIES.—Members of the Task Force shall also include representatives of—

(A) the Department of Defense;

(B) the Department of the Treasury;

(C) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

(D) the Department of Justice; and

(E) any other relevant Federal department or agency.

(d) REPORT.—Not later than 90 days after establishment of the Task Force, and annually thereafter for the following 3 years, the Secretary of State shall submit to the appropriate congressional committees a report containing—

(1) a summary of the Task Force's efforts to counter Russian mercenary groups and their proxies during the preceding year;

(2) a description of the Task Force's diplomatic efforts to carry out the objectives described in subsection (b), including—

(A) diplomatic demarches;

(B) bilateral engagements;

(C) coordination of multilateral initiatives with allies and partners; and

(D) any other relevant diplomatic activities;

(3) a description of financial, cyber, military, or intelligence tools or authorities used to carry out the objectives described in subsection (b), including the cyber capabilities authorized to be shared under section 398 of title 10, United States Code;

(4) a description of any information operations or public diplomacy efforts associated with any of the activities described in paragraphs (1) through (3); and

(5) a description of the coordination and synchronization of efforts among the Department of State, the Department of the Treasury, the Office of the Director of National Intelligence, Department of Defense, and any other relevant Federal agencies, to counter Russian mercenary groups and their proxies in affected countries.

SEC. 12__6. ENHANCED DIPLOMATIC EFFORTS AND INCREASING PERSONNEL TO COUNTER THE ACTIVITIES OF THE WAGNER GROUP AND OTHER RUSSIAN MILITARY COMPANIES.

(a) PLAN TO ENHANCE DIPLOMATIC EFFORTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop and submit to the appropriate congressional committees a plan for enhancing diplomatic efforts with governments and regional organizations to counter the Wagner Group, any relevant successors to the Wagner Group that engage in similar conduct, and other Russian mercenary groups and their proxies. Such plan shall include recommendations for increasing the number of personnel at certain United States diplomatic missions to ensure that relevant embassies have the personnel to focus on the activities, policies, and investments of Russian mercenary groups and their proxies.

(b) ADDITIONAL STAFFING PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a staffing plan to the appropriate congressional committees for key diplomatic posts in Africa (including north Africa) to increase monitoring and reporting on the activities of the Wagner Group, any relevant successors to the Wagner Group that engage in similar conduct, and other Russian mercenary groups and their proxies. Such plan shall identify new incentives for filling positions that are hard to staff.

(2) FINANCIAL AND HUMAN RESOURCES.—The Secretary of State shall prioritize efforts to ensure that United States diplomatic missions in countries in which the Wagner Group poses a national security threat have sufficient financial and human resources to engage in effective public diplomacy to counter the influence of the Wagner Group and other Russian mercenary proxy groups.

(c) BRANDING AND MARKING UNITED STATES FOREIGN ASSISTANCE.—The Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other relevant Federal departments and agencies should—

(1) prescribe the use of the United States flag to identify, consistent with section 641 of the Foreign Assistance Act of 1961 (22 U.S.C. 2401), all foreign assistance provided by the United States to countries in which the Wagner Group poses a national security threat;

(2) limit the use of branding and marking waivers, as appropriate, for humanitarian assistance provided by the United States to such countries; and

(3) only use branding and marking waivers on a case-by-case basis for non-humanitarian programs administered by the Department of State, the United States Agency for International Development, or another Federal department or agency administering programs in such countries.

(d) EFFORTS TO LIMIT BENEFITS FROM ILLICIT EXTRACTION AND TRADE IN NATURAL RESOURCES.—The Secretary of State, in coordination with the heads of other relevant Federal departments and agencies, shall engage in diplomatic efforts to limit the ability of the Wagner Group, any successor to the Wagner Group that engages in similar conduct, and other Russian mercenary proxy groups to engage in, or materially benefit from, the smuggling and illicit extraction, refining, and trade of gold and other natural resources, including by encouraging—

(1) the harmonization of tax regimes;

(2) the adoption of due diligence and international standards for conflict-free and responsible sourcing of natural resources; and

(3) the formalization of artisanal mining sectors.

SEC. 12__7. STRATEGY TO COUNTER THE WAGNER GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with relevant Federal agencies, shall develop and submit to the appropriate congressional committees a strategy to deter and counter the global activities of the Wagner Group and any successor to the Wagner Group that engages in similar conduct.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) Regional and country-specific approaches to countering the influence and activities of the Wagner Group and any successor that engages in similar conduct in Africa, Europe, the Middle East, and Latin America, including efforts to counter recruitment by or on behalf of the Wagner Group and any successor to the Wagner Group that engages in similar conduct.

(2) A comprehensive campaign, conducted in partnership with the Global Engagement Center, designed to—

(A) expose the activities of the Wagner Group and any successor to the Wagner Group that engages in similar conduct; and

(B) counter the propaganda and disinformation and misinformation operations of the Wagner Group.

(3) Examples of past efforts to accomplish the objectives described in subparagraphs (A) and (B) of paragraph (2) and a list of the tools that have been used for disinformation purposes.

(4) A plan to utilize other tools available to the United States Government to degrade the operations of the Wagner Group and any successor to the Wagner Group that engages in similar conduct.

(5) An analysis of policy and programmatic limitations, gaps, and resource requirements to effectively counter the Russian Federation's malign influence and activities in Africa, Latin America, the Caribbean, the Middle East, Asia, and other regions, as appropriate.

(6) Recommendations for any additional authorities or resources needed to more effectively degrade operations and influence of the Wagner Group, any successor to the Wagner Group that engages in similar conduct, and similar groups.

(c) FORM.—The strategy required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 12__8. INFLUENCING INTERNATIONAL FINANCIAL INSTITUTIONS TO CONSIDER WAGNER GROUP MINING CONCESSIONS WHEN CONSIDERING LOANS AND DEVELOPMENT FINANCING PROJECTS.

(a) CONSIDERATION BY INTERNATIONAL MONETARY FUND OF MINING CONCESSIONS WITH AFFILIATED ENTITIES OF THE WAGNER GROUP.—The Secretary of State, in consultation with the Secretary of the Treasury, shall advise the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to ensure that the International Monetary Fund, when considering a loan to a country, considers whether the potential recipient of such loan has provided mining concessions or direct budgetary support to the Wagner Group or entities affiliated with the Wagner Group.

(b) CONSIDERATION BY EXPORT-IMPORT BANK OF THE UNITED STATES OF MINING PROJECTS.—The Secretary of State, in consultation with the Secretary of Treasury, shall advise the United States Chair and Director of the Board of Governors of the Export-Import Bank of the United States to use the voice and vote of the United States to ensure that the Export-Import Bank, when considering development financing projects, reviews whether the potential recipient has provided mining concessions or direct budgetary support to the Wagner Group or entities affiliated with the Wagner Group.

SEC. 12__9. INFORMATION SHARING ON HIGH-VALUE WAGNER GROUP TARGETS.

The Secretary of State is authorized to take appropriate steps to share information regarding high-value Wagner Group targets with like-minded foreign government partners, which could include full names and biometric data of individual targets, if available and relevant to determining visa restrictions.

SA 621. Mr. WICKER (for himself, Mr. SCOTT of South Carolina, and Ms. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1035. ESTABLISHING A COORDINATOR FOR COUNTERING MEXICO'S CRIMINAL CARTELS.

(a) SENSE OF THE SENATE.— It is the sense of the Senate that—

(1) countering Mexico's criminal cartels must be a top national security priority of the United States; and

(2) resources from across the United States Government must be leveraged to end the devastation that those organizations have inflicted on the people of the United States.

(b) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, the Attorney General, and the Secretary of the Treasury, shall designate an existing official within the executive branch to serve as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all defense, diplomatic, intelligence, financial, and legal efforts to counter the drug- and human-trafficking activities of Mexico's criminal cartels.

(c) RETENTION OF AUTHORITY.—The designation of a coordinator under subsection (b) shall not deprive any agency of any authority to independently perform functions of that agency.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter through January 31, 2029, the coordinator designated under subsection (b) shall submit to the appropriate committees of Congress a detailed report on the following:

(A) Efforts taken during the previous quarter to bolster defense cooperation with the Government of Mexico against Mexico's criminal cartels, and any other activities of the Department of Defense with respect to countering the cartels, including in cooperation with the Government of Mexico or interagency partners.

(B) Diplomatic efforts, including numbers of demarches and meetings, taken during the previous quarter to highlight and counter the human rights abuses of Mexico's criminal cartels, including human trafficking, sex trafficking, other exploitation of migrants, endangerment of children, and other abuses.

(C) Diplomatic efforts taken during the previous quarter to improve cooperation with the Government of Mexico in countering Mexico's criminal cartels, and a detailed list and assessment of any actions that the Government of Mexico has taken during the previous quarter to counter the cartels.

(D) Diplomatic efforts taken during the previous quarter to improve cooperation with partners and allies in countering Mexico's criminal cartels.

(E) Efforts taken during the previous quarter to bolster the screening process at ports of entry to prevent members and associates of Mexico's criminal cartels, and individuals who are working for the cartels, from entering or trafficking drugs, humans, and contraband into the United States.

(F) Efforts taken during the previous quarter to encourage the Government of Mexico to improve its screening process along its own ports of entry in order to prevent illicit cash, weapons, and contraband that is destined for Mexico's criminal cartels from entering Mexico.

(G) Efforts taken during the previous quarter to investigate and prosecute members and associates of Mexico's criminal cartels, including members and associates operating from within the United States.

(H) Efforts taken during the previous quarter to encourage the Government of Mexico to increase its investigation and prosecution of leaders, members, and associates of Mexcio's criminal cartels within Mexico.

(I) Efforts taken during the previous quarter to initiate or improve the sharing of intelligence with allies and partners, including the Government of Mexico, for the purpose of countering Mexico's criminal cartels.

(J) Efforts taken during the previous quarter to impose sanctions with respect to—

(i) leaders, members, and associates of Mexico's criminal cartels; and

(ii) any companies, banks, or other institutions that facilitate the cartels' human-trafficking, drug-trafficking, and other criminal enterprises.

(K) The total number of personnel and resources in the Department of Defense, the Department of State, the Department of Homeland Security, the Department of Justice, and the Department of the Treasury focused on countering Mexico's criminal cartels.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Financial Services of the House of Representatives.

(2) MEXICO'S CRIMINAL CARTELS.—The term ''Mexico's criminal cartels'' means the following:

(A) Criminal organizations the operations of which include human-trafficking, drug-trafficking, and other types of smuggling operations across the southwest border of the United States and take place largely within Mexico, including the following:

(i) The Sinaloa Cartel.

(ii) The Jalisco New Generation Cartel.

(iii) The Gulf Cartel.

(iv) The Los Zetas Cartel.

(v) The Northeast Cartel.

(vi) The Juarez Cartel.

(vii) The Tijuana Cartel.

(viii) The Beltran-Leyva Cartel.

(ix) The La Familia Michoacana, also known as the Knights Templar Cartel.

(x) Las Moicas.

(xi) La Empresa Nueva.

(xii) MS–13.

(xiii) The Medellin Cartel.

(B) Any successor organization to an organization described in subparagraph (A).

SA 622. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. EXTENSION OF PROHIBITION ON CERTAIN REDUCTIONS TO B–1 BOMBER AIRCRAFT SQUADRONS.

Section 133(c)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1574) is amended by striking ''September 30, 2023'' and inserting ''September 30, 2026''.

SA 623. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FIGHTING POST-TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—Congress finds the following:

(1) Public safety officers serve their communities with bravery and distinction in order to keep their communities safe.

(2) Public safety officers, including police officers, firefighters, emergency medical technicians, and 911 dispatchers, are on the front lines of dealing with situations that are stressful, graphic, harrowing, and life-threatening.

(3) The work of public safety officers puts them at risk for developing post-traumatic stress disorder and acute stress disorder.

(4) It is estimated that 30 percent of public safety officers develop behavioral health conditions at some point in their lifetimes, including depression and post-traumatic stress disorder, in comparison to 20 percent of the general population that develops such conditions.

(5) Victims of post-traumatic stress disorder and acute stress disorder are at a higher risk of dying by suicide.

(6) Firefighters have been reported to have higher suicide attempt and ideation rates than the general population.

(7) It is estimated that between 125 and 300 police officers die by suicide every year.

(8) In 2019, pursuant to section 2(b) of the Law Enforcement Mental Health and Wellness Act of 2017 (Public Law 115–113; 131 Stat. 2276), the Director of the Office of Community Oriented Policing Services of the Department of Justice developed a report (referred to in this section as the ''LEMHWA report'') that expressed that many law enforcement agencies do not have the capacity or local access to the mental health professionals necessary for treating their law enforcement officers.

(9) The LEMHWA report recommended methods for establishing remote access or regional mental health check programs at the State or Federal level.

(10) Individual police and fire departments generally do not have the resources to employ full-time mental health experts who are able to treat public safety officers with state-of-the-art techniques for the purpose of treating job-related post-traumatic stress disorder and acute stress disorder.

(b) PROGRAMMING FOR POST-TRAUMATIC STRESS DISORDER.—

(1) DEFINITIONS.—In this subsection:

(A) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(i) has the meaning given the term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); and

(ii) includes Tribal public safety officers.

(B) PUBLIC SAFETY TELECOMMUNICATOR.—The term ''public safety telecommunicator'' means an individual who—

(i) operates telephone, radio, or other communication systems to receive and communicate requests for emergency assistance at 911 public safety answering points and emergency operations centers;

(ii) takes information from the public and other sources relating to crimes, threats, disturbances, acts of terrorism, fires, medical emergencies, and other public safety matters; and

(iii) coordinates and provides information to law enforcement and emergency response personnel.

(2) REPORT.—Not later than 150 days after the date of enactment of this Act, the Attorney General, acting through the Director of the Office of Community Oriented Policing Services of the Department of Justice, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on—

(A) not fewer than 1 proposed program, if the Attorney General determines it appropriate and feasible to do so, to be administered by the Department of Justice for making state-of-the-art treatments or preventative care available to public safety officers and public safety telecommunicators with regard to job-related post-traumatic stress disorder or acute stress disorder by providing public safety officers and public safety telecommunicators access to evidence-based trauma-informed care, peer support, counselor services, and family supports for the purpose of treating or preventing post-traumatic stress disorder or acute stress disorder;

(B) a draft of any necessary grant conditions required to ensure that confidentiality is afforded to public safety officers on account of seeking the care or services described in subparagraph (A) under the proposed program;

(C) how each proposed program described in subparagraph (A) could be most efficiently administered throughout the United States at the State, Tribal, territorial, and local levels, taking into account in-person and telehealth capabilities;

(D) a draft of legislative language necessary to authorize each proposed program described in subparagraph (A); and

(E) an estimate of the amount of annual appropriations necessary for administering each proposed program described in subparagraph (A).

(3) DEVELOPMENT.—In developing the report required under paragraph (2), the Attorney General shall consult relevant stakeholders, including—

(A) Federal, State, Tribal, territorial, and local agencies employing public safety officers and public safety telecommunicators; and

(B) non-governmental organizations, international organizations, academies, or other entities, including organizations that support the interests of public safety officers and public safety telecommunicators and the interests of family members of public safety officers and public safety telecommunicators.

SA 624. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. PREVENTING CHILD SEX ABUSE.

(a) SHORT TITLE.—This section may be cited as the ''Preventing Child Sex Abuse Act of 2023''.

(b) SENSE OF CONGRESS.—The sense of Congress is the following:

(1) The safety of children should be a top priority for public officials and communities in the United States.

(2) According to the Rape, Abuse & Incest National Network, an individual in the United States is sexually assaulted every 68 seconds. And every 9 minutes, that victim is a child. Meanwhile, only 25 out of every 1,000 perpetrators will end up in prison.

(3) The effects of child sexual abuse can be long-lasting and affect the victim's mental health.

(4) Victims are more likely than non-victims to experience the following mental health challenges:

(A) Victims are about 4 times more likely to develop symptoms of drug abuse.

(B) Victims are about 4 times more likely to experience post-traumatic stress disorder as adults.

(C) Victims are about 3 times more likely to experience a major depressive episode as adults.

(5) The criminal justice system should and has acted as an important line of defense to protect children and hold perpetrators accountable.

(6) However, the horrific crimes perpetuated by Larry Nassar demonstrate firsthand the loopholes that still exist in the criminal justice system. While Larry Nassar was found guilty of several State-level offenses, he was not charged federally for his illicit sexual contact with minors, despite crossing State and international borders to commit this conduct.

(7) The Department of Justice has also identified a growing trend of Americans who use charitable or missionary work in a foreign country as a cover for sexual abuse of children.

(8) It is the intent of Congress to prohibit Americans from engaging in sexual abuse or exploitation of minors under the guise of work, including volunteer work, with an organization that affects interstate or foreign commerce, such as an international charity.

(9) Federal law does not require that an abuser's intention to engage in sexual abuse be a primary, significant, dominant, or motivating purpose of the travel.

(10) Child sexual abuse does not require physical contact between the abuser and the child. This is especially true as perpetrators turn increasingly to internet platforms, online chat rooms, and webcams to commit child sexual abuse.

(11) However, a decision of the United States Court of Appeals for the Seventh Circuit found the use of a webcam to engage in sexually provocative activity with a minor did not qualify as ''sexual activity''.

(12) Congress can address this issue by amending the definition of the term ''sexual activity'' to clarify that it does not require interpersonal, physical contact.

(13) It is the duty of Congress to provide clearer guidance to ensure that those who commit crimes against children are prosecuted to the fullest extent of the law.

(c) INTERSTATE CHILD SEXUAL ABUSE.—Section 2423 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''with a motivating purpose of engaging in any illicit sexual conduct with another person'' and inserting ''with intent to engage in any illicit sexual conduct with another person'';

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (i), respectively;

(3) in subsection (e), as so redesignated, by striking ''with a motivating purpose of engaging in any illicit sexual conduct'' and inserting ''with intent to engage in any illicit sexual conduct''; and

(4) by inserting after subsection (g), as so redesignated, the following:

''(h) RULE OF CONSTRUCTION.—As used in this section, the term 'intent' shall be construed as any intention to engage in illicit sexual conduct at the time of the travel.''.

(d) ABUSE UNDER THE GUISE OF CHARITY.—Section 2423 of title 18, United States Code, as amended by subsection (c) of this section, is amended—

(1) by inserting after subsection (c) the following:

''(d) ILLICIT SEXUAL CONDUCT IN CONNECTION WITH CERTAIN ORGANIZATIONS.—Any citizen of the United States or alien admitted for permanent residence who—

''(1) is an officer, director, employee, or agent of an organization that affects interstate or foreign commerce;

''(2) makes use of the mails or any means or instrumentality of interstate or foreign commerce through the connection or affiliation of the person with such organization; and

''(3) commits an act in furtherance of illicit sexual conduct through the connection or affiliation of the person with such organization, shall be fined under this title, imprisoned for not more than 30 years, or both.'';

(2) in subsection (f), as so redesignated, by striking ''or (d)'' and inserting ''(d), or (e)''; and

(3) in subsection (i), as so redesignated, by striking ''(f)(2)'' and inserting ''(g)(2)''.

(e) SEXUAL ACTIVITY WITH MINORS.—Section 2427 of title 18, United States Code, is amended by inserting ''does not require interpersonal physical contact, and'' before ''includes''.

SA 625. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X of division A, insert the following:

SEC. ____. ADMINISTRATIVE FALSE CLAIMS.

(a) SHORT TITLE.—This section may be cited as the ''Administrative False Claims Act of 2023''.

(b) CHANGE IN SHORT TITLE.—

(1) IN GENERAL.—Subtitle B of title VI of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509; 100 Stat. 1934) is amended—

(A) in the subtitle heading, by striking ''**Program Fraud Civil Remedies**'' and inserting ''**Administrative False Claims**''; and

(B) in section 6101 (31 U.S.C. 3801 note), by striking ''Program Fraud Civil Remedies Act of 1986'' and inserting ''Administrative False Claims Act''.

(2) REFERENCES.—Any reference to the Program Fraud Civil Remedies Act of 1986 in any provision of law, regulation, map, document, record, or other paper of the United States shall be deemed a reference to the Administrative False Claims Act.

(c) REVERSE FALSE CLAIMS.—Chapter 38 of title 31, United States Code, is amended—

(1) in section 3801(a)(3), by amending subparagraph (C) to read as follows:

''(C) made to an authority which has the effect of concealing or improperly avoiding or decreasing an obligation to pay or transmit property, services, or money to the authority,''; and

(2) in section 3802(a)(3)—

(A) by striking ''An assessment'' and inserting ''(A) Except as provided in subparagraph (B), an assessment''; and

(B) by adding at the end the following:

''(B) In the case of a claim described in section 3801(a)(3)(C), an assessment shall not be made under the second sentence of paragraph (1) in an amount that is more than double the value of the property, services, or money that was wrongfully withheld from the authority.''.

(d) INCREASING DOLLAR AMOUNT OF CLAIMS.—Section 3803(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking ''$150,000'' each place that term appears and inserting ''$1,000,000''; and

(2) by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—The maximum amount in paragraph (1) shall be adjusted for inflation in the same manner and to the same extent as civil monetary penalties under the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note).''.

(e) RECOVERY OF COSTS.—Section 3806(g)(1) of title 31, United States Code, is amended to read as follows:

''(1)(A) Except as provided in paragraph (2)—

''(i) any amount collected under this chapter shall be credited first to reimburse the authority or other Federal entity that expended costs in support of the investigation or prosecution of the action, including any court or hearing costs; and

''(ii) amounts reimbursed under clause (i) shall—

''(I) be deposited in—

''(aa) the appropriations account of the authority or other Federal entity from which the costs described in subparagraph (A) were obligated;

''(bb) a similar appropriations account of the authority or other Federal entity; or

''(cc) if the authority or other Federal entity expended nonappropriated funds, another appropriate account; and

''(II) remain available until expended.

''(B) Any amount remaining after reimbursements described in subparagraph (A) shall be deposited as miscellaneous receipts in the Treasury of the United States.''.

(f) SEMIANNUAL REPORTING.—Section 405(c) of title 5, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) information relating to cases under chapter 38 of title 31, including—

''(A) the number of reports submitted by investigating officials to reviewing officials under section 3803(a)(1) of such title;

''(B) actions taken in response to reports described in subparagraph (A), which shall include statistical tables showing—

''(i) pending cases;

''(ii) resolved cases;

''(iii) the average length of time to resolve each case;

''(iv) the number of final agency decisions that were appealed to a district court of the United States or a higher court; and

''(v) if the total number of cases in a report is greater than 2—

''(I) the number of cases that were settled; and

''(II) the total penalty or assessment amount recovered in each case, including through a settlement or compromise; and

''(C) instances in which the reviewing official declined to proceed on a case reported by an investigating official; and''.

(g) INCREASING EFFICIENCY OF DOJ PROCESSING.—Section 3803(j) of title 31, United States Code, is amended—

(1) by inserting ''(1)'' before ''The reviewing''; and

(2) by adding at the end the following:

''(2) A reviewing official shall notify the Attorney General in writing not later than 30 days before entering into any agreement to compromise or settle allegations of liability under section 3802 and before the date on which the reviewing official is permitted to refer allegations of liability to a presiding officer under subsection (b).''.

(h) REVISION OF DEFINITION OF HEARING OFFICIALS.—

(1) IN GENERAL.—Chapter 38 of title 31, United States Code, is amended—

(A) in section 3801(a)(7)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B)(vii), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(C) a member of the board of contract appeals pursuant to section 7105 of title 41, if the authority does not employ an available presiding officer under subparagraph (A);''; and

(B) in section 3803(d)(2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B)—

(I) by striking ''the presiding'' and inserting ''(i) in the case of a referral to a presiding officer described in subparagraph (A) or (B) of section 3801(a)(7), the presiding'';

(II) in clause (i), as so designated, by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(ii) in the case of a referral to a presiding officer described in subparagraph (C) of section 3801(a)(7)—

''(I) the reviewing official shall submit a copy of the notice required by under paragraph (1) and of the response of the person receiving such notice requesting a hearing—

''(aa) to the board of contract appeals that has jurisdiction over matters arising from the agency of the reviewing official pursuant to section 7105(e)(1) of title 41; or

''(bb) if the Chair of the board of contract appeals declines to accept the referral, to any other board of contract appeals; and

''(II) the reviewing official shall simultaneously mail, by registered or certified mail, or shall deliver, notice to the person alleged to be liable under section 3802 that the referral has been made to an agency board of contract appeals with an explanation as to where the person may obtain the relevant rules of procedure promulgated by the board; and''; and

(iii) by adding at the end the following:

''(C) in the case of a hearing conducted by a presiding officer described in subparagraph (C) of section 3801(a)(7)—

''(i) the presiding officer shall conduct the hearing according to the rules and procedures promulgated by the board of contract appeals; and

''(ii) the hearing shall not be subject to the provisions in subsection (g)(2), (h), or (i).''.

(2) AGENCY BOARDS.—Section 7105(e) of title 41, United States Code, is amended—

(A) in paragraph (1), by adding at the end the following:

''(E) ADMINISTRATIVE FALSE CLAIMS ACT.—

''(i) IN GENERAL.—The boards described in subparagraphs (B), (C), and (D) shall have jurisdiction to hear any case referred to a board of contract appeals under section 3803(d) of title 31.

''(ii) DECLINING REFERRAL.—If the Chair of a board described in subparagraph (B), (C), or (D) determines that accepting a case under clause (i) would prevent adequate consideration of other cases being handled by the board, the Chair may decline to accept the referral.''; and

(B) in paragraph (2), by inserting ''or, in the event that a case is filed under chapter 38 of title 31, any relief that would be available to a litigant under that chapter'' before the period at the end.

(3) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, each authority head, as defined in section 3801 of title 31, United States Code, and each board of contract appeals of a board described in subparagraph (B), (C), or (D) of section 7105(e) of title 41, United States Code, shall amend procedures regarding proceedings as necessary to implement the amendments made by this subsection.

(i) REVISION OF LIMITATIONS.—Section 3808 of title 31, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) A notice to the person alleged to be liable with respect to a claim or statement shall be mailed or delivered in accordance with section 3803(d)(1) not later than the later of—

''(1) 6 years after the date on which the violation of section 3802 is committed; or

''(2) 3 years after the date on which facts material to the action are known or reasonably should have been known by the authority head, but in no event more than 10 years after the date on which the violation is committed.''.

(j) DEFINITIONS.—Section 3801 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(10) 'material' has the meaning given the term in section 3729(b) of this title; and

''(11) 'obligation' has the meaning given the term in section 3729(b) of this title.''; and

(2) by adding at the end the following:

''(d) For purposes of subsection (a)(10), materiality shall be determined in the same manner as under section 3729 of this title.''.

(k) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date of enactment of this Act, each authority head, as defined in section 3801 of title 31, United States Code, shall—

(1) promulgate regulations and procedures to carry out this section and the amendments made by this section; and

(2) review and update existing regulations and procedures of the authority to ensure compliance with this section and the amendments made by this section.

SA 626. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by redesignating paragraph (58) as paragraph (59);

(2) by redesignating the second paragraph designated as paragraph (57) (relating to the definition of ''serious drug felony'') as paragraph (58); and

(3) by moving paragraphs (57), (58) (as so redesignated), and (59) (as so redesignated) 2 ems to the left.

SA 627. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. DISCLOSING FOREIGN INFLUENCE IN LOBBYING.

(a) SHORT TITLE.—This section may be cited as the ''Disclosing Foreign Influence in Lobbying Act''.

(b) CLARIFICATION OF CONTENTS OF REGISTRATION.—Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended—

(1) in paragraph (6), by striking ''and'' at the end; and

(2) in paragraph (7), by striking ''the offense.'' and inserting the following: ''the offense; and

''(8) notwithstanding paragraph (4), the name and address of each government of a foreign country (including any agency or subdivision of a government of a foreign country, such as a regional or municipal unit of government) and foreign political party, other than the client, that participates in the direction, planning, supervision, or control of any lobbying activities of the registrant.''.

SA 628. Mr. KENNEDY (for himself, Mr. SCOTT of Florida, Mr. GRASSLEY, and Mr. CRAMER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—Independent and Objective Oversight of Ukrainian Assistance

SEC. 12__1. SHORT TITLE.

This subtitle may be cited as the ''Independent and Objective Oversight of Ukrainian Assistance Act''.

SEC. 12__2. PURPOSES.

The purposes of this subtitle are—

(1) to provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid;

(2) to provide for the independent and objective leadership and coordination of, and recommendations concerning, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations; and

(3) to provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies fully and currently informed about—

(A) problems and deficiencies relating to the administration of the programs and operations described in paragraph (1); and

(B) the necessity for, and the progress toward implementing, corrective action related to such programs.

SEC. 12__3. DEFINITIONS.

In this subtitle:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE.—The term ''amounts appropriated or otherwise made available for the military, economic, and humanitarian aid for Ukraine'' means amounts appropriated or otherwise made available for any fiscal year—

(A) for the Ukraine Security Assistance Initiative;

(B) for Foreign Military Financing funding for Ukraine;

(C) to the Department of State under the heading ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS''; and

(D) under titles III and VI of the Ukraine Supplemental Appropriations Act (division N of Public Law 117–103)

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

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Relations of the Senate;

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

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Armed Services of the House of Representatives;

(G) the Committee on Foreign Affairs of the House of Representatives; and

(H) the Committee on Oversight and Reform of the House of Representatives.

(3) OFFICE.—The term ''Office'' means the Office of the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid established under section 12__4(a).

(4) SPECIAL INSPECTOR GENERAL.—The term ''Special Inspector General'' means the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid appointed pursuant to section 12__4(b).

SEC. 12__4. ESTABLISHMENT OF OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR UKRAINIAN MILITARY, ECONOMIC, AND HUMANITARIAN AID.

(a) IN GENERAL.—There is hereby established the Office of the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid to carry out the purposes set forth in section 12__2.

(b) APPOINTMENT OF SPECIAL INSPECTOR GENERAL.—The head of the Office shall be the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid, who shall be appointed by the President. The first Special Inspector General shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) QUALIFICATIONS.—The appointment of the Special Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(d) COMPENSATION.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General is not an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(f) REMOVAL.—The Special Inspector General shall be removable from office in accordance with section 103(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 12__5. ASSISTANT INSPECTORS GENERAL.

The Special Inspector General, in accordance with applicable laws and regulations governing the civil service, shall appoint—

(1) an Assistant Inspector General for Auditing, who shall supervise the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) an Assistant Inspector General for Investigations, who shall supervise the performance of investigative activities relating to the programs and operations described in paragraph (1).

SEC. 12__6. SUPERVISION.

(a) IN GENERAL.—Except as provided in subsection (b), the Special Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(b) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, the United States Agency for International Development, or any other relevant Federal agency may prevent or prohibit the Special Inspector General from—

(1) initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine; or

(2) issuing any subpoena during the course of any such audit or investigation.

SEC. 12__7. DUTIES.

(a) OVERSIGHT OF MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE PROVIDED AFTER FEBRUARY 24, 2022.—The Special Inspector General shall conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(1) the oversight and accounting of the obligation and expenditure of such funds;

(2) the monitoring and review of reconstruction activities funded by such funds;

(3) the monitoring and review of contracts funded by such funds;

(4) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(5) the maintenance of records regarding the use of such funds to facilitate future audits and investigations of the use of such funds;

(6) the monitoring and review of the effectiveness of United States coordination with the Government of Ukraine, major recipients of Ukrainian refugees, partners in the region, and other donor countries;

(7) the investigation of overpayments (such as duplicate payments or duplicate billing) and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities; and

(8) the referral of reports compiled as a result of such investigations, as necessary, to

the Department of Justice to ensure further investigations, prosecutions, recovery of funds, or other remedies.

(b) OTHER DUTIES RELATED TO OVERSIGHT.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duties described in subsection (a).

(c) CONSULTATION.—The Special Inspector General shall consult with the appropriate congressional committees before engaging in auditing activities outside of Ukraine.

(d) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in subsections (a) and (b), the Special Inspector General shall have the duties and responsibilities of inspectors general under the Inspector General Act of 1978 (5 U.S.C. App.).

(e) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this subtitle, the Special Inspector General shall coordinate with, and receive cooperation from—

(1) the Inspector General of the Department of Defense;

(2) the Inspector General of the Department of State;

(3) the Inspector General of the United States Agency for International Development; and

(4) the Inspector General of any other relevant Federal agency.

SEC. 12__8. POWERS AND AUTHORITIES.

(a) AUTHORITIES UNDER CHAPTER 4 OF PART I OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out the duties specified in section 12__7, the Special Inspector General shall have the authorities provided under section 406 of title 5, United States Code.

(2) LIMITATION.—The Special Inspector General is not authorized to audit or investigate the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(b) AUDIT STANDARDS.—The Special Inspector General shall carry out the duties specified in section 107(a) in accordance with the standards and guidelines set forth in section 404(b)(1) of title 5, United States Code.

(c) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Special Inspector General may exercise any authority provided to the head of a temporary organization under section 3161 of title 5, United States Code, without regard to whether the Office qualifies as a temporary organization under subsection (a) of that section.

(2) LIMITATIONS.—With respect to the exercise of authority under subsection (b) of section 3161 of title 5, United States Code, as authorized under paragraph (1)—

(A) the Special Inspector General may not make any appointment under that subsection on or after the later of—

(i) the date that is 180 days after the date of the enactment of this Act; or

(ii) the date that is 180 days after the date on which the Special Inspector General is confirmed by the Senate;

(B) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

(C) no period of an appointment made under that subsection may extend after the date on which the Office terminates pursuant to section 12__3.

(3) REEMPLOYMENT OF ANNUITANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position in the Office—

(i) the annuity of that annuitant shall continue; and

(ii) such reemployed annuitant shall not be considered to be an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

(B) LIMITATIONS.—Subparagraph (A) shall apply to—

(i) not more than 25 employees of the Office at any particular time, as designated by the Special Inspector General; and

(ii) pay periods beginning after the date of enactment of this Act.

SEC. 12__9. PERSONNEL, FACILITIES, AND OTHER RESOURCES.

(a) PERSONNEL.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of—

(1) chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(2) chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Special Inspector General may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule under section 5332 of such title.

(c) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Inspector General may—

(1) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(2) make such payments as may be necessary to carry out the duties of the Special Inspector General.

(d) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Special Inspector General with—

(1) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as appropriate, in Ukraine or in European partner countries;

(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices; and

(3) necessary maintenance services for such offices and the equipment and facilities located in such offices.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, to the extent practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General or an authorized designee.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall immediately report the circumstances to—

(A) the Secretary of State or the Secretary of Defense, as appropriate; and

(B) the appropriate congressional committees.

SEC. 12__0. REPORTS.

(a) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of each fiscal year, the Special Inspector General shall submit a report to the appropriate congressional committees, the Secretary of State, and the Secretary of Defense that—

(1) summarizes, for the applicable quarter, and to the extent possible, for the period from the end of such quarter to the date on which the report is submitted, the activities during such period of the Special Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) includes, for applicable quarter, a detailed statement of all obligations, expenditures, and revenues associated with military, economic, and humanitarian activities in Ukraine, including—

(A) obligations and expenditures of appropriated funds;

(B) a project-by-project and program-by-program accounting of the costs incurred to date for military, economic, and humanitarian aid to Ukraine, including an estimate of the costs to be incurred by the Department of Defense, the Department of State, the United States Agency for International Development, and other relevant Federal agencies to complete each project and each program;

(C) revenues attributable to, or consisting of, funds provided by foreign nations or international organizations to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(D) revenues attributable to, or consisting of, foreign assets seized or frozen that contribute to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(E) operating expenses of entities receiving amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(F) for any contract, grant, agreement, or other funding mechanism described in subsection (b)—

(i) the dollar amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the Federal department or agency involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, including a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which the determination to use procedures other than procedures that provide for full and open competition was based.

(b) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this subsection is any major contract, grant, agreement, or other funding mechanism that is entered into by any Federal department or agency that involves the use of amounts appropriated or otherwise made available for the military, economic, or humanitarian aid to Ukraine with any public or private sector entity—

(1) to build or rebuild the physical infrastructure of Ukraine;

(2) to establish or reestablish a political or societal institution of Ukraine;

(3) to provide products or services to the people of Ukraine; or

(4) to provide security assistance to Ukraine.

(c) PUBLIC AVAILABILITY.—The Special Inspector General shall publish each report submitted pursuant to subsection (a) on a publicly available internet website in English, Ukrainian, and Russian.

(d) FORM.—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Special Inspector General determines that a classified annex is necessary.

(e) SUBMISSION OF COMMENTS TO CONGRESS.—During the 30-day period beginning on the date a report is received pursuant to subsection (a), the Secretary of State and the Secretary of Defense may submit comments to the appropriate congressional committees, in unclassified form, regarding any matters covered by the report that the Secretary of State or the Secretary of Defense considers appropriate. Such comments may include a classified annex if the Secretary of State or the Secretary of Defense considers such annex to be necessary.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the public disclosure of information that is—

(1) specifically prohibited from disclosure by any other provision of law;

(2) specifically required by Executive order to be protected from disclosure in the interest of defense or national security or in the conduct of foreign affairs; or

(3) a part of an ongoing criminal investigation.

SEC. 12__1. TRANSPARENCY.

(a) REPORT.—Except as provided in subsection (c), not later than 60 days after receiving a report pursuant to section 12__0(a), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request and at a reasonable cost.

(b) COMMENTS.—Except as provided in subsection (c), not later than 60 days after submitting comments pursuant to section 12__0(e), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request and at a reasonable cost.

(c) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under subsection (a) or (b) with respect to availability to the public of any element in a report submitted pursuant to section 12__0(a) or any comments submitted pursuant to section 12__0(e) if the President determines that such waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under paragraph (1) in the Federal Register not later than the date of the submission to the appropriate congressional committees of a report required under section 110(a) or any comments submitted pursuant to section 12__0(e). Each such report and comments shall specify whether a waiver was made pursuant to paragraph (1) and which elements in the report or the comments were affected by such waiver.

SEC. 12__2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2024 to carry out this subtitle.

(b) RESCISSION.—Of the amount appropriated under the heading ''ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA'' in title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328), $20,000,000 is rescinded.

SEC. 12__3. TERMINATION.

(a) IN GENERAL.—The Office shall terminate on the day that is 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Ukraine that are unexpended are less than $250,000,000.

(b) FINAL REPORT.—Before the termination date referred to in subsection (a), the Special Inspector General shall prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine.

SA 629. Mr. SCHATZ (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—INDIAN AFFAIRS

TITLE XLI—URBAN INDIAN ORGANIZATION CONFER POLICY

SEC. 6101. URBAN INDIAN ORGANIZATION CONFER POLICY.

Section 514 of the Indian Health Care Improvement Act (25 U.S.C. 1660d) is amended by striking subsection (b) and inserting the following:

''(b) REQUIREMENT.—The Secretary shall ensure that the Service and the other agencies and offices of the Department confer, to the maximum extent practicable, with urban Indian organizations in carrying out—

''(1) this Act; and

''(2) other provisions of law relating to Indian health care.''.

TITLE XLII—NATIVE AMERICAN TOURISM GRANT PROGRAMS

SEC. 6201. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

The Native American Tourism and Improving Visitor Experience Act (25 U.S.C. 4351 et seq.) is amended—

(1) by redesignating section 6 (25 U.S.C. 4355) as section 7; and

(2) by inserting after section 5 (25 U.S.C. 4354) the following:

''SEC. 6. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

''(a) BUREAU OF INDIAN AFFAIRS PROGRAM.—The Director of the Bureau of Indian Affairs may make grants to and enter into agreements with Indian tribes and tribal organizations to carry out the purposes of this Act, as described in section 2.

''(b) OFFICE OF NATIVE HAWAIIAN RELATIONS.—The Director of the Office of Native Hawaiian Relations may make grants to and enter into agreements with Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

''(c) OTHER FEDERAL AGENCIES.—The heads of other Federal agencies, including the Secretaries of Commerce, Transportation, Agriculture, Health and Human Services, and Labor, may make grants under this authority to and enter into agreements with Indian tribes, tribal organizations, and Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $35,000,000 for the period of fiscal years 2024 through 2028.''.

TITLE XLIII—TRANSFER OF LAND IN TRUST FOR THE PALA BAND OF MISSION INDIANS

SEC. 6301. TRANSFER OF LAND IN TRUST FOR THE PALA BAND OF MISSION INDIANS.

(a) TRANSFER AND ADMINISTRATION.—

(1) TRANSFER OF LANDS INTO TRUST.—If, not later than 180 days after the date of the enactment of this Act, the Tribe transfers title to the land referred to in subsection (b) to the United States, the Secretary, not later than 180 days after such transfer, shall take that land into trust for the benefit of the Tribe.

(2) ADMINISTRATION.—The land transferred under paragraph (1) shall be part of the Pala Indian Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe.

(b) LAND DESCRIPTION.—The land referred to in subsection (a)(1) is the approximately 721.12 acres of land located in San Diego County, California, generally depicted as ''Gregory Canyon Property Boundary'' on the map titled ''Pala Gregory Canyon Property Boundary and Parcels''.

(c) RULES OF CONSTRUCTION.—Nothing in this title shall—

(1) enlarge, impair, or otherwise affect any right or claim of the Tribe to any land or interest in land that is in existence before the date of the enactment of this Act;

(2) affect any water right of the Tribe in existence before the date of the enactment of this Act; or

(3) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act.

(d) RESTRICTED USE OF TRANSFERRED LANDS.—The Tribe may not conduct, on the land taken into trust for the Tribe pursuant to this title, gaming activities—

(1) as a matter of claimed inherent authority; or

(2) under any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and regulations promulgated by the Secretary or the National Indian Gaming Commission under that Act.

(e) DEFINITIONS.—For the purposes of this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBE.—The term ''Tribe'' means the Pala Band of Mission Indians.

TITLE XLIV—MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-WAY ACROSS INDIAN LAND

SEC. 6401. MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-WAY ACROSS INDIAN LAND.

(a) EXTENSION OF TRIBAL LEASE PERIOD.—The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) (commonly known as the ''Long-Term Leasing Act''), is amended—

(1) by striking ''That (a)'' and all that follows through the end of subsection (a) and inserting the following:

''SECTION 1. LEASES OF RESTRICTED LAND.

''(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY SECRETARY.—

''(1) IN GENERAL.—Any restricted Indian lands, regardless of whether that land is tribally or individually owned, may be leased by the Indian owner of the land, with the approval of the Secretary, for—

''(A) a public, religious, educational, recreational, residential, business, or grazing purposes; or

''(B) a farming purpose that requires the making of a substantial investment in the improvement of the land for the production of 1 or more specialized crops as determined by the Secretary.

''(2) INCLUSIONS.—A lease under paragraph (1) may include the development or use of natural resources in connection with operations under that lease.

''(3) TERM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a lease under paragraph (1)

shall be for a term of not more than 99 years, including any renewals.

''(B) EXCEPTION FOR GRAZING PURPOSES.—A lease under paragraph (1) for grazing purposes may be for a term of not more than 10 years, including any renewals.

''(4) REQUIREMENT.—Each lease and renewal under this subsection shall be made in accordance with such terms and regulations as may be prescribed by the Secretary.

''(5) CONDITIONS FOR APPROVAL.—Before the approval of any lease or renewal of an existing lease pursuant to this subsection, the Secretary shall determine that adequate consideration has been given to—

''(A) relationship between the use of the leased lands and the use of neighboring land;

''(B) the height, quality, and safety of any structures or other facilities to be constructed on the leased land;

''(C) the availability of police and fire protection and other services on the leased land;

''(D) the availability of judicial forums for all criminal and civil causes of action arising on the leased land; and

''(E) the effects on the environment of the uses to which the leased lands will be subject.'';

(2) in subsection (b)—

(A) by striking ''(b) Any lease'' and inserting the following:

''(b) EXCEPTION FOR SECRETARY APPROVAL.—Any lease'';

(B) by striking ''of the Interior'' each place it appears; and

(C) by striking ''clause (3)'' and inserting ''paragraph'';

(3) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (a), respectively, and moving the subsections so as to appear in alphabetical order; and

(4) by striking ''subsection (a)'' each place it appears and inserting ''subsection (b)''.

(b) TECHNICAL CORRECTION.—Section 2 of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415a) (commonly known as the ''Long-Term Leasing Act''), is amended by inserting ''of the Interior'' after ''Secretary'' each place it appears.

(c) MODIFICATION OF RIGHTS-OF-WAY ACROSS INDIAN LAND.—The first section of the Act of February 5, 1948 (62 Stat. 17, chapter 45; 25 U.S.C. 323), is amended—

(1) by striking ''That the Secretary of the Interior be, and he is empowered to'' and inserting the following:

''SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS INDIAN LAND.

''(a) RIGHTS-OF-WAY.—Except as provided in subsection (b), the Secretary of the Interior may''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—A right-of-way granted by an Indian tribe for the purposes authorized under this section shall not require the approval of the Secretary of the Interior, subject to the condition that—

''(1) the right-of-way approval process by the Indian tribe substantially complies with subsection (h) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(h)); or

''(2) the Indian tribe has tribal regulations approved by the Secretary of the Interior under that subsection.''.

TITLE XLV—KEWEENAW BAY INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

SEC. 6501. FINDINGS.

Congress finds that—

(1) the Keweenaw Bay Indian Community is a federally recognized Indian Tribe residing on the L'Anse Indian Reservation in Baraga County in the Upper Peninsula of the State of Michigan;

(2) the Community is a successor in interest to the Treaty with the Chippewa Indians of the Mississippi and Lake Superior, made and concluded at La Pointe of Lake Superior October 4, 1842 (7 Stat. 591) (referred to in this section as the ''1842 Treaty''), which, among other things, guaranteed the usufructuary rights of the Community over a large area of land that was ceded to the United States, until such time that those usufructuary rights were properly and legally extinguished;

(3) the Community is also a successor in interest to the Treaty with the Chippewa Indians of Lake Superior and the Mississippi, made and concluded at La Pointe September 30, 1854 (10 Stat. 1109) (referred to in this section as the ''1854 Treaty'');

(4) article 2, paragraph 1 of the 1854 Treaty created the L'Anse Indian Reservation as a permanent reservation;

(5) pursuant to article 13 of the 1854 Treaty, the 1854 Treaty became ''obligatory on the contracting parties'' when ratified by the President and the Senate on January 10, 1855;

(6) in 1850, Congress enacted the Act of September 28, 1850 (commonly known and referred to in this section as the ''Swamp Land Act'') (9 Stat. 519, chapter 84), which authorized the State of Arkansas and other States, including the State of Michigan, to ''construct the necessary levees and drains to reclaim'' certain unsold ''swamp and overflowed lands, made unfit thereby for cultivation'' and stating that those lands ''shall remain unsold at the passage of this act . . .'';

(7) following enactment of the Swamp Land Act, the State claimed thousands of acres of swamp land in the State pursuant to that Act;

(8) between 1893 and 1937, the General Land Office patented 2,743 acres of land to the State that were located within the exterior boundaries of the Reservation (referred to in this section as ''Reservation Swamp Lands'');

(9) the right of the Community to use and occupy the unsold land within the Reservation had not been extinguished when the United States patented the Reservation Swamp Lands to the State;

(10) in 1852, Congress enacted the Act of August 26, 1852 (10 Stat. 35, chapter 92) (referred to in this section as the ''Canal Land Act''), to facilitate the building of the Sault Ste. Marie Canal at the Falls of the St. Mary's River, to connect Lake Superior to Lake Huron;

(11) pursuant to the Canal Land Act, the United States granted the State the right to select 750,000 acres of unsold public land within the State to defray the cost of construction of the Sault Ste. Marie Canal;

(12) the State identified and selected, among other land, a minimum of 1,333.25 and up to 2,720 acres within the exterior boundaries of the Reservation (referred to in this section as the ''Reservation Canal Lands'');

(13) the Department of the Interior approved the land selections of the State, including the Reservation Canal Lands, after ratification of the 1854 Treaty;

(14) the Secretary noted that the approval described in paragraph (13) was ''subject to any valid interfering rights'';

(15) the 1854 Treaty set apart from the public domain all unsold land within the Reservation to the Community as of September 30, 1854, which preceded the date on which the State established legally effective title to the Reservation Canal Lands;

(16) the Community made claims to the Department of the Interior with respect to the Reservation Swamp Lands and the Reservation Canal Lands, providing legal analysis and ethnohistorical support for those claims;

(17) in December 2021, the Department of the Interior stated that ''We have carefully reviewed pertinent documents, including the Tribe's expert reports, and have determined that the Tribe's claims to the Swamp Lands and Canal Lands have merit'';

(18) the United States, through the actions of the General Land Office, deprived the Community of the exclusive use and occupancy of the Reservation Swamp Lands and the Reservation Canal Lands within the Reservation, without just compensation as required under the Takings Clause of the Fifth Amendment to the Constitution of the United States;

(19) the loss of the Reservation Swamp Lands and the Reservation Canal Lands without just compensation has—

(A) impacted the exercise by the Community of cultural, religious, and subsistence rights on the land;

(B) caused a harmful disconnect between the Community and its land;

(C) impacted the ability of the Community to fully exercise its economy within the Reservation; and

(D) had a negative economic impact on the development of the economy of the Community;

(20) certain non-Indian individuals, entities, and local governments occupy land within the boundaries of the Reservation—

(A) acquired ownership interests in the Reservation Swamp Lands and the Reservation Canal Lands in good faith; and

(B) have an interest in possessing clear title to that land;

(21) this title allows the United States—

(A) to secure a fair and equitable settlement of past inequities suffered by the Community as a result of the actions of the United States that caused the taking of the Reservation Swamp Lands and the Reservation Canal Lands without just compensation; and

(B) to ensure protection of the ownership of the Reservation Swamp Lands and the Reservation Canal Lands by non-Indian occupants of the Reservation, through the settlement of the claims of the Community to that land, and through that action, the relief of any clouds on title;

(22) a settlement will allow the Community to receive just compensation and the local landowners to obtain clear title to land, without long and protracted litigation that would be both costly and detrimental to all involved; and

(23) this title achieves both justice for the Community and security for current landowners through a restorative and nonconfrontational process.

SEC. 6502. PURPOSES.

The purposes of this title are—

(1) to acknowledge the uncompensated taking by the Federal Government of the Reservation Swamp Lands and the Reservation Canal Lands;

(2) to provide compensation to the Community for the uncompensated taking of the Reservation Swamp Lands and the Reservation Canal Lands by the Federal Government;

(3) to extinguish all claims by the Community to the Reservation Swamp Lands and the Reservation Canal Lands and to confirm the ownership by the current landowners of the Reservation Swamp Lands and the Reservation Canal Lands, who obtained that land in good faith;

(4) to extinguish all potential claims by the Community against the United States, the State, and current landowners concerning title to, use of, or occupancy of the Reservation Swamp Lands and the Reservation Canal Lands; and

(5) to authorize the Secretary—

(A) to compensate the Community; and

(B) to take any other action necessary to carry out this title.

SEC. 6503. DEFINITIONS.

In this title:

(1) COMMUNITY.—The term ''Community'' means the Keweenaw Bay Indian Community.

(2) COUNTY.—The term ''County'' means Baraga County, Michigan.

(3) RESERVATION.—The term ''Reservation'' means the L'Anse Indian Reservation, located in—

(A) T. 51 N., R. 33 W.;

(B) T. 51 N., R. 32 W.;

(C) T. 50 N., R. 33 W., E½;

(D) T. 50 N., R. 32 W., W½; and

(E) that portion of T. 51 N., R. 31 W. lying west of Huron Bay.

(4) RESERVATION CANAL LANDS.—The term ''Reservation Canal Lands'' means the 1,333.25 to 2,720 acres of Community land located within the exterior boundaries of the Reservation that the Federal Government conveyed to the State pursuant to the Act of August 26, 1852 (10 Stat. 35, chapter 92).

(5) RESERVATION SWAMP LANDS.—The term ''Reservation Swamp Lands'' means the 2,743 acres of land located within the exterior boundaries of the Reservation that the Federal Government conveyed to the State between 1893 and 1937 pursuant to the Act of September 28, 1850 (commonly known as the ''Swamp Land Act'') (sections 2479 through 2481 of the Revised Statutes (43 U.S.C. 982 through 984)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Michigan.

SEC. 6504. PAYMENTS.

(a) TRANSFER OF FUNDS.—As soon as practicable after the date on which the amount authorized to be appropriated under subsection (c) is made available to the Secretary, the Secretary shall transfer $33,900,000 to the Community.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Community may use the amount received under subsection (a) for any lawful purpose, including—

(A) governmental services;

(B) economic development;

(C) natural resources protection; and

(D) land acquisition.

(2) RESTRICTION ON USE OF FUNDS.—The community may not use the amount received under subsection (a) to acquire land for gaming purposes.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) $33,900,000 for fiscal year 2024, to remain available until expended.

SEC. 6505. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Effective on the date on which the Community receives the payment under section 6504(a), all claims of the Community to the Reservation Swamp Lands and the Reservation Canal Lands owned by persons or entities other than the Community are extinguished.

(b) CLEAR TITLE.—Effective on the date on which the Community receives the payment under section 6504(a), the title of all current owners to the Reservation Swamp Lands and the Reservation Canal Lands is cleared of all preexisting rights held by the Community and any of the members of the Community.

SEC. 6506. EFFECT.

Nothing in this title authorizes—

(1) the Secretary to take land into trust for the benefit of the Community for gaming purposes; or

(2) the Community to use land acquired using amounts received under this title for gaming purposes.

TITLE XLVI—LAND TO BE TAKEN INTO TRUST FOR THE BENEFIT OF THE PUYALLUP TRIBE OF THE PUYALLUP RESERVATION

SEC. 6601. LAND TO BE TAKEN INTO TRUST FOR THE BENEFIT OF THE PUYALLUP TRIBE OF THE PUYALLUP RESERVATION.

(a) IN GENERAL.—The approximately 17.264 acres of land owned in fee by the Puyallup Tribe of the Puyallup Reservation in Pierce County, Washington, and described in subsection (b) is hereby taken into trust by the United States for the benefit of the Puyallup Tribe of the Puyallup Reservation.

(b) LAND DESCRIPTIONS.—

(1) PARCEL 1.—Lots 1 to 4, inclusive, Block 85, Map of Tacoma Tidelands, as surveyed and platted by the Board of Appraisers of Tide and Shore Lands for Pierce County, according to Plat filed for record on September 14, 1895, in the Office of the County Auditor, in Tacoma, Pierce County, Washington.

(2) PARCEL 2.—Lots 5 to 9, inclusive, Block 85, Map of Tacoma Tidelands, as surveyed and platted by the Board of Appraisers of Tide and Shore Lands for Pierce County, according to Plat filed for record on September 14, 1895, in the Office of the County Auditor, in Tacoma, Pierce County, Washington.

(3) PARCEL 3.—Parcel A of City of Tacoma Boundary Line Adjustment MPD2011–40000166230, recorded October 12, 2011, under Pierce County Auditor Recording No. 201110125009, as corrected by Affidavit of Minor Correction of Map Recorded September 25, 2012, under Pierce County Auditor Recording No. 201209250440.

(c) ADMINISTRATION.—Land taken into trust under subsection (a) shall be—

(1) part of the Reservation of the Puyallup Tribe of the Puyallup Reservation; and

(2) administered in accordance with the laws and regulations generally applicable to property held in trust by the United States for the benefit of an Indian Tribe.

(d) ENVIRONMENTAL LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any environmental contamination that occurred on the land described in subsection (b) on or before the date on which that land is taken into trust under subsection (a).

(e) GAMING PROHIBITED.—Land taken into trust under subsection (a) shall not be used for any class II gaming or class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (as those terms are defined in section 4 of that Act (25 U.S.C. 2703)).

TITLE XLVII—SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION WATER RIGHTS SETTLEMENT

SEC. 6701. AUTHORIZATION OF PAYMENT OF ADJUSTED INTEREST ON DEVELOPMENT FUND.

Section 10807(b)(3) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1409) is amended—

(1) by striking ''There is'' and inserting the following:

''(A) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(B) ADJUSTED INTEREST PAYMENTS.—

''(i) IN GENERAL.—There is authorized to be appropriated to the Secretary for deposit into the Development Fund $5,124,902.12.

''(ii) COST INDEXING.—All amounts made available to carry out clause (i) shall, on deposit into the Development Fund, be adjusted to reflect changes since January 25, 2016, in the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 published by the Bureau of Labor Statistics.''.

TITLE XLVIII—INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT AMENDMENTS

SEC. 6801. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT AMENDMENTS.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202 et seq.) is amended as follows:

(1) By amending section 403(3)(A) (25 U.S.C. 3202(3)(A)) to read as follows:

''(A) in any case in which—

''(i)(I) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling; and

''(II) such condition is not justifiably explained or may not be the product of an accidental occurrence; or

''(ii) a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution; and''.

(2) In section 409 (25 U.S.C. 3208)—

(A) in subsection (a)—

(i) by striking ''The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bureau'' and inserting ''The Service, in cooperation with the Bureau''; and

(ii) by striking ''sexual abuse'' and inserting ''abuse or neglect'';

(B) in subsection (b) through the end of the section, by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Service'';

(C) in subsection (b)(1), by inserting after ''Any Indian tribe or intertribal consortium'' the following: '', on its own or in partnership with an urban Indian organization,'';

(D) in subsections (b)(2)(B) and (d), by striking ''such Secretary'' each place it appears and inserting ''the Service'';

(E) by amending subsection (c) to read as follows:

''(c) CULTURALLY APPROPRIATE TREATMENT.—In awarding grants under this section, the Service shall encourage the use of culturally appropriate treatment services and programs that respond to the unique cultural values, customs, and traditions of applicant Indian Tribes.'';

(F) in subsection (d)(2), by striking ''the Secretary'' and inserting ''the Service'';

(G) by redesignating subsection (e) as subsection (f); and

(H) by inserting after subsection (d) the following:

''(e) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Service shall submit a report to Congress on the award of grants under this section. The report shall contain—

''(1) a description of treatment and services for which grantees have used funds awarded under this section; and

''(2) any other information that the Service requires.''.

(3) In section 410 (25 U.S.C. 3209)—

(A) in the heading—

(i) by inserting ''**NATIONAL**'' before ''**INDIAN**''; and

(ii) by striking ''**CENTERS**'' and inserting ''**CENTER**'';

(B) by amending subsections (a) and (b) to read as follows:

''(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of the Native American Child Protection Act, the Secretary shall establish a National Indian Child Resource and Family Services Center.

''(b) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the status of the National Indian Child Resource and Family Services Center.'';

(C) in subsection (c)—

(i) by striking ''Each'' and inserting ''The''; and

(ii) by striking ''multidisciplinary'';

(D) in subsection (d)—

(i) in the text before paragraph (1), by striking ''Each'' and inserting ''The'';

(ii) in paragraph (1), by striking ''and inter-tribal consortia'' and inserting ''inter-tribal consortia, and urban Indian organizations'';

(iii) in paragraph (2), by inserting ''urban Indian organizations,'' after ''tribal organizations,'';

(iv) in paragraph (3)—

(I) by inserting ''and technical assistance'' after training; and

(II) by striking ''and to tribal organizations'' and inserting '', Tribal organizations, and urban Indian organizations'';

(v) in paragraph (4)—

(I) by inserting '', State,'' after ''Federal''; and

(II) by striking ''and tribal'' and inserting ''Tribal, and urban Indian''; and

(vi) by amending paragraph (5) to read as follows:

''(5) develop model intergovernmental agreements between Tribes and States, and other materials that provide examples of how Federal, State, and Tribal governments can develop effective relationships and provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and child neglect involving Indian children and families.'';

(E) in subsection (e)—

(i) in the heading, by striking ''MULTIDISCIPLINARY TEAM'' and inserting ''TEAM'';

(ii) in the text before paragraph (1), by striking ''Each multidisciplinary'' and inserting ''The''; and

(F) by amending subsections (f) and (g) to read as follows:

''(f) CENTER ADVISORY BOARD.—The Secretary shall establish an advisory board to advise and assist the National Indian Child Resource and Family Services Center in carrying out its activities under this section. The advisory board shall consist of 12 members appointed by the Secretary from Indian Tribes, Tribal organizations, and urban Indian organizations with expertise in child abuse and child neglect. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training and technical assistance materials, and developing intergovernmental agreements relating to family violence, child abuse, and child neglect.

''(g) APPLICATION OF INDIAN SELF-DETERMINATION ACT TO THE CENTER.—The National Indian Child Resource and Family Services Center shall be subject to the provisions of the Indian Self-Determination Act. The Secretary may also contract for the operation of the Center with a nonprofit Indian organization governed by an Indian-controlled board of directors that have substantial experience in child abuse, child neglect, and family violence involving Indian children and families.''.

(4) In section 411 (25 U.S.C. 3210)—

(A) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''abuse and child neglect'' and inserting ''abuse, neglect, or both'';

(II) in subparagraph (B), by striking ''and'' at the end; and

(III) by inserting after subparagraph (C), the following:

''(D) development of agreements between Tribes, States, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services;

''(E) child protective services operational costs including transportation, risk and protective factors assessments, family engagement and kinship navigator services, and relative searches, criminal background checks for prospective placements, and home studies; and

''(F) development of a Tribal child protection or multidisciplinary team to assist in the prevention and investigation of child abuse and neglect;'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in culturally appropriate ways'' after ''incidents of family violence''; and

(II) in subparagraph (C), by inserting ''that may include culturally appropriate programs'' after ''training programs''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by inserting ''and neglect'' after ''abuse''; and

(II) in subparagraph (B), by striking ''cases, to the extent practicable,'' and inserting ''and neglect cases'';

(B) in subsection (f)—

(i) in paragraph (2), by striking ''develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare'' and inserting ''develop, not later than one year after the date of the enactment of the Native American Child Protection Act, in consultation with Indian Tribes, appropriate caseload standards and staffing requirements'';

(ii) in paragraph (3)(D), by striking ''sexual abuse'' and inserting ''abuse and neglect, high incidence of family violence'';

(iii) by amending paragraph (4) to read as follows:

''(4) The formula established pursuant to this subsection shall provide funding necessary to support not less than one child protective services or family violence caseworker, including fringe benefits and support costs, for each Indian Tribe.''; and

(iv) in paragraph (5), by striking ''tribes'' and inserting ''Indian Tribes''; and

(C) by amending subsection (g) to read as follows:

''(g) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the award of grants under this section. The report shall contain—

''(1) a description of treatment and services for which grantees have used funds awarded under this section; and

''(2) any other information that the Secretary of the Interior requires.''.

SA 630. Mr. FETTERMAN (for himself and Ms. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title XXXI, insert the following:

SEC. 31____. PROHIBITION ON CERTAIN EXPORTS.

(a) IN GENERAL.—The Energy Policy and Conservation Act is amended by inserting after section 163 (42 U.S.C. 6243) the following:

''SEC. 164. PROHIBITION ON CERTAIN EXPORTS.

''(a) IN GENERAL.—The Secretary shall prohibit the export or sale of petroleum products drawn down from the Strategic Petroleum Reserve, under any provision of law, to—

''(1) the People's Republic of China;

''(2) the Democratic People's Republic of Korea;

''(3) the Russian Federation;

''(4) the Islamic Republic of Iran;

''(5) any other country the government of which is subject to sanctions imposed by the United States; and

''(6) any entity owned, controlled, or influenced by—

''(A) a country referred to in any of paragraphs (1) through (5); or

''(B) the Chinese Communist Party.

''(b) WAIVER.—The Secretary may issue a waiver of the prohibition described in subsection (a) if the Secretary certifies that any export or sale authorized pursuant to the waiver is in the national security interests of the United States.

''(c) RULE.—Not later than 60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2024, the Secretary shall issue a rule to carry out his section.''.

(b) CONFORMING AMENDMENTS.—

(1) DRAWDOWN AND SALE OF PETROLEUM PRODUCTS.—Section 161(a) of the Energy Policy and Conservation Act (42 U.S.C. 6241(a)) is amended by inserting ''and section 164'' before the period at the end.

(2) CLERICAL AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 163 the following:

''Sec. 164. Prohibition on certain exports.''.

SA 631. Mr. FETTERMAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title VII, insert the following:

SEC. 7____. SENSE OF CONGRESS ON ACCESS TO MENTAL HEALTH SERVICES THROUGH TRICARE.

It is the sense of Congress that the Defense Health Agency should take all necessary steps to ensure members of the National Guard and their families have timely access to mental and behavioral health care services through the TRICARE program.

SA 632. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 820.

SA 633. Mr. PETERS (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REPORT ON NATIONAL SECURITY THREAT ASSOCIATED WITH CHINESE AUTONOMOUS GROUND VEHICLES OPERATING IN THE UNITED STATES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes an assessment of the following:

(1) The threats to the national security of the United States associated with autonomous ground vehicles manufactured in the People's Republic of China that are—

(A) operating in the United States, especially those vehicles with access to or operating in the vicinity of installations of the Department of Defense or other sensitive United States Government facilities; and

(B) potentially sharing geospatial and other data with the Chinese Communist Party.

(2) The type of data that can be collected by such vehicles.

(3) The dual-use implications of autonomous ground vehicle technologies and their enabling factors.

(4) How the Chinese Communist Party or the People's Liberation Army could potentially use the data it collects in the United States from such vehicles to support its military operational planning.

(5) How continued restraints on manufacturing of autonomous ground vehicles in the United States that limit the ability of United States companies to compete with technology developed and manufactured in, and controlled by, the People's Republic of China could exacerbate any such threats to the national security of the United States.

SA 634. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. COUNTERING SAUDI ARABIA'S PURSUIT OF WEAPONS OF MASS DESTRUCTION.

(a) SHORT TITLES.—This section may be cited as the ''Stopping Activities Underpinning Development In Weapons of Mass Destruction Act'' or the ''SAUDI WMD Act''.

(b) DEFINITIONS.—In this section:

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

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Permanent Select Committee on Intelligence of the House of Representatives;

(E) the Committee on Foreign Affairs of the House of Representatives; and

(F) the Committee on Energy and Commerce of the House of Representatives.

(2) FOREIGN PERSON.—The term ''foreign person'' means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(3) MTCR.—The term ''MTCR'' means the Missile Technology Control Regime, which was formed in 1987 by the G–7 industrialized countries and has since expanded to 35 member countries, including any ''MTCR adherent'' country that, pursuant to an international understanding to which the United States is a party, controls MTCR equipment or technology in accordance with the criteria and standards set forth in the MTCR.

(4) SAUDI ARABIA.—The term ''Saudi Arabia'' means the Kingdom of Saudi Arabia.

(c) DETERMINATION OF POSSIBLE MTCR TRANSFERS TO SAUDI ARABIA.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a written determination and any documentation to support such determination detailing—

(A) whether any foreign person knowingly exported, transferred, or engaged in trade with Saudi Arabia of any item designated under Category I of the MTCR Annex in the previous 5 fiscal years; and

(B) the sanctions the President has imposed or intends to impose pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)) against any foreign person who knowingly engaged in the export, transfer, or trade of an item referred to in paragraph (1).

(2) WAIVER.—Notwithstanding paragraphs (3) through (7) of section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)), the President may waive the application of sanctions under such subsection with respect to Saudi Arabia only if the President certifies that Saudi Arabia is verifiably determined to no longer possess any item designated under Category I of the MTCR Annex received in the previous 5 fiscal years.

(3) FORM OF REPORT.—The determination required under paragraph (1) shall be submitted in unclassified form, with a classified annex.

(d) REPORTING REQUIREMENTS RELATING TO APPLICATIONS FOR AUTHORIZATION TO DEVELOP OR PRODUCE SPECIAL NUCLEAR MATERIAL OUTSIDE THE UNITED STATES.—Section 57 of the Atomic Energy Act of 1954 (42 U.S.C. 2077) is amended by adding at the end the following:

''(f) REPORTING REQUIREMENTS.—

''(1) QUARTERLY REPORTS.—

''(A) IN GENERAL.—Not later than 90 days after the date of the enactment of the SAUDI WMD Act, and every 90 days thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress (as defined in section 12___(b) of such Act) a report that describes each authorization involving the Kingdom of Saudi Arabia issued by the Secretary pursuant to subsection (b)(2) during the 90-day period immediately preceding the submission of such report.

''(B) ELEMENTS.—Each report required under subparagraph (A) shall include—

''(i) a summary of each application for an authorization under subsection (b)(2) during the 90-day period immediately preceding the submission of such report, including—

''(I) whether the application was accepted or rejected; and

''(II) the intended purpose for which the applicant sought the authorization; and

''(ii) an annex containing—

''(I) each application submitted to the Secretary during such 90-day period; and

''(II) each report submitted to the Secretary pursuant to section 810.12 of title 10, Code of Federal Regulations (or any similar regulation or ruling) during such period.

''(C) ADDITIONAL MATERIAL IN INITIAL REPORT.—The first report required to be submitted under subparagraph (A) shall include the matters required under subparagraph (B) for the period beginning on March 25, 2015, and ending on the date of the enactment of the SAUDI WMD Act.

''(D) REVIEW BY SECRETARY OF STATE.—The Secretary shall submit each report required under this paragraph to the Secretary of State for approval before submitting the report to the chairmen and ranking members of the congressional committees listed under subparagraph (A).

''(E) FORM.—Each report required under this paragraph shall be submitted in unclassified form, but may include a classified annex.

''(2) SUBMISSION TO CONGRESS OF APPLICATIONS AND CERTAIN REPORTS.—Not later than 10 days after receiving from the chairman or ranking member of any of the congressional committees listed in paragraph (1)(A) a request for an application for an authorization under subsection (b)(2) that is pending or has been approved by the Secretary or a report submitted pursuant to section 810.12 of title 10, Code of Federal Regulations (or any corresponding similar regulation or ruling), as the case may be, the Secretary of Energy shall submit to the chairman or ranking member submitting such request, application, or report.''.

SA 635. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. PUBLICATION OF RULE FOR WAIVER ON LIMITATION OF PAYMENTS TO STATE HOMES FOR DOMICILIARY CARE PROVIDED TO VETERANS.

(a) PROPOSED RULE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe and publish in the Federal Register a proposed rule implementing the requirement under section 3007(a) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315; 38 U.S.C. 1741 note).

(b) FINAL RULE.—Not later than 180 days after the publication of the initial rule required under subsection (a), or the date that is 260 days after the date of the enactment of this Act, whichever occurs first, the Secretary shall prescribe and publish in the Federal Register a final rule implementing the requirement specified in such subsection.

(c) RETROACTIVE PAYMENTS.—In prescribing the proposed rule under subsection

(a) and the final rule under subsection (b), the Secretary shall ensure that the authority of the Secretary to provide payments to State homes (as defined in section 101(19) of title 38, United States Code) pursuant to any such rule is retroactive to January 5, 2021.

SA 636. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT AUTHORIZATION OF UNDETECTABLE FIREARMS ACT OF 1988.

Section 2(f) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note; Public Law 100–649) is amended—

(1) by striking ''EFFECTIVE DATE AND SUNSET PROVISION'' and all that follows through ''This Act and the amendments'' and inserting the following: ''EFFECTIVE DATE.—This Act and the amendments''; and

(2) by striking paragraph (2).

SA 637. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION _____—VIEQUES RECOVERY AND REDEVELOPMENT

SEC. _____01. SHORT TITLE.

This division may be cited as the ''Vieques Recovery and Redevelopment Act''.

SEC. _____02. FINDINGS.

The Congress finds the following:

(1) Vieques is an island municipality of Puerto Rico, measuring approximately 21 miles long by 4 miles wide, and located approximately 8 miles east of the main island of Puerto Rico.

(2) Prior to Hurricane Maria, residents of Vieques were served by an urgent medical care facility, the Susana Centeno Family Health Center, and residents had to travel off-island to obtain medical services, including most types of emergency care because the facility did not have the basic use of x-ray machines, CT machines, EKG machines, ultrasounds, or PET scans.

(3) The predominant means of transporting passengers and goods between Vieques and the main island of Puerto Rico is by ferry boat service, and over the years, the efficiency of this service has frequently been disrupted, unreliable, and difficult for cancer patients to endure to receive treatment. Each trip to Ceiba, Puerto Rico, for the cancer patient is an additional out-of-pocket expense ranging from $120 to $200.

(4) The United States Military maintained a presence on the eastern and western portions of Vieques for close to 60 years, and used parts of the island as a training range during those years, dropping over 80 million tons of ordnance and other weaponry available to the United States military since World War II.

(5) The unintended, unknown, and unavoidable consequences of these exercises were to expose Americans living on the islands to the residue of that weaponry which includes heavy metals and many other chemicals now known to harm human health.

(6) According to Government and independent documentation, the island of Vieques has high levels of heavy metals and has been exposed to chemical weapons and toxic chemicals. Since the military activity in Vieques, island residents have suffered from the health impacts from long-term exposure to environmental contamination as a result of 62 years of military operations, and have experienced higher rates of certain diseases among residents, including cancer, cirrhosis, hypertension, diabetes, heavy metal diseases, along with many unnamed and uncategorized illnesses. These toxic residues have caused the American residents of Vieques to develop illnesses due to ongoing exposure.

(7) In 2017, Vieques was hit by Hurricane Maria, an unusually destructive storm that devastated Puerto Rico and intensified the existing humanitarian crisis on the island by destroying existing medical facilities.

(8) The medical systems in place prior to Hurricane Maria were unable to properly handle the health crisis that existed due to the toxic residue left on the island by the military's activities.

(9) After Maria, the medical facility was closed due to damage and continues to be unable to perform even the few basic services that it did provide. Vieques needs a medical facility that can treat and address the critical and urgent need to get life-saving medical services to its residents. Due to legal restrictions, the Federal Emergency Management Agency (in this division referred to as ''FEMA'') is unable to provide a hospital where its capabilities exceed the abilities of the facility that existed prior to Maria; therefore Vieques needs assistance to build a facility to manage the vast health needs of its residents.

(10) Every American has benefitted from the sacrifices of those Americans who have lived and are living on Vieques and it is our intent to acknowledge that sacrifice and to treat those Americans with the same respect and appreciation that other Americans enjoy.

(11) In 2012, the residents of Vieques were denied the ability to address their needs in Court due to sovereign immunity, Sanchez v. United States, No. 3:09–cv–01260–DRD (D.P.R.). However, the United States Court of Appeals for the First Circuit referred the issue to Congress and urged it to address the humanitarian crisis. This bill attempts to satisfy that request such that Americans living on Vieques have a remedy for the suffering they have endured.

SEC. _____03. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—An individual claimant who has resided on the island of Vieques, Puerto Rico, for not less than 5 years before the date of enactment of this Act and files a claim for compensation under this section with the Special Master, appointed pursuant to subsection (c), shall be awarded monetary compensation as described in subsection (b) if—

(1) the Special Master determines that the claimant is or was a resident or an immediate heir (as determined by the laws of Puerto Rico) of a deceased claimant on the island of Vieques, Puerto Rico, during or after the United States Government used the island of Vieques, Puerto Rico, for military readiness;

(2) the claimant previously filed a lawsuit or an administrative claim, or files a claim not later than 180 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and

(3) the claimant produces evidence to the Special Master, including in response to a request for additional information by the Special Master, including a medical professional certification, confirming the disease or illness of the claimant, sufficient to show that a causal relationship exists between the claimant's chronic, life-threatening, or physical disease or illness limited to cancer, hypertension, cirrhosis, kidney disease, diabetes, or a heavy metal poisoning and the United States Government's use of the island of Vieques, Puerto Rico, for military readiness, or that a causal relationship is at least as likely as not, which may include a declaration stating the years the claimant lived on Vieques and the disease or illness with which the claimant has been diagnosed.

(b) AMOUNTS OF AWARD.—

(1) IN GENERAL.—A claimant who meets the requirements of subsection (a) shall be awarded compensation as follows:

(A) $50,000 for 1 disease described in subsection (a)(3).

(B) $80,000 for 2 diseases described in subsection (a)(3).

(C) $110,000 for 3 or more diseases described in subsection (a)(3).

(2) INCREASE IN AWARD.—In the case that an individual receiving an award under paragraph (1) of this subsection contracts another disease under subsection (a)(3) and files a new claim with the Special Master for an additional award not later than 10 years after the date of the enactment of this Act, the Special Master may award the individual an amount that is equal to the difference between—

(A) the amount that the individual would have been eligible to receive had the disease been contracted before the individual filed an initial claim under subsection (a); and

(B) the amount received by the individual pursuant to paragraph (1).

(3) DECEASED CLAIMANTS.—In the case of an individual who dies before making a claim under this section or a claimant who dies before receiving an award under this section, any immediate heir to the individual or claimant, as determined by the laws of Puerto Rico, shall be eligible for one of the following awards:

(A) Compensation in accordance with paragraph (1), divided among any such heir.

(B) Compensation based on the age of the deceased if the claimant produces evidence sufficient to conclude that a causal relationship exists between the United States Military activity and the death of the individual or that a causal relationship is as likely as not as follows:

(i) In the case of an individual or claimant who dies before attaining 20 years of age, $110,000, divided among any such heir.

(ii) In the case of an individual or claimant who dies before attaining 40 years of age, $80,000, divided among any such heir.

(iii) In the case of an individual or claimant who dies before attaining 60 years of age, $50,000, divided among any such heir.

(c) APPOINTMENT OF SPECIAL MASTER.—

(1) IN GENERAL.—The Attorney General shall appoint a Special Master not later than 90 days after the date of the enactment of this Act to consider claims by individuals and the municipality.

(2) QUALIFICATIONS.—The Attorney General shall consider the following in choosing the Special Master:

(A) The individual's experience in the processing of victims' claims in relation to foreign or domestic governments.

(B) The individual's balance of experience in representing the interests of the United States and individual claimants.

(C) The individual's experience in matters of national security.

(D) The individual's demonstrated abilities in investigation and fact findings in complex factual matters.

(E) Any experience the individual has had advising the United States Government.

(d) AWARD AMOUNTS RELATED TO CLAIMS BY THE MUNICIPALITY OF VIEQUES.—

(1) AWARD.—The Special Master, in exchange for its administrative claims, shall provide the following as compensation to the Municipality of Vieques:

(A) STAFF.—The Special Master shall provide medical staff, and other resources necessary to build and operate a level three trauma center (in this section, referred to as ''medical facility'') with a cancer center and renal dialysis unit and its equipment. The medical facility shall be able to treat life-threatening, chronic, heavy metal, and physical and mental diseases. The medical facility shall be able to provide basic x-ray, EKG, internal medicine expertise, medical coordination personnel and case managers, ultrasound, and resources necessary to screen claimants described in subsection (a) who are receiving treatment for the diseases or illnesses described in paragraph (3) of that subsection for cancer and the other prevailing health problems.

(B) OPERATIONS.—The Special Master shall fund the operations of the medical facility to provide medical care for pediatric and adult patients who reside on the island of Vieques, allowing the patients to be referred for tertiary and quaternary health care facilities when necessary, and providing the transportation and medical costs when traveling off the island of Vieques.

(C) INTERIM SERVICES.—Before the medical facility on the island of Vieques is operational, the Special Master shall provide to claimants described in subsection (a) who are receiving treatment for the diseases or illnesses described in paragraph (3) of that subsection—

(i) urgent health care air transport to hospitals on the mainland of Puerto Rico from the island of Vieques;

(ii) medical coordination personnel and case managers;

(iii) telemedicine communication abilities; and

(iv) any other services that are necessary to alleviate the health crisis on the island of Vieques.

(D) SCREENING.—The Special Master shall make available, at no cost to the patient, medical screening for cancer, cirrhosis, diabetes, and heavy metal contamination on the island of Vieques.

(E) ACADEMIC PARTNER.—The Special Master shall appoint an academic partner, with appropriate experience and an established relationship with the Municipality of Vieques, that shall—

(i) lead a research and outreach endeavor on behalf of the Municipality of Vieques;

(ii) select the appropriate scientific expertise and administer defined studies, conducting testing and evaluation of the soils, seas, plant and animal food sources, and the health of residents; and

(iii) determine and implement the most efficient and effective way to reduce the environmental toxins to a level sufficient to return the soils, seas, food sources, and health circumstances to a level that reduces the diseases on the island of Vieques to the average in the United States.

(F) DUTIES.—The Special Master shall provide amounts necessary for the academic partner and medical coordinator to carry out the duties described in subparagraphs (A) through (D).

(G) PROCUREMENT.—The Special Master shall provide amounts necessary to compensate the Municipality of Vieques for—

(i) contractual procurement obligations and additional expenses incurred by the municipality as a result of the enactment of this section and settlement of its claim; and

(ii) any other damages and costs to be incurred by the municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(H) POWER SOURCE.—The Special Master shall determine the best source of producing independent power on the island of Vieques that is hurricane resilient and can effectively sustain the needs of the island and shall authorize such construction as an award to the Municipality of Vieques.

(2) SOURCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), amounts awarded under this division shall be made from amounts appropriated under section 1304 of title 31, United States Code, commonly known as the ''Judgment Fund'', as if claims were adjudicated by a United States District Court under section 1346(b) of title 28, United States Code.

(B) LIMITATION.—Total amounts awarded under this division shall not exceed $1,000,000,000.

(3) DETERMINATION AND PAYMENT OF CLAIMS.—

(A) ESTABLISHMENT OF FILING PROCEDURES.—The Attorney General shall establish procedures whereby individuals and the municipality may submit claims for payments under this section to the Special Master.

(B) DETERMINATION OF CLAIMS.—The Special Master shall, in accordance with this subsection, determine whether each claim meets the requirements of this section. Claims filed by residents of the island of Vieques that have been disposed of by a court under chapter 171 of title 28, United States Code, shall be treated as if such claims are currently filed.

(e) ACTION ON CLAIMS.—The Special Master shall make a determination on any claim filed under the procedures established under this section not later than 150 days after the date on which the claim is filed.

(f) PAYMENT IN FULL SETTLEMENT OF CLAIMS BY INDIVIDUALS AND THE MUNICIPALITY OF VIEQUES AGAINST THE UNITED STATES.—The acceptance by an individual or the Municipality of Vieques of a payment of an award under this section shall—

(1) be final and conclusive;

(2) be deemed to be in full satisfaction of all claims under chapter 171 of title 28, United States Code; and

(3) constitute a complete release by the individual or municipality of such claim against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(g) CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) may not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(h) LIMITATION ON CLAIMS.—A claim to which this section applies shall be barred unless the claim is filed within 15 years after the date of the enactment of this Act.

(i) ATTORNEY'S FEES.—Notwithstanding any contract, a representative of an individual may not receive, for services rendered in connection with a claim of the individual under this division, more than 20 percent of a payment made under this division.

SA 638. Mr. MENENDEZ (for himself, Ms. MURKOWSKI, Mr. TESTER, Mrs. FISCHER, Mr. BROWN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ___. REAUTHORIZATION OF VOLUNTARY REGISTRY FOR FIREFIGHTER CANCER INCIDENCE.

Section 2(h) of the Firefighter Cancer Registry Act of 2018 (42 U.S.C. 280e–5(h)) is amended by striking ''$2,500,000 for each of the fiscal years 2018 through 2022'' and inserting ''$5,500,000 for each of fiscal years 2024 through 2028''.

SA 639. Mr. MENENDEZ (for himself, Mr. TILLIS, Ms. CORTEZ MASTO, Mr. YOUNG, Mr. BRAUN, and Mr. MARSHALL) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MODIFICATION OF PROHIBITION.

Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–88) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''or entity of the executive branch'' after ''U.S. court'';

(B) by striking ''by a designated national''; and

(C) by inserting before the period at the end the following: ''that was used in connection with a business or assets that were confiscated unless the original owner of the mark, trade name, or commercial name, or the bona fide successor-in-interest has expressly consented'';

(2) in subsection (b)—

(A) by inserting ''or entity of the executive branch'' after ''U.S. court''; and

(B) by striking ''by a designated national or its successor-in-interest'';

(3) by redesignating subsection (d) as subsection (e);

(4) by inserting after subsection (c) the following:

''(d) Subsections (a)(2) and (b) of this section shall apply only if the person or entity asserting the rights knew or had reason to know at the time when the person or entity acquired the rights asserted that the mark, trade name, or commercial name was the

same as or substantially similar to a mark, trade name, or commercial name that was used in connection with a business or assets that were confiscated.''; and

(5) in subsection (e), as so redesignated, by striking ''In this section:'' and all that follows through ''(2) The term'' and inserting the following: ''In this section, the term''.

SA 640. Mr. MENENDEZ (for himself, Mr. GRAHAM, Mr. FETTERMAN, Mr. BLUMENTHAL, Mr. BOOKER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ___. PROHIBITION ON SLAUGHTER OF EQUINES FOR HUMAN CONSUMPTION.

Section 12515 of the Agriculture Improvement Act of 2018 (7 U.S.C. 2160) is amended—

(1) in the section heading, by striking ''**DOGS AND CATS**'' and inserting ''**DOGS, CATS, AND EQUINES**''; and

(2) in subsection (a), by striking ''a dog or cat'' each place it appears and inserting ''a dog, cat, or equine''.

SA 641. Mr. MENENDEZ (for himself and Mr. CRAMER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PAYMENT CHOICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that United States currency should be treated as legal tender throughout the United States, and that every consumer should have the right to use cash as payment at retail businesses that accept in-person payments.

(b) RETAIL BUSINESSES PROHIBITED FROM REFUSING CASH PAYMENTS.—

(1) IN GENERAL.—Subchapter I of chapter 51 of title 31, United States Code, is amended by adding at the end the following:

''§ 5104. Retail businesses prohibited from refusing cash payments

''(a) IN GENERAL.—Any person engaged in the business of selling or offering goods or services at retail to the public who accepts in-person payments at a physical location (including a person accepting payments for telephone, mail, or internet-based transactions who is accepting in-person payments at a physical location)—

''(1) shall accept cash as a form of payment for sales made at such physical location in amounts up to and including $500 per transaction; and

''(2) may not charge cash-paying customers a higher price compared to the price charged to customers not paying with cash.

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—Subsection (a) shall not apply to a person if—

''(A) the person is unable to accept cash because of—

''(i) a sale system failure that temporarily prevents the processing of cash payments; or

''(ii) temporarily having insufficient cash on hand to make change; or

''(B)(i) the person provides customers with a device that converts cash into prepaid cards on the premises;

''(ii) there is no fee for the use of the device;

''(iii) the device does not require a minimum deposit of more than one dollar;

''(iv) any funds placed onto a prepaid card using the device do not expire, except as permitted under paragraph (2);

''(v) the device does not collect any personal identifying information from the customer; and

''(vi) there is no fee to use the prepaid card that the device produces.

''(2) INACTIVITY.—A person seeking exception from subsection (a) may charge an inactivity fee in association with a card offered by such person if—

''(A) there has been no activity with respect to the card during the 12-month period ending on the date on which the inactivity fee is imposed;

''(B) not more than 1 inactivity fee is imposed in any 1-month period; and

''(C) it is clearly and conspicuously stated, on the face of the mechanism that issues the card and on the card—

''(i) that an inactivity fee or charge may be imposed;

''(ii) the frequency at which such inactivity fee may be imposed; and

''(iii) the amount of such inactivity fee.

''(c) RIGHT TO NOT ACCEPT LARGE BILLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), for the 5-year period beginning on the date of enactment of this section, this section shall not require a person to accept cash payments in $50 bills or any larger bill.

''(2) RULEMAKING.—

''(A) IN GENERAL.—The Secretary shall issue a rule on the date that is 5 years after the date of the enactment of this section with respect to any bill denominations a person is not required to accept.

''(B) REQUIREMENT.—When issuing a rule under subparagraph (A), the Secretary shall require persons to accept $1, $5, $10 and $20 bills.

''(d) ENFORCEMENT.—

''(1) PREVENTATIVE RELIEF.—

''(A) IN GENERAL.—Whenever any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice prohibited by this section, any customer or prospective customer of such person aggrieved by such violation or threatened violation may deliver to the retailer, or cause to be so delivered by certified mail, with proof of delivery, a notice describing, in reasonable detail, the conduct or events constituting the violation or threatened violation, and giving notice that, unless such conduct is corrected or cured within 45 days after the date of delivery of such notice, a civil action for preventative relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate such relief, which may include a civil penalty under paragraph (2), may be brought against such person.

''(B) NO VIOLATION.—If, within the 45-day period under subparagraph (A), the retailer establishes to the reasonable satisfaction of the customer, in a response provided in writing to the customer, that no violation occurred as alleged, or certifies that the violation alleged has been corrected or cured, and provides reasonable assurance that no such violation will be permitted to occur, no further proceedings under this section shall be undertaken.

''(C) FAILURE TO RESPOND.—If a retailer, having received a notice described in subparagraph (A), fails to respond in accordance with that subparagraph, or responds but fails to reasonably establish that the violation alleged did not occur or has been corrected or cured, the aggrieved customer may file a civil action against the retailer seeking relief under this subsection, and shall attach to the complaint in such action copies of the notice given to the retailer and any response from the retailer.

''(2) DAMAGES AND CIVIL PENALTIES.—Any person who violates this section shall—

''(A) be liable for actual damages, and, if actual damages are less than $250, liquidated damages of $250; and

''(B) a civil penalty of not more than $500 for a first offense and not more than $1,500 for a second or subsequent offense.

''(3) JURISDICTION.—An action under this section may be brought in any United States district court, or in any other court of competent jurisdiction.

''(4) INTERVENTION OF ATTORNEY GENERAL.—Upon timely application, a court may, in its discretion, permit the Attorney General to intervene in a civil action brought under this subsection, if the Attorney General certifies that the action is of general public importance.

''(5) AUTHORITY TO APPOINT COURT-PAID ATTORNEY.—Upon application by an individual and in such circumstances as the court may determine just, the court may appoint an attorney for such individual and may authorize the commencement of a civil action under this subsection without the payment of fees, costs, or security.

''(6) ATTORNEY'S FEES.—In any action commenced pursuant to this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, not to exceed $3,000, as part of the costs, and the United States shall be liable for costs the same as a private person.

''(7) REQUIREMENTS IN CERTAIN STATES AND LOCAL AREAS.—In the case of an alleged act or practice prohibited by this section which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such act or practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought hereunder before the expiration of 30 days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

''(e) GREATER PROTECTION UNDER STATE LAW.—This section shall not preempt any law of a State, the District of Columbia, a Tribal government, or a territory of the United States if the protections that such law affords to consumers are greater than the protections provided under this section.

''(f) RULEMAKING.—The Secretary shall issue such rules as the Secretary determines are necessary to implement this section, which may prescribe additional exceptions to the application of the requirements described in subsection (a).

''(g) ANNUAL REPORTS ON THE GEOGRAPHIC DISTRIBUTION OF AUTOMATED TELLER MACHINES OWNED BY FEDERALLY INSURED DEPOSITORY INSTITUTIONS.—Beginning on the date that is 1 year after the date of enactment of this section, and annually thereafter, the Federal Deposit Insurance Corporation, with

respect to depository institutions insured by the Corporation, and the National Credit Union Administration, with respect to credit unions insured by the National Credit Union Share Insurance Fund, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that provides—

''(1) the number of automated teller machines owned and in service by each institution insured by such agency;

''(2) the location of each such automated teller machine that is installed at a fixed site; and

''(3) the approximate geographic range or radius within which mobile automated teller machines owned by any such institution are deployed.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 51 of title 31, United States Code, is amended by inserting after the item relating to section 5103 the following:

''5104. Retail businesses prohibited from refusing cash payments.''.

SA 642. Mr. MENENDEZ (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. STAFFING OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS TO MAINTAIN MAXIMUM STUDENT-TO-TEACHER RATIOS.

Section 589B(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3659) is amended by striking ''2023-2024 academic year'' and inserting ''2029-2030 academic year''.

SA 643. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. PAYMENT OF VA EDUCATIONAL ASSISTANCE VIA ELECTRONIC FUND TRANSFER TO A FOREIGN INSTITUTION OF HIGHER EDUCATION.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall update the payment system of the Department of Veterans Affairs to allow for electronic fund transfer of educational assistance, administered by the Secretary, to a foreign institution of higher education that—

(1) provides an approved course of education to an eligible recipient of such assistance; and

(2) does not have—

(A) an employer identification number; or

(B) an account with a domestic bank.

SA 644. Mr. MANCHIN (for himself, Mr. BARRASSO, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 12___. SENSE OF CONGRESS ON THE RENEWAL OF THE COMPACTS OF FREE ASSOCIATION WITH THE REPUBLIC OF PALAU, THE FEDERATED STATES OF MICRONESIA, AND THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) FINDINGS.—Congress finds that—

(1) in 1947, the United Nations entrusted the United States with the defense and security of the region that now comprises—

(A) the Republic of Palau;

(B) the Federated States of Micronesia; and

(C) the Republic of the Marshall Islands;

(2) in 1983, the United States signed Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands;

(3) in 1985, the United States signed a Compact of Free Association with the Republic of Palau;

(4) in 1986, Congress—

(A) enacted the Compact of Free Association Act of 1985 (48 U.S.C. 1901 note; Public Law 99–239), which approved the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands; and

(B) enacted Public Law 99–658 (48 U.S.C. 1931 note), which approved the Compact of Free Association with the Republic of Palau;

(5) in 2003, Congress enacted the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 note; Public Law 108–188), which approved and renewed the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands;

(6) in 2010, the United States and the Republic of Palau agreed to terms for renewing the Compact of Free Association with the Republic of Palau in the Palau Compact Review Agreement, which was approved by Congress in section 1259C of the National Defense Authorization Act for Fiscal Year 2018 (48 U.S.C. 1931 note; Public Law 115–91);

(7) on January 11, 2023, the United States signed a Memorandum of Understanding with the Republic of the Marshall Islands on funding priorities for the Compact of Free Association with the Republic of the Marshall Islands;

(8) on May 22, 2023, the United States signed the U.S.-Palau 2023 Agreement, following the Compact of Free Association Section 432 Review;

(9) on May 23, 2023, the United States signed 3 agreements relating to the U.S.-FSM Compact of Free Association, which included—

(A) an Agreement to Amend the Compact, as amended;

(B) a new fiscal procedures agreement; and

(C) a new trust fund agreement; and

(10) the United States is undergoing negotiations relating to the Compact of Free Association with the Republic of the Marshall Islands.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) acknowledges that the close and strategic partnerships of the United States with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands is vital to international peace and security in the Indo-Pacific region;

(2) supports the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, since the Compacts of Free Association form the political, economic, and security architecture that bolsters and sustains security and drives regional development and the prosperity of the larger Indo-Pacific community of nations;

(3) recognizes that—

(A) certain provisions of the current Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands expire on September 30, 2023; and

(B) certain provisions of the Compact of Free Association with the Republic of Palau expire on September 30, 2024;

(4) affirms that it is in the national interest of the United States to successfully renegotiate and renew the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands; and

(5) understands that legislation must be enacted to approve amended Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

SA 645. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. EXCLUSION OF BASIC ALLOWANCE FOR HOUSING FROM INCOME.

Section 5(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(d)) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19)(B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(20) a basic allowance for housing paid to a member of a uniformed service under section 403 of title 37, United States Code.''.

SA 646. Mr. ROUNDS (for himself, Mr. LUJÁN, MR. PADILLA, Mr. KING, Ms. WARREN, Mr. HICKENLOOPER, Mr. LANKFORD, Ms. CORTEZ MASTO, Mr. CRAMER, Mr. SCOTT of Florida, Mr. OSSOFF, Ms. ROSEN, Ms. KLOBUCHAR, Mr. CORNYN, Mr. HEINRICH, Mr. THUNE, Ms. SINEMA, Ms. SMITH, and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10____. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following:

''CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

''§ 150401 Organization

''The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (referred to in this chapter as the 'corporation'), is a federally chartered corporation.

''§ 150402. Purposes

''The purposes of the corporation are those stated in the articles of incorporation, constitution, and bylaws of the corporation, and include a commitment—

''(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian Nations;

''(2) to unite under one body all American Indian veterans who served in the Armed Forces of United States;

''(3) to be an advocate on behalf of all American Indian veterans without regard to whether they served during times of peace, conflict, or war;

''(4) to promote social welfare (including educational, economic, social, physical, and cultural values and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

''(5) to serve as an advocate for the needs of American Indian veterans and their families and survivors in their dealings with all Federal and State government agencies;

''(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between American Indian veterans and American society; and

''(7) to provide technical assistance to the Bureau of Indian Affairs regional areas that are not served by any veterans committee or organization or program by—

''(A) providing outreach service to Indian Tribes in need; and

''(B) training and educating Tribal Veterans Service Officers for Indian Tribes in need.

''§ 150403. Membership

''Subject to section 150406, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and bylaws of the corporation.

''§ 150404. Board of directors

''Subject to section 150406, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

''§ 150405. Officers

''Subject to section 150406, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

''§ 150406. Nondiscrimination

''In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

''§ 150407. Powers

''The corporation shall have only those powers granted the corporation through its articles of incorporation, constitution, and bylaws, which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

''§ 150408. Exclusive right to name, seals, emblems, and badges

''(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names 'National American Indian Veterans, Incorporated' and 'National American Indian Veterans', and such seals, emblems, and badges as the corporation may lawfully adopt.

''(b) EFFECT.—Nothing in this section interferes or conflicts with any established or vested rights.

''§ 150409. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not—

''(1) issue any shares of stock; or

''(2) declare or pay any dividends.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—

''(1) IN GENERAL.—The income or assets of the corporation may not—

''(A) inure to any person who is a member, officer, or director of the corporation; or

''(B) be distributed to any such person during the life of the charter granted by this chapter.

''(2) EFFECT.—Nothing in this subsection prevents the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

''(c) LOANS.—The corporation may not make any loan to any officer, director, member, or employee of the corporation.

''(d) NO FEDERAL ENDORSEMENT.—The corporation may not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of the activities of the corporation.

''§ 150410. Duty to maintain tax-exempt status

''The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986.

''§ 150411. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete books and records of accounts;

''(2) minutes of any proceeding of the corporation involving any of member of the corporation, the board of directors, or any committee having authority under the board of directors; and

''(3) at the principal office of the corporation, a record of the names and addresses of all members of the corporation having the right to vote.

''(b) INSPECTION.—

''(1) IN GENERAL.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such a member, for any proper purpose, at any reasonable time.

''(2) EFFECT.—Nothing in this section contravenes—

''(A) the laws of the jurisdiction under which the corporation is incorporated; or

''(B) the laws of those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

''§ 150412. Service of process

''With respect to service of process, the corporation shall comply with the laws of—

''(1) the jurisdiction under which the corporation is incorporated; and

''(2) those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

''§ 150413. Liability for acts of officers and agents

''The corporation shall be liable for the acts of the officers and agents of the corporation acting within the scope of their authority.

''§ 150414. Failure to comply with requirements

''If the corporation fails to comply with any of the requirements of this chapter, including the requirement under section 150410 to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

''§ 150415. Annual report

''(a) IN GENERAL.—The corporation shall submit to Congress an annual report describing the activities of the corporation during the preceding fiscal year.

''(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b).

''(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1503 the following:

''1504. National American Indian Veterans, Incorporated ..... 150401''.

SA 647. Mr. SULLIVAN (for himself, Ms. MURKOWSKI, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPEAL OF BONAFIDE OFFICE RULE FOR 8(A) CONTRACTS WITH THE DEPARTMENT OF DEFENSE.

Section 8(a)(11) of the Small Business Act (15 U.S.C. 637(a)(11)) is amended—

(1) by inserting ''(A)'' before ''To the maximum''; and

(2) by adding at the end the following:

''(B) Subparagraph (A) shall not apply with respect to a contract entered into under this subsection with the Department of Defense.''.

SA 648. Mr. SULLIVAN (for himself, Ms. MURKOWSKI, and Ms. HIRONO) submitted an amendment intended to be

proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF REQUIREMENT RELATING TO AWARD OF CONSTRUCTION SUBCONTRACTS WITHIN COUNTY OR STATE OF PERFORMANCE.

Paragraph (11) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is repealed.

SA 649. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. DETERMINATION ON WHETHER TO EXTEND CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO THE HONG KONG ECONOMIC AND TRADE OFFICES IN THE UNITED STATES.

(a) DETERMINATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and thereafter as part of each certification required by the Secretary of State under section 205(a)(1)(A) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5725(a)(1)(A)), the Secretary of State shall, as part of such certification, include a separate determination that—

(1) the Hong Kong Economic and Trade Offices—

(A) merit extension and application of the privileges, exemptions, and immunities specified in subsection (b); or

(B) no longer merit extension and application of the privileges, exemptions, and immunities specified in subsection (b); and

(2) a detailed report justifying that determination, which may include considerations related to United States national security interests.

(b) PRIVILEGES, EXEMPTIONS, AND IMMUNITIES SPECIFIED.—The privileges, exemptions, and immunities specified in this subsection are the privileges, exemptions, and immunities extended and applied to the Hong Kong Economic and Trade Offices under section 1 of the Act entitled ''An Act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices'', approved June 27, 1997 (22 U.S.C. 288k).

(c) EFFECT OF DETERMINATION.—

(1) TERMINATION.—If the Secretary of State determines under subsection (a)(1)(B) that the Hong Kong Economic and Trade Offices no longer merit extension and application of the privileges, exemptions, and immunities specified in subsection (b), the Hong Kong Economic and Trade Offices shall terminate operations not later than 180 days after the date on which that determination is delivered to the appropriate congressional committees, as part of the certification required under section 205(a)(1)(A) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5725(a)(1)(A)).

(2) CONTINUED OPERATIONS.—If the Secretary of State determines under subsection (a)(1)(A) that the Hong Kong Economic and Trade Offices merit extension and application of the privileges, exemptions, and immunities specified in subsection (b), the Hong Kong Economic and Trade Offices may continue operations for the one-year period following the date of the certification that includes that determination or until the next certification required under section 205(a)(1)(A) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5725(a)(1)(A)) is submitted, whichever occurs first.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HONG KONG ECONOMIC AND TRADE OFFICES.—The term ''Hong Kong Economic and Trade Offices'' has the meaning given that term in section 1(c) of the Act entitled ''An Act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices'', approved June 27, 1997 (22 U.S.C. 288k).

SEC. 1299M. POLICY OF UNITED STATES ON PROMOTION OF AUTONOMY OF GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

It is the policy of the United States—

(1) to ensure that entities of the United States Government do not knowingly assist in the promotion of Hong Kong as a free and autonomous city or the Government of the Hong Kong Special Administrative Region as committed to protecting the human rights of the people of Hong Kong or fully maintaining the rule of law required for human rights and economic prosperity as long as the Secretary of State continues to determine under section 205(a)(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5725(a)(1)) that Hong Kong does not enjoy a high degree of autonomy from the People's Republic of China and does not warrant treatment under the laws of the United States in the same manner as those laws were applied to Hong Kong before July 1, 1997;

(2) to recognize that promotion of Hong Kong as described in paragraph (1) should be considered propaganda for the efforts of the People's Republic of China to dismantle rights and freedom guaranteed to the residents of Hong Kong by the International Covenant on Civil and Political Rights and the Sino-British Joint Declaration of 1984;

(3) to ensure that entities of the United States Government do not engage in or assist with propaganda of the People's Republic of China regarding Hong Kong; and

(4) to engage with the Government of the Hong Kong Special Administrative Region, through all relevant entities of the United States Government, seeking the release of political prisoners, the end of arbitrary detentions, the resumption of a free press and fair and free elections open to all candidates, and the restoration of an independent judiciary.

SA 650. Mr. CORNYN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. PROTECTION OF NATIONAL CRITICAL CAPABILITIES.

The Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) is amended by adding at the end the following:

''TITLE VIII—PROTECTION OF NATIONAL CRITICAL CAPABILITIES

''SEC. 801. DEFINITIONS.

''In this title:

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

''(A) the Committee on Armed Services, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Ways and Means, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives.

''(2) COUNTRY OF CONCERN.—The term 'country of concern' means, subject to such regulations as may be prescribed in accordance with section 806, a country specified in section 4872(d)(2) of title 10, United States Code.

''(3) COVERED ACTIVITY.—

''(A) IN GENERAL.—Subject to such regulations as may be prescribed in accordance with section 806, and except as provided in subparagraph (B), the term 'covered activity' means any activity engaged in by a United States person in a national critical capabilities sector that involves—

''(i) an acquisition of an equity interest or contingent equity interest, or monetary capital contribution, in a covered foreign entity, directly or indirectly, by contractual commitment or otherwise, with the goal of generating income or gain;

''(ii) an arrangement for an interest in the short- or long-term debt obligations of a covered foreign entity that includes government rights that are characteristic of an equity investment, management, or other important rights;

''(iii) the establishment of a wholly owned subsidiary in a country of concern, such as a greenfield investment, for the purpose of production, design, testing, manufacturing, fabrication, or development related to one or more national critical capabilities sectors;

''(iv) the establishment of a joint venture in a country of concern or with a covered foreign entity for the purpose of production, design, testing, manufacturing, fabrication, or research involving one or more national critical capabilities sectors, or other contractual or other commitments involving a covered foreign entity to jointly research and develop new innovation, including through the transfer of capital or intellectual property or other business proprietary information;

''(v) the acquisition by a United States person with a covered foreign entity of—

''(I) operational cooperation, such as through supply or support arrangements;

''(II) the right to board representation (as an observer, even if limited, or as a member) or an executive role (as may be defined through regulation) in a covered foreign entity;

''(III) the ability to direct or influence such operational decisions as may be defined through such regulations;

''(IV) formal governance representation in any operating affiliate, like a portfolio company, of a covered foreign entity; or

''(V) a new relationship to share or provide business services, such as but not limited to financial services, marketing services, maintenance, or assembly functions, related to a national critical capabilities sector; or

''(vi) except as provided in subparagraph (B), any other transaction involving a country of concern or with a covered foreign entity defined in regulations prescribed in accordance with section 806.

''(B) EXCEPTIONS.—The term 'covered activity' does not include—

''(i) any transaction the value of which the Secretary of the Treasury determines is de minimis;

''(ii) any category of transactions that the Secretary determines is in the national interest of the United States, as may be defined in regulations prescribed in accordance with section 806; or

''(iii) any ordinary business transaction as may be defined in such regulations.

''(4) COVERED FOREIGN ENTITY.—

''(A) IN GENERAL.—Subject to regulations prescribed in accordance with section 806, and except as provided in subparagraph (B), the term 'covered foreign entity' means—

''(i) any entity that is incorporated in, has a principal place of business in, or is organized under the laws of a country of concern;

''(ii) any entity the equity securities of which are primarily traded on one or more exchanges in a country of concern;

''(iii) any entity in which any covered foreign entity holds, individually or in the aggregate, directly or indirectly, an ownership interest of greater than 50 percent; or

''(iv) any other entity that is not a United States person and that meets such criteria as may be specified by the Secretary of the Treasury in such regulations.

''(B) EXCEPTION.—The term 'covered foreign entity' does not include any entity described in subparagraph (A) that can demonstrate that a majority of the equity interest in the entity is ultimately owned by—

''(i) nationals of the United States; or

''(ii) nationals of such countries (other than countries of concern) as are identified for purposes of this subparagraph pursuant to regulations prescribed in accordance with section 806.

''(5) NATIONAL CRITICAL CAPABILITIES SECTOR.—Subject to regulations prescribed in accordance with section 806, the term 'national critical capabilities sector' includes sectors within the following areas, as specified in such regulations:

''(A) Semiconductor manufacturing and advanced packaging.

''(B) Microelectronics.

''(C) Large-capacity batteries with dual-use applications.

''(D) Artificial intelligence.

''(E) Quantum information science and technology.

''(F) Hypersonics.

''(G) Satellite-based communications.

''(H) Networked laser scanning systems with dual-use applications.

''(I) Any other technology that if produced in the United States would be—

''(i) included on the Commerce Control List maintained by the Bureau of Industry and Security and set forth in Supplement No. 1 to part 774 of the Export Administration Regulations; and

''(ii) subject to the requirement for a license under the Export Administration Regulations for the export, reexport, or in-country transfer (as those terms are defined in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801)) of the technology to or in a country of concern.

''(6) PARTY.—The term 'party', with respect to an activity, has the meaning given that term in regulations prescribed in accordance with section 806.

''(7) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and any territory or possession of the United States.

''(8) UNITED STATES PERSON.—The term 'United States person' means—

''(A) an individual who is a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States; and

''(B) any corporation, partnership, or other entity organized under the laws of the United States or the laws of any jurisdiction within the United States.

''SEC. 802. ADMINISTRATION OF UNITED STATES INVESTMENT NOTIFICATION.

''(a) IN GENERAL.—The President shall delegate the authorities and functions under this title to the Secretary of the Treasury.

''(b) DESIGNATION OF LEAD AGENCY.—The Secretary shall designate, as appropriate, the head of a Federal agency or agencies to be the lead agency or agencies for each notification required under section 803.

''(c) COORDINATION.—In carrying out the duties of the Secretary under this title, the Secretary shall—

''(1) coordinate with the Secretary of Commerce; and

''(2) consult with the United States Trade Representative, the Secretary of Defense, the Secretary of State, and the Director of National Intelligence.

''SEC. 803. MANDATORY NOTIFICATION OF COVERED ACTIVITIES.

''(a) MANDATORY NOTIFICATION.—

''(1) IN GENERAL.—Subject to regulations prescribed in accordance with section 806, beginning on the date that is 90 days after such regulations take effect, a United States person that plans to engage in a covered activity shall submit to the Secretary of the Treasury a complete written notification of the activity not later than 14 days before the anticipated completion date of the activity.

''(2) CIRCULATION OF NOTIFICATION.—

''(A) IN GENERAL.—The Secretary shall, upon receipt of a notification under paragraph (1), promptly inspect the notification for completeness, and, if complete, immediately circulate the notification to the agency designated as the lead agency for the notification under section 802(b).

''(B) INCOMPLETE NOTIFICATIONS.—If a notification submitted under paragraph (1) is incomplete, the Secretary or the head of the lead agency shall promptly inform the United States person that submits the notification that the notification is not complete and provide an explanation of relevant material respects in which the notification is not complete.

''(C) REFERRAL TO ATTORNEY GENERAL.—If the Secretary has reason to believe that a covered activity that is the subject of a notification submitted under paragraph (1) may be prohibited under this title or regulations prescribed in accordance with section 806, the President shall refer the notification to the Attorney General for such action as the Attorney General may determine to be proper.

''(3) IDENTIFICATION OF NON-NOTIFIED ACTIVITY.—The Secretary shall establish a process to identify covered activity for which—

''(A) a notification is not submitted to the Secretary under paragraph (1); and

''(B) information is reasonably available.

''(b) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any information or documentary material and any information or materials derived from such information or documentary materials filed with the Secretary of the Treasury pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public by any government agency or Member of Congress.

''(2) EXCEPTIONS.—The exemption from disclosure provided by paragraph (1) shall not prevent the disclosure of the following:

''(A) Information relevant to any administrative or judicial action or proceeding.

''(B) Information to Congress or any of the appropriate congressional committees.

''(C) Information important to the national security analysis or actions of the President to any domestic governmental entity, or to any foreign governmental entity of an ally or partner of the United States, under the exclusive direction and authorization of the President, only to the extent necessary for national security purposes, and subject to appropriate confidentiality and classification requirements.

''(D) Information that the parties have consented to be disclosed to third parties.

''(c) RECORDKEEPING.—In taking action under this section with respect to a covered activity, the Secretary of the Treasury may require any person—

''(1) to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to the covered activity before, during, or after the completion of the covered activity, or as may be otherwise necessary to enforce the provisions of this title; and

''(2) to produce any books of account, records, contracts, letters, memoranda, or other papers relative to the covered activity in the custody or control of the person.

''SEC. 804. REPORTING REQUIREMENTS.

''(a) IN GENERAL.—Not later than 360 days after the date on which the regulations prescribed under section 806 take effect, and not less frequently than annually thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that—

''(1) lists all notifications submitted under section 803(a) during the year preceding submission of the report and includes, with respect to each such notification—

''(A) basic information on each party to the covered activity with respect to which the notification was submitted; and

''(B) the nature of the covered activity that was the subject to the notification, including the elements of the covered activity that necessitated a notification;

''(2) includes a summary of those notifications, disaggregated by sector, by covered activity, and by country of concern;

''(3) provides additional context and information regarding trends in the sectors, the types of covered activities, and the countries involved in those notifications;

''(4) includes a description of the national security risks associated with—

''(A) the covered activities with respect to which those notifications were submitted; or

''(B) categories of such activities; and

''(5) assesses the overall impact of those notifications, including recommendations for—

''(A) expanding existing Federal programs to support the production or supply of national critical capabilities sectors in the United States, including the potential of existing authorities to address any related national security concerns;

''(B) investments needed to enhance national critical capabilities sectors and reduce dependence on countries of concern regarding those sectors; and

''(C) the continuation, expansion, or modification of the implementation and administration of this title, including recommendations with respect to whether the definition of 'country of concern' under section 801(2) should be amended to add or remove countries.

''(b) FORM OF REPORT.—Each report required by this section shall be submitted in

unclassified form, but may include a classified annex.

"SEC. 805. PENALTIES AND ENFORCEMENT.

''(a) PENALTIES.—

''(1) UNLAWFUL ACTS.—Subject to regulations prescribed in accordance with section 806, it shall be unlawful—

''(A) to fail to submit a notification under subsection (a) of section 803 with respect to a covered activity or to submit other information as required by the Secretary of the Treasury; or

''(B) to make a material misstatement or to omit a material fact in any information submitted to the Secretary under this title.

''(2) CIVIL PENALTIES.—A civil penalty may be imposed on any person who commits an unlawful act described in paragraph (1) in an amount not to exceed the greater of—

''(A) $250,000; or

''(B) an amount that is twice the amount of the covered activity that is the basis of the violation with respect to which the penalty is imposed.

''(b) ENFORCEMENT.—The President may direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this title.

"SEC. 806. REQUIREMENT FOR REGULATIONS.

''(a) IN GENERAL.—Not later than 360 days after the date of the enactment of this title, the Secretary of the Treasury shall finalize regulations to carry out this title.

''(b) ELEMENTS.—Regulations prescribed to carry out this title shall include specific examples of the types of—

''(1) activities that will be considered to be covered activities; and

''(2) the specific sectors and subsectors that may be considered to be national critical capabilities sectors.

''(c) REQUIREMENTS FOR CERTAIN REGULATIONS.—The Secretary of the Treasury shall prescribe regulations further defining the terms used in this title, including 'covered activity', 'covered foreign entity', and 'party', in accordance with subchapter II of chapter 5 and chapter 7 of title 5 (commonly known as the 'Administrative Procedure Act').

''(d) PUBLIC PARTICIPATION IN RULEMAKING.—The provisions of section 709 shall apply to any regulations issued under this title.

''(e) LOW-BURDEN REGULATIONS.—In prescribing regulations under this section, the Secretary of the Treasury shall structure the regulations—

''(1) to minimize the cost and complexity of compliance for affected parties;.

''(2) to ensure the benefits of the regulations outweigh their costs;

''(3) to adopt the least burdensome alternative that achieves regulatory objectives;

''(4) to prioritize transparency and stakeholder involvement in the process of prescribing the regulations; and

''(5) to regularly review and streamline existing regulations to reduce redundancy and complexity.

"SEC. 807. MULTILATERAL ENGAGEMENT AND COORDINATION.

''(a) IN GENERAL.—The President, in coordination with the United States Trade Representative, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall—

''(1) in coordination and consultation with relevant Federal agencies, conduct bilateral and multilateral engagement with the governments of countries that are allies and partners of the United States to secure coordination of protocols and procedures with respect to covered activities with countries of concern and covered foreign entities; and

''(2) upon adoption of protocols and procedures described in paragraph (1), work with those governments to establish mechanisms for sharing information, including trends, with respect to such activities.

''(b) STRATEGY FOR DEVELOPMENT OF OUTBOUND INVESTMENT SCREENING MECHANISMS.—The Secretary of the Treasury, in consultation with the Attorney General, shall—

''(1) develop a strategy to work with countries that are allies and partners of the United States to develop mechanisms comparable to this title for the notification of covered activities; and

''(2) provide technical assistance to those countries with respect to the development of those mechanisms.

"SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title, including to provide outreach to industry and persons affected by this title.

''(b) HIRING AUTHORITY.—The head of any agency designated as a lead agency under section 802(b) may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service (as defined in section 2102 of that title) in that agency. The primary responsibility of individuals in positions authorized under the preceding sentence shall be to administer this title.

"SEC. 809. RULE OF CONSTRUCTION WITH RESPECT TO FREE AND FAIR COMMERCE.

''Nothing in this title may be construed to restrain or deter foreign investment in the United States, United States investment abroad, or trade in goods or services, if such investment and trade do not pose a risk to the national security of the United States.''.

SA 651. Mr. COTTON (for himself, Mr. GRAHAM, and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Ensuring American Security and Protecting Afghan Allies Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Ensuring American Security and Protecting Afghan Allies Act''.

SEC. 1092. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on Armed Services of the House of Representatives; and

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

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) section 1096 or an amendment made by such section.

(4) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) a pending, documentarily complete application for special immigrant status; and

(B) a case in processing in the United States Refugee Admissions Program for an individual who has received a Priority 1 or Priority 2 referral to such program.

(5) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 1093. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding the status of a specified application submitted by, or on behalf of, a national of Afghanistan, including any information that has been provided to the applicant, in accordance with section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)).

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall designate an appropriate office within the Department of State—

(1) to review specified applications submitted by nationals of Afghanistan residing in Afghanistan, including by conducting any required interviews;

(2) to issue visas or other travel documents to such nationals, in accordance with the immigration laws;

(3) to provide services to such nationals, to the greatest extent practicable, that would normally be provided by an embassy; and

(4) to carry out any other function that the Secretary considers necessary.

SEC. 1094. CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) CONDITIONAL PERMANENT RESIDENT STATUS.—The term ''conditional permanent resident status'' means conditional permanent resident status under section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a–b), subject to the provisions of this section.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an alien who—

(A) is present in the United States;

(B) is a citizen or national of Afghanistan or, in the case of an alien having no nationality, is a person who last habitually resided in Afghanistan;

(C) has not been granted permanent resident status; and

(D)(i) was inspected and admitted to the United States on or before the date of the enactment of this Act; or

(ii) was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary of Homeland Security upon written notice.

(b) CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.—

(1) ADJUSTMENT OF STATUS TO CONDITIONAL PERMANENT RESIDENT STATUS.—Immediately on the date of the enactment of this Act, the Secretary of Homeland Security shall—

(A) adjust the status of each eligible individual to that of conditional permanent resident status; and

(B) create for each eligible individual a record of admission to such status as of the date on which the eligible individual was initially inspected and admitted or paroled into the United States.

(2) REMOVAL OF CONDITIONS.—

(A) IN GENERAL.—Not later than the date described in subparagraph (B), the Secretary of Homeland Security shall remove the conditions on the permanent resident status of an eligible individual if the Secretary has determined that—

(i) subject to subparagraph (C), the eligible individual is not subject to any ground of inadmissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182); and

(ii) the eligible individual is not the subject of significant derogatory information, such as a conviction of a felony or any other information indicating that the eligible individual poses a national security concern.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

(i) the date that is 4 years after the date on which an eligible individual was admitted or paroled into the United States; or

(ii) July 1, 2027.

(C) WAIVER.—

(i) IN GENERAL.—Except as provided in clause (ii), with respect to an eligible individual, the Secretary of Homeland Security may waive the application of the grounds of inadmissibility under in section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or to ensure family unity.

(ii) EXCEPTIONS.—The Secretary of Homeland Security may not waive under clause (i) the application of subparagraphs (C) through (H) of paragraph (2), or paragraph (3), of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(3) TREATMENT OF CONDITIONAL RESIDENT PERIOD FOR PURPOSES OF NATURALIZATION.—An eligible individual in conditional resident status shall be considered—

(A) to have been admitted to the United States as an alien lawfully admitted for permanent residence; and

(B) to be present in the United States as an alien lawfully admitted to the United States for permanent residence.

(c) TERMS OF CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) ASSESSMENT.—

(A) IN GENERAL.—Before removing the conditions on the permanent resident status of an eligible individual under subsection (b)(2), the Secretary of Homeland Security shall conduct an assessment with respect to the eligible individual, which shall be equivalent in rigor to the assessment conducted with respect to refugees admitted to the United States through the United States Refugee Admissions Program, for the purpose of determining whether the eligible individual is subject to any ground of inadmissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) or any ground of deportability under section 237 of that Act (8 U.S.C. 1227).

(B) CONSULTATION.—In conducting an assessment under subparagraph (A), the Secretary of Homeland Security may consult with the head of any other relevant agency and review the holdings of any such agency.

(2) PERIODIC NONADVERSARIAL MEETINGS.—

(A) IN GENERAL.—Not later than 180 days after the date on which the status of an eligible individual is adjusted to conditional permanent resident status, and periodically thereafter, the eligible individual shall participate in a nonadversarial meeting with an official of the Office of Refugee Resettlement, during which such official shall—

(i) on request by the eligible individual, assist the eligible individual in applying for any applicable immigration benefit and completing any applicable immigration-related paperwork; and

(ii) answer any questions regarding eligibility for other benefits.

(B) NOTIFICATION OF REQUIREMENTS.—Not later than 7 days before the date on which a meeting under subparagraph (A) is scheduled to occur, the Secretary of Health and Human Services shall provide notice to the eligible individual that includes the date of the scheduled meeting and a description of the process for rescheduling the meeting.

(C) CONDUCT OF MEETING.—The Secretary of Health and Human Services shall implement practices to ensure that—

(i) meetings under subparagraph (A) are conducted in a nonadversarial manner; and

(ii) interpretation and translation services are provided to eligible individuals with limited English proficiency.

(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent an eligible individual from electing to have counsel present during a meeting under subparagraph (A).

(3) ELIGIBILITY FOR BENEFITS.—Except with respect to an application for naturalization, an eligible individual in conditional permanent resident status shall be considered to be an alien lawfully admitted for permanent residence for purposes of the adjudication of an application or petition for a benefit or the receipt of a benefit.

(4) NOTIFICATION OF REQUIREMENTS.—Not later than 90 days after the date on which the status of an eligible individual is adjusted to that of conditional permanent resident status, the Secretary of Homeland Security shall provide notice to the eligible individual with respect to the provisions of—

(A) this section;

(B) paragraph (1) (relating to the conduct of assessments); and

(C) paragraph (2) (relating to periodic nonadversarial meetings).

(d) APPLICATION FOR NATURALIZATION.—The Secretary of Homeland Security shall establish procedures by which an eligible individual may be considered for naturalization concurrently with the removal of the conditions on his or her permanent resident status under subsection (b)(2).

(e) GUIDANCE.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, guidance issued pursuant to subparagraph (A)—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall finalize the guidance implementing this section.

(B) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.—Chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act'') shall not apply to the guidance issued under this paragraph.

(f) ASYLUM CLAIMS.—With respect to the adjudication of an application for asylum submitted by an eligible individual, section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act (8 U.S.C. 1101 note; Public Law 117–43) shall not apply.

(g) PROHIBITION ON FEES.—The Secretary of Homeland Security may not charge a fee to any eligible individual in connection with the initial issuance under this section of—

(1) a document evidencing status as an alien lawfully admitted for permanent residence; or

(2) an employment authorization document.

(h) ELIGIBILITY FOR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) an individual described in subsection (a) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (8 U.S.C. 1101 note, Public Law 117–43) shall retain his or her eligibility for the benefits and services described in subsection (b) of such section if the individual has a pending application, or is granted adjustment of status, under this section; and

(B) such benefits and services shall remain available to the individual to the same extent and for the same periods of time as such benefits and services are otherwise available to refugees who acquire such status.

(2) EXCEPTION FROM FIVE-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—Section 403(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)) is amended by adding at the end the following:

''(F) An alien who status is adjusted to that of an alien lawfully admitted for permanent residence under section 1094 of the Ensuring American Security and Protecting Afghan Allies Act.''.

(i) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible individual from applying for or receiving any immigration benefit to which the eligible individual is otherwise entitled.

(j) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security $20,000,000 for each of the fiscal years 2024 through 2028 to carry out this section.

SEC. 1095. INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(1) to develop and oversee the implementation of the strategy and contingency plan described in subsection (d)(1)(A); and

(2) to submit the report, and provide a briefing on the report, as described in subsection (d).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall include—

(A) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(B) any other Federal Government official designated by the President.

(2) DEFINED TERM.—In this subsection, the term ''relevant Federal agency'' means—

(A) the Department of State;

(B) the Department Homeland Security;

(C) the Department of Defense;

(D) the Department of Health and Human Services;

(E) the Federal Bureau of Investigation; and

(F) the Office of the Director of National Intelligence.

(c) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(d) DUTIES.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Task Force is established, the Task Force, acting through the chair of the Task Force, shall submit a report to the appropriate committees of Congress that includes—

(i) a strategy for facilitating the resettlement of nationals of Afghanistan outside the United States who, during the period beginning on October 1, 2001, and ending on September 1, 2021, directly and personally supported the United States mission in Afghanistan, as determined by the Secretary of State in consultation with the Secretary of Defense; and

(ii) a contingency plan for future emergency operations in foreign countries involving foreign nationals who have worked directly with the United States Government, including the Armed Forces of the United States and United States intelligence agencies.

(B) ELEMENTS.—The report required under subparagraph (A) shall include—

(i) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(I) such nationals in Afghanistan and such nationals in a third country;

(II) type of specified application; and

(III) applications that are documentarily complete and applications that are not documentarily complete;

(ii) an estimate of the number of nationals of Afghanistan who may be eligible for special immigrant status under section 1096 or an amendment made by such section;

(iii) with respect to the strategy required under subparagraph (A)(i)—

(I) the estimated number of nationals of Afghanistan described in such subparagraph;

(II) a description of the process for safely resettling such nationals;

(III) a plan for processing such nationals of Afghanistan for admission to the United States, that—

(aa) discusses the feasibility of remote processing for such nationals of Afghanistan residing in Afghanistan;

(bb) includes any strategy for facilitating refugee and consular processing for such nationals of Afghanistan in third countries, and the timelines for such processing;

(cc) includes a plan for conducting rigorous and efficient vetting of all such nationals of Afghanistan for processing;

(dd) discusses the availability and capacity of sites in third countries to process applications and conduct any required vetting for such nationals of Afghanistan, including the potential to establish additional sites; and

(ee) includes a plan for providing updates and necessary information to affected individuals and relevant nongovernmental organizations;

(IV) a description of considerations, including resource constraints, security concerns, missing or inaccurate information, and diplomatic considerations, that limit the ability of the Secretary of State or the Secretary of Homeland Security to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(V) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(VI) an estimate of the cost to fully implement the strategy; and

(VII) any other matter the Task Force considers relevant to the implementation of the strategy; and

(iv) with respect to the contingency plan required by subparagraph (A)(ii)—

(I) a description of the standard practices for screening and vetting foreign nationals considered to be eligible for resettlement in the United States, including a strategy for vetting, and maintaining the records of, such foreign nationals who are unable to provide identification documents or biographic details due to emergency circumstances;

(II) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(III) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(IV) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund; and

(V) any other matter the Task Force considers relevant to the implementation of the contingency plan.

(C) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) BRIEFING.—Not later than 60 days after submitting the report required by paragraph (1), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(e) TERMINATION.—The Task Force shall remain in effect until the earlier of—

(1) the date on which the strategy required under subsection (d)(1)(A)(i) has been fully implemented; or

(2) the date that is 3 years after the date of the enactment of this Act.

SEC. 1096. SUPPORTING AT-RISK AFGHAN ALLIES AND RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.

(a) DESIGNATION OF AT-RISK AFGHAN ALLIES AS PRIORITY 2 REFUGEES.—

(1) DEFINITION OF AT-RISK AFGHAN ALLY.—

(A) IN GENERAL.—In this subsection, the term ''at-risk Afghan ally'' means an alien who—

(i) is a citizen or national of Afghanistan; and

(ii) was—

(I) a member of—

(aa) the special operations forces of the Afghanistan National Defense and Security Forces;

(bb) the Afghanistan National Army Special Operations Command;

(cc) the Afghan Air Force; or

(dd) the Special Mission Wing of Afghanistan;

(II) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(aa) a cadet or instructor at the Afghanistan National Defense University; and

(bb) a civilian employee of the Ministry of Defense or the Ministry of Interior Affairs;

(III) an individual associated with former Afghan military and police human intelligence activities, including operators and Department of Defense sources;

(IV) an individual associated with former Afghan military counterintelligence;

(V) an individual associated with the former Afghan Ministry of Defense who was involved in the prosecution and detention of combatants; or

(VI) a senior military officer, senior enlisted personnel, or civilian official who served on the staff of the former Ministry of Defense or the former Ministry of Interior Affairs of Afghanistan; and

(VII) provided service to an entity or organization described in clause (ii) for not less than 1 year during the period beginning on December 22, 2001, and ending on September 1, 2021, and did so in support of the United States mission in Afghanistan.

(B) INCLUSIONS.—For purposes of this paragraph, the Afghanistan National Defense and Security Forces includes members of the security forces under the Ministry of Defense and the Ministry of Interior Affairs of the Islamic Republic of Afghanistan, including the Afghanistan National Army, the Afghan Air Force, the Afghanistan National Police, and any other entity designated by the Secretary of Defense as part of the Afghanistan National Defense and Security Forces during the relevant period of service of the applicant concerned.

(2) DESIGNATION.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall designate, as Priority 2 refugees of special humanitarian concern, at-risk Afghan allies.

(3) AT-RISK AFGHAN ALLIES REFERRAL PROGRAM.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a process by which an individual may apply to the Secretary for classification as an at-risk Afghan ally and request a referral to the United States Refugee Admissions Program as Priority 2 refugees.

(B) APPLICATION SYSTEM.—The process established under subparagraph (A) shall—

(i) include the development and maintenance of a secure online portal through which applicants may provide information verifying their status as at-risk Afghan allies and upload supporting documentation; and

(ii) allow—

(I) an applicant to submit his or her own application; and

(II) a designee of an applicant to submit an application on behalf of the applicant.

(C) REVIEW PROCESS.—As soon as practicable after receiving a request for classification and referral described in subparagraph (A), the Secretary of Defense shall—

(i) review—

(I) the service record of the applicant, if available;

(II) if the applicant provides a service record or other supporting documentation, any information that helps verify the service record concerned, including information or an attestation provided by any current or former official of the Department of Defense who has personal knowledge of the eligibility of the applicant for such classification and referral; and

(III) the data holdings of the Department of Defense and other cooperating interagency partners, including biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, other identifiable information, and any other information related to the applicant, including relevant derogatory information; and

(ii)(I) in a case in which the Secretary of Defense determines that the applicant is an at-risk Afghan ally, refer the at-risk Afghan ally to the United States Refugee Admissions Program as a Priority 2 refugee; and

(II) include with such referral any significant derogatory information regarding the at-risk Afghan ally.

(D) PERSONNEL TO SUPPORT RECOMMENDATIONS.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or the defense agencies shall not apply to personnel employed for the primary purpose of carrying out this paragraph.

(E) REVIEW PROCESS FOR DENIAL OF REQUEST FOR REFERRAL.—

(i) IN GENERAL.—In the case of an applicant with respect to whom the Secretary of Defense denies a request for classification and

referral based on a determination that the applicant is not an at-risk Afghan ally or based on derogatory information—

(I) the Secretary shall provide the applicant with a written notice of the denial that provides, to the maximum extent practicable, a description of the basis for the denial, including the facts and inferences, or evidentiary gaps, underlying the individual determination; and

(II) the applicant shall be provided an opportunity to submit not more than 1 written appeal to the Secretary for each such denial.

(ii) DEADLINE FOR APPEAL.—An appeal under subclause (II) of clause (i) shall be submitted—

(I) not more than 120 days after the date on which the applicant concerned receives notice under subclause (I) of that clause; or

(II) on any date thereafter, at the discretion of the Secretary of Defense.

(iii) REQUEST TO REOPEN.—

(I) IN GENERAL.—An applicant who receives a denial under clause (i) may submit a request to reopen a request for classification and referral under the process established under subparagraph (A) so that the applicant may provide additional information, clarify existing information, or explain any unfavorable information.

(II) LIMITATION.—After considering 1 such request to reopen from an applicant, the Secretary of Defense may deny subsequent requests to reopen submitted by the same applicant.

(b) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L)(iii), by adding a semicolon at the end;

(2) in subparagraph (M), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the parent or brother or sister of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(c) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary of Homeland Security, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with a request for a classification and referral as a refugee or an application for, or issuance of, a special immigrant visa or special immigrant status under—

(A) this section or an amendment made by this section;

(B) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8); or

(C) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163).

(2) REPRESENTATION.—An alien applying for admission to the United States under this section, or an amendment made by this section, may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(3) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under this section may not exceed 2,500 each fiscal year.

(B) CARRYOVER.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant visas under this section during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of aliens who may be provided special immigrant visas under this section shall not exceed 10,000.

(D) DURATION OF AUTHORITY.—The authority to issue visas under this section shall—

(i) commence on the date of the enactment of this Act; and

(ii) terminate on the date on which all such visas are exhausted.

(4) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who is seeking status as a special immigrant or requesting classification and referral as a refugee under this section, or an amendment made by this section, protection or to immediately remove such alien from Afghanistan, if possible.

(5) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section, or an amendment made by this section, solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(6) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States as a special immigrant under this section or an amendment made by this section shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

(7) ADJUSTMENT OF STATUS FOR SPECIAL IMMIGRANTS IN CERTAIN CIRCUMSTANCES.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) or subsection (a)(2) of this section to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was—

(i) paroled into the United States during the period beginning on July 30, 2021, and ending on the date of enactment of this Act, provided that such parole has not been terminated by the Secretary of Homeland Security upon written notice; or

(ii) admitted as a nonimmigrant into the United States; and

(B) is otherwise eligible for status as a special immigrant under—

(i) this section; or

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, the Secretary of State, the Secretary of Defense, and the Secretary of Health and Human Services such sums as are necessary for each of the fiscal years 2024 through 2034 to carry out this section and the amendments made by this section.

SEC. 1097. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during Operation Allies Welcome, Enduring Welcome, and any successor operation, the Secretary of Homeland Security and the Secretary of State may waive any fee or surcharge or exempt individuals from the payment of any fee or surcharge collected by the Department of Homeland Security and the Department of State, respectively, in connection with a petition or application for, or issuance of, an immigrant visa to a national of Afghanistan under section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act, 8 U.S.C. 1101(b)(2)(A)(i) and 1153(a), respectively.

SEC. 1098. PAROLE REFORM.

(a) IN GENERAL.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5)(A) Except as provided in subparagraphs (B) and (C) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit. Parole granted under this subparagraph may not be regarded as an admission of the alien. When the purposes of such parole have been served in the opinion of the Secretary, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

''(B) The Secretary of Homeland Security may grant parole to any alien who—

''(i) is present in the United States without lawful immigration status;

''(ii) is the beneficiary of an approved petition under section 203(a);

''(iii) is not otherwise inadmissible or removable; and

''(iv) is the spouse or child of a member of the Armed Forces serving on active duty.

''(C) The Secretary of Homeland Security may grant parole to any alien—

''(i) who is a national of the Republic of Cuba and is living in the Republic of Cuba;

''(ii) who is the beneficiary of an approved petition under section 203(a);

''(iii) for whom an immigrant visa is not immediately available;

''(iv) who meets all eligibility requirements for an immigrant visa;

''(v) who is not otherwise inadmissible; and

''(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.–Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

''(D) For purposes of determining an alien's eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that—

''(i)(I) the alien has a medical emergency; and

''(II)(aa) the alien cannot obtain necessary treatment in the foreign state in which the alien is residing; or

''(bb) the medical emergency is life-threatening and there is insufficient time for the alien to be admitted through the normal visa process;

''(ii) the alien is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

''(iii) the alien is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted through the normal visa process;

''(iv) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted through the normal visa process;

''(v) the alien is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted through the normal visa process;

''(vi) the alien is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

''(vii) the alien is a lawful applicant for adjustment of status under section 245 and is returning to the United States after temporary travel abroad.

''(E) For purposes of determining an alien's eligibility for parole under subparagraph (A), a significant public benefit may be determined to result from the parole of an alien only if—

''(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

''(ii) the alien's presence is required by the Government in furtherance of such law enforcement matter; and

''(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted through the normal visa process.

''(F) For purposes of determining an alien's eligibility for parole under subparagraph (A), the term 'case-by-case basis' means that the facts in each individual case are considered and parole is not granted based on membership in a defined class of aliens to be granted parole. The fact that aliens are considered for or granted parole one-by-one and not as a group is not sufficient to establish that the parole decision is made on a 'case-by-case basis'.

''(G) The Secretary of Homeland Security may not use the parole authority under this paragraph to parole an alien into the United States for any reason or purpose other than those described in subparagraphs (B), (C), (D), and (E).

''(H) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (B) or (C) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

''(I) Parole granted after a departure from the United States shall not be regarded as an admission of the alien. An alien granted parole, whether as an initial grant of parole or parole upon reentry into the United States, is not eligible to adjust status to lawful permanent residence or for any other immigration benefit if the immigration status the alien had at the time of departure did not authorize the alien to adjust status or to be eligible for such benefit.

''(J)(i) Except as provided in clauses (ii) and (iii), parole shall be granted to an alien under this paragraph for the shorter of—

''(I) a period of sufficient length to accomplish the activity described in subparagraph (D) or (E) for which the alien was granted parole; or

''(II) 1 year.

''(ii) Grants of parole pursuant to subparagraph (A) may be extended once, in the discretion of the Secretary, for an additional period that is the shorter of—

''(I) the period that is necessary to accomplish the activity described in subparagraph (D) or (E) for which the alien was granted parole; or

''(II) 1 year.

''(iii) Aliens who have a pending application to adjust status to permanent residence under section 245 may request extensions of parole under this paragraph, in 1-year increments, until the application for adjustment has been adjudicated. Such parole shall terminate immediately upon the denial of such adjustment application.

''(K) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

''(i) identifying the total number of aliens paroled into the United States under this paragraph during the previous fiscal year; and

''(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

''(I) the duration of parole;

''(II) the type of parole; and

''(III) the current status of the aliens so paroled.''.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) any application for parole or advance parole filed by an alien before the date of the enactment of this Act shall be adjudicated under the law that was in effect on the date on which the application was properly filed and any approved advance parole shall remain valid under the law that was in effect on the date on which the advance parole was approved;

(B) section 212(d)(5)(I) of the Immigration and Nationality Act, as added by subsection (a), shall take effect on the date of the enactment of this Act; and

(C) aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

(c) CAUSE OF ACTION.—Any person, State, or local government that experiences financial harm in excess of $1,000 due to a failure of the Federal Government to lawfully apply the provisions of this section or the amendments made by this section shall have standing to bring a civil action against the Federal Government in an appropriate district court of the United States.

SEC. 1099. SEVERABILITY.

If any provision of this subtitle, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle, and the application of the remaining provisions of this subtitle to any person or circumstance, shall not be affected.

SA 652. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1213. DESIGNATION OF THE KINGDOM OF SAUDI ARABIA AS A MAJOR NON-NATO ALLY.

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

(1) Major non-NATO ally (MNNA) status is a designation given by the United States Government to close allies that have strategic working relationships with the United States Armed Forces but are not members of the North Atlantic Treaty Organization (NATO).

(2) Major non-NATO ally status is a designation under United States law that provides foreign partners with certain benefits in the areas of defense trade and security cooperation.

(3) The major non-NATO ally designation is a powerful symbol of the close relationship the United States shares with those countries and demonstrates our deep respect for the friendship for the countries to which it is extended.

(4) Major non-NATO ally status provides military and economic privileges, but does not entail any security commitments to the designated country.

(5) Privileges resulting from major non-NATO ally designation under section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) include—

(A) eligibility for loans of material, supplies, or equipment for cooperative research, development, testing, or evaluation purposes;

(B) eligibility as a location for United States-owned War Reserve Stockpiles to be placed on the territory of the ally outside of United States military facilities;

(C) the ability to enter into agreements with the United States for the cooperative furnishing of training on a bilateral or multilateral basis, if the financial arrangements are reciprocal and provide for reimbursement of all United States direct costs;

(D) eligibility, to the maximum extent feasible, for priority delivery of excess defense articles transferred under section 516 of the Foreign Assistance Act (22 U.S.C. 2321j), if located on the southern or south-eastern flank of NATO; and

(E) eligibility for consideration to purchase depleted uranium ammunition.

(6) Privileges resulting from major non-NATO ally designation under section 2350a of title 10, United States Code, include—

(A) eligibility to enter into a memorandum of understanding or other formal agreement with the United States Department of Defense for the purpose of conducting cooperative research and development projects on defense equipment and munitions;

(B) the ability for firms of a major non-NATO ally, as with NATO countries, to bid on contracts for maintenance, repair, or overhaul of United States Department of Defense equipment outside the United States; and

(C) eligibility for funding to procure explosives detection devices and other counter-terrorism research and development projects under the auspices of the Department of State's Technical Support Working Group.

(7) The 18 countries that are currently designated as major non-NATO allies under section 2321k of title 22, United States Code, and section 2350a of title 10, United States Code, are—

(A) Argentina;

(B) Australia;

(C) Bahrain;

(D) Brazil;

(E) Colombia;
(F) Egypt;
(G) Israel;
(H) Japan;
(I) Jordan;
(J) Kuwait;.
(K) Morocco;
(L) New Zealand;
(M) Pakistan;
(N) the Philippines;
(O) Qatar;
(P) South Korea;
(Q) Thailand; and
(R) Tunisia.

(8) In addition, section 1206 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2321k note) provides that Taiwan shall be treated as a major non-NATO ally, without formal designation as such.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms the importance of the United States-Kingdom of Saudi Arabia alliance;

(2) recognizes that one of the United States' most important priorities and challenges in Saudi Arabia is to help the kingdom provide for its own security; and

(3) supports the designation of the Kingdom of Saudi Arabia as a major non-NATO ally.

SA 653. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1213. DESIGNATION OF THE KINGDOM OF SAUDI ARABIA AS A MAJOR NON-NATO ALLY.

Section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) is amended by adding at the end the following new subsection:

''(c) ADDITIONAL DESIGNATION.—

''(1) IN GENERAL.—Effective on the date of the enactment of the Saudi Arabia Security Partnership Act of 2023, the Kingdom of Saudi Arabia is designated as a major non-NATO ally for purposes of this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), and section 2350a of title 10, United States Code.

''(2) NOTICE OF TERMINATION OF DESIGNATION.—The President shall notify Congress in accordance with subsection (a)(2) before terminating the designation specified in paragraph (1).''.

SA 654. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION F—GLOBAL RESPECT ACT OF 2023

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Global Respect Act of 2023''.

SEC. 6002. FINDINGS.

Congress makes the following findings:

(1) The dignity, freedom, and equality of all human beings are fundamental to a thriving global community.

(2) An alarming trend of violence directed at lesbian, gay, bisexual, transgender, and intersex (commonly referred to as ''LGBTI'') individuals around the world continues.

(3) Approximately ⅓ of all countries have laws criminalizing consensual same-sex relations, and many have enacted policies or laws that would further target LGBTI individuals.

(4) Every year, thousands of individuals around the world are targeted for harassment, attack, arrest, and murder on the basis of their sexual orientation or gender identity.

(5) Those who commit crimes against LGBTI individuals often do so with impunity, and are not held accountable for their crimes.

(6) In many instances, police, prison, military, and civilian government authorities have been directly complicit in abuses aimed at LGBTI citizens, including arbitrary arrest, torture, and sexual abuse.

(7) Laws criminalizing consensual same-sex relations severely hinder access to HIV/AIDS treatment, information, and preventive measures for LGBTI individuals and families.

(8) Many countries are making positive developments in the protection of the basic human rights of LGBTI individuals.

SEC. 6003. DEFINITIONS.

In this division:

(1) ADMISSION; ADMITTED.—The terms ''admission'' and ''admitted'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is a citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States), including leaders or officials of governmental entities of a foreign country; or

(B) any entity not organized solely under the laws of the United States or existing solely in the United States, including governmental entities of a foreign country.

SEC. 6004. IDENTIFICATION OF FOREIGN PERSONS RESPONSIBLE FOR VIOLATIONS OF HUMAN RIGHTS OF LGBTI INDIVIDUALS.

(a) LIST REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a list of each foreign person that the President determines, based on credible information, on or after such date of enactment—

(A) engages in, is responsible for, or is complicit in, conduct described in paragraph (2);

(B) acts as an agent of or on behalf of a foreign person in a matter relating to conduct described in paragraph (2); or

(C) is responsible for, or complicit in, inciting a foreign person to engage in conduct described in paragraph (2).

(2) CONDUCT DESCRIBED.—Conduct described in this paragraph is any of the following, conducted with respect to an individual based on the actual or perceived sexual orientation, gender identity, or sex characteristics of the individual:

(A) Torture or cruel, inhuman, or degrading treatment or punishment of the individual.

(B) Prolonged detention of the individual without charges or trial.

(C) Causing the disappearance of the individual by the abduction and clandestine detention of the individual.

(3) CREDIBLE INFORMATION.—For purposes of paragraph (1), credible information includes information obtained by other countries or nongovernmental organizations that monitor violations of human rights.

(b) UPDATES.—The President shall submit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

(c) REMOVAL.—A person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not later than 15 days before the removal of the person from the list that—

(1) credible information exists that the person did not engage in the activity for which the person was added to the list;

(2) the person has been prosecuted appropriately for the activity; or

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity, and has credibly committed to not engage in an activity described in subsection (a) in the future.

(d) FORM.—

(1) IN GENERAL.—The list required by subsection (a)—

(A) shall, notwithstanding the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States, be submitted in unclassified form and be published in the Federal Register; and

(B) may include a classified annex only as provided in paragraph (2).

(2) USE OF CLASSIFIED ANNEX.—The President may include a person on the list required by subsection (a) in a classified annex to the list if the President—

(A) determines that—

(i) it is vital for the national security interests of the United States to do so; and

(ii) the use of the annex, and the inclusion of the person in the annex, would not undermine the overall purpose of this section to publicly identify foreign persons engaging in activities described in subsection (a) in order to increase accountability for such conduct; and

(B) not later than 15 days before including the person in the annex, submits to the appropriate congressional committees notice of, and a justification for, including or continuing to include the person in the classified annex despite the existence of any publicly available credible information indicating that the person engaged in an activity described in subsection (a).

(e) PUBLIC SUBMISSION OF INFORMATION.—The President shall issue public guidance, including through United States diplomatic and consular posts, setting forth the manner by which the names of foreign persons that may meet the criteria to be included on the list required by subsection (a) may be submitted to the Secretary of State for evaluation.

(f) REQUESTS FROM APPROPRIATE CONGRESSIONAL COMMITTEES.—

(1) CONSIDERATION OF INFORMATION.—The President shall consider information provided by the chairperson or ranking member of any of the appropriate congressional committees in determining whether to include a foreign person on the list required by subsection (a).

(2) REQUESTS.—Not later than 120 days after receiving a written request from the chairperson or ranking member of one of the appropriate congressional committees with respect to whether a foreign person meets the criteria for being added to the list required by subsection (a), the President shall submit a response to the chairperson or ranking member, as the case may be, with respect to the determination of the President with respect to the person.

(3) REMOVAL.—If the President removes from the list required by subsection (a) a person that had been placed on the list pursuant to a request the chairperson or ranking member of one of the appropriate congressional committees under paragraph (2), the President shall provide to the chairperson or ranking member any information that contributed to the decision to remove the person from the list.

(4) FORM.—The President may submit a response required by paragraph (2) or (3) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

SEC. 6005. INADMISSIBILITY OF INDIVIDUALS RESPONSIBLE FOR VIOLATIONS OF HUMAN RIGHTS OF LGBTI INDIVIDUALS.

(a) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—An individual who is a foreign person on the list required by section 6004(a) is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States.

(b) CURRENT VISAS REVOKED AND REMOVAL FROM UNITED STATES.—

(1) IN GENERAL.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of an individual on the list required by section 6004(a), and the Secretary of Homeland Security shall remove any such individual from the United States.

(2) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security shall prescribe such regulations as are necessary to carry out this subsection.

(c) WAIVERS.—The President may waive the application of subsection (a) or (b) with respect to a foreign person if the President—

(1) determines that such a waiver—

(A) is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations of the United States; or

(B) is in the national security interests of the United States; and

(2) not less than 15 days before the granting of the waiver, submits to the appropriate congressional committees a notice of and justification for the waiver.

SEC. 6006. SENSE OF CONGRESS WITH RESPECT TO ADDITIONAL SANCTIONS.

It is the sense of Congress that the President should use existing authorities to impose targeted sanctions (in addition to section 6005) with respect to foreign persons on the list required by section 6004(a) to push for accountability for acts described in section 6004(a).

SEC. 6007. REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this division, including—

(A) the number of foreign persons added to or removed from the list required by section 6004(a) during the year preceding the report, the dates on which those persons were added or removed, and the reasons for adding or removing those persons; and

(B) in each report after the first such report, an analysis that compares increases or decreases in the number of persons added to or removed from the list year-over-year and the reasons for such increases or decreases; and

(2) any efforts by the President to coordinate with the governments of other countries, as appropriate, to impose sanctions that are similar to the sanctions imposed under this division.

SEC. 6008. DISCRIMINATION RELATED TO SEXUAL ORIENTATION OR GENDER IDENTITY.

(a) TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION OR GENDER IDENTITY.—The Assistant Secretary of State for Democracy, Human Rights, and Labor shall designate a Bureau-based senior officer or officers who shall be responsible for tracking violence, and criminalization related to actual or perceived sexual orientation or gender identity.

(b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d))—

(A) in paragraph (11)(C), by striking ''and'' at the end;

(B) in paragraph (12)—

(i) in subparagraph (B), by striking ''and'' at the end; and

(ii) in subparagraph (C)(ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(13) wherever applicable, government violence or criminalization that is based on actual or perceived sexual orientation or gender identity.''; and

(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the ninth sentence the following: ''Wherever applicable, each report under this section shall also include information regarding government violence or criminalization that is based on actual or perceived sexual orientation, gender identity, or sex characteristics.''.

SA 655. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2882. STUDY ON IMPACT ON MEMBERS OF THE ARMED FORCES AND DEPENDENTS OF CONSTRUCTION PROJECTS THAT AFFECT QUALITY OF LIFE.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study, through the use of an independent and objective organization outside the Department of Defense, on the correlation between military construction projects and facilities sustainment, restoration, and modernization projects at installations of the Department of Defense that affect the quality of life of members of the Armed Forces and their dependents and the following:

(1) Retention of members of the Armed Forces on active duty.

(2) Physical health of members of the Armed Forces, including an identification of whether the age, condition, and deferred maintenance of a dormitory or barracks is in any way related to the frequency of sexual assaults and other crimes at installations of the Department.

(3) Mental health of members of the Armed Forces.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under subsection (a).

SA 656. Mr. LEE (for himself, Ms. HIRONO, Mr. THUNE, and Mrs. BLACKBURN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1005. TREATMENT OF FUNDS RECEIVED BY NATIONAL GUARD BUREAU AS REIMBURSEMENT FROM STATES.

Section 710 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(g) TREATMENT OF REIMBURSED FUNDS.—Any funds received by the National Guard Bureau from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands as reimbursement under this section for the use of military property shall be credited to—

''(1) the appropriation, fund, or account used in incurring the obligation; or

''(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.''.

SA 657. Mr. HICKENLOOPER (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REPORT ON ALIEN ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS NECESSARY FOR THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))) essential scientists and technical experts currently advancing the research, development, testing, manufacturing, or evaluation of critical technologies, or otherwise serving national security functions for the defense industrial base.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed assessment of aliens currently living in the United States whose professional contributions are essential to advancing the research, development, testing, manufacturing, or evaluation of critical technologies, or otherwise serving national security interests, which shall include a consideration of the following categories of aliens:

(A) Aliens who are employed by a United States employer and engaged in work to promote and protect the national security innovation base.

(B) Aliens who are engaged in basic or applied research, funded by the Department of Defense, through a United States institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(C) Aliens who possess scientific or technical expertise that will advance the development of critical technologies identified in the National Defense Strategy or the National Defense Science and Technology Strategy, required by section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679).

(2) An assessment of science, technology, engineering, and mathematics (STEM) occupations relevant to national security in which the Secretary of Defense anticipates workforce shortages, including and identification of—

(A) the Occupational Employment and Wage Statistics occupation profiles relevant to national security for which the Secretary of Defense and the Secretary of Labor anticipate workforce shortages; and

(B) current barriers that limit the ability of aliens with relevant expertise to fill such occupations.

(3) Recommendations for improving the strategies and initiatives of the Department of Defense for recruiting and retaining skilled alien labor in STEM fields critical to the Department's research, development, testing, evaluation, and acquisition of capabilities to support the national defense, including—

(A) the Department's use of visas for nonimmigrants described in subparagraph (H)(i)(b)(ii) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including information about the particular cooperative research and development projects and co-production projects for which Department project managers have submitted verification letters in connection with such visas;

(B) the Department's use of immigrant visas and nonimmigrant visas other than the visas described in subparagraph (A), and naturalization, to supplement the national security innovation base;

(C) an assessment of other existing mechanisms through which the Department could supplement the national security innovation base, including immigrant and nonimmigrant visas not described in subparagraphs (A) and (B); and

(D) proposed mechanisms to facilitate additional programs to attract talent.

(4) An assessment of the role of international talent in the national security industrial and innovation base.

(5) An identification of—

(A) current gaps or shortfalls in the workforce of scientists and technical experts currently advancing the research, development, testing, manufacturing, or evaluation of critical technologies, or otherwise serving national security functions for the defense industrial base; and

(B) mechanisms the Department of Defense may consider to address such gaps or shortfalls.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form and may include an unclassified annex.

SA 658. Mr. HICKENLOOPER (for himself, Ms. SINEMA, Ms. LUMMIS, Mrs. FEINSTEIN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Orbital Sustainability Act of 2023

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Orbital Sustainability Act of 2023'' or the ''ORBITS Act of 2023''.

SEC. 1092. FINDINGS; SENSE OF CONGRESS.

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

(1) The safety and sustainability of operations in low-Earth orbit and nearby orbits in outer space have become increasingly endangered by a growing amount of orbital debris.

(2) Exploration and scientific research missions and commercial space services of critical importance to the United States rely on continued and secure access to outer space.

(3) Efforts by nongovernmental space entities to apply lessons learned through standards and best practices will benefit from government support for implementation both domestically and internationally.

(b) SENSE OF CONGRESS.—It is the sense of Congress that to preserve the sustainability of operations in space, the United States Government should—

(1) to the extent practicable, develop and carry out programs, establish or update regulations, and commence initiatives to minimize orbital debris, including initiatives to demonstrate active debris remediation of orbital debris generated by the United States Government or other entities under the jurisdiction of the United States;

(2) lead international efforts to encourage other spacefaring countries to mitigate and remediate orbital debris under their jurisdiction and control; and

(3) encourage space system operators to continue implementing best practices for space safety when deploying satellites and constellations of satellites, such as transparent data sharing and designing for system reliability, so as to limit the generation of future orbital debris.

SEC. 1093. DEFINITIONS.

In this subtitle:

(1) ACTIVE DEBRIS REMEDIATION.—The term ''active debris remediation''—

(A) means the deliberate process of facilitating the de-orbit, repurposing, or other disposal of orbital debris, which may include moving orbital debris to a safe position, using an object or technique that is external or internal to the orbital debris; and

(B) does not include de-orbit, repurposing, or other disposal of orbital debris by passive means.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Armed Services of the Senate; and

(B) the Committee on Appropriations, the Committee on Science, Space, and Technology, and the Committee on Armed Services of the House of Representatives.

(4) DEMONSTRATION PROJECT.—The term ''demonstration project'' means the active orbital debris remediation demonstration project carried out under section 1094(b).

(5) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a United States-based—

(i) non-Federal, commercial entity;

(ii) institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

(iii) nonprofit organization;

(B) any other United States-based entity the Administrator considers appropriate; and

(C) a partnership of entities described in subparagraphs (A) and (B).

(6) ORBITAL DEBRIS.—The term ''orbital debris'' means any human-made space object orbiting Earth that—

(A) no longer serves an intended purpose; and

(B)(i) has reached the end of its mission; or

(ii) is incapable of safe maneuver or operation.

(7) PROJECT .—The term ''project'' means a specific investment with defined requirements, a life-cycle cost, a period of duration with a beginning and an end, and a management structure that may interface with other projects, agencies, and international partners to yield new or revised technologies addressing strategic goals.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) SPACE TRAFFIC COORDINATION.—The term ''space traffic coordination'' means the planning, coordination, and on-orbit synchronization of activities to enhance the safety and sustainability of operations in the space environment.

SEC. 1094. ACTIVE DEBRIS REMEDIATION.

(a) PRIORITIZATION OF ORBITAL DEBRIS.—

(1) LIST.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, the Secretary of Defense, the Secretary of State, the National Space Council, and representatives of the commercial space industry, academia, and nonprofit organizations, shall publish a list of select identified orbital debris that may be remediated to improve the safety and sustainability of orbiting satellites and on-orbit activities.

(2) CONTENTS.—The list required under paragraph (1)—

(A) shall be developed using appropriate sources of data and information derived from governmental and nongovernmental sources, including space situational awareness data obtained by the Office of Space Commerce, to the extent practicable;

(B) shall include, to the extent practicable—

(i) a description of the approximate age, location in orbit, size, mass, tumbling state, post-mission passivation actions taken, and national jurisdiction of each orbital debris identified; and

(ii) data required to inform decisions regarding potential risk and feasibility of safe remediation;

(C) may include orbital debris that poses a significant risk to terrestrial people and assets, including risk resulting from potential environmental impacts from the uncontrolled reentry of the orbital debris identified; and

(D) may include collections of small debris that, as of the date of the enactment of this Act, are untracked.

(3) PUBLIC AVAILABILITY; PERIODIC UPDATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the list required under paragraph (1) shall be published in unclassified form on a publicly accessible internet website of the Department of Commerce.

(B) EXCLUSION.—The Secretary may not include on the list published under subparagraph (A) data acquired from nonpublic sources.

(C) PERIODIC UPDATES.—Such list shall be updated periodically.

(4) ACQUISITION, ACCESS, USE, AND HANDLING OF DATA OR INFORMATION.—In carrying out the activities under this subsection, the Secretary—

(A) shall acquire, access, use, and handle data or information in a manner consistent with applicable provisions of law and policy, including laws and policies providing for the protection of privacy and civil liberties, and subject to any restrictions required by the source of the information;

(B) shall have access, upon written request, to all information, data, or reports of any executive agency that the Secretary determines necessary to carry out the activities under this subsection, provided that such access is—

(i) conducted in a manner consistent with applicable provisions of law and policy of the originating agency, including laws and policies providing for the protection of privacy and civil liberties; and

(ii) consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters; and

(C) may obtain commercially available information that may not be publicly available.

(b) ACTIVE ORBITAL DEBRIS REMEDIATION DEMONSTRATION PROJECT.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, subject to the availability of appropriations, the Administrator, in consultation with the head of each relevant Federal department or agency, shall establish a demonstration project to make competitive awards for the research, development, and demonstration of technologies leading to the remediation of selected orbital debris identified under subsection (a)(1).

(2) PURPOSE.—The purpose of the demonstration project shall be to enable eligible entities to pursue the phased development and demonstration of technologies and processes required for active debris remediation.

(3) PROCEDURES AND CRITERIA.—In establishing the demonstration project, the Administrator shall—

(A) establish—

(i) eligibility criteria for participation;

(ii) a process for soliciting proposals from eligible entities;

(iii) criteria for the contents of such proposals;

(iv) project compliance and evaluation metrics; and

(v) project phases and milestones;

(B) identify government-furnished data or equipment;

(C) develop a plan for National Aeronautics and Space Administration participation in technology development, as appropriate, and intellectual property rights; and

(D) assign a project manager to oversee the demonstration project and carry out project activities under this subsection.

(4) RESEARCH AND DEVELOPMENT PHASE.—With respect to orbital debris identified under paragraph (1) of subsection (a), the Administrator shall, to the extent practicable and subject to the availability of appropriations, carry out the additional research and development activities necessary to mature technologies, in partnership with eligible entities, with the intent to close commercial capability gaps and enable potential future remediation missions for such orbital debris, with a preference for technologies that are capable of remediating orbital debris that have a broad range of characteristics described in paragraph (2)(B)(i) of that subsection.

(5) DEMONSTRATION MISSION PHASE.—

(A) IN GENERAL.—The Administrator shall evaluate proposals for a demonstration mission, and select and enter into a partnership with an eligible entity, with the intent to demonstrate technologies determined by the Administrator to meet a level of technology readiness sufficient to carry out on-orbit remediation of select orbital debris.

(B) EVALUATION.—In evaluating proposals for the demonstration project, the Administrator shall—

(i) consider the safety, feasibility, cost, benefit, and maturity of the proposed technology;

(ii) consider the potential for the proposed demonstration to successfully remediate orbital debris and to advance the commercial state of the art with respect to active debris remediation;

(iii) carry out a risk analysis of the proposed technology that takes into consideration the potential casualty risk to humans in space or on the Earth's surface;

(iv) in an appropriate setting, conduct thorough testing and evaluation of the proposed technology and each component of such technology or system of technologies; and

(v) consider the technical and financial feasibility of using the proposed technology to conduct multiple remediation missions.

(C) CONSULTATION.—The Administrator shall consult with the head of each relevant Federal department or agency before carrying out any demonstration mission under this paragraph.

(D) ACTIVE DEBRIS REMEDIATION DEMONSTRATION MISSION.—It is the sense of Congress that the Administrator should consider maximizing competition for, and use best practices to engage commercial entities in, an active debris remediation demonstration mission.

(6) BRIEFING AND REPORTS.—

(A) INITIAL BRIEFING.—Not later than 30 days after the establishment of the demonstration project under paragraph (1), the Administrator shall provide to the appropriate committees of Congress a briefing on the details of the demonstration project.

(B) ANNUAL REPORT.—Not later than 1 year after the initial briefing under subparagraph (A), and annually thereafter until the conclusion of the 1 or more demonstration missions, the Administrator shall submit to the appropriate committees of Congress a status report on the technology developed under the demonstration project and progress towards accomplishment of one or more demonstration missions.

(C) RECOMMENDATIONS.—Not later than 1 year after the date on which the first demonstration mission is carried out under this subsection, the Administrator, in consultation with the head of each relevant Federal department or agency, shall submit to Congress a report that provides legislative, regulatory, and policy recommendations to improve active debris remediation missions, as applicable.

(D) TECHNICAL ANALYSIS.—

(i) IN GENERAL.—To inform decisions regarding the acquisition of active debris remediation services by the Federal Government, not later than 1 year after the date on which an award is made under paragraph (1), the Administrator shall submit to Congress a report that—

(I) summarizes the cost-effectiveness, and provides a technical analysis of, technologies developed under the demonstration project;

(II) identifies any technology gaps addressed by the demonstration project and any remaining technology gaps; and

(III) provides, as applicable, any further legislative, regulatory, and policy recommendations to enable active debris remediation missions.

(ii) AVAILABILITY.—The Administration shall make the report submitted under clause (i) available to the Secretary, the Secretary of Defense, and other relevant Federal departments and agencies, as determined by the Administrator.

(7) INTERNATIONAL COOPERATION.—

(A) IN GENERAL.—In carrying out the demonstration project, the Administrator, in consultation with the National Space Council and in collaboration with the Secretary of State, may pursue a cooperative relationship with one or more partner countries to enable the remediation of orbital debris that is under the jurisdiction of such partner countries.

(B) ARRANGEMENT OR AGREEMENT WITH PARTNER COUNTRY.—Any arrangement or agreement entered into with a partner country under subparagraph (A) shall be—

(i) concluded—

(I) in the interests of the United States Government; and

(II) without prejudice to any contractual arrangement among commercial parties that may be required to complete the active debris remediation mission concerned; and

(ii) consistent with the international obligations of the United States under the international legal framework governing outer space activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $150,000,000 for the period of fiscal years 2024 through 2028.

SEC. 1095. ACTIVE DEBRIS REMEDIATION SERVICES.

(a) IN GENERAL.—To foster the competitive development, operation, improvement, and commercial availability of active debris remediation services, and in consideration of the economic analysis required by subsection (b) and the briefing and reports under section 1094(b)(6), the Administrator and the head of each relevant Federal department or agency may acquire services for the remediation of orbital debris, whenever practicable, through fair and open competition for contracts that are well-defined, milestone-based, and in accordance with the Federal Acquisition Regulation.

(b) ECONOMIC ANALYSIS.—Based on the results of the demonstration project, the Secretary, acting through the Office of Space Commerce, shall publish an assessment of the estimated Federal Government and private sector demand for orbital debris remediation services for the 10-year period beginning in 2025.

SEC. 1096. UNIFORM ORBITAL DEBRIS STANDARD PRACTICES FOR UNITED STATES SPACE ACTIVITIES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the National Space Council, in coordination with the Secretary, the Administrator of the Federal Aviation Administration, the Secretary of Defense, the Federal Communications Commission, and the Administrator, shall initiate an update to the Orbital Debris Mitigation Standard Practices that—

(1) considers planned space systems, including satellite constellations; and

(2) addresses—

(A) collision risk;

(B) explosion risk;

(C) casualty probability;

(D) post-mission disposal of space systems;
(E) time to disposal or de-orbit;
(F) spacecraft collision avoidance and automated identification capability; and
(G) the ability to track orbital debris of decreasing size.

(b) CONSULTATION.—In developing the update under subsection (a), the National Space Council, or a designee of the National Space Council, shall seek advice and input on commercial standards and best practices from representatives of the commercial space industry, academia, and nonprofit organizations, including through workshops and, as appropriate, advance public notice and comment processes under chapter 5 of title 5, United States Code.

(c) PUBLICATION.—Not later than 1 year after the date of the enactment of this Act, such update shall be published in the Federal Register and posted to the relevant Federal Government internet websites.

(d) REGULATIONS.—To promote uniformity and avoid duplication in the regulation of space activity, including licensing by the Federal Aviation Administration, the National Oceanic and Atmospheric Administration, and the Federal Communications Commission, such update, after publication, shall be used to inform the further development and promulgation of Federal regulations relating to orbital debris.

(e) INTERNATIONAL PROMOTION.—To encourage effective and nondiscriminatory standards, best practices, rules, and regulations implemented by other countries, such update shall inform bilateral and multilateral discussions focused on the authorization and continuing supervision of nongovernmental space activities.

(f) PERIODIC REVIEW.—Not less frequently than every 5 years, the Orbital Debris Mitigation Standard Practices referred to in subsection (a) shall be assessed and, if necessary, updated, used, and promulgated in a manner consistent with this section.

SEC. 1097. STANDARD PRACTICES FOR SPACE TRAFFIC COORDINATION.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Defense and members of the National Space Council and the Federal Communications Commission, shall facilitate the development of standard practices for on-orbit space traffic coordination based on existing guidelines and best practices used by Government and commercial space industry operators.

(b) CONSULTATION.—In facilitating the development of standard practices under subsection (a), the Secretary, through the Office of Space Commerce, in consultation with the National Institute of Standards and Technology, shall engage in frequent and routine consultation with representatives of the commercial space industry, academia, and nonprofit organizations.

(c) PROMOTION OF STANDARD PRACTICES.—On completion of such standard practices, the Secretary, the Secretary of State, the Secretary of Transportation, the Administrator, and the Secretary of Defense shall promote the adoption and use of the standard practices for domestic and international space missions.

SA 659. Mr. CARDIN (for Ms. HASSAN (for herself and Mr. BOOZMAN)) proposed an amendment to the bill S. 1096, to require the Secretary of Veterans Affairs to require the employees of the Department of Veterans Affairs to receive training developed by the Inspector General of the Department on reporting wrongdoing to, responding to requests from, and cooperating with the Office of Inspector General of the Department, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Office of Inspector General Training Act of 2023''.

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS EMPLOYEE TRAINING REGARDING OFFICE OF INSPECTOR GENERAL.

(a) TRAINING.—The Secretary of Veterans Affairs shall require each employee of the Department of Veterans Affairs who begins employment with the Department on or after the date of the enactment of this Act to receive training that the Inspector General of the Department shall develop on the reporting of wrongdoing to, responding to requests from, and the duty of cooperating with the Office of Inspector General of the Department.

(b) TIMING OF TRAINING.—In carrying out subsection (a), the Secretary shall require each employee of the Department covered under such subsection to undergo the training required by such subsection not later than one year after the date on which the employee begins employment with the Department.

(c) ELEMENTS.—Training developed and required under subsection (a) shall include the following:

(1) Definition of the role, responsibilities, and legal authority of the Inspector General of the Department and the duties of employees of the Department for engaging with the Office of Inspector General.

(2) Identification of Federal whistleblower protection rights, including the right to report fraud, waste, abuse, and other wrongdoing to Congress.

(3) Identification of the circumstances and mechanisms for reporting fraud, waste, abuse, and other wrongdoing to the Inspector General, including making confidential complaints to the Inspector General.

(4) Identification of the prohibitions and remedies that help to protect employees of the Department from retaliation when reporting wrongdoing to the Inspector General.

(5) Recognition of opportunities to engage with staff of the Office of Inspector General to improve programs, operations, and services of the Department.

(6) Notification of the authority of the Inspector General to subpoena the attendance and testimony of witnesses, including former employees of the Department, as necessary to carry out the duties of the Office of Inspector General under section 312 of title 38, United States Code.

(d) DESIGN AND UPDATE.—The Inspector General of the Department shall design, and update as the Inspector General considers appropriate, the training developed and required by subsection (a).

(e) SYSTEM.—The Secretary shall provide, via the talent management system of the Department, or successor system, the training developed and required under subsection (a).

(f) RELATION TO CERTAIN TRAINING.—The Secretary shall ensure that training developed and required under subsection (a) is separate and distinct from training provided under section 733 of title 38, United States Code.

(g) NOTICE TO EMPLOYEES.—The Secretary shall ensure that the Inspector General is afforded the opportunity, not less frequently than twice each year and more frequently if the Inspector General considers appropriate under extraordinary circumstances, to use the electronic mail system of the Department to notify all authorized users of such system of the following:

(1) The roles and responsibilities of the employees of the Department when engaging with the Office of Inspector General.

(2) The availability of training provided under subsection (a).

(3) How to access training provided under subsection (a).

(4) Information about how to contact the Office of Inspector General, including a link to any website-based reporting form of the Office.

SA 660. Mr. COONS (for himself, Mr. CORNYN, Mr. WHITEHOUSE, Mr. TILLIS, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTING AND ENHANCING PUBLIC ACCESS TO CODES.

(a) FINDINGS.—Congress finds the following:

(1) Congress, the executive branch, and State and local governments have long recognized that the people of the United States benefit greatly from the work of private standards development organizations with expertise in highly specialized areas.

(2) The organizations described in paragraph (1) create technical standards and voluntary consensus standards through a process requiring openness, balance, consensus, and due process to ensure all interested parties have an opportunity to participate in standards development.

(3) The standards that result from the process described in paragraph (2) are used by private industry, academia, the Federal Government, and State and local governments that incorporate those standards by reference into laws and regulations.

(4) The standards described in paragraph (3) further innovation, commerce, and public safety, all without cost to governments or taxpayers because standards development organizations fund the process described in paragraph (2) through the sale and licensing of their standards.

(5) Congress and the executive branch have repeatedly declared that, wherever possible, governments should rely on voluntary consensus standards and have set forth policies and procedures by which those standards are incorporated by reference into laws and regulations and that balance the interests of access with protection for copyright.

(6) Circular A-119 of the Office of Management and Budget entitled ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities'', issued in revised form on January 27, 2016, recognizes the benefits of voluntary consensus standards and incorporation by reference, stating that ''[i]f a standard is used and published in an agency document, your agency must observe and protect the rights of the copyright holder and meet any other similar obligations.''.

(7) Federal agencies have relied extensively on the incorporation by reference system to leverage the value of technical standards and voluntary consensus standards for the benefit of the public, resulting in more than 23,000 sections in the Code of Federal Regulations that incorporate by reference technical and voluntary consensus standards.

(8) State and local governments have also recognized that technical standards and voluntary consensus standards are critical to

protecting public health and safety, which has resulted in many such governments—

(A) incorporating those standards by reference into their laws and regulations; or

(B) entering into license agreements with standards development organizations to use the standards created by those organizations.

(9) Standards development organizations rely on copyright protection to generate the revenues necessary to fund the voluntary consensus process and to continue creating and updating these important standards.

(10) The people of the United States have a strong interest in—

(A) ensuring that standards development organizations continue to utilize a voluntary consensus process—

(i) in which all interested parties can participate; and

(ii) that continues to create and update standards in a timely manner to—

(I) account for technological advances;

(II) address new threats to public health and safety; and

(III) improve the usefulness of those standards; and

(B) the provision of access that allows people to read technical and voluntary consensus standards that are incorporated by reference into laws and regulations.

(11) As of the date of enactment of this Act, many standards development organizations make their standards available to the public free of charge online in a manner that does not substantially disrupt the ability of those organizations to earn revenue from the industries and professionals that purchase copies and subscription-access to those standards (such as through read-only access), which ensures that the public may read the current, accurate version of such a standard without significantly interfering with the revenue model that has long supported those organizations and their creation of, and investment in, new standards.

(12) Through this section, and the amendments made by this section, Congress intends to balance the goals of furthering the creation of standards and ensuring public access to standards that are incorporated by reference into law or regulation.

(b) WORKS INCORPORATED BY REFERENCE INTO LAW.—

(1) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding at the end the following:

''§ 123. Works incorporated by reference into law

''(a) DEFINITIONS.—In this section:

''(1) CIRCULAR A–119.—The term 'Circular A–119' means Circular A–119 of the Office of Management and Budget entitled 'Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities', issued in revised form on January 27, 2016.

''(2) INCORPORATED BY REFERENCE.—

''(A) IN GENERAL.—The term 'incorporated by reference' means, with respect to a standard, that the text of a Federal, State, local, or municipal law or regulation—

''(i) references all or part of the standard; and

''(ii) does not copy the text of that standard directly into that law or regulation.

''(B) APPLICATION.—The creation or publication of a work that includes both the text of a law or regulation and all or part of a standard that has been incorporated by reference, as described in subparagraph (A), shall not affect the status of the standard as incorporated by reference under that subparagraph.

''(3) STANDARD.—The term 'standard' means a standard or code that is—

''(A) a technical standard, as that term is defined in section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note); or

''(B) a voluntary consensus standard, as that term is used for the purposes of Circular A-119.

''(4) STANDARDS DEVELOPMENT ORGANIZATION.—The term 'standards development organization' means a holder of a copyright under this title that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate the attributes of openness, balance of interests, due process, an appeals process, and consensus in a manner consistent with the requirements of Circular A–119.

''(5) PUBLICLY ACCESSIBLE ONLINE.—

''(A) IN GENERAL.—The term 'publicly accessible online', with respect to material, means that the material is displayed for review in a readily accessible manner on a public website.

''(B) RULE OF CONSTRUCTION.—If a user is required to create an account or agree to the terms of service of a website or organization in order to access material online, that requirement shall not be construed to render the material not publicly accessible online for the purposes of subparagraph (A), if there is no monetary cost to the user to access that material.

''(b) STANDARDS INCORPORATED BY REFERENCE INTO LAW OR REGULATION.—A standard to which copyright protection subsists under section 102(a) at the time of its fixation shall retain such protection, notwithstanding that the standard is incorporated by reference, if the applicable standards development organization, within a reasonable period of time after obtaining actual or constructive notice that the standard has been incorporated by reference, makes all portions of the standard so incorporated publicly accessible online at no monetary cost.

''(c) BURDEN OF PROOF.—In any proceeding in which a party asserts that a standards development organization has failed to comply with the requirements under subsection (b) for retaining copyright protection with respect to a standard, the burden of proof shall be on the party making that assertion to prove that the standards development organization has failed to comply with those requirements.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding at the end the following:

''123. Works incorporated by reference into law.''.

SA 661. Mr. ROUNDS (for himself, Mr. TESTER, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION F—PROTECTING AMERICAN AGRICULTURE FROM FOREIGN ADVERSARIES ACT OF 2023

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Protecting American Agriculture from Foreign Adversaries Act of 2023''.

SEC. 6002. DEFINITIONS.

In this division:

(1) COVERED FOREIGN PERSON.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the term ''covered foreign person''—

(i) has the meaning given the term ''a person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary'' in section 7.2 of title 15, Code of Federal Regulations (as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024), except that each reference to ''foreign adversary'' in that definition shall be deemed to be a reference to the government of a covered country; and

(ii) includes an entity that—

(I) is registered in or organized under the laws of a covered country;

(II) has a principal place of business in a covered country; or

(III) has a subsidiary with a principal place of business in a covered country.

(B) EXCLUSIONS.—The term ''covered person'' does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

(2) COVERED COUNTRY.—The term ''covered country'' means any of the following:

(A) The People's Republic of China.

(B) The Russian Federation.

(C) The Islamic Republic of Iran.

(D) The Democratic People's Republic of Korea.

(3) FINCEN.—The term ''FinCEN'' means the Financial Crimes Enforcement Network of the Department of the Treasury.

TITLE LXI—IDENTIFICATION OF SHELL CORPORATIONS

SEC. 6101. MODIFICATION OF FINCEN REPORTING REQUIREMENTS.

(1) IN GENERAL.—The Director of FinCEN shall identify each reporting company, as defined in section 5336 of title 31, United States Code, that is owned by a covered foreign person.

(2) REPORT.—Not later than two business days after identifying a reporting company under paragraph (1), the Director of FinCEN shall provide to the Committee on Foreign Investment in the United States and the Secretary of Agriculture information on such reporting company.

TITLE LXII—FOREIGN PURCHASES OF AGRICULTURAL LAND AND AGRIBUSINESSES

SEC. 6201. INVESTIGATIVE ACTIONS.

(a) INVESTIGATIVE ACTIONS.—Section 4 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3503) is amended to read as follows:

''SEC. 4. INVESTIGATIVE ACTIONS.

''(a) IN GENERAL.—The Secretary shall appoint an employee in the Senior Executive Service (as described in section 3131 of title 5, United States Code) of the Department of Agriculture to serve as Chief of Operations of Investigative Actions (referred to in this section as the 'Chief of Operations'), who shall hire, appoint, and maintain additional employees to monitor compliance with the provisions of this Act.

''(b) CHIEF OF OPERATIONS.—The Chief of Operations may serve in such position simultaneously with a concurrent position within the Department of Agriculture.

''(c) SECURITY.—The Secretary shall—

''(1) provide classified storage, meeting, and other spaces, as necessary, for personnel; and

''(2) assist personnel in obtaining security clearances.

''(d) DUTIES.—The Chief of Operations shall—

''(1) monitor compliance with this Act;

''(2) refer noncompliance with this Act to the Secretary, the Farm Service Agency, and any other appropriate authority;

''(3) conduct investigations, in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the National Security Council, and State and local law enforcement agencies, on malign efforts—

''(A) to steal agricultural knowledge and technology; and

''(B) to disrupt the United States agricultural base;

''(4) seek to enter into memoranda of agreement and memoranda of understanding with the Federal agencies described in paragraph (3)—

''(A) to ensure compliance with this Act; and

''(B) to prevent the malign efforts described in that paragraph;

''(5) refer to the Committee on Foreign Investment in the United States transactions that—

''(A) raise potential national security concerns; and

''(B) result in agricultural land acquisition by a foreign person that is a citizen of, or headquartered in, as applicable, a foreign entity of concern; and

''(6) publish annual reports that summarize the information contained in every report received by the Secretary under section 2 during the period covered by the report.

''(e) ADMINISTRATION.—The Chief of Operations shall report to—

''(1) the Secretary; or

''(2) if delegated by the Secretary, to the Administrator of the Farm Service Agency.''.

(b) DEFINITION OF FOREIGN ENTITY OF CONCERN.—Section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508) is amended—

(1) in the matter preceding paragraph (1), by striking ''For purposes of this Act—'' and inserting ''In this Act:'';

(2) in each of paragraphs (1) through (6)—

(A) by striking ''the term'' and inserting ''The term''; and

(B) by inserting a paragraph heading, the text of which comprises the term defined in that paragraph;

(3) by redesignating paragraphs (2) through (6) as paragraphs (3), (4), (6), (7), and (8), respectively;

(4) by inserting after paragraph (1) the following:

''(2) FOREIGN ENTITY OF CONCERN.—The term 'foreign entity of concern' has the meaning given the term 'covered foreign person' in section 6002 of the Protecting American Agriculture from Foreign Adversaries Act of 2023.''; and

(5) by inserting after paragraph (4) (as so redesignated) the following:

''(5) MALIGN EFFORT.—The term 'malign effort' means any hostile effort undertaken by, at the direction of, on behalf of, or with the substantial support of the government of a foreign entity of concern.''.

(c) REPORTS.—The Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 11. REPORTS.

''(a) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report that describes the progress of the Secretary in implementing the amendments made by subsections (a) and (b) of section 6201 of the Protecting American Agriculture from Foreign Adversaries Act of 2023.

''(b) REPORT ON TRACKING COVERED TRANSACTIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report on the feasibility of—

''(1) establishing a mechanism for quantifying the threats posed by foreign entities of concern to United States food security, biosecurity, food safety, environmental protection, and national defense; and

''(2) building, and submitting to the Committee on Foreign Investment in the United States for further review, a rigorous discovery and review process to review transactions described in section 721(a)(4)(B)(vi) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(B)(vi)).

''(c) YEARLY REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter for the following 10 years, the Secretary shall submit to Congress a report on the activities of the Secretary pursuant to this Act during the year covered by the report.''.

SEC. 6202. PROHIBITION ON PURCHASE OR LEASE OF AGRICULTURAL LAND IN THE UNITED STATES BY PERSONS ASSOCIATED WITH CERTAIN FOREIGN GOVERNMENTS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL LAND.—

(A) IN GENERAL.—The term ''agricultural land'' has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(B) INCLUSION.—The term ''agricultural land'' includes land described in section 9(1) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(1)) that is used for ranching purposes.

(2) UNITED STATES.—The term ''United States'' includes any State, territory, or possession of the United States.

(b) PROHIBITION.—Notwithstanding any other provision of law, the President shall take such actions as may be necessary to prohibit the purchase or lease by covered foreign persons of—

(1) public agricultural land that is owned by the United States and administered by the head of any Federal department or agency, including the Secretary, the Secretary of the Interior, and the Secretary of Defense; or

(2) private agricultural land located in the United States.

(c) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out subsection (b).

(d) PENALTIES.—A person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of subsection (b) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prohibit or otherwise affect the purchase or lease of public or private agricultural land described in subsection (b) by any person other than a covered foreign person;

(2) to prohibit or otherwise affect the use of public or private agricultural land described in subsection (b) that is transferred to or acquired by a person other than a covered foreign person from a covered foreign person; or

(3) to require a covered foreign person that owns or leases public or private agricultural land described in subsection (b) as of the date of enactment of this Act to sell that land.

SEC. 6203. TRANSPARENCY IN AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE.

(a) IN GENERAL.—Section 7 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3506) is amended to read as follows:

''SEC. 7. PUBLIC DATA SETS.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Consolidated Appropriations Act, 2023 (Public Law 117–328), the Secretary shall publish in the internet database established under section 773 of division A of that Act human-readable and machine-readable data sets that—

''(1) contain all data that the Secretary possesses relating to reporting under this Act from each report submitted to the Secretary under section 2; and

''(2) as soon as practicable, but not later than 30 days, after the date of receipt of any report under section 2, shall be updated with the data from that report.

''(b) INCLUDED DATA.—The data sets established under subsection (a) shall include—

''(1) a description of—

''(A) the purchase price paid for, or any other consideration given for, each interest in agricultural land for which a report is submitted under section 2; and

''(B) updated estimated values of each interest in agricultural land described in subparagraph (A), as that information is made available to the Secretary, based on the most recently assessed value of the agricultural land or another comparable method determined by the Secretary; and

''(2) with respect to any agricultural land for which a report is submitted under section 2, updated descriptions of each foreign person who holds an interest in at least 1 percent of the agricultural land, as that information is made available to the Secretary, categorized as a majority owner or a minority owner that holds an interest in the agricultural land.''.

(b) DEADLINE FOR DATABASE ESTABLISHMENT.—Section 773 of division A of the Consolidated Appropriations Act, 2023 (Public Law 117–328), is amended, in the first proviso, by striking ''3 years'' and inserting ''2 years''.

(c) DEFINITION OF FOREIGN PERSON.—Section 9(4) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(4)) (as so redesignated) is amended—

(1) in subparagraph (C)(ii)(IV), by striking ''and'' at the end;

(2) in subparagraph (D), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(E) any person, other than an individual or a government, that issues equity securities that are primarily traded on a foreign securities exchange within—

''(i) Iran;

''(ii) North Korea;

''(iii) the People's Republic of China; or

''(iv) the Russian Federation;''.

TITLE LXIII—COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES

SEC. 6301. CONSIDERATION OF FOOD INSECURITY IN DETERMINATIONS OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. 4565(f)) is amended—

(1) by redesignating paragraph (11) as paragraph (13);

(2) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively;

(3) by inserting after paragraph (7) the following new paragraph:

''(8) the potential follow-on national security effects of the risks posed by the proposed or pending transaction to United States food security, food safety, biosecurity, environmental protection, or national defense;'';

(4) in paragraph (11) (as so redesignated), by striking ''; and'' and inserting a semicolon; and

(5) by inserting after paragraph (11) (as so redesignated) the following new paragraph:

''(12) the potential effects of the proposed or pending transaction on the security of the food and agriculture systems of the United States, including any effects on the availability of, access to, or safety and quality of food; and''.

SEC. 6302. INCLUSION OF SECRETARY OF AGRICULTURE ON THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 721(k)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(2)) is amended—

(1) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(2) by inserting after subparagraph (G) the following new subparagraph:

''(H) The Secretary of Agriculture (nonvoting, ex officio).''.

(b) ROLE OF SECRETARY OF AGRICULTURE IN CFIUS.—Section 721(k) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)) is amended by adding at the end the following new paragraph:

''(8) ROLE OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall participate in the review by the Committee of any covered transaction described in clause (vi), (vii), or (viii) of subsection (a)(4)(B).''.

SEC. 6303. REVIEW OF AGRICULTURE-RELATED TRANSACTIONS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''; and'' and inserting a semicolon;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(iii) any transaction described in clause (vi) or (vii) of subparagraph (B) proposed or pending on or after the date of the enactment of this clause.'';

(ii) in subparagraph (B), by adding at the end the following:

''(vi) Any other investment, subject to regulations prescribed under subparagraphs (D) and (E), by a foreign person in any unaffiliated United States business that is engaged in agriculture or biotechnology related to agriculture.

''(vii) Subject to subparagraphs (C) and (E), the purchase or lease by, or a concession to, a foreign person of private real estate that is—

''(I) located in the United States;

''(II) used in agriculture; and

''(III) more than 320 acres or valued in excess of $5,000,000.

''(viii) Subject to subparagraph (C), the purchase or lease by, or a concession to, a covered person (as that term is defined in subsection (r)(3)) of private or public real estate in the United States if—

''(I)(aa) the value of the purchase, lease, or concession—

''(AA) exceeds $5,000,000; or

''(BB) in combination with the value of other such purchases or leases by, or concessions to, the same entity during the preceding 3 years, exceeds $5,000,000; or

''(bb) the real estate—

''(AA) exceeds 320 acres; or

''(BB) in combination with other private or public real estate in the United States purchased or leased by, or for which a concession is provided to, the same entity during the preceding 3 years, exceeds 320 acres; and

''(II) the real estate is primarily used for—

''(aa) agriculture, including raising of livestock and forestry;

''(bb) extraction of fossil fuels, natural gas, purchases or leases of renewable energy sources; or

''(cc) extraction of critical precursor materials for biological technology industries, information technology components, or national defense technologies.'';

(iii) in subparagraph (C)(i), by striking ''subparagraph (B)(ii)'' and inserting ''clause (ii), (vii), or (viii) of subparagraph (B)'';

(iv) in subparagraph (D)—

(I) in clause (i), by striking ''subparagraph (B)(iii)'' and inserting ''clauses (iii) and (vi) of subparagraph (B)'';

(II) in clause (iii)(I), by striking ''subparagraph (B)(iii)'' and inserting ''clauses (iii) and (vi) of subparagraph (B)'';

(III) in clause (iv)(I), by striking ''subparagraph (B)(iii)'' each place it appears and inserting ''clauses (iii) and (vi) of subparagraph (B)''; and

(IV) in clause (v), by striking ''subparagraph (B)(iii)'' and inserting ''clauses (iii) and (vi) of subparagraph (B)''; and

(v) in subparagraph (E), by striking ''clauses (ii) and (iii)'' and inserting ''clauses (ii), (iii), (iv), and (vii)''; and

(B) by adding at the end the following:

''(14) AGRICULTURE.—The term 'agriculture' has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).''; and

(2) by adding at the end the following:

''(r) PROHIBITION WITH RESPECT TO AGRICULTURAL COMPANIES AND REAL ESTATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, if the Committee, in conducting a review and investigation under this section, determines that a transaction described in clause (i), (vi), or (vii) of subsection (a)(4)(B) would result in control by a covered foreign person of or investment by a covered foreign person in a United States business engaged in agriculture or private real estate used in agriculture, the President shall prohibit such transaction.

''(2) WAIVER.—The President may waive, on a case-by-case basis, the requirement to prohibit a transaction under paragraph (1), not less than 30 days after the President determines and reports to the relevant committees of jurisdiction that it is vital to the national security interests of the United States to waive such prohibition.

''(3) DEFINED TERMS.—In this subsection:

''(A) COVERED PERSON.—

''(i) IN GENERAL.—Except as provided by clause (ii), the term 'covered person'—

''(I) has the meaning given the term 'a person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary' in section 7.2 of title 15, Code of Federal Regulations (as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024), except that each reference to 'foreign adversary' in that definition shall be deemed to be a reference to the government of a covered country; and

''(II) includes an entity that—

''(aa) is registered in or organized under the laws of a covered country;

''(bb) has a principal place of business in a covered country; or

''(cc) has a subsidiary with a principal place of business in a covered country.

''(ii) EXCLUSIONS.—The term 'covered person' does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

''(B) COVERED COUNTRY.—The term 'covered country' means any of the following:

''(i) The People's Republic of China.

''(ii) The Russian Federation.

''(iii) The Islamic Republic of Iran.

''(iv) The Democratic People's Republic of Korea.''.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the risks that foreign purchases of United States businesses engaged in agriculture (as such term is defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)) pose to the agricultural sector of the United States.

SA 662. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON AI REGULATION IN FINANCIAL SERVICES INDUSTRY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each of the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Bureau of Consumer Financial Protection shall submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on its gap in knowledge relating to artificial intelligence, including an analysis on—

(1) which tasks are most frequently being assisted or completed with artificial intelligence in the institutions the agency regulates;

(2) current governance standards in place for artificial intelligence use at the agency and current standards in place for artificial intelligence oversight by the agency;

(3) potentially additional regulatory authorities required by the agency to continue to successfully execute its mission;

(4) where artificial intelligence may lead to overlapping regulatory issues between agencies that require clarification;

(5) how the agency is currently using artificial intelligence, how the agency plans to use such artificial intelligence the next 3 years, and the expected impact, including fiscal and staffing, of those plans; and

(6) what resources, monetary or other resources, if any, the agency requires to both adapt to the changes that artificial intelligence will bring to the regulatory landscape and to adequately adopt and oversee the use of artificial intelligence across its operations described in paragraph (5).

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require an agency to include confidential supervisory information or pre-decisional or deliberative non-public information in a report under this section.

SA 663. Mr. ROUNDS (for himself and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. QUALIFICATIONS FOR ENLISTMENT IN THE ARMED FORCES.

(a) ADDITIONAL QUALIFIED PERSONS.—Section 504(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(D) A Dreamer student.''; and

(2) by adding at the end the following new paragraph:

''(4) In this subsection, the term 'Dreamer student' means an individual who—

''(A) is not a national of the United States (as defined in section 101(a)(21) of the Immigration and Nationality Act (8 U.S.C. 1101(21)));

''(B) maintains a residence in the United States (as defined in section 101(a)(33) of such Act (8 U.S.C. 1101(33)));

''(C)(i) is not authorized to be temporarily in the United States under subparagraph (F), (J), (M), or (Q) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)); or

''(ii) does not have an application pending for the purpose of seeking such authorization;

''(D)(i) possesses a valid document or documents demonstrating that the individual is in a lawful immigration status in the United States (excluding a nonimmigrant status under subparagraph (F), (J), (M), or (Q) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)));

''(ii) possesses a valid document or documents demonstrating that the individual is lawfully present in the United States (excluding lawful presence, or a pending application, under any of such subparagraphs);

''(iii) possesses an expired document or documents demonstrating that the individual, in the past, was granted—

''(I) deferred action pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012; or

''(II) status as a son or daughter of an alien admitted as a nonimmigrant authorized to engage in employment in the United States (other than a nonimmigrant described in subparagraph (A), (G), (N), or (S) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15));

''(iv) would have been eligible for deferred action pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012, if not for the court orders of the United States Court of Appeals for the Fifth Circuit in Texas et al. v. United States of America et al., No. 21-40680 (Oct. 5, 2022) and the United States District Court for the Southern District of Texas in Texas, et al., v. United States of America, et al., 1:18-CV-00068, (July 16, 2021), and has never engaged in conduct that would render the individual ineligible for that relief; or

''(E) was 18 years of age or younger on the date on which the individual initially entered the United States;

''(F) has provided a list of each secondary school that the student attended in the United States; and

''(G)(i) has earned a high school diploma, the recognized equivalent of such diploma from a secondary school, or a high school equivalency diploma in the United States or is scheduled to complete the requirements for such a diploma or equivalent before the next academic year begins; or

''(ii) has acquired a degree from an institution of higher education or is enrolled in a program for a baccalaureate degree or higher degree at an institution of higher education in the United States.''.

(b) ADMISSION TO PERMANENT RESIDENCE OF ENLISTED PERSONS.—Such section is further amended by adding at the end the following new subsection:

''(c) ADMISSION TO PERMANENT RESIDENCE OF CERTAIN ENLISTED PERSONS.—(1) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust the status of an individual described in subparagraph (D) of subsection (b)(1) to the status of an alien lawfully admitted for permanent residence if such individual—

''(A) has completed 5 years of honorable service, and if separated from such service, was never separated except under honorable conditions; and

''(B) is otherwise eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

''(2) For purposes of adjustment of status under this subsection, a person described in paragraph (1)—

''(A) shall be considered inspected and admitted to the United States; and

''(B) shall not be subject to paragraph (6)(A), (6)(C), (7)(A), or (9) of section 212(a) of such Act (8 U.S.C. 1182(a)).

''(3) An individual in lawful permanent resident status whose status was so adjusted under this subsection shall not be eligible to submit a petition for an alien relative (other than a spouse, child, or son or daughter).

''(4) Nothing in this subsection may be construed to modify the process set forth in sections 328, 329, and 329A of the Immigration and Nationality Act (8 U.S.C. 1439, 1440, 1440–1) by which an individual may naturalize through service in the armed forces.''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—Such section is further amended by inserting ''**: citizenship or residency requirements; exceptions**'' after ''**qualified**''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 31 of title 10, United States Code, is amended by striking the item relating to section 504 and inserting the following new item:

''504. Persons not qualified: citizenship or residency requirements; exceptions.''.

SA 664. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 707. INCLUSION IN HEALTH ASSESSMENT FORMS OF DETAILS AND QUESTIONS RELATING TO COMPREHENSIVE CONTRACEPTIVE COUNSELING.

Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Health Agency shall—

(1) revise the periodic health assessment form of the Department of Defense (Department of Defense Form 3024) to improve access of members of the Armed Forces to comprehensive contraceptive counseling, including by—

(A) explaining what contraceptive counseling entails; and

(B) asking a question on the reproductive goals of the member;

(2) to improve rates of comprehensive contraceptive counseling received by a member of the Armed Forces prior to deployment, revise the pre-deployment health assessment form (Department of Defense Form 2795) to include a robust and informative question on whether the member would like comprehensive contraceptive counseling; and

(3) submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the revisions made under paragraphs (1) and (2).

SA 665. Mr. WELCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ESTABLISHMENT OF ADDITIONAL SKILL IDENTIFIERS (ASI) AND SKILL IDENTIFIERS (SI) FOR ARMY MOUNTAIN WARFARE SCHOOL COURSES.

(a) ADDITIONAL SKILL IDENTIFIERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a feasibility assessment for assignment of Additional Skill Identifiers (ASIs) for the following courses at the Army Mountain Warfare School (AMWS):

(1) Advanced Military Mountaineer Course (Summer).

(2) Advanced Military Mountaineer Course (Winter).

(3) Rough Terrain Evacuation Course.

(4) Mountain Planner Course.

(5) Mountain Rifleman Course.

(b) SKILL IDENTIFIERS.—The feasibility assessment required under subsection (a) shall also include Skill Identifiers (SIs) for officers and warrant officers who complete the following courses at the AMWS:

(1) Basic Military Mountaineer Course.

(2) Mountain Planner Course.

SA 666. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2024''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2024 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the Federal Government are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2024 the sum of $658,950,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2024 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 104. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2024.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 301. PLAN TO RECRUIT, TRAIN, AND RETAIN PERSONNEL WITH EXPERIENCE IN FINANCIAL INTELLIGENCE AND EMERGING TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of human capital of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, shall submit to the congressional intelligence committees a plan for the intelligence community to recruit, train, and retain personnel who have skills and experience in financial intelligence and emerging technologies in order to improve analytic tradecraft.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following elements:

(1) An assessment, including measurable benchmarks of progress, of current initiatives of the intelligence community to recruit, train, and retain personnel who have skills and experience in financial intelligence and emerging technologies.

(2) An assessment of whether personnel in the intelligence community who have such skills are currently well integrated into the analytical cadre of the relevant elements of the intelligence community that produce analyses with respect to financial intelligence and emerging technologies.

(3) An identification of challenges to hiring or compensation in the intelligence community that limit progress toward rapidly increasing the number of personnel with such skills, and an identification of hiring or other reforms to resolve such challenges.

(4) A determination of whether the National Intelligence University has the resources and expertise necessary to train existing personnel in financial intelligence and emerging technologies.

(5) A strategy, including measurable benchmarks of progress, to, by January 1, 2025, increase by 10 percent the analytical cadre of personnel with expertise and previous employment in financial intelligence and emerging technologies.

SEC. 302. POLICY AND PERFORMANCE FRAMEWORK FOR MOBILITY OF INTELLIGENCE COMMUNITY WORKFORCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Secretary of Defense, develop and implement a policy and performance framework to ensure the timely and effective mobility of employees and contractors of the Federal Government who are transferring employment between elements of the intelligence community.

(b) ELEMENTS.—The policy and performance framework required by subsection (a) shall include processes with respect to the following:

(1) Human resources.

(2) Medical reviews.

(3) Determinations of suitability or eligibility for access to classified information in accordance with Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information).

SEC. 303. IN-STATE TUITION RATES FOR ACTIVE DUTY MEMBERS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 135(d) of the Higher Education Act of 1965 (20 U.S.C. 1015d(d)), as amended by section 6206(a)(4) of the Foreign Service Families Act of 2021 (Public Law 117–81), is further amended—

(1) in paragraph (1), by striking ''or'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) a member of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) (other than a member of the Armed Forces of the United States) who is on active duty for a period of more than 30 days.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2026.

SEC. 304. STANDARDS, CRITERIA, AND GUIDANCE FOR COUNTERINTELLIGENCE VULNERABILITY ASSESSMENTS AND SURVEYS.

Section 904(d)(7)(A) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(d)(7)(A)) is amended to read as follows:

''(A) COUNTERINTELLIGENCE VULNERABILITY ASSESSMENTS AND SURVEYS.—To develop standards, criteria, and guidance for counterintelligence risk assessments and surveys of the vulnerability of the United States to intelligence threats, including with respect to critical infrastructure and critical technologies, in order to identify the areas, programs, and activities that require protection from such threats.''.

SEC. 305. IMPROVING ADMINISTRATION OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR INTELLIGENCE COMMUNITY.

Section 304 of the National Security Act of 1947 (50 U.S.C. 3073a) is amended—

(1) in subsection (c)(1)—

(A) by striking ''A former'' and inserting the following:

''(A) IN GENERAL.—A former''; and

(B) by adding at the end the following:

''(B) PRIOR DISCLOSURE TO DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—In the case of a former employee who occupies a covered post-service position in violation of subsection (a), whether the former employee voluntarily notified the Director of National Intelligence of the intent of the former employee to occupy such covered post-service position before occupying such post-service position may be used in determining whether the violation was knowing and willful for purposes of subparagraph (A).

''(ii) PROCEDURES AND GUIDANCE.—The Director of National Intelligence may establish

procedures and guidance relating to the submittal of notice for purposes of clause (i).''; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''the restrictions under subsection (a) and'' before ''the report requirements'';

(B) in paragraph (2), by striking ''ceases to occupy'' and inserting ''occupies''; and

(C) in paragraph (3)(B), by striking ''before the person ceases to occupy a covered intelligence position'' and inserting ''when the person occupies a covered intelligence position''.

SEC. 306. MISSION OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

(a) IN GENERAL.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

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

''(d) MISSION.—The mission of the National Counterintelligence and Security Center shall include organizing and leading strategic planning for counterintelligence activities of the United States Government by integrating instruments of national power as needed to counter foreign intelligence activities.''.

(b) CONFORMING AMENDMENTS.—

(1) COUNTERINTELLIGENCE ENHANCEMENT ACT OF 2002.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(A) in subsection (e), as redesignated by subsection (a)(1), by striking ''Subject to subsection (e)'' both places it appears and inserting ''Subject to subsection (f)''; and

(B) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)''; and

(ii) in paragraph (2), by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''.

(2) COUNTERINTELLIGENCE AND SECURITY ENHANCEMENTS ACT OF 1994.—Section 811(d)(1)(B)(ii) of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381(d)(1)(B)(ii)) is amended by striking ''section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2))'' and inserting ''section 904(e)(2) of that Act (50 U.S.C. 3383(e)(2))''.

SEC. 307. PROHIBITION RELATING TO TRANSPORT OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) DEFINITION OF INDIVIDUAL DETAINED AT GUANTANAMO.—In this section, the term ''individual detained at Guantanamo'' has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S.C. 801 note).

(b) PROHIBITION ON CHARTERING PRIVATE OR COMMERCIAL AIRCRAFT TO TRANSPORT INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.—No head of an element of the intelligence community may charter any private or commercial aircraft to transport an individual who is or was an individual detained at Guantanamo.

SEC. 308. DEPARTMENT OF ENERGY REVIEW OF CERTAIN FOREIGN VISITORS AND ASSIGNEES TO NATIONAL LABORATORIES.

(a) DEFINITIONS.—In this section:

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

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Intelligence and Counterintelligence of the Department of Energy (or a designee).

(3) FOREIGN NATIONAL.—The term ''foreign national'' has the meaning given the term ''alien'' in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(4) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(5) SENSITIVE COUNTRY.—The term ''sensitive country'' means a country to which particular consideration is given for policy reasons during the Department of Energy internal review and approval process for visits by, and assignments of, foreign nationals to National Laboratories.

(6) SENSITIVE COUNTRY NATIONAL.—The term ''sensitive country national'' means a foreign national who was born in, is a citizen of, or is employed by a government, employer, institution, or organization of, a sensitive country.

(7) SENSITIVE COUNTRY VISITOR OR ASSIGNEE.—

(A) IN GENERAL.—The term ''sensitive country visitor or assignee'' means a visitor or assignee who is a sensitive country national.

(B) ASSOCIATED DEFINITIONS.—For purposes of this paragraph:

(i) ASSIGNEE.—The term ''assignee'' means an individual who is seeking approval from, or has been approved by, a National Laboratory to access the premises, information, or technology of the National Laboratory for a period of more than 30 consecutive calendar days.

(ii) VISITOR.—The term ''visitor'' mans an individual who is seeking approval from, or has been approved by, a National Laboratory to access the premises, information, or technology of the National Laboratory for any period other than a period described in clause (i).

(b) RECOMMENDATIONS WITH RESPECT TO SENSITIVE COUNTRY VISITORS OR ASSIGNEES.—

(1) NOTIFICATION AND RECOMMENDATION REQUIREMENT.—On determination that a proposed sensitive country visitor or assignee poses a counterintelligence risk to a National Laboratory, the Director shall—

(A) notify the National Laboratory of the determination; and

(B) provide a recommendation to the National Laboratory on whether to grant or deny the proposed sensitive country visitor or assignee access to the premises, information, or technology of the National Laboratory.

(2) PROHIBITION.—A National Laboratory may not allow a sensitive country visitor or assignee that the Director has identified as a counterintelligence risk under paragraph (1) to have any access to the premises, information, or technology of the National Laboratory until the Director has submitted the notification and recommendation to the National Laboratory as described in paragraph (1).

(3) APPLICATION TO OTHER NATIONAL LABORATORIES.—If the Director makes a recommendation under paragraph (1) that a sensitive country visitor or assignee should not be granted access to the premises, information, or technology of a National Laboratory—

(A) the Director shall notify each National Laboratory of that recommendation; and

(B) that recommendation shall apply to each National Laboratory with respect to that sensitive country visitor or assignee.

(c) NOTIFICATION TO DIRECTOR.—

(1) IN GENERAL.—After receiving a recommendation to deny access under subsection (b)(1)(B), a National Laboratory shall submit to the Director a notification of the decision of the National Laboratory to grant or deny access to the premises, information, or technology of the National Laboratory to the sensitive country visitor or assignee that is the subject of the recommendation.

(2) TIMING.—If a National Laboratory decides to grant access to a sensitive country visitor or assignee despite a recommendation to deny access, the notification under paragraph (1) shall be submitted to the Director before the sensitive country visitor or assignee is granted access to the premises, information, or technology of the National Laboratory.

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—The Director shall submit to the appropriate committees of Congress an unclassified quarterly report listing each instance in which a National Laboratory indicates in a notification submitted under subsection (c)(1) that the National Laboratory has decided to grant a sensitive country visitor or assignee access to the premises, information, or technology of the National Laboratory.

(2) REQUIREMENT.—Each quarterly report under paragraph (1) shall include the recommendation of the Director under subsection (b)(1)(B) with respect to the applicable sensitive country visitor or assignee.

SEC. 309. CONGRESSIONAL OVERSIGHT OF INTELLIGENCE COMMUNITY RISK ASSESSMENTS.

(a) RISK ASSESSMENT DOCUMENTS AND MATERIALS.—Except as provided in subsection (b), whenever an element of the intelligence community conducts a risk assessment arising from the mishandling or improper disclosure of classified information, the Director of National Intelligence shall, not later than 30 days after the date of the commencement of such risk assessment—

(1) submit to the congressional intelligence committees copies of such documents and materials as are—

(A) within the jurisdiction of such committees; and

(B) subject to the risk assessment; and

(2) provide such committees a briefing on such documents, materials, and risk assessment.

(b) EXCEPTION.—If the Director determines, with respect to a risk assessment described in subsection (a), that the documents and other materials otherwise subject to paragraph (1) of such subsection (a) are of such a volume that submittal pursuant to such paragraph would be impracticable, the Director shall—

(1) in lieu of submitting copies of such documents and materials, submit a log of such documents and materials; and

(2) pursuant to a request by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a document or material included in such log, submit to such committee such copy.

SEC. 310. INSPECTOR GENERAL REVIEW OF DISSEMINATION BY FEDERAL BUREAU OF INVESTIGATION RICHMOND, VIRGINIA, FIELD OFFICE OF CERTAIN DOCUMENT.

(a) REVIEW REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall conduct a review of the actions and events, including any underlying policy direction, that served as a basis for the January 23, 2023, dissemination by the field office of the Federal Bureau of Investigation located in Richmond, Virginia, of a document titled ''Interest of Racially or Ethnically Motivated Violent Extremists in

Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities.''.

(b) SUBMITTAL TO CONGRESS.—The Inspector General of the Department of Justice shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives the findings of the Inspector General with respect to the review required by subsection (a).

SEC. 311. OFFICE OF INTELLIGENCE AND ANALYSIS.

Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding at the end the following:

''(h) PROHIBITION.—

''(1) DEFINITION.—In this subsection, the term 'United States person' means a United States citizen, an alien known by the Office of Intelligence and Analysis to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by 1 or more foreign governments.

''(2) COLLECTION OF INFORMATION FROM UNITED STATES PERSONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Office of Intelligence and Analysis may not engage in the collection of information or intelligence targeting any United States person except as provided in subparagraph (B).

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any employee, officer, or contractor of the Office of Intelligence and Analysis who is responsible for collecting information from individuals working for a State, local, or Tribal territory government or a private employer.''.

Subtitle B—Central Intelligence Agency

SEC. 321. PROTECTION OF CENTRAL INTELLIGENCE AGENCY FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by inserting after section 15 the following new section:

''SEC. 15A. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

''(a) DEFINITIONS.—In this section:

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

''(2) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(3) CONGRESSIONAL JUDICIARY COMMITTEES.—The term 'congressional judiciary committees' means—

''(A) the Committee on the Judiciary of the Senate; and

''(B) the Committee on the Judiciary of the House of Representatives.

''(4) CONGRESSIONAL TRANSPORTATION AND INFRASTRUCTURE COMMITTEES.—The term 'congressional transportation and infrastructure committees' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Transportation and Infrastructure of the House of Representatives.

''(5) COVERED FACILITY OR ASSET.—The term 'covered facility or asset' means the headquarters compound of the Agency and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such compound (subject to a risk-based assessment as defined for purposes of this section), or any other installation and protected property of the Agency where the facility or asset—

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

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

''(C) directly relates to one or more functions authorized to be performed by the Agency, pursuant to the National Security Act of 1947 (50 U.S.C. 3001 et seq.) or this Act.

''(6) ELECTRONIC COMMUNICATION.—The term 'electronic communication' has the meaning given such term in section 2510 of title 18, United States Code.

''(7) INTERCEPT.—The term 'intercept' has the meaning given such term in section 2510 of title 18, United States Code.

''(8) RADIO COMMUNICATION.—The term 'radio communication' has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

''(9) RISK-BASED ASSESSMENT.—The term 'risk-based assessment' includes an evaluation of threat information specific to a covered facility or asset and, with respect to potential effects on the safety and efficiency of the national airspace system and the needs of national security at each covered facility or asset identified by the Director, an evaluation of each of the following factors:

''(A) Potential effects on safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems, aviation safety, airport operations, infrastructure, and air navigation services relating to the use of any system or technology for carrying out the actions described in subsection (c)(1).

''(B) Options for mitigating any identified effects on the national airspace system relating to the use of any system or technology, including minimizing when possible the use of any system or technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (c)(1).

''(C) Potential consequences of any actions taken under subsection (c)(1) to the national airspace system and infrastructure, if not mitigated.

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

''(E) The setting and character of any covered facility or asset, including whether it is located in a populated area or near other structures, and any potential for interference with wireless communications or for injury or damage to persons or property.

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

''(10) ORAL COMMUNICATION.—The term 'oral communication' has the meaning given such term in section 2510 of title 18, United States Code.

''(11) UNITED STATES.—The term 'United States' has the meaning given such term in section 5 of title 18, United States Code.

''(12) UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.—The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given such terms in section 44801 of title 49, United States Code.

''(13) WIRE COMMUNICATION.—The term 'wire communication' has the meaning given such term in section 2510 of title 18, United States Code.

''(b) AUTHORITY.—Notwithstanding section 46502 of title 49, United States Code, section 32, 1030, or 1367 of title 18, United States Code, or chapter 119 or 206 of such title, the Director may take, and may authorize personnel of the Agency with assigned duties that include the security or protection of people, facilities, or assets within the United States, to take—

''(1) such actions described in subsection (c)(1) that are necessary to detect, identify, monitor, track, or mitigate a credible threat (as defined by the Director, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset; and

''(2) such actions described in subsection (c)(2).

''(c) ACTIONS.—

''(1) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

''(A) During the operation of the unmanned aircraft system, detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

''(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by doing so passively or actively, and by direct or indirect physical, electronic, radio, and electromagnetic means.

''(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering with, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

''(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

''(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

''(F) Use reasonable force, if necessary, to seize or otherwise disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

''(2) RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Director shall conduct research, testing, and training on, and evaluation of, any equipment, including any electronic equipment, to determine the capability and utility of the equipment prior to the use of the equipment for any action described in paragraph (1). Personnel and contractors who do not have duties that include the safety, security, or protection of people, facilities, or assets may engage in research, testing, training, and evaluation activities pursuant to this section.

''(3) COORDINATION.—

''(A) SECRETARY OF TRANSPORTATION.—The Director shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

''(B) ADMINISTRATOR OF FEDERAL AVIATION ADMINISTRATION.—The Director shall coordinate with the Administrator of the Federal Aviation Administration on any action described in paragraphs (1) and (3) so the Administrator may ensure that unmanned aircraft system detection and mitigation systems do not adversely affect or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

''(d) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (b) that is seized by the Director is subject to forfeiture to the United States.

''(e) REGULATIONS AND GUIDANCE.—

''(1) ISSUANCE.—The Director and the Secretary of Transportation may each prescribe regulations, and shall each issue guidance, to carry out this section.

''(2) COORDINATION.—

''(A) REQUIREMENT.—The Director shall coordinate the development of guidance under paragraph (1) with the Secretary of Transportation.

''(B) AVIATION SAFETY.—The Director shall coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance, or otherwise implementing this section, so the Administrator may ensure that unmanned aircraft system detection and mitigation systems do not adversely affect or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

''(f) PRIVACY PROTECTION.—The regulations prescribed or guidance issued under subsection (e) shall ensure that—

''(1) the interception or acquisition of, access to, or maintenance or use of, communications to or from an unmanned aircraft system or unmanned aircraft under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and applicable provisions of Federal law;

''(2) communications to or from an unmanned aircraft system or unmanned aircraft are intercepted or acquired only to the extent necessary to support an action described in subsection (c);

''(3) records of such communications are maintained only for as long as necessary, and in no event for more than 180 days, unless the Director determines that maintenance of such records for a longer period is required under Federal law or necessary for the investigation or prosecution of a violation of law, to fulfill a duty, responsibility, or function of the Agency, or for the purpose of any litigation;

''(4) such communications are not disclosed outside the Agency unless the disclosure—

''(A) is necessary to investigate or prosecute a violation of law;

''(B) would support the Agency, the Department of Defense, a Federal law enforcement, intelligence, or security agency, or a State, local, tribal, or territorial law enforcement agency, or other relevant person or entity if such entity or person is engaged in a security or protection operation;

''(C) is necessary to support a department or agency listed in subparagraph (B) in investigating or prosecuting a violation of law;

''(D) would support the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to, an action described in subsection (c) that is necessary to fulfill a duty, responsibility, or function of the Agency;

''(E) is necessary to protect against dangerous or unauthorized activity by unmanned aircraft systems or unmanned aircraft;

''(F) is necessary to fulfill a duty, responsibility, or function of the Agency; or

''(G) is otherwise required by law.

''(g) BUDGET.—

''(1) IN GENERAL.—The Director shall submit to the congressional intelligence committees, as a part of the budget requests of the Agency for each fiscal year after fiscal year 2024, a consolidated funding display that identifies the funding source for the actions described in subsection (c)(1) within the Agency.

''(2) FORM.—The funding display shall be in unclassified form, but may contain a classified annex.

''(h) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

''(1) BRIEFINGS.—Not later than 180 days after the date of the enactment of this section, and semiannually thereafter, the Director shall provide the congressional intelligence committees, the congressional judiciary committees, and the congressional transportation and infrastructure committees a briefing on the activities carried out pursuant to this section during the period covered by the briefing.

''(2) REQUIREMENT.—Each briefing under paragraph (1) shall be conducted jointly with the Secretary of Transportation.

''(3) CONTENTS.—Each briefing under paragraph (1) shall include the following:

''(A) Policies, programs, and procedures to mitigate or eliminate effects of such activities on the national airspace system and other critical national transportation infrastructure.

''(B) A description of instances in which actions described in subsection (c)(1) have been taken, including all such instances that may have resulted in harm, damage, or loss to a person or to private property.

''(C) A description of the guidance, policies, or procedures established to address privacy, civil rights, and civil liberties issues implicated by the actions allowed under this section, as well as any changes or subsequent efforts that would significantly affect privacy, civil rights, or civil liberties.

''(D) A description of options considered and steps taken to mitigate any identified effects on the national airspace system relating to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (c)(1).

''(E) A description of instances in which communications intercepted or acquired during the course of operations of an unmanned aircraft system or unmanned aircraft were maintained for more than 180 days or disclosed outside the Agency.

''(F) How the Director and the Secretary of Transportation have informed the public as to the possible use of authorities under this section.

''(G) How the Director and the Secretary of Transportation have engaged with Federal, State, local, territorial, or tribal law enforcement agencies to implement and use such authorities.

''(H) An assessment of whether any gaps or insufficiencies remain in laws, regulations, and policies that impede the ability of the Agency to counter the threat posed by the malicious use of unmanned aircraft systems or unmanned aircraft, and any recommendations to remedy such gaps or insufficiencies.

''(4) FORM.—Each briefing under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified report.

''(5) NOTIFICATIONS.—

''(A) COVERED FACILITIES AND ASSETS.—Not later than 30 days before exercising any authority under this section at a covered facility or asset for the first time doing so at such covered facility or asset, the Director shall submit to the congressional intelligence committees—

''(i) notice that the Director intends to exercise authority under this section at such covered facility or asset; and

''(ii) a list of every covered facility and asset.

''(B) DEPLOYMENT OF NEW TECHNOLOGIES.—

''(i) IN GENERAL.—Not later than 30 days after deploying any new technology to carry out the actions described in subsection (c)(1), the Director shall submit to the congressional intelligence committees a notification of the use of such technology.

''(ii) CONTENTS.—Each notice submitted pursuant to clause (i) shall include a description of options considered to mitigate any identified effects on the national airspace system relating to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (c)(1).

''(i) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to vest in the Director any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration; or

''(2) to vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Director.

''(j) SCOPE OF AUTHORITY.—Nothing in this section shall be construed to provide the Director or the Secretary of Transportation with additional authorities beyond those described in subsections (b) and (d).

''(k) TERMINATION.—

''(1) IN GENERAL.—The authority to carry out this section with respect to the actions specified in subparagraphs (B) through (F) of subsection (c)(1) shall terminate on the date that is 10 years after the date of enactment of the Intelligence Authorization Act for Fiscal Year 2024.

''(2) EXTENSION.—The President may extend by 1 year the termination date specified in paragraph (1) if, before termination, the President certifies to Congress that such extension is in the national security interests of the United States.''.

SEC. 322. CHANGE TO PENALTIES AND INCREASED AVAILABILITY OF MENTAL HEALTH TREATMENT FOR UNLAWFUL CONDUCT ON CENTRAL INTELLIGENCE AGENCY INSTALLATIONS.

Section 15(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(b)) is amended, in the second sentence, by striking ''those specified in section 1315(c)(2) of title 40, United States Code'' and inserting ''the maximum penalty authorized for a Class B misdemeanor under section 3559 of title 18, United States Code''.

SEC. 323. MODIFICATIONS TO PROCUREMENT AUTHORITIES OF THE CENTRAL INTELLIGENCE AGENCY.

Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3503) is amended—

(1) in subsection (a), by striking ''sections'' and all that follows through ''session)'' and inserting ''sections 3201, 3203, 3204, 3206, 3207, 3302 through 3306, 3321 through 3323, 3801 through 3808, 3069, 3134, 3841, and 4752 of title 10, United States Code'' and

(2) in subsection (d), by striking ''in paragraphs'' and all that follows through ''1947'' and inserting ''in sections 3201 through 3204 of title 10, United States Code, shall not be delegable. Each determination or decision required by sections 3201 through 3204, 3321 through 3323, and 3841 of title 10, United States Code''.

SEC. 324. ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY STANDARD WORKPLACE SEXUAL MISCONDUCT COMPLAINT INVESTIGATION PROCEDURE.

(a) WORKPLACE SEXUAL MISCONDUCT DEFINED.—The term ''workplace sexual misconduct''—

(1) means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; and

(2) includes sexual harassment and sexual assault.

(b) STANDARD COMPLAINT INVESTIGATION PROCEDURE.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) establish a standard workplace sexual misconduct complaint investigation procedure;

(2) implement the standard workplace sexual misconduct complaint investigation procedure through clear workforce communication and education on the procedure; and

(3) submit the standard workplace sexual misconduct complaint investigation procedure to the congressional intelligence committees.

(c) MINIMUM REQUIREMENTS.—The procedure established pursuant to subsection (b)(1) shall, at a minimum—

(1) identify the individuals and offices of the Central Intelligence Agency to which an employee of the Agency may bring a complaint of workplace sexual misconduct;

(2) detail the steps each individual or office identified pursuant to paragraph (1) shall take upon receipt of a complaint of workplace sexual misconduct and the timeframes within which those steps shall be taken, including—

(A) documentation of the complaint;

(B) referral or notification to another individual or office;

(C) measures to document or preserve witness statements or other evidence; and

(D) preliminary investigation of the complaint;

(3) set forth standard criteria for determining whether a complaint of workplace sexual misconduct will be referred to law enforcement and the timeframe within which such a referral shall occur; and

(4) for any complaint not referred to law enforcement, set forth standard criteria for determining—

(A) whether a complaint has been substantiated; and

(B) for any substantiated complaint, the appropriate disciplinary action.

(d) ANNUAL REPORTS.—On or before April 30 of each year, the Director shall submit to the congressional intelligence committees an annual report that includes, for the preceding calendar year, the following:

(1) The number of workplace sexual misconduct complaints brought to each individual or office of the Central Intelligence Agency identified pursuant to subsection (c)(1), disaggregated by—

(A) complaints referred to law enforcement; and

(B) complaints substantiated.

(2) For each complaint described in paragraph (1) that is substantiated, a description of the disciplinary action taken by the Director.

SEC. 325. PAY CAP FOR DIVERSITY, EQUITY, AND INCLUSION STAFF AND CONTRACT EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the annual rate of basic pay for a staff employee of the Central Intelligence Agency with the duties described in subsection (b) shall not exceed the annual rate of basic pay for an officer of the Directorate of Operations in the Clandestine Service Trainee program of the Agency; and

(2) the Director of the Central Intelligence Agency shall ensure that no contract employee performing duties described in subsection (b) under an Agency contract receives an annual amount for performing such duties that exceeds the annual rate of basic pay described in paragraph (1).

(b) DUTIES DESCRIBED.—The duties described in this subsection are as follows:

(1) Developing, refining, and implementing diversity, equity, and inclusion policy.

(2) Leading working groups and councils to develop diversity, equity, and inclusion goals and objectives to measure performance and outcomes.

(3) Creating and implementing diversity, equity, and inclusion education, training courses, and workshops for staff and contract employees.

(c) APPLICABILITY TO CURRENT EMPLOYEES.—

(1) STAFF EMPLOYEES.—Any staff employee of the Central Intelligence Agency in a position with duties described in subsection (b) receiving an annual rate of basic pay as of the date of the enactment of this Act that exceeds the rate allowed under subsection (a) shall be reassigned to another position not later than 180 days after such date.

(2) CONTRACT EMPLOYEES.—Any contract employee of the Central Intelligence Agency performing duties described in subsection (b) receiving an annual amount under an Agency contract for performing such duties as of the date of the enactment of this Act that exceeds the rate allowed under subsection (b) shall be reassigned to another position not later than 180 days after such date.

TITLE IV—MATTERS CONCERNING FOREIGN COUNTRIES

Subtitle A—People's Republic of China

SEC. 401. INTELLIGENCE COMMUNITY COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

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

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) ATROCITY.—The term ''atrocity''—

(A) means a crime against humanity, genocide, or a war crime; and

(B) when used with respect to the People's Republic of China, means an atrocity that is committed by an individual who is—

(i) a member of People's Liberation Army, or the security or other defense services, including the Ministry of State Security, the Ministry of Public Security, and the United Front Work Department, of the People's Republic of China;

(ii) an employee of any other element of the Government of the People's Republic of China, including the regional governments of Xinjiang, Tibet, and Hong Kong;

(iii) a member of the Chinese Communist Party; or

(iv) an agent or contractor of an individual specified in subparagraph (A), (B), or (C).

(3) COMMIT.—The term ''commit'', with respect to an atrocity, includes the planning, committing, aiding, and abetting of such atrocity.

(4) FOREIGN PERSON.—The term ''foreign person'' means—

(A) any person or entity that is not a United States person; or

(B) any entity not organized under the laws of the United States or of any jurisdiction within the United States.

(5) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039).

(b) INTELLIGENCE COMMUNITY COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) DESIGNATION.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a senior official of the Office of the Director of National Intelligence to serve as the intelligence community coordinator for accountability of atrocities of the People's Republic of China (in this section referred to as the ''Coordinator'').

(2) DUTIES.—The Coordinator shall lead the efforts of and coordinate and collaborate with the intelligence community with respect to the following:

(A) Identifying and addressing any gaps in intelligence collection relating to atrocities of the People's Republic of China, including by recommending the modification of the priorities of the intelligence community with respect to intelligence collection and by utilizing informal processes and collaborative mechanisms with key elements of the intelligence community to increase collection on atrocities of the People's Republic of China.

(B) Prioritizing and expanding the intelligence analysis with respect to ongoing atrocities of the People's Republic of China and disseminating within the United States Government intelligence relating to the identification and activities of foreign persons suspected of being involved with or providing support to atrocities of the People's Republic of China, including genocide and forced labor practices in Xinjiang, in order to support the efforts of other Federal agencies, including the Department of State, the Department of the Treasury, the Office of Foreign Assets Control, the Department of Commerce, the Bureau of Industry and Security, U.S. Customs and Border Protection, and the National Security Council, to hold the People's Republic of China accountable for such atrocities.

(C) Increasing efforts to declassify and share with the people of the United States and the international community information regarding atrocities of the People's Republic of China in order to expose such atrocities and counter the disinformation and misinformation campaign by the People's Republic of China to deny such atrocities.

(D) Documenting and storing intelligence and other unclassified information that may be relevant to preserve as evidence of atrocities of the People's Republic of China for future accountability, and ensuring that other relevant Federal agencies, including the Atrocities Early Warning Task Force, receive appropriate support from the intelligence community with respect to the collection, analysis, preservation, and, as appropriate, dissemination, of intelligence related to atrocities of the People's Republic of China, which may include the information from the annual report required by section 6504 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263).

(E) Sharing information with the Forced Labor Enforcement Task Force, established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681), the Department of Commerce, and the Department of the Treasury for the purposes of entity listings and sanctions.

(3) PLAN REQUIRED.—Not later than 120 days after the date of the enactment of this

Act, the Director shall submit to the appropriate committees of Congress—

(A) the name of the official designated as the Coordinator pursuant to paragraph (1); and

(B) the strategy of the intelligence community for the collection and dissemination of intelligence relating to ongoing atrocities of the People's Republic of China, including a detailed description of how the Coordinator shall support, and assist in facilitating the implementation of, such strategy.

(4) ANNUAL REPORT TO CONGRESS.—

(A) REPORTS REQUIRED.—Not later than May 1, 2024, and annually thereafter until May 1, 2034, the Director shall submit to the appropriate committees of Congress a report detailing, for the year covered by the report—

(i) the analytical findings, changes in collection, and other activities of the intelligence community with respect to ongoing atrocities of the People's Republic of China;

(ii) the recipients of information shared pursuant to this section for the purpose of—

(I) providing support to Federal agencies to hold the People's Republic of China accountable for such atrocities; and

(II) sharing information with the people of the United States to counter the disinformation and misinformation campaign by the People's Republic of China to deny such atrocities; and

(iii) with respect to clause (ii), the date of any such sharing.

(B) FORM.—Each report submitted under subparagraph (A) may be submitted in classified form, consistent with the protection of intelligence sources and methods.

(c) SUNSET.—This section shall cease to have effect on the date that is 10 years after the date of the enactment of this Act.

SEC. 402. INTERAGENCY WORKING GROUP AND REPORT ON THE MALIGN EFFORTS OF THE PEOPLE'S REPUBLIC OF CHINA IN AFRICA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish an interagency working group within the intelligence community to analyze the tactics and capabilities of the People's Republic of China in Africa.

(2) ESTABLISHMENT FLEXIBILITY.—The working group established under paragraph (1) may be—

(A) independently established; or

(B) to avoid redundancy, incorporated into existing working groups or cross-intelligence efforts within the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and twice annually thereafter, the working group established under subsection (a) shall submit to the congressional intelligence committees a report on the specific tactics and capabilities of the People's Republic of China in Africa.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following elements:

(A) An assessment of efforts by the Government of the People's Republic of China to exploit mining and reprocessing operations in Africa.

(B) An assessment of efforts by the Government of the People's Republic of China to provide or fund technologies in Africa, including—

(i) telecommunications and energy technologies, such as advanced reactors, transportation, and other commercial products; and

(ii) by requiring that the People's Republic of China be the sole provider of such technologies.

(C) An assessment of efforts by the Government of the People's Republic of China to expand intelligence capabilities in Africa.

(D) A description of actions taken by the intelligence community to counter such efforts.

(E) An assessment of additional resources needed by the intelligence community to better counter such efforts.

(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) SUNSET.—The requirements of this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 403. AMENDMENT TO REQUIREMENT FOR ANNUAL ASSESSMENT BY INTELLIGENCE COMMUNITY WORKING GROUP FOR MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 6503(c)(3)(D) of the Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263) is amended by striking ''the top 200'' and inserting ''all the known''.

SEC. 404. ASSESSMENTS OF RECIPROCITY IN THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research, in consultation with the Director of National Intelligence and such other heads of elements of the intelligence community as the Assistant Secretary considers relevant, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives the following:

(1) A comprehensive assessment that identifies critical areas in the security, diplomatic, economic, financial, technological, scientific, commercial, academic, and cultural spheres in which the United States does not enjoy a reciprocal relationship with the People's Republic of China.

(2) A comprehensive assessment that describes how the lack of reciprocity between the People's Republic of China and the United States in the areas identified in the assessment required by paragraph (1) provides advantages to the People's Republic of China.

(b) FORM OF ASSESSMENTS.—

(1) CRITICAL AREAS.—The assessment required by subsection (a)(1) shall be submitted in unclassified form.

(2) ADVANTAGES.—The assessment required by subsection (a)(2) shall be submitted in classified form.

SEC. 405. ANNUAL BRIEFING ON INTELLIGENCE COMMUNITY EFFORTS TO IDENTIFY AND MITIGATE CHINESE COMMUNIST PARTY POLITICAL INFLUENCE OPERATIONS AND INFORMATION WARFARE AGAINST THE UNITED STATES.

(a) DEFINITIONS.—In this section:

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

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives

(2) CHINESE ENTITIES ENGAGED IN POLITICAL INFLUENCE OPERATIONS AND INFORMATION WARFARE.—The term ''Chinese entities engaged in political influence operations and information warfare'' means all of the elements of the Government of the People's Republic of China and the Chinese Communist Party involved in information warfare operations, such as—

(A) the Ministry of State Security;

(B) the intelligence services of the People's Republic of China;

(C) the United Front Work Department and other united front organs;

(D) state-controlled media systems, such as the China Global Television Network (CGTN); and

(E) any entity involved in information warfare operations by demonstrably and intentionally disseminating false information and propaganda of the Government of the People's Republic of China or the Chinese Communist Party.

(3) POLITICAL INFLUENCE OPERATION.—The term ''political influence operation'' means a coordinated and often concealed application of disinformation, press manipulation, economic coercion, targeted investments, corruption, or academic censorship, which are often intended—

(A) to coerce and corrupt United States interests, values, institutions, or individuals; and

(B) to foster attitudes, behavior, decisions, or outcomes in the United States that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

(b) BRIEFING REQUIRED.—Not later than 120 days after the date of the enactment of this Act and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the Director of the Foreign Malign Influence Center shall, in collaboration with the heads of the elements of the intelligence community, provide the appropriate committees of Congress a classified briefing on the ways in which the relevant elements of the intelligence community are working internally and coordinating across the intelligence community to identify and mitigate the actions of Chinese entities engaged in political influence operations and information warfare against the United States, including against United States persons.

(c) ELEMENTS.—The classified briefing required by subsection (b) shall cover the following:

(1) The Government of the People's Republic of China and the Chinese Communist Party tactics, tools, and entities that spread disinformation, misinformation, and malign information and conduct influence operations, information campaigns, or other propaganda efforts.

(2) The actions of the Foreign Malign Influence Center relating to early-warning, information sharing, and proactive risk mitigation systems, based on the list of entities identified in subsection (a)(1), to detect, expose, deter, and counter political influence operations of, and information warfare waged by, the Government of the People's Republic of China or the Chinese Communist Party, against the United States.

(3) The actions of the Foreign Malign Influence Center to conduct outreach to identify and counter tactics, tools, and entities described in paragraph (1) by sharing information with allies and partners of the United States, State and local governments, the business community, and civil society that exposes the political influence operations and information operations of the Government of the People's Republic of China or the Chinese Communist Party carried out

against individuals and entities in the United States.

SEC. 406. ASSESSMENT OF THREAT POSED TO UNITED STATES PORTS BY CRANES MANUFACTURED BY COUNTRIES OF CONCERN.

(a) DEFINITION OF COUNTRY OF CONCERN.—In this section, the term ''country of concern'' has the meaning given that term in section 1(m)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(m)(1)).

(b) ASSESSMENT.—The Director of National Intelligence, in coordination with such other heads of the elements of the intelligence community as the Director considers appropriate and the Secretary of Defense, shall conduct an assessment of the threat posed to United States ports by cranes manufactured by countries of concern and commercial entities of those countries, including the Shanghai Zhenhua Heavy Industries Co. (ZPMC).

(c) REPORT AND BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit a report and provide a briefing to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives on the findings of the assessment required by subsection (b).

(2) ELEMENTS.—The report and briefing required by paragraph (1) shall outline the potential for the cranes described in subsection (b) to collect intelligence, disrupt operations at United States ports, and impact the national security of the United States.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle B—Russian Federation

SEC. 411. ASSESSMENT OF LESSONS LEARNED BY INTELLIGENCE COMMUNITY WITH RESPECT TO CONFLICT IN UKRAINE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(3) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and semiannually thereafter for 3 years, the Director of National Intelligence shall produce and submit to the appropriate committees of Congress an assessment of the lessons learned by the intelligence community with respect to the ongoing war in Ukraine, particularly in regards to the quality and timeliness of the information and intelligence support provided by the United States to Ukraine.

(c) FORM.—The assessment submitted pursuant to subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 412. NATIONAL INTELLIGENCE ESTIMATE ON LONG-TERM CONFRONTATION WITH RUSSIA.

(a) NATIONAL INTELLIGENCE ESTIMATE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall produce and submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a national intelligence estimate on the implications of the ongoing war in Ukraine with respect to a long-term United States and North Atlantic Treaty Organization confrontation with Russia, including the continued threat to the United States, the North Atlantic Treaty Organization, and other allies of the United States from the conventional and strategic military forces, the intelligence activities, and the malign influence campaigns of Russia.

(b) ELEMENTS.—The national intelligence estimate produced pursuant to subsection (a) shall include the following:

(1) An assessment of the efficacy of the sanctions regime in effect on the day before the date of the enactment of this Act that is imposed upon Russia as a result of its illegal and unjustified invasion of Ukraine, including—

(A) the effect that such sanctions have had on the economy of Russia, the defense industrial base of Russia, and the ability of Russia to maintain its war on Ukraine; and

(B) the expected effect such sanctions would have on a potential long-term confrontation between Russia and the members of the North Atlantic Treaty Organization and other allies of the United States.

(2) An updated assessment of the convergence of interests between Russia and China, an assessment of the assistance that China is providing to Russia's economy and war effort, and an assessment of other collaboration between the two countries.

(3) An assessment of potential friction points between China and Russia.

(4) An assessment of assistance and potential assistance from other countries to Russia, including assistance from Iran and North Korea.

(5) An assessment of other significant countries that have not joined the sanctions regime against Russia, why they have not done so, and what might induce them to change this policy.

(c) FORM.—The national intelligence estimate submitted pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Other Foreign Countries

SEC. 421. REPORT ON EFFORTS TO CAPTURE AND DETAIN UNITED STATES CITIZENS AS HOSTAGES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on efforts by the Maduro regime in Venezuela to detain United States citizens and lawful permanent residents.

(b) ELEMENTS.—The report required by subsection (a) shall include, regarding the arrest, capture, detainment, or imprisonment of United States citizens and lawful permanent residents, the following:

(1) The names, positions, and institutional affiliation of Venezuelan individuals, or those acting on their behalf, who have engaged in such activities.

(2) A description of any role played by transnational criminal organizations, and an identification of such organizations.

(3) Where relevant, an assessment of whether and how United States citizens and lawful permanent residents have been lured to Venezuela.

(4) An analysis of the motive for the arrest, capture, detainment, or imprisonment of United States citizens and lawful permanent residents.

(5) The total number of United States citizens and lawful permanent residents detained or imprisoned in Venezuela as of the date on which the report is submitted.

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

SEC. 422. SENSE OF CONGRESS ON PRIORITY OF FENTANYL IN NATIONAL INTELLIGENCE PRIORITIES FRAMEWORK.

It is the sense of Congress that the trafficking of illicit fentanyl, including precursor chemicals and manufacturing equipment associated with illicit fentanyl production and organizations that traffic or finance the trafficking of illicit fentanyl, originating from the People's Republic of China and Mexico should be among the highest priorities in the National Intelligence Priorities Framework of the Office of the Director of National Intelligence.

TITLE V—MATTERS PERTAINING TO UNITED STATES ECONOMIC AND EMERGING TECHNOLOGY COMPETITION WITH UNITED STATES ADVERSARIES

Subtitle A—General Matters

SEC. 501. OFFICE OF GLOBAL COMPETITION ANALYSIS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given such term in section 105 of title 5, United States Code.

(2) OFFICE.—The term ''Office'' means the Office of Global Competition Analysis established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall establish an office for analysis of global competition.

(2) PURPOSES.—The purposes of the Office are as follows:

(A) To carry out a program of analysis relevant to United States leadership in science, technology, and innovation sectors critical to national security and economic prosperity relative to other countries, particularly those countries that are strategic competitors of the United States.

(B) To support policy development and decision making across the Federal Government to ensure United States leadership in science, technology, and innovation sectors critical to national security and economic prosperity relative to other countries, particularly those countries that are strategic competitors of the United States.

(3) DESIGNATION.—The office established under paragraph (1) shall be known as the ''Office of Global Competition Analysis''.

(c) ACTIVITIES.—In accordance with the priorities determined under subsection (d), the Office shall—

(1) subject to subsection (f), acquire, access, use, and handle data or other information relating to the purposes of the Office under subsection (b);

(2) conduct long- and short-term analyses regarding—

(A) United States policies that enable technological competitiveness relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(B) United States science and technology ecosystem elements, including regional and national research development and capacity, technology innovation, and science and engineering education and research workforce, relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(C) United States technology development, commercialization, and advanced manufacturing ecosystem elements, including supply chain resiliency, scale-up manufacturing testbeds, access to venture capital and financing, technical and entrepreneurial workforce, and production, relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(D) United States competitiveness in technology and innovation sectors critical to national security and economic prosperity relative to other countries, including the availability and scalability of United States technology in such sectors abroad, particularly with respect to countries that are strategic competitors of the United States;

(E) trends and trajectories, including rate of change in technologies, related to technology and innovation sectors critical to national security and economic prosperity;

(F) threats to United States national security interests as a result of any foreign country's dependence on technologies of strategic competitors of the United States; and

(G) threats to United States interests based on dependencies on foreign technologies critical to national security and economic prosperity;

(3) solicit input on technology and economic trends, data, and metrics from relevant private sector stakeholders, including entities involved in financing technology development and commercialization, and engage with academia to inform the analyses under paragraph (2); and

(4) to the greatest extent practicable and as may be appropriate, ensure that versions of the analyses under paragraph (2) are unclassified and available to relevant Federal agencies and offices.

(d) DETERMINATION OF PRIORITIES.—On a periodic basis, the Director of the Office of Science and Technology Policy, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs shall, in coordination with such heads of Executive agencies as the Director of the Office of Science and Technology Policy and such Assistants jointly consider appropriate, jointly determine the priorities of the Office with respect to subsection (b)(2)(A), considering, as may be appropriate, the strategies and reports under subtitle B of title VI of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(e) ADMINISTRATION.—Subject to the availability of appropriations, to carry out the purposes set forth under subsection (b)(2), the Office shall enter into an agreement with a federally funded research and development center, a university-affiliated research center, or a consortium of federally funded research and development centers and university-affiliated research centers.

(f) ACQUISITION, ACCESS, USE, AND HANDLING OF DATA OR INFORMATION.—In carrying out the activities under subsection (c), the Office—

(1) shall acquire, access, use, and handle data or information in a manner consistent with applicable provisions of law and policy, including laws and policies providing for the protection of privacy and civil liberties, and subject to any restrictions required by the source of the information;

(2) shall have access, upon written request, to all information, data, or reports of any Executive agency that the Office determines necessary to carry out the activities under subsection (c), provided that such access is—

(A) conducted in a manner consistent with applicable provisions of law and policy of the originating agency, including laws and policies providing for the protection of privacy and civil liberties; and

(B) consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters; and

(3) may obtain commercially available information that may not be publicly available.

(g) DETAILEE SUPPORT.—Consistent with applicable law, including sections 1341, 1517, and 1535 of title 31, United States Code, and section 112 of title 3, United States Code, the head of a department or agency within the executive branch of the Federal Government may detail personnel to the Office in order to assist the Office in carrying out any activity under subsection (c), consistent with the priorities determined under subsection (d).

(h) ANNUAL REPORT.—Not less frequently than once each year, the Office shall submit to Congress a report on the activities of the Office under this section, including a description of the priorities under subsection (d) and any support, disaggregated by Executive agency, provided to the Office consistent with subsection (g) in order to advance those priorities.

(i) PLANS.—Before establishing the Office under subsection (b)(1), the President shall submit to the appropriate committees of Congress a report detailing plans for—

(1) the administrative structure of the Office, including—

(A) a detailed spending plan that includes administrative costs; and

(B) a disaggregation of costs associated with carrying out subsection (e);

(2) ensuring consistent and sufficient funding for the Office; and

(3) coordination between the Office and relevant Executive agencies and offices.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2024.

(k) FUNDING.—This section shall be carried out using amounts appropriated on or after the date of the enactment of this Act.

SEC. 502. ASSIGNMENT OF DETAILEES FROM INTELLIGENCE COMMUNITY TO DEPARTMENT OF COMMERCE.

(a) AUTHORITY.—In order to better facilitate the sharing of actionable intelligence on foreign adversary intent, capabilities, threats, and operations that pose a threat to the interests or security of the United States, particularly as they relate to the procurement, development, and use of dual-use and emerging technologies, the Director of National Intelligence may assign or facilitate the assignment of members from across the intelligence community to serve as detailees to the Bureau of Industry and Security of the Department of Commerce.

(b) ASSIGNMENT.—Detailees assigned pursuant to subsection (a) shall be drawn from such elements of the intelligence community as the Director considers appropriate, in consultation with the Secretary of Commerce.

(c) EXPERTISE.—The Director shall ensure that detailees assigned pursuant to subsection (a) have subject matter expertise on countries of concern, including China, Iran, North Korea, and Russia, as well as functional areas such as illicit procurement, counterproliferation, emerging and foundational technology, economic and financial intelligence, information and communications technology systems, supply chain vulnerability, and counterintelligence.

(d) DUTY CREDIT.—The detail of an employee of the intelligence community to the Department of Commerce under subsection (a) shall be without interruption or loss of civil service status or privilege.

SEC. 503. THREATS POSED BY INFORMATION AND COMMUNICATIONS TECHNOLOGY AND SERVICES TRANSACTIONS AND OTHER ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) COVERED TRANSACTION.—The term ''covered transaction'' means a transaction reviewed under authority established under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order.

(2) EMERGING AND FOUNDATIONAL TECHNOLOGIES.—The term ''emerging and foundational technologies'' means emerging and foundational technologies described in section 1758(a)(1) of the Export Control Reform Act of 2018 (50 U.S.C. 4817(a)(1)).

(3) EXECUTIVE ORDER 13873.—The term ''Executive Order 13873'' means Executive Order 13873 (84 Fed. Reg. 22689; relating to securing information and communications technology and services supply chain).

(4) EXECUTIVE ORDER 13984.—The term ''Executive Order 13984'' means Executive Order 13984 (86 Fed. Reg. 6837; relating to taking additional steps to address the national emergency with respect to significant malicious cyber-enabled activities).

(5) EXECUTIVE ORDER 14034.—The term ''Executive Order 14034'' means Executive Order 14034 (84 Fed. Reg. 31423; relating to protecting Americans' sensitive data from foreign adversaries).

(6) SIGNIFICANT TRANSACTION.—The term ''significant transaction'' means a covered transaction that—

(A) involves emerging or foundational technologies;

(B) poses an undue or unacceptable risk to national security; and

(C) involves—

(i) an individual who acts as an agent, representative, or employee, or any individual who acts in any other capacity at the order, request, or under the direction or control, of a foreign adversary or of an individual whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by a foreign adversary;

(ii) any individual, wherever located, who is a citizen or resident of a nation-state controlled by a foreign adversary;

(iii) any corporation, partnership, association, or other organization organized under the laws of a nation-state controlled by a foreign adversary; or

(iv) any corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled by a foreign adversary.

(b) THREAT ASSESSMENT BY DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a threat assessment of each significant transaction.

(2) IDENTIFICATION OF GAPS.—Each assessment required by paragraph (1) shall include the identification of any recognized gaps in the collection of intelligence relevant to the assessment.

(3) VIEWS OF INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall seek and incorporate into each assessment required by paragraph (1) the views of all affected or appropriate elements of the intelligence community with respect to the significant transaction or class of significant transactions.

(4) PROVISION OF ASSESSMENT.—The Director of National Intelligence shall provide an assessment required by paragraph (1) to such agency heads and committees of Congress as the Director considers appropriate, as necessary, to implement Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order.

(c) INTERACTION WITH INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—The Director of National Intelligence shall ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to such agency heads as the Director considers appropriate of any additional relevant information that may become available during the course of any investigation or review

process conducted under authority established under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order.

(2) ELEMENTS.—The collection, analysis, and dissemination of information described in paragraph (1) shall include routine assessments of the following:

(A) The intent, capability, and operations of foreign adversaries as related to a significant transaction or class of significant transactions.

(B) Supply chains and procurement networks associated with the procurement of emerging and foundational technologies by foreign adversaries.

(C) Emerging and foundational technologies pursued by foreign adversaries, including information on prioritization, spending, and technology transfer measures.

(D) The intent, capability, and operations of the use by malicious cyber actors of infrastructure as a service (IaaS) against the United States.

(E) The impact on the intelligence community of a significant transaction or class of significant transactions.

(d) INFORMATION IN CIVIL ACTIONS.—

(1) PROTECTED INFORMATION IN CIVIL ACTIONS.—If a civil action challenging an action or finding under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order is brought, and the court determines that protected information in the administrative record relating to the action or finding, including classified or other information subject to privilege or protections under any provision of law, is necessary to resolve the action, that information shall be submitted ex parte and in camera to the court and the court shall maintain that information under seal. This paragraph does not confer or imply any right to judicial review.

(2) NONAPPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply in a civil action described in paragraph (1).

(e) RULE OF CONSTRUCTION CONCERNING RIGHT TO ACCESS.—No provision of this section may be construed to create a right to obtain access to information in the possession of the Federal Government that was considered by the Secretary of Commerce under authority established under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order, including any classified information or sensitive but unclassified information.

(f) ADMINISTRATIVE RECORD.—The following information may be included in the administrative record relating to an action or finding described in subsection (d)(1) and shall be submitted only to the court ex parte and in camera:

(1) Sensitive security information, as defined in section 1520.5 of title 49, Code of Federal Regulations.

(2) Privileged law enforcement information.

(3) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

(4) Information subject to privilege or protection under any other provision of law, including the Currency and Foreign Transactions Reporting Act of 1970 (31 U.S.C. 5311 et seq.).

(g) TREATMENT CONSISTENT WITH SECTION.—Any information that is part of the administrative record filed ex parte and in camera under subsection (d)(1), or cited by the court in any decision in a civil action described in such subsection, shall be treated by the court consistent with the provisions of this section. In no event shall such information be released to the petitioner or as part of the public record.

(h) INAPPLICABILITY OF FREEDOM OF INFORMATION ACT.—Any information submitted to the Federal Government by a party to a covered transaction in accordance with this section, as well as any information the Federal Government may create relating to review of the covered transaction, is exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

SEC. 504. REVISION OF REGULATIONS DEFINING SENSITIVE NATIONAL SECURITY PROPERTY FOR COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES REVIEWS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall revise section 802.211 of title 31, Code of Federal Regulations, to expand the definition of ''covered real estate'', such as by treating facilities and property of elements of the intelligence community and National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) comparably to military installations.

SEC. 505. SUPPORT OF INTELLIGENCE COMMUNITY FOR EXPORT CONTROLS AND OTHER MISSIONS OF THE DEPARTMENT OF COMMERCE.

(a) DEFINITIONS.—In this section:

(1) EMERGING AND FOUNDATIONAL TECHNOLOGIES.—The term ''emerging and foundational technologies'' includes technologies identified under section 1758(a)(1) of the Export Control Reform Act of 2018 (50 U.S.C. 4817(a)(1)).

(2) FOREIGN ADVERSARY.—The term ''foreign adversary'' means any foreign government, foreign regime, or foreign nongovernment person determined by the Director of National Intelligence to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons.

(b) COLLECTION, ANALYSIS, AND DISSEMINATION REQUIRED.—

(1) IN GENERAL.—The Director of National Intelligence—

(A) is authorized to collect, retain, analyze, and disseminate information or intelligence necessary to support the missions of the Department of Commerce, including with respect to the administration of export controls pursuant to the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); and

(B) shall, through regular consultation with the Secretary of Commerce, ensure that the intelligence community is engaged in such collection, retention, analysis, and dissemination.

(2) INFORMATION TO BE COLLECTED, ANALYZED, AND DISSEMINATED.—The information to be collected, analyzed, and disseminated under subsection (a) shall include information relating to the following:

(A) The intent, capability, and operations of foreign adversaries with respect to items under consideration to be controlled pursuant to the authority provided by part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.).

(B) Attempts by foreign adversaries to circumvent controls on items imposed pursuant to that part.

(C) Supply chains and procurement networks associated with procurement and development of emerging and foundational technologies by foreign adversaries.

(D) Emerging and foundational technologies pursued by foreign adversaries, including relevant information on prioritization, spending, and technology transfer measures with respect to such technologies.

(E) The scope and application of the export control systems of foreign countries, including decisions with respect to individual export transactions.

(F) Corporate and contractual relationships, ownership, and other equity interests, including monetary capital contributions, corporate investments, and joint ventures, resulting in end uses of items that threaten the national security and foreign policy interests of the United States, as described in the policy set forth in section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811).

(G) The effect of export controls imposed pursuant to part I of that Act (50 U.S.C. 4811 et seq.), including—

(i) the effect of actions taken and planned to be taken by the Secretary of Commerce under the authority provided by that part; and

(ii) the effectiveness of such actions in achieving the national security and foreign policy objectives of such actions.

(c) PROVISION OF ANALYSIS TO DEPARTMENT OF COMMERCE.—Upon the request of the Secretary of Commerce, the Director of National Intelligence shall expeditiously—

(1) carry out analysis of any matter relating to the national security of the United States that is relevant to a mission of the Department of Commerce; and

(2) consistent with the protection of sources and methods, make such analysis available to the Secretary and such individuals as the Secretary may designate to receive such analysis.

(d) IDENTIFICATION OF SINGLE OFFICE TO SUPPORT MISSIONS OF DEPARTMENT OF COMMERCE.—The Director of National Intelligence shall identify a single office within the intelligence community to be responsible for supporting the missions of the Department of Commerce.

(e) TREATMENT OF CLASSIFIED AND SENSITIVE INFORMATION.—

(1) IN GENERAL.—A civil action challenging an action or finding of the Secretary of Commerce made on the basis of any classified or sensitive information made available to officials of the Department of Commerce pursuant to this section may be brought only in the United States Court of Appeals for the District of Columbia Circuit.

(2) CONSIDERATION AND TREATMENT IN CIVIL ACTIONS.—If a civil action described in paragraph (1) is brought, and the court determines that protected information in the administrative record, including classified or other information subject to privilege or protections under any provision of law, is necessary to resolve the civil action, that information shall be submitted ex parte and in camera to the court and the court shall maintain that information under seal. This paragraph does not confer or imply any right to judicial review.

(3) ADMINISTRATIVE RECORD.—

(A) IN GENERAL.—The following information may be included in the administrative record relating to an action or finding described in paragraph (1) and shall be submitted only to the court ex parte and in camera:

(i) Sensitive security information, as defined by section 1520.5 of title 49, Code of Federal Regulations.

(ii) Privileged law enforcement information.

(iii) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(iv) Information subject to privilege or protection under any other provision of law.

(B) TREATMENT CONSISTENT WITH SECTION.—Any information that is part of the administrative record filed ex parte and in camera under subparagraph (A), or cited by the court in any decision in a civil action described in paragraph (1), shall be treated by the court consistent with the provisions of this subsection. In no event shall such information be released to the petitioner or as part of the public record.

(4) NONAPPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply in a civil action challenging an action or finding of the Secretary of Commerce made on the basis of information made available to officials of the Department of Commerce pursuant to this section.

(5) RULE OF CONSTRUCTION CONCERNING RIGHT TO ACCESS.—No provision of this section shall be construed to create a right to obtain access to information in the possession of the Federal Government that was considered in an action or finding of the Secretary of Commerce, including any classified information or sensitive but unclassified information.

(6) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Any information made available to officials of the Department of Commerce pursuant to this section is exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

SEC. 506. REVIEW REGARDING INFORMATION COLLECTION AND ANALYSIS WITH RESPECT TO ECONOMIC COMPETITION.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a review of the requirements and access to commercial information used by elements of the intelligence community for analysis of capital flows, investment security, beneficial ownership of entities, and other transactions and functions related to identifying threats, gaps, and opportunities with respect to economic competition with foreign countries, including the People's Republic of China.

(2) ELEMENTS.—The review required by paragraph (1) shall include the following:

(A) The length and expiration of licenses for access to commercial information.

(B) The number of such licenses permitted for each element of the intelligence community.

(C) The number of such licenses permitted for Federal departments and agencies that are not elements of the intelligence community, including the Department of Commerce.

(b) REPORT; BRIEFING.—

(1) IN GENERAL.—Not later than 60 days after the date on which the review required by subsection (a)(1) is completed, the Director of National Intelligence shall submit a report and provide a briefing to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives on the findings of the review.

(2) ELEMENTS.—The report and briefing required by paragraph (1) shall include the following:

(A) The findings of the review required by subsection (a)(1).

(B) Recommendations of the Director on whether and how the standardization of access to commercial information, the expansion of licenses for such access, the lengthening of license terms beyond 1 year, and the issuance of Government-wide (as opposed to agency-by-agency) licenses would advance the open-source collection and analytical requirements of the intelligence community with respect to economic competition with foreign countries, including the People's Republic of China.

(C) An assessment of cost savings or increases that may result from the standardization described in subparagraph (B).

(3) FORM.—The report and briefing required by paragraph (1) may be classified.

Subtitle B—Next-generation Energy, Biotechnology, and Artificial Intelligence

SEC. 511. EXPANDED ANNUAL ASSESSMENT OF ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 6503(c)(3) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended by adding at the end the following:

''(I) A detailed assessment, prepared in consultation with all elements of the working group—

''(i) of the investments made by the People's Republic of China in—

''(I) artificial intelligence;

''(II) next-generation energy technologies, especially small modular reactors and advanced batteries; and

''(III) biotechnology; and

''(ii) that identifies—

''(I) competitive practices of the People's Republic of China relating to the technologies described in clause (i);

''(II) opportunities to counter the practices described in subclause (I);

''(III) countries the People's Republic of China is targeting for exports of civil nuclear technology;

''(IV) countries best positioned to utilize civil nuclear technologies from the United States in order to facilitate the commercial export of those technologies;

''(V) United States vulnerabilities in the supply chain of these technologies; and

''(VI) opportunities to counter the export by the People's Republic of China of civil nuclear technologies globally.

''(J) An identification and assessment of any unmet resource or authority needs of the working group that affect the ability of the working group to carry out this section.''.

SEC. 512. PROCUREMENT OF PUBLIC UTILITY CONTRACTS.

Subparagraph (B) of section 501(b)(1) of title 40, United States Code, is amended to read as follows:

''(B) PUBLIC UTILITY CONTRACTS.—

''(i) IN GENERAL.—A contract for public utility services may be made—

''(I) except as provided in subclause (II), for a period of not more than 10 years; or

''(II) for an executive agency that is, or has a component that is, an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), for a period of not more than 30 years, if the executive agency determines the extended period is in the best interests of national security.

''(ii) PAYMENT.—The cost of a public utility services contract for any year may be paid from annual appropriations for that year.''.

SEC. 513. ASSESSMENT OF USING CIVIL NUCLEAR ENERGY FOR INTELLIGENCE COMMUNITY CAPABILITIES.

(a) ASSESSMENT REQUIRED.—The Director of National Intelligence shall, in consultation with the heads of such other elements of the intelligence community as the Director considers appropriate, conduct an assessment of capabilities identified by the Intelligence Community Continuity Program established pursuant to section E(3) of Intelligence Community Directive 118, or any successor directive, or such other facilities or capabilities as may be determined by the Director to be critical to United States national security, that have unique energy needs—

(1) to ascertain the feasibility and advisability of using civil nuclear reactors to meet such needs; and

(2) to identify such additional resources, technologies, infrastructure, or authorities needed, or other potential obstacles, to commence use of a nuclear reactor to meet such needs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report, which may be in classified form, on the findings of the Director with respect to the assessment conducted pursuant to subsection (a).

SEC. 514. POLICIES ESTABLISHED BY DIRECTOR OF NATIONAL INTELLIGENCE FOR ARTIFICIAL INTELLIGENCE CAPABILITIES.

(a) IN GENERAL.—Section 6702 of the Intelligence Authorization Act for Fiscal Year 2023 (50 U.S.C. 3334m) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(2) by redesignating subsection (b) as subsection (c); and

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

''(b) POLICIES.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, shall establish the policies described in paragraph (2).

''(2) POLICIES DESCRIBED.—The policies described in this paragraph are policies for the acquisition, adoption, development, use, coordination, and maintenance of artificial intelligence capabilities that—

''(A) establish a lexicon relating to the use of machine learning and artificial intelligence developed or acquired by elements of the intelligence community;

''(B) establish guidelines for evaluating the performance of models developed or acquired by elements of the intelligence community, such as by—

''(i) specifying conditions for the continuous monitoring of artificial intelligence capabilities for performance, including the conditions for retraining or retiring models based on performance;

''(ii) documenting performance objectives, including specifying how performance objectives shall be developed and contractually enforced for capabilities procured from third parties;

''(iii) specifying the manner in which models should be audited, as necessary, including the types of documentation that should be provided to any auditor; and

''(iv) specifying conditions under which models used by elements of the intelligence community should be subject to testing and evaluation for vulnerabilities to techniques meant to undermine the availability, integrity, or privacy of an artificial intelligence capability;

''(C) establish guidelines for tracking dependencies in adjacent systems, capabilities, or processes impacted by the retraining or sunsetting of any model described in subparagraph (B);

''(D) establish documentation requirements for capabilities procured from third parties, aligning such requirements, as necessary, with existing documentation requirements applicable to capabilities developed by elements of the intelligence community and, to the greatest extent possible, with industry standards;

''(E) establish standards for the documentation of imputed, augmented, or synthetic data used to train any model developed, procured, or used by an element of the intelligence community; and

''(F) provide guidance on the acquisition and usage of models that have previously been trained by a third party for subsequent modification and usage by such an element.

''(3) POLICY REVIEW AND REVISION.—The Director of National Intelligence shall periodically review and revise each policy established under paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 6712(b)(1) of such Act (50 U.S.C. 3024 note) is amended by striking ''section 6702(b)'' and inserting ''section 6702(c)''.

SEC. 515. STRATEGY FOR SUBMITTAL OF NOTICE BY PRIVATE PERSONS TO FEDERAL AGENCIES REGARDING CERTAIN RISKS AND THREATS RELATING TO ARTIFICIAL INTELLIGENCE.

(a) FINDINGS.—Congress finds the following:

(1) Artificial intelligence systems demonstrate increased capabilities in the generation of synthetic media and computer programming code, and in areas such as object recognition, natural language processing, biological design, and workflow orchestration.

(2) The growing capabilities of artificial intelligence systems in the areas described in paragraph (1), as well as the greater accessibility of large-scale artificial intelligence models to individuals, businesses, and governments, have dramatically increased the adoption of artificial intelligence products in the United States and globally.

(3) The advanced capabilities of the systems described in paragraph (1), and their accessibility to a wide range of users, have increased the likelihood and effect of misuse or malfunction of these systems, such as to generate synthetic media for disinformation campaigns, develop or refine malware for computer network exploitation activity, design or develop dual-use biological entities such as toxic small molecules, proteins, or pathogenic organisms, enhance surveillance capabilities in ways that undermine the privacy of citizens of the United States, and increase the risk of exploitation or malfunction of information technology systems incorporating artificial intelligence systems in mission-critical fields such as health care, critical infrastructure, and transportation.

(b) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall establish a strategy by which vendors and commercial users of artificial intelligence systems, as well as independent researchers and other third parties, may effectively notify appropriate elements of the United States Government of—

(1) information security risks emanating from artificial intelligence systems, such as the use of an artificial intelligence system to develop or refine malicious software;

(2) information security risks such as indications of compromise or other threat information indicating a compromise to the confidentiality, integrity, or availability of an artificial intelligence system, or to the supply chain of an artificial intelligence system, including training or test data, frameworks, computing environments, or other components necessary for the training, management, or maintenance of an artificial intelligence system;

(3) biosecurity risks emanating from artificial intelligence systems, such as the use of an artificial intelligence system to design, develop, or acquire dual-use biological entities such as putatively toxic small molecules, proteins, or pathogenic organisms;

(4) suspected foreign malign influence (as defined by section 119C of the National Security Act of 1947 (50 U.S.C. 3059(f))) activity that appears to be facilitated by an artificial intelligence system; and

(5) any other unlawful activity facilitated by, or directed at, an artificial intelligence system.

(c) ELEMENTS.—The strategy established pursuant to subsection (b) shall include the following:

(1) An outline of a plan for Federal agencies to engage in industry outreach and public education on the risks posed by, and directed at, artificial intelligence systems.

(2) Use of research and development, stakeholder outreach, and risk management frameworks established pursuant to provisions of law in effect on the day before the date of the enactment of this Act or Federal agency guidelines.

TITLE VI—WHISTLEBLOWER MATTERS

SEC. 601. SUBMITTAL TO CONGRESS OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY.

(a) AMENDMENTS TO CHAPTER 4 OF TITLE 5.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 416 of title 5, United States Code, is amended by adding at the end the following:

''(i) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designees of the Inspector General of the Department of Defense pursuant to subsection (b)(3), shall appoint within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to an employee of their respective establishment, an employee assigned or detailed to such establishment, or an employee of a contractor of such establishment who intends to report to Congress a complaint or information, so that such employee can obtain direction on how to report to Congress in accordance with appropriate security practices.''.

(2) PROCEDURES.—Subsection (e) of such section is amended—

(A) in paragraph (1), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

(B) by amending paragraph (2) to read as follows:

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction directly as described in paragraph (1) of this subsection or in subsection (b)(4) only if the employee—

''(i) before making such a contact, furnishes to the head of the establishment, through the Inspector General (or designee), a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(ii)(I) obtains and follows, from the head of the establishment, through the Inspector General (or designee), procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(II) obtains and follows such procedural direction from the applicable security officer appointed under subsection (i).

''(B) LACK OF PROCEDURAL DIRECTION.—If an employee seeks procedural direction under subparagraph (A)(ii) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagraph.''; and

(C) by redesignating paragraph (3) as paragraph (4); and

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

''(3) COMMITTEE MEMBERS AND STAFF.—An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (b) of such section is amended by adding at the end the following:

''(4) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subject to paragraphs (2) and (3) of subsection (e), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(A) in lieu of reporting such complaint or information under paragraph (1); or

''(B) in addition to reporting such complaint or information under paragraph (1).''.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:

''(5) The Inspector General shall appoint within the Office of the Inspector General security officers as required by section 416(i) of title 5, United States Code.''.

(2) PROCEDURES.—Subparagraph (D) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the congressional intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact a congressional intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows, from the Director, through the Inspector General, procedural direction on how to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 416(i) of title 5, United States Code.

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(I) in lieu of reporting such complaint or information under clause (i); or

''(II) in addition to reporting such complaint or information under clause (i).''.

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

''(I) The Inspector General shall appoint within the Office of the Inspector General security officers as required by section 416(i) of title 5, United States Code.''.

(2) PROCEDURES.—Subparagraph (D) of such section is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows, from the Director, through the Inspector General, procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 416(i) of title 5, United States Code.

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(I) in lieu of reporting such complaint or information under clause (i); or

''(II) in addition to reporting such complaint or information under clause (i).''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code.

SEC. 602. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

(A) in subparagraph (I), by striking ''; or'' and inserting a semicolon;

(B) by redesignating subparagraph (J) as subparagraph (K); and

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

''(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee so as to identify the employee or contractor employee as an employee or contractor employee who has made a lawful disclosure described in subsection (b) or (c); or'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

''(f) PERSONNEL ACTIONS INVOLVING DISCLOSURE OF WHISTLEBLOWER IDENTITY.—A personnel action described in subsection (a)(3)(J) shall not be considered to be in violation of subsection (b) or (c) under the following circumstances:

''(1) The personnel action was taken with the express consent of the employee or contractor employee.

''(2) An Inspector General with oversight responsibility for a covered intelligence community element determines that—

''(A) the personnel action was unavoidable under section 103H(g)(3)(A) of this Act (50 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(3)(A)), section 407(b) of title 5, United States Code, or section 420(b)(2)(B) of such title;

''(B) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

''(C) the personnel action was required by statute or an order from a court of competent jurisdiction.''.

(b) APPLICABILITY TO DETAILEES.—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

''(5) EMPLOYEE.—The term 'employee', with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.''.

(c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DISCLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection (g) of such section, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

''(g) ENFORCEMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section.

''(2) HARMONIZATION WITH OTHER ENFORCEMENT.—To the fullest extent possible, the President shall provide for enforcement of this section in a manner that is consistent with the enforcement of section 2302(b)(8) of title 5, United States Code, especially with respect to policies and procedures used to adjudicate alleged violations of such section.

''(3) PRIVATE RIGHT OF ACTION FOR DISCLOSURES OF WHISTLEBLOWER IDENTITY IN VIOLATION OF PROHIBITION AGAINST REPRISALS.—Subject to paragraph (4), in a case in which an employee of an agency takes a personnel action described in subsection (a)(3)(J) against an employee of a covered intelligence community element as a reprisal in violation of subsection (b) or in a case in which an employee or contractor employee takes a personnel action described in subsection (a)(3)(J) against another contractor employee as a reprisal in violation of subsection (c), the employee or contractor employee against whom the personnel action was taken may, consistent with section 1221 of title 5, United States Code, bring a private action for all appropriate remedies, including injunctive relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contracting agency of the contractor employee who took the personnel action, in a Federal district court of competent jurisdiction.

''(4) REQUIREMENTS.—

''(A) REVIEW BY INSPECTOR GENERAL AND BY EXTERNAL REVIEW PANEL.—Before the employee or contractor employee may bring a

private action under paragraph (3), the employee or contractor employee shall exhaust administrative remedies by—

''(i) first, obtaining a disposition of their claim by requesting review by the appropriate inspector general; and

''(ii) second, if the review under clause (i) does not substantiate reprisal, by submitting to the Inspector General of the Intelligence Community a request for a review of the claim by an external review panel under section 1106.

''(B) PERIOD TO BRING ACTION.—The employee or contractor employee may bring a private right of action under paragraph (3) during the 180-day period beginning on the date on which the employee or contractor employee is notified of the final disposition of their claim under section 1106.''.

SEC. 603. ESTABLISHING PROCESS PARITY FOR ADVERSE SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

''(C) CONTRIBUTING FACTOR.—

''(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

''(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

''(I) the official making the determination knew of the disclosure; and

''(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

''(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.''.

SEC. 604. ELIMINATION OF CAP ON COMPENSATORY DAMAGES FOR RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

Section 3001(j)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)(B)) is amended, in the second sentence, by striking ''not to exceed $300,000''.

SEC. 605. MODIFICATION AND REPEAL OF REPORTING REQUIREMENTS.

(a) MODIFICATION OF FREQUENCY OF WHISTLEBLOWER NOTIFICATIONS TO INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 5334(a) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116–92; 50 U.S.C. 3033 note) is amended by striking ''in real time'' and inserting ''monthly''.

(b) REPEAL OF REQUIREMENT FOR INSPECTORS GENERAL REVIEWS OF ENHANCED PERSONNEL SECURITY PROGRAMS.—

(1) IN GENERAL.—Section 11001 of title 5, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) TECHNICAL CORRECTIONS.—Subsection (d) of section 11001 of such title, as redesignated by paragraph (1)(B), is amended—

(A) in paragraph (3), by adding ''and'' after the semicolon at the end; and

(B) in paragraph (4), by striking ''; and'' and inserting a period.

TITLE VII—CLASSIFICATION REFORM

Subtitle A—Classification Reform Act of 2023

CHAPTER 1—SHORT TITLE; DEFINITIONS

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Classification Reform Act of 2023''.

SEC. 702. DEFINITIONS.

Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended—

(1) in the title heading by striking ''**ACCESS TO CLASSIFIED INFORMATION PROCEDURES**'' and inserting ''**PROTECTION OF NATIONAL SECURITY INFORMATION**'';

(2) in the matter before section 801, by inserting the following:

''Subtitle A—Definitions

''SEC. 800. DEFINITIONS.

''In this title:

''(1) AGENCY.—The term 'agency' means any Executive agency as defined in section 105 of title 5, United States Code, any military department as defined in section 102 of such title, and any other entity in the executive branch of the Federal Government that comes into the possession of classified information.

''(2) AUTHORIZED INVESTIGATIVE AGENCY.—The term 'authorized investigative agency' means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

''(3) CLASSIFY, CLASSIFIED, CLASSIFICATION.—The terms 'classify', 'classified', and 'classification' refer to the process by which information is determined to require protection from unauthorized disclosure pursuant to this title in order to protect the national security of the United States.

''(4) CLASSIFIED INFORMATION.—The term 'classified information' means information that has been classified.

''(5) COMPUTER.—The term 'computer' means any electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.

''(6) CONSUMER REPORTING AGENCY.—The term 'consumer reporting agency' has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a).

''(7) DECLASSIFY, DECLASSIFIED, DECLASSIFICATION.—The terms 'declassify', 'declassified', and 'declassification' refer to the process by which information that has been classified is determined to no longer require protection from unauthorized disclosure pursuant to this title.

''(8) DOCUMENT.—The term 'document' means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

''(9) EMPLOYEE.—The term 'employee' includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government, except as otherwise determined by the President.

''(10) EXECUTIVE AGENT FOR CLASSIFICATION AND DECLASSIFICATION.—The term 'Executive Agent for Classification and Declassification' means the Executive Agent for Classification and Declassification established by section 811(a).

''(11) FINANCIAL AGENCY AND HOLDING COMPANY.—The terms 'financial agency' and 'financial institution' have the meanings given to such terms in section 5312(a) of title 31, United States Code, and the term 'holding company' has the meaning given to such term in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401).

''(12) FOREIGN POWER AND AGENT OF A FOREIGN POWER.—The terms 'foreign power' and 'agent of a foreign power' have the meanings given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(13) INFORMATION.—The term 'information' means any knowledge that can be communicated, or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

''(14) INFORMATION SECURITY OVERSIGHT OFFICE.—The term 'Information Security Oversight Office' means the Information Security Oversight Office established by section 814(a).

''(15) ORIGINAL CLASSIFICATION AUTHORITY.—The term 'original classification authority' means an individual authorized in writing, either by the President, the Vice President, or by agency heads or other officials designated by the President, to classify information in the first instance.

''(16) RECORDS.—The term 'records' means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

''(17) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and any other possession of the United States.

''Subtitle B—Access to Classified Information Procedures''; and

(3) by striking section 805.

CHAPTER 2—GOVERNANCE AND ACCOUNTABILITY FOR REFORM OF THE SECURITY CLASSIFICATION SYSTEM

SEC. 711. EXECUTIVE AGENT FOR CLASSIFICATION AND DECLASSIFICATION.

Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.), as amended by section 702, is further amended by adding at the end the following:

''Subtitle C—Security Classification Governance

''SEC. 811. EXECUTIVE AGENT FOR CLASSIFICATION AND DECLASSIFICATION.

''(a) ESTABLISHMENT.—There is in the executive branch of the Federal Government an Executive Agent for Classification and Declassification who shall be responsible for promoting programs, processes, and systems relating to classification and declassification, including developing technical solutions for automating declassification review and directing resources for such purposes in the Federal Government.

''(b) DESIGNATION.—The Director of National Intelligence shall serve as the Executive Agent for Classification and Declassification.

''(c) DUTIES.—The duties of the Executive Agent for Classification and Declassification are as follows:

''(1) To promote classification and declassification programs, processes, and systems with the goal of ensuring that declassification activities keep pace with classification activities and that classified information is declassified at such time as it no longer meets the standard for classification.

''(2) To promote classification and declassification programs, processes, and systems that ensure secure management of and tracking of classified records.

''(3) To promote the establishment of a federated classification and declassification system to streamline, modernize, and oversee declassification across agencies.

''(4) To direct resources to develop, coordinate, and implement a federated classification and declassification system that includes technologies that automate declassification review and promote consistency in declassification determinations across the executive branch of the Federal Government.

''(5) To work with the Director of the Office of Management and Budget in developing a line item for classification and declassification in each budget of the President that is submitted for a fiscal year under section 1105(a) of title 31, United States Code.

''(6) To identify and support the development of—

''(A) best practices for classification and declassification among agencies; and

''(B) goal-oriented classification and declassification pilot programs.

''(7) To promote and implement technological and automated solutions relating to classification and declassification, with human input as necessary for key policy decisions.

''(8) To promote feasible, sustainable, and interoperable programs and processes to facilitate a federated classification and declassification system.

''(9) To direct the implementation across agencies of the most effective programs and approaches relating to classification and declassification.

''(10) To establish, oversee, and enforce acquisition and contracting policies relating to classification and declassification programs.

''(11) In coordination with the Information Security Oversight Office—

''(A) to issue policies and directives to the heads of agencies relating to directing resources and making technological investments in classification and declassification that include support for a federated system;

''(B) to ensure implementation of the policies and directives issued under subparagraph (A);

''(C) to collect information on classification and declassification practices and policies across agencies, including training, accounting, challenges to effective declassification, and costs associated with classification and declassification;

''(D) to develop policies for ensuring the accuracy of information obtained from Federal agencies; and

''(E) to develop accurate and relevant metrics for judging the success of classification and declassification policies and directives.

''(12) To work with appropriate agencies to oversee the implementation of policies, procedures, and processes governing the submission of materials for pre-publication review by persons obligated to submit materials for such review by the terms of a nondisclosure agreement signed in accordance with Executive Order 12968 (50 U.S.C. 3161 note; relating to access to classified information), or successor order, and to ensure such policies, procedures, and processes—

''(A) include clear and consistent guidance on materials that must be submitted and the mechanisms for making such submissions;

''(B) produce timely and consistent determinations across agencies; and

''(C) incorporate mechanisms for the timely appeal of such determinations.

''(d) CONSULTATION WITH EXECUTIVE COMMITTEE ON CLASSIFICATION AND DECLASSIFICATION PROGRAMS AND TECHNOLOGY.—In making decisions under this section, the Executive Agent for Classification and Declassification shall consult with the Executive Committee on Classification and Declassification Programs and Technology established under section 102(a).

''(e) COORDINATION WITH THE NATIONAL DECLASSIFICATION CENTER.—In implementing a federated classification and declassification system, the Executive Agent for Classification and Declassification shall act in coordination with the National Declassification Center established by section 3.7(a) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order.

''(f) STANDARDS AND DIRECTIVES OF THE INFORMATION SECURITY OVERSIGHT OFFICE.—The programs, policies, and systems promoted by the Executive Agent for Classification and Declassification shall be consistent with the standards and directives established by the Information Security Oversight Office.

''(g) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than the end of the first full fiscal year beginning after the date of the enactment of the Classification Reform Act of 2023 and not less frequently than once each fiscal year thereafter, the Executive Agent for Classification and Declassification shall submit to Congress and make available to the public a report on the implementation of classification and declassification programs and processes in the most recently completed fiscal year.

''(2) COORDINATION.—Each report submitted and made available under paragraph (1) shall be coordinated with the annual report of the Information Security Oversight Office issued pursuant to section 814(d).

''(3) CONTENTS.—Each report submitted and made available under subsection (a) shall include, for the period covered by the report, the following:

''(A) The costs incurred by the Federal Government for classification and declassification.

''(B) A description of information systems of the Federal Government and technology programs, processes, and systems of agencies related to classification and declassification.

''(C) A description of the policies and directives issued by the Executive Agent for Classification and Declassification and other activities of the Executive Agent for Classification and Declassification.

''(D) A description of the challenges posed to agencies in implementing the policies and directives of the Executive Agent for Classification and Declassification as well as relevant implementing policies of the agencies.

''(E) A description of pilot programs and new investments in programs, processes, and systems relating to classification and declassification and metrics of effectiveness for such programs, processes, and systems.

''(F) A description of progress and challenges in achieving the goal described in (c)(1).

''(h) FUNDING.—There are authorized to be appropriated to carry out this section amounts as follows:

''(1) $5,000,000 for fiscal year 2024.

''(2) For fiscal year 2025 and each fiscal year thereafter, such sums as may be necessary to carry out this section.''.

SEC. 712. EXECUTIVE COMMITTEE ON CLASSIFICATION AND DECLASSIFICATION PROGRAMS AND TECHNOLOGY.

Subtitle C of title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.), as added by section 711, is further amended by adding at the end the following:

''SEC. 812. EXECUTIVE COMMITTEE ON CLASSIFICATION AND DECLASSIFICATION PROGRAMS AND TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established a committee to provide direction, advice, and guidance to the Executive Agent for Classification and Declassification on matters relating to classification and declassification programs and technology.

''(b) DESIGNATION.—The committee established by subsection (a) shall be known as the 'Executive Committee on Classification and Declassification Programs and Technology' (in this section referred to as the 'Committee').

''(c) MEMBERSHIP.—

''(1) COMPOSITION.—The Committee shall be composed of the following:

''(A) The Director of National Intelligence.

''(B) The Under Secretary of Defense for Intelligence.

''(C) The Secretary of Energy.

''(D) The Secretary of State.

''(E) The Director of the National Declassification Center.

''(F) The Director of the Information Security Oversight Board.

''(G) The Director of the Office of Management and Budget.

''(H) Such other members as the Executive Agent for Classification and Declassification considers appropriate.

''(2) CHAIRPERSON.—The President shall appoint the chairperson of the Committee.''.

SEC. 713. ADVISORY BODIES FOR EXECUTIVE AGENT FOR CLASSIFICATION AND DECLASSIFICATION.

Subtitle C of title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.), as added by section 711 and amended by section 712, is further amended by adding at the end the following:

''SEC. 813. ADVISORY BODIES FOR EXECUTIVE AGENT FOR CLASSIFICATION AND DECLASSIFICATION.

''The following are hereby advisory bodies for the Executive Agent for Classification and Declassification:

''(1) The Public Interest Declassification Board established by section 703(a) of the Public Interest Declassification Act of 2000 (Public Law 106–567).

''(2) The Office of the Historian of the Department of State.

''(3) The Historical Office of the Secretary of Defense.

''(4) The Office of the Chief Historian of the Central Intelligence Agency.''.

SEC. 714. INFORMATION SECURITY OVERSIGHT OFFICE.

Subtitle C of title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.), as added by section 711 and amended by sections 712 and 713, is further amended by adding at the end the following:

''SEC. 814. INFORMATION SECURITY OVERSIGHT OFFICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is hereby established in the executive branch of the Federal Government an office to ensure the Government protects and provides proper access to information to advance the national and public interest by standardizing and assessing the management of classified and controlled unclassified information through oversight, policy development, guidance, education, and reporting.

''(2) DESIGNATION.—The office established by paragraph (1) shall be known as the 'Information Security Oversight Office' (in this section referred to as the 'Office').

''(b) DIRECTOR.—There is in the Office a director who shall be the head of the Office and who shall be appointed by the President.

''(c) DUTIES.—The duties of the director of the Office, which the director shall carry out in coordination with the Executive Agent for Classification and Declassification, are as follows:

''(1) To develop directives to implement a uniform system across the United States Government for classifying, safeguarding, declassifying, and downgrading of national security information.

''(2) To oversee implementation of such directives by agencies through establishment of strategic goals and objectives and periodic assessment of agency performance vis-à-vis such goals and objectives.

''(d) ANNUAL REPORT.—Each fiscal year, the director of the Office shall submit to Congress a report on the execution of the duties of the director under subsection (c).

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

''(A) $5,000,000 for fiscal year 2024.

''(B) For fiscal year 2025 and each fiscal year thereafter, such sums as may be necessary to carry out this section.

''(2) BUDGET ESTIMATES.—In each budget that the President submits to Congress for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include an estimate of the amounts required to carry out this section in that fiscal year.''.

CHAPTER 3—REDUCING OVERCLASSIFICATION

SEC. 721. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) IN GENERAL.—Title VIII of the National Security Act of 1947, as amended by chapter 2 of this subtitle, is further amended by adding at the end the following:

''Subtitle D—Classification and Declassification

''SEC. 821. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

''(a) IN GENERAL.—The President may, in accordance with this title, protect from unauthorized disclosure any information owned by, produced by or for, or under the control of the executive branch when there is a demonstrable need to do so in order to protect the national security of the United States.

''(b) ESTABLISHMENT OF STANDARDS AND PROCEDURES FOR CLASSIFICATION AND DECLASSIFICATION.—

''(1) GOVERNMENTWIDE PROCEDURES.—

''(A) CLASSIFICATION.—The President shall, to the extent necessary, establish categories of information that may be classified and procedures for classifying information under subsection (a).

''(B) DECLASSIFICATION.—At the same time the President establishes categories and procedures under subparagraph (A), the President shall establish procedures for declassifying information that was previously classified.

''(C) MINIMUM REQUIREMENTS.—The procedures established pursuant to subparagraphs (A) and (B) shall—

''(i) permit the classification of information only in cases in which the information meets the standard set forth in subsection (c) and require the declassification of information that does not meet such standard;

''(ii) provide for no more than two levels of classification;

''(iii) provide for the declassification of information classified under this title in accordance with subsection (d);

''(iv) provide for the automatic declassification of classified records with permanent historical value in accordance with subsection (e); and

''(v) provide for the timely review of materials submitted for pre-publication review in accordance with subsection (g).

''(2) NOTICE AND COMMENT.—

''(A) NOTICE.—The President shall publish in the Federal Register notice regarding the categories and procedures proposed to be established under paragraph (1).

''(B) COMMENT.—The President shall provide an opportunity for interested persons to submit comments on the categories and procedures covered by subparagraph (A).

''(C) DEADLINE.—The President shall complete the establishment of categories and procedures under this subsection not later than 60 days after publishing notice in the Federal Register under subparagraph (A). Upon completion of the establishment of such categories and procedures, the President shall publish in the Federal Register notice regarding such categories and procedures.

''(3) MODIFICATION.—In the event the President determines to modify any categories or procedures established under paragraph (1), subparagraphs (A) and (B) of paragraph (2) shall apply to the modification of such categories or procedures.

''(4) AGENCY STANDARDS AND PROCEDURES.—

''(A) IN GENERAL.—The head of each agency shall establish a single set of consolidated standards and procedures to permit such agency to classify and declassify information created by such agency in accordance with the categories and procedures established by the President under this section and otherwise to carry out this title.

''(B) DEADLINE.—Each agency head shall establish the standards and procedures under subparagraph (A) not later than 60 days after the date on which the President publishes notice under paragraph (2)(C) of the categories and standards established by the President under this subsection.

''(C) SUBMITTAL TO CONGRESS.—Each agency head shall submit to Congress the standards and procedures established by such agency head under this paragraph.

''(c) STANDARD FOR CLASSIFICATION AND DECLASSIFICATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), information may be classified under this title, and classified information under review for declassification under this title may remain classified, only if the harm to national security that might reasonably be expected from disclosure of such information outweighs the public interest in disclosure of such information.

''(2) DEFAULT RULES.—

''(A) DEFAULT WITH RESPECT TO CLASSIFICATION.—In the event of significant doubt as to whether the harm to national security that might reasonably be expected from the disclosure of information would outweigh the public interest in the disclosure of such information, such information shall not be classified.

''(B) DEFAULT WITH RESPECT TO DECLASSIFICATION.—In the event of significant doubt as to whether the harm to national security that might reasonably be expected from the disclosure of information previously classified under this title would outweigh the public interest in the disclosure of such information, such information shall be declassified.

''(3) CRITERIA.—For purposes of this subsection, in determining the harm to national security that might reasonably be expected from disclosure of information, and the public interest in the disclosure of information, the official making the determination shall consider the following:

''(A) With regard to the harm to national security that might reasonably be expected from disclosure of information, whether or not disclosure of the information would—

''(i) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

''(ii) reveal information that would assist in the development or use of weapons of mass destruction;

''(iii) reveal information that would impair United States cryptologic systems or activities;

''(iv) reveal information that would impair the application of state-of-the-art technology within a United States weapons system;

''(v) reveal actual United States military war plans that remain in effect;

''(vi) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

''(vii) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

''(viii) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

''(ix) violate a statute, treaty, or international agreement.

''(B) With regard to the public interest in disclosure of information—

''(i) whether or not disclosure of the information would better enable United States citizens to hold Government officials accountable for their actions and policies;

''(ii) whether or not disclosure of the information would assist the United States criminal justice system in holding persons responsible for criminal acts or acts contrary to the Constitution;

''(iii) whether or not disclosure of the information would assist Congress, or any committee or subcommittee thereof, in carrying out its oversight responsibilities with regard to the executive branch or in adequately informing itself of executive branch policies and activities in order to carry out its legislative responsibilities;

''(iv) whether the disclosure of the information would assist Congress or the public in understanding the interpretation of the Federal Government of a provision of law, including Federal regulations, Presidential directives, statutes, case law, and the Constitution of the United States; or

''(v) whether or not disclosure of the information would bring about any other significant benefit, including an increase in public awareness or understanding of Government activities or an enhancement of Government efficiency.

''(4) WRITTEN JUSTIFICATION FOR CLASSIFICATION.—

''(A) ORIGINAL CLASSIFICATION.—Each agency official who makes a decision to classify information not previously classified shall, at the time of the classification decision—

''(i) identify himself or herself; and

''(ii) provide in writing a detailed justification of that decision.

''(B) DERIVATIVE CLASSIFICATION.—In any case in which an agency official or contractor employee classifies a document on the basis of information previously classified

that is included or referenced in the document, the official or employee, as the case may be, shall—

''(i) identify himself or herself in that document; and

''(ii) use a concise notation, or similar means, to document the basis for that decision.

''(5) CLASSIFICATION PROHIBITIONS AND LIMITATIONS.—

''(A) IN GENERAL.—In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order—

''(i) to conceal violations of law, inefficiency, or administrative error;

''(ii) to prevent embarrassment to a person, organization, or agency;

''(iii) to restrain competition; or

''(iv) to prevent or delay the release of information that does not require protection in the interest of national security.

''(B) BASIC SCIENTIFIC RESEARCH.—Basic scientific research information not clearly related to national security shall not be classified.

''(C) RECLASSIFICATION.—Information may not be reclassified after being declassified and release to the public under proper authority unless personally approved by the President based on a determination that such reclassification is required to prevent significant and demonstrable damage to national security;

''(d) DECLASSIFICATION OF INFORMATION CLASSIFIED UNDER ACT.—

''(1) IN GENERAL.—No information may remain classified indefinitely.

''(2) MAXIMUM PERIOD OF CLASSIFICATION.—Except as provided in paragraphs (3), (4), and (5), information may not remain classified under this title after the date that is 25 years after the date of the original classification of the information.

''(3) EARLIER DECLASSIFICATION.—When classifying information under this title, an agency official may provide for the declassification of the information as of a date or event that is earlier than the date otherwise provided for under paragraph (2).

''(4) LATER DECLASSIFICATION.—When classifying information under this title, an agency official may provide for the declassification of the information on the date that is 50 years after the date of the classification if the head of the agency—

''(A) determines that there is no likely set of circumstances under which declassification would occur within the time otherwise provided for under paragraph (2);

''(B)(i) obtains the concurrence of the director of the Information Security Oversight Office in the determination; or

''(ii) seeks but is unable to obtain concurrence under clause (i), obtains the concurrence of the President; and

''(C) submits to the President a certification of the determination.

''(5) POSTPONEMENT OF DECLASSIFICATION.—

''(A) IN GENERAL.—The declassification of any information or category of information that would otherwise be declassified under paragraph (2) or (4) may be postponed, but only with the personal approval of the President based on a determination that such postponement is required to prevent significant and demonstrable damage to the national security of the United States.

''(B) GENERAL DURATION OF POSTPONEMENT.—Information the declassification of which is postponed under this paragraph may remain classified not longer than 10 years after the date of the postponement, unless such classification is renewed by the President.

''(C) CONGRESSIONAL NOTIFICATION.—Within 30 days of any postponement or renewal of a postponement under this paragraph, the President shall provide written notification to Congress of such postponement or renewal that describes the significant and demonstrable damage to the national security of the United States that justifies such postponement or renewal.

''(6) BASIS FOR DETERMINATIONS.—An agency official making a determination under this subsection with respect to the duration of classification of information, or the declassification of information, shall make the determination required under subsection (c) with respect to classification or declassification in accordance with an assessment of the criteria specified in paragraph (3) of such subsection (c) that is current as of the determination.

''(e) AUTOMATIC DECLASSIFICATION OF CLASSIFIED RECORDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), all classified records that are more than 50 years old and have been determined to have permanent historical value under title 44, United States Code, shall be automatically declassified on December 31 of the year that is 50 years after the date on which the records were created, whether or not the records have been reviewed.

''(2) POSTPONEMENT.—

''(A) AGENCY POSTPONEMENT.—The head of an agency may postpone automatic declassification under paragraph (1) of specific records or information, or renew a period of postponed automatic declassification, if the agency head determines that disclosure of the records or information would clearly and demonstrably be expected—

''(i) to reveal the identity of a confidential human source or a human intelligence source; or

''(ii) to reveal information that would assist in the development, production, or use of weapons of mass destruction.

''(B) PRESIDENTIAL POSTPONEMENT.—The President may postpone automatic declassification under paragraph (1) of specific records or information if the President determines that such postponement is required to prevent significant and demonstrable damage to the national security of the United States.

''(C) GENERAL DURATION OF POSTPONEMENT.—A period of postponement of automatic declassification under this paragraph shall not exceed 10 years after the date of the postponement, unless renewed by the agency head who postponed the automatic declassification or the President.

''(D) CONGRESSIONAL NOTIFICATION.—Within 30 days of any postponement or renewal of a postponement under this paragraph, the President or the head of the agency responsible for the postponement shall provide written notification to Congress of such postponement or renewal that describes the justification for such postponement or renewal.

''(f) DECLASSIFICATION OF CURRENT CLASSIFIED INFORMATION.—

''(1) PROCEDURES.—The President shall establish procedures for declassifying information that was classified before the date of the enactment of the Classification Reform Act of 2023. Such procedures shall, to the maximum extent practicable, be consistent with the provisions of this section.

''(2) AUTOMATIC DECLASSIFICATION.—The procedures established under paragraph (1) shall include procedures for the automatic declassification of information referred to in paragraph (1) that has remained classified for more than 25 years as of such date.

''(3) NOTICE AND COMMENT.—

''(A) NOTICE.—The President shall publish notice in the Federal Register of the procedures proposed to be established under this subsection.

''(B) COMMENT.—The President shall provide an opportunity for interested persons to submit comments on the procedures covered by subparagraph (A).

''(C) DEADLINE.—The President shall complete the establishment of procedures under this subsection not later than 60 days after publishing notice in the Federal Register under subparagraph (A). Upon completion of the establishment of such procedures, the President shall publish in the Federal Register notice regarding such procedures.

''(g) PRE-PUBLICATION REVIEW.—

''(1) IN GENERAL.—The head of each agency that requires personnel to sign a nondisclosure agreement in accordance with Executive Order 12968 (50 U.S.C. 3161 note; relating to access to classified information), or successor order, providing for the submittal of materials for pre-publication review, shall establish a process for the timely review of such materials consistent with the requirements of this title.

''(2) REQUIREMENTS.—Each process established under paragraph (1) shall include the following:

''(A) Clear guidance on materials required to be submitted and the means of submission.

''(B) Mechanisms for ensuring consistent decision making across multiple agencies.

''(C) Mechanisms for appeal of decisions made in the course of the review process.

''(3) CENTRALIZED APPEAL.—The President shall establish a mechanism for centralized appeal of agency decisions made pursuant to this subsection.''.

(b) CONFORMING AMENDMENT TO FOIA.—Section 552(b)(1) of title 5, United States Code, is amended to read as follows:

''(1)(A) specifically authorized to be classified under the title VIII of the National Security Act of 1947, or specifically authorized under criteria established by an Executive order to be kept secret in the interest of national security; and

''(B) are in fact properly classified pursuant to that title or Executive order;''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Section 821 of the National Security Act of 1947, as added by subsection (a), and the amendment made by subsection (b), shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) RELATION TO PRESIDENTIAL DIRECTIVES.—Presidential directives regarding classifying, safeguarding, and declassifying national security information, including Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, in effect on the day before the date of the enactment of this Act, as well as procedures issued pursuant to such Presidential directives, shall remain in effect until superseded by procedures issues pursuant to section 821 of the National Security Act of 1947, as added by subsection (a).

SEC. 722. DECLASSIFICATION WORKING CAPITAL FUNDS.

Subtitle D of title VIII of the National Security Act of 1947, as added by section 721, is amended by adding at the end the following:

''SEC. 822. DECLASSIFICATION WORKING CAPITAL FUNDS.

''(a) DEFINITION OF COVERED AGENCY.—In this section, the term 'covered agency' means an agency that has original classification authority.

''(b) PROGRAMS REQUIRED.—Not later than 90 days after the date of the enactment of the Classification Reform Act of 2023, each head of a covered agency shall establish a program for the automatic declassification of classified records that have permanent historical value.

''(c) ESTIMATES.—Each head of a covered agency shall ensure that the program established by the head pursuant to subsection (b)

includes a mechanism for estimating the number of classified records generated by each subcomponent of the covered agency each fiscal year.

''(d) DECLASSIFICATION WORKING CAPITAL FUNDS.—

''(1) ESTABLISHMENT.—For each covered agency, there is established in the Treasury of the United States a fund to be known as the 'Declassification Working Capital Fund' of the respective covered agency.

''(2) CONTENTS OF FUNDS.—Each fund established under paragraph (1) shall consist of the following:

''(A) Amounts transferred to the fund under subsection (e).

''(B) Amounts appropriated to the fund.

''(3) AVAILABILITY AND USE OF FUNDS.—Subject to the concurrence of the Executive Agent for Classification and Declassification, amounts in a fund of a covered agency established by paragraph (1) shall be available, without fiscal year limitation, to promote and implement technological and automated solutions that are interoperable across covered agencies to support the programs of covered agencies established pursuant to subsection (b).

''(e) TRANSFERS TO THE FUNDS.—Each head of a covered agency shall issue regulations for the covered agency, subject to review and approval by the Executive Agent for Classification and Declassification, that require each subcomponent of the covered agency to transfer, on a periodic basis, to the fund established for the covered agency under subsection (c)(1), an amount for a period that bears the same ratio to the total amount transferred to the fund by all subcomponents of the covered agency for that period as the ratio of—

''(1) the estimate for the subcomponent pursuant to the mechanism required by subsection (c) for that period; bears to

''(2) the aggregate of all of the estimates for all subcomponents of the Executive agency under such mechanism for the same period.''.

SEC. 723. TRANSPARENCY OFFICERS.

Section 1062(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(a)) is amended—

(1) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (4)(C), by striking the period at the end and inserting ''; and'';

(3) by adding at the end the following:

''(5) assist the head of such department, agency, or element and other officials of such department, agency, or element in identifying records of significant public interest and prioritizing appropriate review of such records in order to facilitate the public disclosure of such records in redacted or unredacted form.'';

(4) in paragraph (4), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting such clauses 2 ems to the right;

(5) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs 2 ems to the right;

(6) in the matter before subparagraph (A), as redesignated by paragraph (5), by striking ''The Attorney General'' and inserting the following:

''(1) IN GENERAL.—The Attorney General''; and

(7) by adding at the end the following:

''(2) DETERMINING PUBLIC INTEREST IN DISCLOSURE.—In assisting the head of a department, agency, or element and other officials of such department, agency, or element in identifying records of significant public interest under subparagraph (E) of paragraph (1), a senior officer designated under such paragraph shall consider—

''(A) whether or not disclosure of the information would better enable United States citizens to hold Federal Government officials accountable for their actions and policies;

''(B) whether or not disclosure of the information would assist the United States criminal justice system in holding persons responsible for criminal acts or acts contrary to the Constitution;

''(C) whether or not disclosure of the information would assist Congress, or any committee or subcommittee thereof, in carrying out its oversight responsibilities with regard to the executive branch or in adequately informing itself of executive branch policies and activities in order to carry out its legislative responsibilities;

''(D) whether the disclosure of the information would assist Congress or the public in understanding the interpretation of the Federal Government of a provision of law, including Federal regulations, Presidential directives, statutes, case law, and the Constitution of the United States; or

''(E) whether or not disclosure of the information would bring about any other significant benefit, including an increase in public awareness or understanding of Government activities or an enhancement of Federal Government efficiency.''.

CHAPTER 4—PREVENTING MISHANDLING OF CLASSIFIED INFORMATION

SEC. 731. SECURITY REVIEW OF CERTAIN RECORDS OF THE PRESIDENT AND VICE PRESIDENT.

Title VIII of the National Security Act of 1947, as amended by chapters 2 and 3 of this subtitle, is further amended by adding at the end the following:

''Subtitle E—Protection of Classified Information

''SEC. 831. SECURITY REVIEW OF CERTAIN RECORDS OF THE PRESIDENT AND VICE PRESIDENT.

''(a) DEFINITIONS.—In this section:

''(1) ARCHIVIST, DOCUMENTARY MATERIAL, PRESIDENTIAL RECORDS, PERSONAL RECORDS.—The terms 'Archivist', 'documentary material', 'Presidential records', and 'personal records' have the meanings given such terms in section 2201 of title 44, United States Code.

''(2) COMMINGLED OR UNCATEGORIZED RECORDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'commingled or uncategorized records' means all documentary materials not categorized as Presidential records or personal records upon their creation or receipt and filed separately pursuant to section 2203(d) of title 44, United States Code.

''(B) EXCEPTION.—The term 'commingled or uncategorized records' does not include documentary materials that are—

''(i) official records of an agency (as defined in section 552(f) of title 5, United States Code);

''(ii) stocks of publications and stationery; or

''(iii) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

''(3) OFFICIAL RECORDS OF AN AGENCY.—The term 'official records of an agency' means official records of an agency within the meaning of such terms in section 552 of title 5, United States.

''(b) PRESUMPTION AS PRESIDENTIAL RECORDS.—Commingled or uncategorized records shall be presumed to be Presidential records, unless the President or Vice President—

''(1) categorizes the commingled or uncategorized records as personal records in accordance with subsection (c); or

''(2) determines the commingled or uncategorized records are—

''(A) official records of an agency;

''(B) stocks of publications and stationery; or

''(C) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

''(c) CATEGORIZING COMMINGLED OR UNCATEGORIZED RECORDS AS PERSONAL RECORDS.—At any time during the President or Vice President's term of office, the President or Vice President may categorize commingled or uncategorized records as personal records if—

''(1) the Archivist performs a security review of the commingled or uncategorized records that is reasonably designed to identify records that contain standard markings indicating that records contain classified information;

''(2) the President obtains written confirmation from the Archivist that the review conducted pursuant to paragraph (1) did not identify any records that contain standard markings indicating that records contain classified information or, if such markings were improperly applied, that such markings have been corrected; and

''(3) the President obtains written confirmation from the Archivist that the Archivist is not aware of any other requirement that would preclude categorizing the commingled or uncategorized records as personal records.

''(d) REVIEW OF COMMINGLED OR UNCATEGORIZED RECORDS OF FORMER PRESIDENTS AND VICE PRESIDENTS.—

''(1) REQUESTS FOR REVIEW.—During the 180-day period following the end of the term of office of a former President or Vice President—

''(A) the former President or Vice President may request that the Archivist review the categorization of any commingled or uncategorized records created or received during the term of the former President or Vice President; and

''(B) the Archivist shall perform a security review of the commingled or uncategorized records pursuant to the request.

''(2) ACTIONS UPON COMPLETION OF REVIEW.—If, pursuant to a review under paragraph (1), the Archivist determines that any commingled or uncategorized records reviewed are improperly categorized, the Archivist shall—

''(A) submit to the President a recommendation to correct the categorization of the records; and

''(B) notify the former President or Vice President of that recommendation.''.

SEC. 732. MANDATORY COUNTERINTELLIGENCE RISK ASSESSMENTS.

(a) IN GENERAL.—Subtitle E of title VIII of the National Security Act of 1947, as added by section 731, is amended by adding at the end the following:

''SEC. 832. MANDATORY COUNTERINTELLIGENCE RISK ASSESSMENTS.

''(a) MISHANDLING OR UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION DEFINED.—In this section, the term 'mishandling or unauthorized disclosure of classified information' means any unauthorized storage, retention, communication, confirmation, acknowledgment, or physical transfer of classified information.

''(b) ASSESSMENTS.—The Director of the National Counterintelligence and Security Center shall prepare a written assessment of the risk to national security from any mishandling or unauthorized disclosure of classified information involving the conduct of the President, Vice President, or an official listed in Level I of the Executive Schedule under section 5312 of title 5, United States Code, within 90 days of the detection of such mishandling or unauthorized disclosure.

''(c) DESCRIPTION OF RISKS.—A written assessment prepared pursuant to subsection (b)

shall describe the risk to national security if the classified information were to be exposed in public or to a foreign adversary.

''(d) SUBMITTAL OF ASSESSMENTS.—Each written assessment prepared pursuant to subsection (b) shall be submitted to Congress, in classified form, upon completion.''.

(b) PROSPECTIVE APPLICATION.—Section 832 of such Act, as added by subsection (a), shall apply to incidents of mishandling or unauthorized disclosure of classified information (as defined in such section) detected on or after the date of the enactment of this Act.

SEC. 733. MINIMUM STANDARDS FOR EXECUTIVE AGENCY INSIDER THREAT PROGRAMS.

(a) DEFINITIONS.—In this section, the terms ''agency'' and ''classified information'' have the meanings given such terms in section 800 of the National Security Act of 1947, as added by section 702 of this subtitle.

(b) ESTABLISHMENT OF INSIDER THREAT PROGRAMS.—Each head of an agency with access to classified information shall establish an insider threat program to protect classified information from unauthorized disclosure.

(c) MINIMUM STANDARDS.—In carrying out an insider threat program established by the head of an agency pursuant to subsection (b), the head of the agency shall—

(1) designate a senior official of the agency who shall be responsible for management of the program;

(2) monitor user activity on all classified networks in order to detect activity indicative of insider threat behavior;

(3) build and maintain an insider threat analytic and response capability to review, assess, and respond to information obtained pursuant to paragraph (2); and

(4) provide insider threat awareness training to all cleared employees within 30 days of entry on duty or granting of access to classified information and annually thereafter.

(d) ANNUAL REPORTS.—Not less frequently that once each year, the Director of National Intelligence shall, serving as the Security Executive Agent under section 803 of the National Security Act of 1947 (50 U.S.C. 3162a), submit to Congress an annual report on the compliance of agencies with respect to the requirements of this section.

CHAPTER 5—OTHER MATTERS

SEC. 741. PROHIBITIONS.

(a) WITHHOLDING INFORMATION FROM CONGRESS.—Nothing in this subtitle or an amendment made by this subtitle shall be construed to authorize the withholding of information from Congress.

(b) JUDICIAL REVIEW.—Except in the case of the amendment to section 552 of title 5, United States Code, made by section 721(b), no person may seek or obtain judicial review of any provision of this subtitle or any action taken under a provision of this subtitle.

SEC. 742. CONFORMING AMENDMENT.

Section 804 of the National Security Act of 1947 (50 U.S.C. 3163) is amended by striking ''this title'' and inserting ''sections 801 and 802''.

SEC. 743. CLERICAL AMENDMENT.

The table of contents for the National Security Act of 1947 is amended by striking the items relating to title VIII and inserting the following:

Subtitle B—Sensible Classification Act of 2023

SEC. 751. SHORT TITLE.

This subtitle may be cited as the ''Sensible Classification Act of 2023''.

SEC. 752. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(2) CLASSIFICATION.—The term ''classification'' means the act or process by which information is determined to be classified information.

(3) CLASSIFIED INFORMATION.—The term ''classified information'' means information that has been determined pursuant to Executive Order 12958 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(4) DECLASSIFICATION.—The term ''declassification'' means the authorized change in the status of information from classified information to unclassified information.

(5) DOCUMENT.—The term ''document'' means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

(6) DOWNGRADE.—The term ''downgrade'' means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

(7) INFORMATION.—The term ''information'' means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

(8) ORIGINATE, ORIGINATING, AND ORIGINATED.—The term ''originate'', ''originating'', and ''originated'', with respect to classified information and an authority, means the authority that classified the information in the first instance.

(9) RECORDS.—The term ''records'' means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

(10) SECURITY CLEARANCE.—The term ''security clearance'' means an authorization to access classified information.

(11) UNAUTHORIZED DISCLOSURE.—The term ''unauthorized disclosure'' means a communication or physical transfer of classified information to an unauthorized recipient.

(12) UNCLASSIFIED INFORMATION.—The term ''unclassified information'' means information that is not classified information.

SEC. 753. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to a report released by the Office of the Director of Intelligence in 2020 titled ''Fiscal Year 2019 Annual Report on Security Clearance Determinations'', more than 4,000,000 individuals have been granted eligibility for a security clearance.

(2) At least 1,300,000 of such individuals have been granted access to information classified at the Top Secret level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the classification system of the Federal Government is in urgent need of reform;

(2) the number of people with access to classified information is exceedingly high and must be justified or reduced;

(3) reforms are necessary to reestablish trust between the Federal Government and the people of the United States; and

(4) classification should be limited to the minimum necessary to protect national security while balancing the public's interest in disclosure.

SEC. 754. CLASSIFICATION AUTHORITY.

(a) IN GENERAL.—The authority to classify information originally may be exercised only by—

(1) the President and, in the performance of executive duties, the Vice President;

(2) the head of an agency or an official of any agency authorized by the President pursuant to a designation of such authority in the Federal Register; and

(3) an official of the Federal Government to whom authority to classify information originally has been delegated pursuant to subsection (c).

(b) SCOPE OF AUTHORITY.—An individual authorized by this section to classify information originally at a specified level may also classify the information originally at a lower level.

(c) DELEGATION OF ORIGINAL CLASSIFICATION AUTHORITY.—An official of the Federal Government may be delegated original classification authority subject to the following:

(1) Delegation of original classification authority shall be limited to the minimum required to administer this section. Agency heads shall be responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) Authority to originally classify information at the level designated as ''Top Secret'' may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2).

(3) Authority to originally classify information at the level designated as ''Secret'' or ''Confidential'' may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2), or the senior agency official described in section 5.4(d) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, provided that official has been delegated ''Top Secret'' original classification authority by the agency head.

(4) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as

provided by paragraphs (1), (2), and (3). Each delegation shall identify the official by name or position title.

(d) TRAINING REQUIRED.—

(1) IN GENERAL.—An individual may not be delegated original classification authority under this section unless the individual has first received training described in paragraph (2).

(2) TRAINING DESCRIBED.—Training described in this paragraph is training on original classification that includes instruction on the proper safeguarding of classified information and of the criminal, civil, and administrative sanctions that may be brought against an individual who fails to protect classified information from unauthorized disclosure.

(e) EXCEPTIONAL CASES.—

(1) IN GENERAL.—When an employee, contractor, licensee, certificate holder, or grantee of an agency who does not have original classification authority originates information believed by that employee, contractor, licensee, certificate holder, or grantee to require classification, the information shall be protected in a manner consistent with Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order.

(2) TRANSMITTAL.—An employee, contractor, licensee, certificate holder, or grantee described in paragraph (1), who originates information described in such paragraph, shall promptly transmit such information to—

(A) the agency that has appropriate subject matter interest and classification authority with respect to this information; or

(B) if it is not clear which agency has appropriate subject matter interest and classification authority with respect to the information, the Director of the Information Security Oversight Office.

(3) AGENCY DECISIONS.—An agency that receives information pursuant to paragraph (2)(A) or (4) shall decide within 30 days whether to classify this information.

(4) INFORMATION SECURITY OVERSIGHT OFFICE ACTION.—If the Director of the Information Security Oversight Office receives information under paragraph (2)(B), the Director shall determine the agency having appropriate subject matter interest and classification authority and forward the information, with appropriate recommendations, to that agency for a classification determination.

SEC. 755. PROMOTING EFFICIENT DECLASSIFICATION REVIEW.

(a) IN GENERAL.—Whenever an agency is processing a request pursuant to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') or the mandatory declassification review provisions of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, and identifies responsive classified records that are more than 25 years of age as of December 31 of the year in which the request is received, the head of the agency shall review the record and process the record for declassification and release by the National Declassification Center of the National Archives and Records Administration.

(b) APPLICATION.—Subsection (a) shall apply—

(1) regardless of whether or not the record described in such subsection is in the legal custody of the National Archives and Records Administration; and

(2) without regard for any other provisions of law or existing agreements or practices between agencies.

SEC. 756. TRAINING TO PROMOTE SENSIBLE CLASSIFICATION.

(a) DEFINITIONS.—In this section:

(1) OVER-CLASSIFICATION.—The term ''over-classification'' means classification at a level that exceeds the minimum level of classification that is sufficient to protect the national security of the United States.

(2) SENSIBLE CLASSIFICATION.—The term ''sensible classification'' means classification at a level that is the minimum level of classification that is sufficient to protect the national security of the United States.

(b) TRAINING REQUIRED.—Each head of an agency with classification authority shall conduct training for employees of the agency with classification authority to discourage over-classification and to promote sensible classification.

SEC. 757. IMPROVEMENTS TO PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 703 of the Public Interest Declassification Act of 2000 (50 U.S.C. 3355a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) A member of the Board whose term has expired may continue to serve until a successor is appointed and sworn in.''; and

(2) in subsection (f)—

(A) by inserting ''(1)'' before ''Any employee''; and

(B) by adding at the end the following:

''(2)(A) In addition to any employees detailed to the Board under paragraph (1), the Board may hire not more than 12 staff members.

''(B) There are authorized to be appropriated to carry out subparagraph (A) such sums as are necessary for fiscal year 2024 and each fiscal year thereafter.''.

SEC. 758. IMPLEMENTATION OF TECHNOLOGY FOR CLASSIFICATION AND DECLASSIFICATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Office of Electronic Government (in this section referred to as the ''Administrator'') shall, in consultation with the Secretary of Defense, the Director of the Central Intelligence Agency, the Director of National Intelligence, the Public Interest Declassification Board, the Director of the Information Security Oversight Office, and the head of the National Declassification Center of the National Archives and Records Administration—

(1) research a technology-based solution—

(A) utilizing machine learning and artificial intelligence to support efficient and effective systems for classification and declassification; and

(B) to be implemented on an interoperable and federated basis across the Federal Government; and

(2) submit to the President a recommendation regarding a technology-based solution described in paragraph (1) that should be adopted by the Federal Government.

(b) STAFF.—The Administrator may hire sufficient staff to carry out subsection (a).

(c) REPORT.—Not later than 540 days after the date of the enactment of this Act, the President shall submit to Congress a classified report on the technology-based solution recommended by the Administrator under subsection (a)(2) and the President's decision regarding its adoption.

SEC. 759. STUDIES AND RECOMMENDATIONS ON NECESSITY OF SECURITY CLEARANCES.

(a) AGENCY STUDIES ON NECESSITY OF SECURITY CLEARANCES.—

(1) STUDIES REQUIRED.—The head of each agency that grants security clearances to personnel of such agency shall conduct a study on the necessity of such clearances.

(2) REPORTS REQUIRED.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each head of an agency that conducts a study under paragraph (1) shall submit to Congress a report on the findings of the agency head with respect to such study, which the agency head may classify as appropriate.

(B) REQUIRED ELEMENTS.—Each report submitted by the head of an agency under subparagraph (A) shall include, for such agency, the following:

(i) The number of personnel eligible for access to information up to the ''Top Secret'' level.

(ii) The number of personnel eligible for access to information up to the ''Secret'' level.

(iii) Information on any reduction in the number of personnel eligible for access to classified information based on the study conducted under paragraph (1).

(iv) A description of how the agency head will ensure that the number of security clearances granted by such agency will be kept to the minimum required for the conduct of agency functions, commensurate with the size, needs, and mission of the agency.

(3) INDUSTRY.—This subsection shall apply to the Secretary of Defense in the Secretary's capacity as the Executive Agent for the National Industrial Security Program, and the Secretary shall treat contractors, licensees, and grantees as personnel of the Department of Defense for purposes of the studies and reports required by this subsection.

(b) DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF SENSITIVE COMPARTMENTED INFORMATION.—The Director of National Intelligence shall—

(1) review the number of personnel eligible for access to sensitive compartmented information; and

(2) submit to Congress a report on how the Director will ensure that the number of such personnel is limited to the minimum required.

(c) AGENCY REVIEW OF SPECIAL ACCESS PROGRAMS.—Each head of an agency who is authorized to establish a special access program by Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, shall—

(1) review the number of personnel of the agency eligible for access to such special access programs; and

(2) submit to Congress a report on how the agency head will ensure that the number of such personnel is limited to the minimum required.

(d) SECRETARY OF ENERGY REVIEW OF Q AND L CLEARANCES.—The Secretary of Energy shall—

(1) review the number of personnel of the Department of Energy granted Q and L access; and

(2) submit to Congress a report on how the Secretary will ensure that the number of such personnel is limited to the minimum required

(e) INDEPENDENT REVIEWS.—Not later than 180 days after the date on which a study is completed under subsection (a) or a review is completed under subsections (b) through (d), the Director of the Information Security Oversight Office of the National Archives and Records Administration, the Director of National Intelligence, and the Public Interest Declassification Board shall each review the study or review, as the case may be.

TITLE VIII—SECURITY CLEARANCE AND TRUSTED WORKFORCE

SEC. 801. REVIEW OF SHARED INFORMATION TECHNOLOGY SERVICES FOR PERSONNEL VETTING.

Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and

the Committee on Armed Services of the House of Representatives a review of the extent to which the intelligence community can use information technology services shared among the intelligence community for purposes of personnel vetting, including with respect to human resources, suitability, and security.

SEC. 802. TIMELINESS STANDARD FOR RENDERING DETERMINATIONS OF TRUST FOR PERSONNEL VETTING.

(a) TIMELINESS STANDARD.—

(1) IN GENERAL.—The President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent, establish and publish in the Federal Register new timeliness performance standards for processing personnel vetting trust determinations in accordance with the Federal personnel vetting performance management standards.

(2) QUINQUENNIAL REVIEWS.—Not less frequently than once every 5 years, the President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent—

(A) review the standards established pursuant to paragraph (1); and

(B) pursuant to such review—

(i) update such standards as the President considers appropriate; and

(ii) publish in the Federal Register such updates as may be made pursuant to clause (i).

(3) CONFORMING AMENDMENT.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by striking subsection (g).

(b) QUARTERLY REPORTS ON IMPLEMENTATION.—

(1) IN GENERAL.—Not less frequently than quarterly, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly make available to the public a quarterly report on the compliance of Executive agencies (as defined in section 105 of title 5, United States Code) with the standards established pursuant to subsection (a).

(2) DISAGGREGATION.—Each report made available pursuant to paragraph (1) shall disaggregate data by appropriate category of personnel risk and between Government and contractor personnel.

(c) COMPLEMENTARY STANDARDS FOR INTELLIGENCE COMMUNITY.—The Director of National Intelligence may, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information) establish for the intelligence community standards complementary to those established pursuant to subsection (a).

SEC. 803. ANNUAL REPORT ON PERSONNEL VETTING TRUST DETERMINATIONS.

(a) DEFINITION OF PERSONNEL VETTING TRUST DETERMINATION.—In this section, the term ''personnel vetting trust determination'' means any determination made by an executive branch agency as to whether an individual can be trusted to perform job functions or to be granted access necessary for a position.

(b) ANNUAL REPORT.—Not later than March 30, 2024, and annually thereafter for 5 years, the Director of National Intelligence, acting as the Security Executive Agent, and the Director of the Office of Personnel Management, acting as the Suitability and Credentialing Executive Agent, in coordination with the Security, Suitability, and Credentialing Performance Accountability Council, shall jointly make available to the public a report on specific types of personnel vetting trust determinations made during the fiscal year preceding the fiscal year in which the report is made available, disaggregated by the following:

(1) Determinations of eligibility for national security-sensitive positions, separately noting—

(A) the number of individuals granted access to national security information; and

(B) the number of individuals determined to be eligible for but not granted access to national security information.

(2) Determinations of suitability or fitness for a public trust position.

(3) Status as a Government employee, a contractor employee, or other category.

(c) ELIMINATION OF REPORT REQUIREMENT.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by striking subsection (h).

SEC. 804. SURVEY TO ASSESS STRENGTHS AND WEAKNESSES OF TRUSTED WORKFORCE 2.0.

Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter until 2029, the Comptroller General of the United States shall administer a survey to such sample of Federal agencies, Federal contractors, and other persons that require security clearances to access classified information as the Comptroller General considers appropriate to assess—

(1) the strengths and weaknesses of the implementation of the Trusted Workforce 2.0 initiative; and

(2) the effectiveness of vetting Federal personnel while managing risk during the onboarding of such personnel.

SEC. 805. PROHIBITION ON DENIAL OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION SOLELY BECAUSE OF PAST USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term ''cannabis'' has the meaning given the term ''marihuana'' in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ''eligibility for access to classified information'' has the meaning given the term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(b) PROHIBITION.—Notwithstanding any other provision of law, the head of an element of the intelligence community may not make a determination to deny eligibility for access to classified information to an individual based solely on the use of cannabis by the individual prior to the submission of the application for a security clearance by the individual.

TITLE IX—ANOMALOUS HEALTH INCIDENTS

SEC. 901. IMPROVED FUNDING FLEXIBILITY FOR PAYMENTS MADE BY THE CENTRAL INTELLIGENCE AGENCY FOR QUALIFYING INJURIES TO THE BRAIN.

Section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) FUNDING.—

''(A) IN GENERAL.—Payment under paragraph (2) in a fiscal year may be made using any funds—

''(i) appropriated in advance specifically for payments under such paragraph; or

''(ii) reprogrammed in accordance with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

''(B) BUDGET.—For each fiscal year, the Director shall include with the budget justification materials submitted to Congress in support of the budget of the President for that fiscal year pursuant to section 1105(a) of title 31, United States Code, an estimate of the funds required in that fiscal year to make payments under paragraph (2).''.

SEC. 902. CLARIFICATION OF REQUIREMENTS TO SEEK CERTAIN BENEFITS RELATING TO INJURIES TO THE BRAIN.

(a) IN GENERAL.—Section 19A(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)(5)) is amended—

(1) by striking ''Payments made'' and inserting the following:

''(A) IN GENERAL.—Payments made''; and

(2) by adding at the end the following:

''(B) RELATION TO CERTAIN FEDERAL WORKERS COMPENSATION LAWS.—Without regard to the requirements in sections (b) and (c), covered employees need not first seek benefits provided under chapter 81 of title 5, United States Code, to be eligible solely for payment authorized under paragraph (2) of this subsection.''.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) revise applicable regulations to conform with the amendment made by subsection (a); and

(2) submit to the congressional intelligence committees copies of such regulations, as revised pursuant to paragraph (1).

SEC. 903. INTELLIGENCE COMMUNITY IMPLEMENTATION OF HAVANA ACT OF 2021 AUTHORITIES.

(a) REGULATIONS.—Except as provided in subsection (c), not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community that has not already done so shall—

(1) issue regulations and procedures to implement the authorities provided by section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) and section 901(i) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)) to provide payments under such sections, to the degree that such authorities are applicable to the head of the element; and

(2) submit to the congressional intelligence committees copies of such regulations.

(b) REPORTING.—Not later than 210 days after the date of the enactment of this Act, each head of an element of the intelligence community shall submit to the congressional intelligence committees a report on—

(1) the estimated number of individuals associated with their element that may be eligible for payment under the authorities described in subsection (a)(1);

(2) an estimate of the obligation that the head of the intelligence community element expects to incur in fiscal year 2025 as a result of establishing the regulations pursuant to subsection (a)(1); and

(3) any perceived barriers or concerns in implementing such authorities.

(c) ALTERNATIVE REPORTING.—Not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community (other than the Director of the Central Intelligence Agency) who believes that the authorities described in subsection (a)(1) are not currently relevant for individuals associated with their element, or who are not otherwise in position to issue the regulations and procedures required by subsection (a)(1) shall provide written and detailed justification to the congressional intelligence committees to explain this position.

SEC. 904. REPORT AND BRIEFING ON CENTRAL INTELLIGENCE AGENCY HANDLING OF ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Central Intelligence Agency.

(2) QUALIFYING INJURY.—The term ''qualifying injury'' has the meaning given such term in section 19A(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)(1)).

(b) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the handling of anomalous health incidents by the Agency.

(c) CONTENTS.—The report required by subsection (b) shall include the following:

(1) HAVANA ACT IMPLEMENTATION.—

(A) An explanation of how the Agency determines whether a reported anomalous health incident resulted in a qualifying injury or a qualifying injury to the brain.

(B) The number of participants of the Expanded Care Program of the Central Intelligence Agency who—

(i) have a certified qualifying injury or a certified qualifying injury to the brain; and

(ii) as of September 30, 2023, applied to the Expanded Care Program due to a reported anomalous health incident.

(C) A comparison of the number of anomalous health incidents reported by applicants to the Expanded Care Program that occurred in the United States and that occurred in a foreign country.

(D) The specific reason each applicant was approved or denied for payment under the Expanded Care Program.

(E) The number of applicants who were initially denied payment but were later approved on appeal.

(F) The average length of time, from the time of application, for an applicant to receive a determination from the Expanded Care Program, aggregated by qualifying injuries and qualifying injuries to the brain.

(2) PRIORITY CASES.—

(A) A detailed list of priority cases of anomalous health incidents, including, for each incident, locations, dates, times, and circumstances.

(B) For each priority case listed in accordance with subparagraph (A), a detailed explanation of each credible alternative explanation that the Agency assigned to the incident, including—

(i) how the incident was discovered;

(ii) how the incident was assigned within the Agency; and

(iii) whether an individual affected by the incident is provided an opportunity to appeal the credible alternative explanation.

(C) For each priority case of an anomalous health incident determined to be largely consistent with the definition of ''anomalous health incident'' established by the National Academy of Sciences and for which the Agency does not have a credible alternative explanation, a detailed description of such case.

(3) ANOMALOUS HEALTH INCIDENT SENSORS.—

(A) A list of all types of sensors that the Agency has developed or deployed with respect to reports of anomalous health incidents, including, for each type of sensor, the deployment location, the date and the duration of the employment of such type of sensor, and, if applicable, the reason for removal.

(B) A list of entities to which the Agency has provided unrestricted access to data associated with anomalous health incidents.

(C) A list of requests for support the Agency has received from elements of the Federal Government regarding sensor development, testing, or deployment, and a description of the support provided in each case.

(D) A description of all emitter signatures obtained by sensors associated with anomalous health incidents in Agency holdings since 2016, including—

(i) the identification of any of such emitters that the Agency prioritizes as a threat; and

(ii) an explanation of such prioritization.

(d) ADDITIONAL SUBMISSIONS.—Concurrent with the submission of the report required by subsection (b), the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees—

(1) a template of each form required to apply for the Expanded Care Program, including with respect to payments for a qualifying injury or a qualifying injury to the brain;

(2) copies of internal guidance used by the Agency to adjudicate claims for the Expanded Care Program, including with respect to payments for a qualifying injury to the brain;

(3) the case file of each applicant to the Expanded Care Program who applied due to a reported anomalous health incident, including supporting medical documentation, with name and other identifying information redacted;

(4) copies of all informational and instructional materials provided to employees of and other individuals affiliated with the Agency with respect to applying for the Expanded Care Program; and

(5) copies of Agency guidance provided to employees of and other individuals affiliated with the Agency with respect to reporting and responding to a suspected anomalous health incident, and the roles and responsibilities of each element of the Agency tasked with responding to a report of an anomalous health incident.

(e) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall brief the congressional intelligence committees on the report.

TITLE X—ELECTION SECURITY

SEC. 1001. STRENGTHENING ELECTION CYBERSECURITY TO UPHOLD RESPECT FOR ELECTIONS THROUGH INDEPENDENT TESTING ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''Strengthening Election Cybersecurity to Uphold Respect for Elections through Independent Testing Act of 2023'' or the ''SECURE IT Act of 2023''.

(b) REQUIRING PENETRATION TESTING AS PART OF THE TESTING AND CERTIFICATION OF VOTING SYSTEMS.—Section 231 of the Help America Vote Act of 2002 (52 U.S.C. 20971) is amended by adding at the end the following new subsection:

''(e) REQUIRED PENETRATION TESTING.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall provide for the conduct of penetration testing as part of the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section.

''(2) ACCREDITATION.—The Director of the National Institute of Standards and Technology shall recommend to the Commission entities the Director proposes be accredited to carry out penetration testing under this subsection and certify compliance with the penetration testing-related guidelines required by this subsection. The Commission shall vote on the accreditation of any entity recommended. The requirements for such accreditation shall be a subset of the requirements for accreditation of laboratories under subsection (b) and shall only be based on consideration of an entity's competence to conduct penetration testing under this subsection.''.

(c) INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PROGRAM FOR ELECTION SYSTEMS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

''PART 7—INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PILOT PROGRAM FOR ELECTION SYSTEMS

''SEC. 297. INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PILOT PROGRAM FOR ELECTION SYSTEMS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Commission, in consultation with the Secretary, shall establish an Independent Security Testing and Coordinated Vulnerability Disclosure Pilot Program for Election Systems (VDP–E) (in this section referred to as the 'program') in order to test for and disclose cybersecurity vulnerabilities in election systems.

''(2) DURATION.—The program shall be conducted for a period of 5 years.

''(3) REQUIREMENTS.—In carrying out the program, the Commission, in consultation with the Secretary, shall—

''(A) establish a mechanism by which an election systems vendor may make their election system (including voting machines and source code) available to cybersecurity researchers participating in the program;

''(B) provide for the vetting of cybersecurity researchers prior to their participation in the program, including the conduct of background checks;

''(C) establish terms of participation that—

''(i) describe the scope of testing permitted under the program;

''(ii) require researchers to—

''(I) notify the vendor, the Commission, and the Secretary of any cybersecurity vulnerability they identify with respect to an election system; and

''(II) otherwise keep such vulnerability confidential for 180 days after such notification;

''(iii) require the good-faith participation of all participants in the program;

''(iv) require an election system vendor, after receiving notification of a critical or high vulnerability (as defined by the National Institute of Standards and Technology) in an election system of the vendor, to—

''(I) send a patch or propound some other fix or mitigation for such vulnerability to the appropriate State and local election officials, in consultation with the researcher who discovered it; and

''(II) notify the Commission and the Secretary that such patch has been sent to such officials;

''(D) in the case where a patch or fix to address a vulnerability disclosed under subparagraph (C)(ii)(I) is intended to be applied to a system certified by the Commission, provide—

''(i) for the expedited review of such patch or fix within 90 days after receipt by the Commission; and

''(ii) if such review is not completed by the last day of such 90-day period, that such patch or fix shall be deemed to be certified by the Commission; and

''(E) 180 days after the disclosure of a vulnerability under subparagraph (C)(ii)(I), notify the Director of the Cybersecurity and Infrastructure Security Agency of the vulnerability for inclusion in the database of Common Vulnerabilities and Exposures.

''(4) VOLUNTARY PARTICIPATION; SAFE HARBOR.—

''(A) VOLUNTARY PARTICIPATION.—Participation in the program shall be voluntary for election systems vendors and researchers.

''(B) SAFE HARBOR.—When conducting research under this program, such research and subsequent publication shall be considered to be:

''(i) Authorized in accordance with section 1030 of title 18, United States Code (commonly known as the 'Computer Fraud and Abuse Act'), (and similar state laws), and the election system vendor will not initiate or support legal action against the researcher for accidental, good-faith violations of the program.

''(ii) Exempt from the anti-circumvention rule of section 1201 of title 17, United States Code (commonly known as the 'Digital Millennium Copyright Act'), and the election system vendor will not bring a claim against a researcher for circumvention of technology controls.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or otherwise affect any exception to the general prohibition against the circumvention of technological measures under subparagraph (A) of section 1201(a)(1) of title 17, United States Code, including with respect to any use that is excepted from that general prohibition by the Librarian of Congress under subparagraphs (B) through (D) of such section 1201(a)(1).

''(5) EXEMPT FROM DISCLOSURE.—Cybersecurity vulnerabilities discovered under the program shall be exempt from section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').

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

''(A) CYBERSECURITY VULNERABILITY.—The term 'cybersecurity vulnerability' means, with respect to an election system, any security vulnerability that affects the election system.

''(B) ELECTION INFRASTRUCTURE.—The term 'election infrastructure' means—

''(i) storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office; and

''(ii) related information and communications technology, including—

''(I) voter registration databases;

''(II) election management systems;

''(III) voting machines;

''(IV) electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results); and

''(V) other systems used to manage the election process and to report and display election results on behalf of an election agency.

''(C) ELECTION SYSTEM.—The term 'election system' means any information system that is part of an election infrastructure, including any related information and communications technology described in subparagraph (B)(ii).

''(D) ELECTION SYSTEM VENDOR.—The term 'election system vendor' means any person providing, supporting, or maintaining an election system on behalf of a State or local election official.

''(E) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

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

''(G) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

''PART 7—INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PROGRAM FOR ELECTION SYSTEMS

''Sec. 297. Independent security testing and coordinated cybersecurity vulnerability disclosure program for election systems.''.

SEC. 1002. PROTECTING BALLOT MEASURES FROM FOREIGN INFLUENCE ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''Protecting Ballot Measures from Foreign Influence Act of 2023''.

(b) IN GENERAL.—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended by inserting '', or a State or local ballot initiative or ballot referendum'' after ''election''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply with respect to contributions and donations made on or after the date of enactment of this Act.

TITLE XI—OTHER MATTERS

SEC. 1101. MODIFICATION OF REPORTING REQUIREMENT FOR ALL-DOMAIN ANOMALY RESOLUTION OFFICE.

Section 1683(k)(1) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(k)(1)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263), is amended—

(1) in the heading, by striking ''DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE'' and inserting ''ALL-DOMAIN ANOMALY RESOLUTION OFFICE''; and

(2) in subparagraph (A), by striking ''Director of National Intelligence and the Secretary of Defense shall jointly'' and inserting ''Director of the Office shall''.

SEC. 1102. FUNDING LIMITATIONS RELATING TO UNIDENTIFIED ANOMALOUS PHENOMENA.

(a) DEFINITIONS.—In this section:

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

(A) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) DIRECTOR.—The term ''Director'' means the Director of the All-domain Anomaly Resolution Office.

(4) UNIDENTIFIED ANOMALOUS PHENOMENA.—The term ''unidentified anomalous phenomena'' has the meaning given such term in section 1683(n) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(n)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263).

(b) SENSE OF CONGRESS.—It is the sense of Congress that, due to the increasing potential for technology surprise from foreign adversaries and to ensure sufficient integration across the United States industrial base and avoid technology and security stovepipes—

(1) the United States industrial base must retain its global lead in critical advanced technologies; and

(2) the Federal Government must expand awareness about any historical exotic technology antecedents previously provided by the Federal Government for research and development purposes.

(c) LIMITATIONS.—No amount authorized to be appropriated by this Act may be obligated or expended, directly or indirectly, in part or in whole, for, on, in relation to, or in support of activities involving unidentified anomalous phenomena protected under any form of special access or restricted access limitations that have not been formally, officially, explicitly, and specifically described, explained, and justified to the appropriate committees of Congress, congressional leadership, and the Director, including for any activities relating to the following:

(1) Recruiting, employing, training, equipping, and operations of, and providing security for, government or contractor personnel with a primary, secondary, or contingency mission of capturing, recovering, and securing unidentified anomalous phenomena craft or pieces and components of such craft.

(2) Analyzing such craft or pieces or components thereof, including for the purpose of determining properties, material composition, method of manufacture, origin, characteristics, usage and application, performance, operational modalities, or reverse engineering of such craft or component technology.

(3) Managing and providing security for protecting activities and information relating to unidentified anomalous phenomena from disclosure or compromise.

(4) Actions relating to reverse engineering or replicating unidentified anomalous phenomena technology or performance based on analysis of materials or sensor and observational information associated with unidentified anomalous phenomena.

(5) The development of propulsion technology, or aerospace craft that uses propulsion technology, systems, or subsystems, that is based on or derived from or inspired by inspection, analysis, or reverse engineering of recovered unidentified anomalous phenomena craft or materials.

(6) Any aerospace craft that uses propulsion technology other than chemical propellants, solar power, or electric ion thrust.

(d) NOTIFICATION AND REPORTING.—Any person currently or formerly under contract with the Federal Government that has in their possession material or information provided by or derived from the Federal Government relating to unidentified anomalous phenomena that formerly or currently is protected by any form of special access or restricted access shall—

(1) not later than 60 days after the date of the enactment of this Act, notify the Director of such possession; and

(2) not later than 180 days after the date of the enactment of this Act, make available to the Director for assessment, analysis, and inspection—

(A) all such material and information; and

(B) a comprehensive list of all non-earth origin or exotic unidentified anomalous phenomena material.

(e) LIABILITY.—No criminal or civil action may lie or be maintained in any Federal or State court against any person for receiving material or information described in subsection (d) if that person complies with the notification and reporting provisions described in such subsection.

(f) LIMITATION REGARDING INDEPENDENT RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Consistent with Department of Defense Instruction Number 3204.01 (dated August 20, 2014, incorporating change 2, dated July 9, 2020; relating to Department policy for oversight of independent research and development), independent research and development funding relating to material or information described in subsection (c) shall

not be allowable as indirect expenses for purposes of contracts covered by such instruction, unless such material and information is made available to the Director in accordance with subsection (d).

(2) EFFECTIVE DATE AND APPLICABILITY.—Paragraph (1) shall take effect on the date that is 60 days after the date of the enactment of this Act and shall apply with respect to funding from amounts appropriated before, on, or after such date.

(g) NOTICE TO CONGRESS.—Not later than 30 days after the date on which the Director has received a notification under paragraph (1) of subsection (d) or information or material under paragraph (2) of such subsection, the Director shall provide written notification of such receipt to the appropriate committees of Congress and congressional leadership.

SA 667. Ms. ERNST (for herself, Ms. ROSEN, and Ms. DUCKWORTH) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. CREDIT FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO SERVED IN FEMALE CULTURAL SUPPORT TEAMS.

(a) FINDINGS.—Congress finds the following:

(1) In 2010, the Commander of United States Special Operations Command established the Cultural Support Team Program to overcome significant intelligence gaps during the Global War on Terror.

(2) From 2010 through 2021, approximately 310 female members, from every Armed Force, passed and were selected as members of female cultural support teams, and deployed with special operations forces.

(3) Members of female cultural support teams served honorably, demonstrated commendable courage, overcame such intelligence gaps, engaged in direct action, and suffered casualties during the Global War on Terror.

(4) The Federal Government has a duty to recognize members and veterans of female cultural support teams who volunteered to join the Armed Forces, to undergo arduous training for covered service, and to execute dangerous and classified missions in the course of such covered service.

(5) Members who performed covered service have sought treatment from the Department of Veterans Affairs for traumatic brain injuries, post-traumatic stress, and disabling physical trauma incurred in the course of such covered service, but have been denied such care.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that individuals who performed covered service performed exceptional service to the United States.

(c) MILITARY SERVICE: RECORDS; CALCULATION OF RETIRED PAY.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall—

(1) ensure that the performance of covered service is included in—

(A) the military service record of each individual who performed covered service; and

(B) the computation of retired pay for each individual who performed covered service; and

(2) transmit to the Secretary of Veterans Affairs a list of each veteran who performed covered service whose military service record was modified pursuant to paragraph (1).

(d) CLAIMS FOR VETERANS BENEFITS ARISING FROM COVERED SERVICE.—

(1) DETERMINATION OF SERVICE CONNECTION.—Upon the filing of a claim by an individual described in paragraph (3)(C) for service-connected disability or death incurred or aggravated in the course of covered service, the Secretary of Veterans Affairs shall treat such claims as claims based on participation in special operations incidents (as defined in section A of chapter 9 of subpart IV of part VIII of the M21–1 Manual of the Department, or successor).

(2) TREATMENT OF COVERED SERVICE.—In the consideration of a claim under this subsection, the Secretary shall treat covered service as special operations (as defined in section A of chapter 9 of subpart IV of part VIII of the M21–1 Manual of the Department, or successor).

(3) EFFECTIVE DATE OF AWARD.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the effective date of an award under this subsection shall be determined in accordance with section 5110 of title 38, United States Code.

(B) EXCEPTION.—Notwithstanding subsection (g) of such section, the Secretary shall determine the effective date of an award based on a claim under this subsection for an individual described in subparagraph (C) by treating the date on which the individual filed the initial claim specified in clause (i) of such subparagraph as the date on which the individual filed the claim so awarded under this section.

(C) ELIGIBLE INDIVIDUALS.—An individual described in this subparagraph is an individual who performed covered service, or a survivor of such an individual—

(i) who, before the date of the enactment of this Act, submitted a claim for service-connected disability or death of such individual;

(ii) whose such claim was denied by reason of the claim not establishing that the disability or death was service-connected;

(iii) who submits a claim during the period of three years beginning on the date of the enactment of this Act, for the same condition covered by the prior claim under clause; and

(iv) whose such claim is approved pursuant to this subsection.

(4) PROCESSING OF CLAIMS.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall improve training and guidance for employees who may process a claim under this subsection.

(5) OUTREACH.—

(A) IN GENERAL.—The Secretary shall conduct outreach to inform individuals who performed covered service (and survivors of such individuals) that they may submit supplemental claims for service-connected disability or death incurred or aggravated in the course of covered service.

(B) ELEMENTS.—Outreach conducted pursuant to subparagraph (A) shall include the following:

(i) Contact individuals described in subparagraph (A), especially individuals who are veterans included in the list transmitted pursuant to subsection (c)(2) and survivors of such veterans, directly to inform them of the treatment of covered service described in subsection (d)(2) and that they may submit supplemental claims as described in such subparagraph.

(ii) Publishing on the internet website of the Department a notice that such individuals may elect to file a supplemental claim.

(iii) Notifying, in writing or by electronic means, veterans service organizations of the ability of such individuals to file a supplemental claim.

(e) DEFINITIONS.—In this section:

(1) COVERED SERVICE.—The term ''covered service'' means service—

(A) as a member of the Armed Forces;

(B) in a female cultural support team;

(C) with the personnel development skill identifier of R2J or 5DK, or any other validation methods, such as valid sworn statements, officer and enlisted performance evaluations, training certificates, or records of an award from completion of tour with a cultural support team; and

(D) during the period beginning on January 1, 2010, and ending on August 31, 2021.

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

(3) SERVICE-CONNECTED.—The term ''service-connected'' has the meaning given such term in section 101 of title 38, United States Code.

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

SA 668. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CODIFICATION OF THE DEFENSE INNOVATION UNIT AND ESTABLISHMENT OF THE NONTRADITIONAL INNOVATION FIELDING ENTERPRISE.

(a) CODIFICATION OF DEFENSE INNOVATION UNIT.—

(1) CODIFICATION.—

(A) IN GENERAL.—Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4127. Defense Innovation Unit

''(a) ESTABLISHMENT.—There is established in the Department of Defense a Defense Innovation Unit (referred to in this section as the 'Unit').

''(b) DIRECTOR AND DEPUTY DIRECTOR.—There is a Director and a Deputy Director of the Unit, each of whom shall be appointed by the Secretary of Defense from among persons with substantial experience in innovation and commercial technology, as determined by the Secretary.

''(c) AUTHORITY OF DIRECTOR.—The Director is the head of the Unit. The Director—

''(1) shall serve as a principal staff assistant to the Secretary on matters within the responsibility of the Unit;

''(2) shall report directly to the Secretary of Defense without intervening authority; and

''(3) may communicate views on matters within the responsibility of the Unit directly to the Secretary without obtaining the approval or concurrence of any other official within the Department of Defense.

''(d) RESPONSIBILITIES.—The Unit shall have the following responsibilities:

''(1) Seek out, identify, and support the development of commercial technologies that have the potential to be implemented within the Department.

''(2) Accelerate the adoption of commercial technologies within the Department of Defense to transform military capacity and capabilities.

''(3) Serve as the principal liaison between the Department of Defense and individuals

and entities in the national security innovation base, including, entrepreneurs, startups, commercial technology companies, and venture capital sources.

''(4) Carry out programs, projects, and other activities to strengthen the national security innovation base.

''(5) Coordinate the activities of other organizations and elements of the Department of Defense on matters relating to commercial technologies, dual use technologies, and the innovation of such technologies.

''(6) Coordinate and oversee the nontraditional defense innovation fielding enterprise established under section 4063 of this title.

''(7) Carry out such other activities as the Secretary of Defense determines appropriate.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of title 10, United States Code, is amended by inserting after the item relating to section 4126 the following new item:

''4127. Defense Innovation Unit.''.

(2) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.—Section 4022 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''the Director of the Defense Innovation Unit,'' after ''Defense Advanced Research Projects Agency,'';

(ii) in paragraph (2)(A), by inserting '', the Defense Innovation Unit,'' after ''Defense Advanced Research Projects Agency''; and

(iii) in paragraph (3), by inserting '', Defense Innovation Unit,'' after ''Defense Advanced Research Projects Agency''; and

(B) in subsection (e)(1)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively; and

(ii) by inserting after subparagraph (B) the following new subparagraph:

''(C) the Director of the Defense Innovation Unit;''.

(3) MODIFICATION OF OTHER TRANSACTION AUTHORITY.—Section 4021 of title 10, United States Code, is amended—

(A) in subsection (b), by inserting '', the Defense Innovation Unit,'' after ''Defense Advanced Research Projects Agency''; and

(B) in subsection (f), by striking ''and the Defense Advanced Research Projects Agency'' and inserting '', the Defense Innovation Unit, and the Defense Advanced Research Projects Agency''.

(4) CONFORMING AMENDMENTS.—Section 1766 of title 10, United States Code, is amended—

(A) in subsection (b), by striking ''as determined by the Under Secretary of Defense for Research and Engineering'' and inserting ''as determined by the Secretary of Defense''; and

(B) in subsection (c)(3), by striking ''as directed by the Under Secretary of Defense for Research and Engineering'' and inserting ''as directed by the Secretary of Defense''.

(b) ESTABLISHMENT OF NONTRADITIONAL INNOVATION FIELDING ENTERPRISE.—

(1) IN GENERAL.—Subchapter I of chapter 303 of title 10, United States Code, is amended by inserting after section 4062 the following new section:

''§ 4063. Nontraditional innovation fielding enterprise

''(a) ESTABLISHMENT.—The Secretary of Defense shall designate within the Department of Defense a group of organizations to be known, collectively, as the 'nontraditional innovation fielding enterprise' (referred to in this section as the 'NIFE'). The purpose of the NIFE is to streamline coordination and minimize duplication of efforts among elements of the Department of Defense on matters relating to the development, procurement, and fielding of nontraditional capabilities.

''(b) COMPOSITION.—The NIFE shall consist of—

''(1) the Defense Innovation Unit; and

''(2) each organization designated as a service-level NIFE lead under subsection (c).

''(c) DESIGNATION OF SERVICE-LEVEL NIFE LEADS.—

''(1) Not later than 120 days after the effective date of this section, each Secretary of a military department, in consultation with the Director of the Defense Innovation Unit, shall designate a single organization within each armed force under the jurisdiction of such Secretary to serve as the lead organization within that armed force on matters within the responsibility of the NIFE. Each organization so designated shall be known as a 'service-level NIFE lead'.

''(2) An organization designated under paragraph (1) shall be an organization of an armed force that—

''(A) exists as of the effective date of this section; and

''(B) has a demonstrated ability to engage at scale with nontraditional defense contractors, as determined by the Secretary concerned.

''(d) LEADERSHIP.—

''(1) HEAD OF NIFE.—Subject to the authority, direction, and control of the Secretary of Defense, the Director of the Defense Innovation Unit shall serve as the head of the NIFE and, in such capacity, shall be responsible for the overall oversight and coordination of the NIFE.

''(2) SERVICE-LEVEL LEADS.—Each head of an organization of an armed force designated as a service-level NIFE lead under subsection (c) shall serve as the head of the NIFE within that armed force and, in such capacity, shall be responsible for the oversight and coordination of the activities of the NIFE within that armed force.

''(e) DUTIES.—The Director of the Defense Innovation Unit shall carry out the following activities in support of the NIFE:

''(1) Coordinate with the Joint Staff and the commanders of the combatant commands to identify operational challenges that have the potential to be addressed through the use of nontraditional capabilities, including dual-use technologies, that are being developed and financed in the commercial sector.

''(2) Using funds made available to the Defense Innovation Unit for the activities of the NIFE—

''(A) select projects to be carried out by one or more of the service-level NIFE leads;

''(B) allocate funds to service-level NIFE leads to carry out such projects; and

''(C) monitor the execution of such projects by the service-level NIFE leads.

''(3) On a semiannual basis, submit to the Secretary of Defense and the congressional defense committees a report on the progress of the projects described in paragraph (2). Each such report shall identify any gaps in resources or authorities that have the potential to disrupt the progress of such projects.

''(4) Serve as Chair of the NIFE Resource Advisory Board under subsection (f).

''(5) Serve as the principal liaison between the Department of Defense, nontraditional defense contractors, investors in nontraditional defense companies, and departments and agencies of the Federal Government pursing nontraditional capabilities similar to those pursued by the Department.

''(6) Lead engagement with industry, academia, and other non-government entities to develop—

''(A) domestic capacity with respect to innovative, commercial, and dual-use technologies and the use of nontraditional defense contractors; and

''(B) the capacity of international allies and partners of the United States with respect to such technologies and the use of such contractors.

''(f) NIFE RESOURCE ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established in the Department of Defense an advisory board to be known as the 'NIFE Resource Advisory Board' (referred to in this subsection as the 'Board').

''(2) MEMBERS.—The Board shall be composed of the following members—

''(A) The Director of the Defense Innovation Unit.

''(B) The head of each service-level NIFE lead.

''(C) The Director of the Joint Staff.

''(D) The Chief Digital and Artificial Intelligence Officer of the Department of Defense.

''(E) The Director of the Office of Strategic Capital of the Department of Defense.

''(3) CHAIR.—The Director of the Defense Innovation Unit shall serve as Chair of the Board.

''(4) MEETINGS.—The Board shall meet annually and may meet more frequently at the call of the Chair.

''(5) RESPONSIBILITIES.—On an annual basis the Board shall—

''(A) identify not fewer than 10 objectives of the Department of Defense that have the potential to be supported using nontraditional capabilities that are capable of being fielded at scale within a period of three years; and

''(B) for each objective identified under subparagraph (A)—

''(i) develop a specific set of requirements and a budget for the development and fielding of nontraditional capabilities to support such objective; and

''(ii) based on such budget and requirements, solicit proposals from public and private sector entities for providing such capabilities.

''(6) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 1013(a)(2) of title 5 (relating to the termination of advisory committees) shall not apply to the Board.

''(g) DEFINITIONS.—In this section:

''(1) The term 'nontraditional capability' means a solution to an operational challenge that can significantly leverage commercial innovation or external capital with minimal dependencies on fielded systems.

''(2) The term 'nontraditional defense contractor' has the meaning given that term in section 3014 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of title 10, United States Code, is amended by inserting after the item relating to section 4062 the following new item:

''4063. Defense Innovation Unit.''.

(c) EFFECTIVE DATE AND IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

(2) IMPLEMENTATION.—Not later than the effective date specified in paragraph (1), the Secretary of Defense shall issue or modify any rules, regulations, policies, or other guidance necessary to implement the amendments made by subsections (a) and (b).

(d) MANPOWER SUFFICIENCY EVALUATION.—

(1) EVALUATION.—The Secretary of Defense shall evaluate the staffing levels of the Defense Innovation Unit as of the date of the enactment of this Act to determine if the Unit is sufficiently staffed to achieve the responsibilities of the Unit under sections 4063 and 4127 of title 10, United States Code, as added by subsections (a) and (b) of this section.

(2) REPORT.—Not later than the effective date specified in subsection (c)(1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the evaluation under paragraph (1). The report shall include a plan—

(A) to address any staffing shortfalls identified as a part of the assessment; and

(B) for funding any activities necessary to address such shortfalls.

SA 669. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII of division A, add the following:

SEC. 849. ELIMINATING SELF-CERTIFICATION FOR WOMEN-OWNED SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term ''small business concern owned and controlled by women'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ELIMINATING SELF-CERTIFICATION IN PRIME CONTRACTING AND SUBCONTRACTING FOR WOSBS.—

(1) IN GENERAL.—Each prime contract award and subcontract award that is counted for the purpose of meeting the goals for participation by small business concerns owned and controlled by women in procurement contracts for Federal agencies, as established in section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)), shall be entered into with small business concerns certified by the Administrator to meet the requirements under section 3(n) of such Act (15 U.S.C. 632(n)) to be a small business concern owned and controlled by women.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on October 1 of the fiscal year beginning after the Administrator promulgates the regulations required under subsection (d).

(c) PHASED APPROACH TO ELIMINATING SELF-CERTIFICATION FOR WOSBS.—Notwithstanding any other provision of law, any small business concern that self-certified as a small business concern owned and controlled by women may—

(1) if the small business concern files a certification application with the Administrator before the end of the 1-year period beginning on the date of enactment of this Act, maintain such self-certification until the Administrator makes a determination with respect to such certification; and

(2) if the small business concern does not file a certification application before the end of the 1-year period beginning on the date of enactment of this Act, lose, at the end of such 1-year period, any self-certification of the small business concern as a small business concern owned and controlled by women.

(d) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

(e) AGENCY TESTIMONY BEFORE CONGRESS.—Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended by adding at the end the following:

''(G) REMEDIATION.—Any Federal agency failing to meet the goal for participation by small business concerns owned and controlled by women established under paragraph (1)(B) in a fiscal year shall—

''(i) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the report required under subsection (h)(1); and

''(ii) testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the details of the report submitted under clause (i), in particular the justifications and remediation plan described in subparagraphs (C) and (D) of subsection (h)(1).''.

(f) INTERAGENCY REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of the Treasury, and the head of any other Federal agency that the Administrator determines appropriate, shall submit to Congress an interagency report that—

(1) identifies the leading economic barriers for small business concerns owned and controlled by women, particularly for industries underrepresented by small business concerns owned and controlled by women;

(2) includes a detailed description of the impact of inflation and supply chain disruptions on small business concerns owned and controlled by women during the 3-year period preceding the report;

(3) makes recommendations to improve access to capital for small business concerns owned and controlled by women; and

(4) in consultation with the Office of Federal Procurement Policy, makes recommendations for increasing the number of Federal contract opportunities for small business concerns owned and controlled by women.

SA 670. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII of division A, add the following:

SEC. 849. ELIMINATING SELF-CERTIFICATION FOR SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) SMALL BUSINESS CONCERN; SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The terms ''small business concern'' and ''small business concerns owned and controlled by service-disabled veterans'' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ELIMINATING SELF-CERTIFICATION IN PRIME CONTRACTING AND SUBCONTRACTING FOR SDVOSBS.—

(1) IN GENERAL.—Each prime contract award and subcontract award that is counted for the purpose of meeting the goals for participation by small business concerns owned and controlled by service-disabled veterans in procurement contracts for Federal agencies, as established in section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)), shall be entered into with small business concerns certified by the Administrator as small business concerns owned and controlled by service-disabled veterans under section 36 of such Act (15 U.S.C. 657f).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on October 1 of the fiscal year beginning after the Administrator promulgates the regulations required under subsection (d).

(c) PHASED APPROACH TO ELIMINATING SELF-CERTIFICATION FOR SDVOSBS.—Notwithstanding any other provision of law, any small business concern that self-certified as a small business concern owned and controlled by service-disabled veterans may—

(1) if the small business concern files a certification application with the Administrator before the end of the 1-year period beginning on the date of enactment of this Act, maintain such self-certification until the Administrator makes a determination with respect to such certification; and

(2) if the small business concern does not file a certification application before the end of the 1-year period beginning on the date of enactment of this Act, lose, at the end of such 1-year period, any self-certification of the small business concern as a small business concern owned and controlled by service-disabled veterans.

(d) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

SA 671. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle D of title XXXI of division C, add at the end the following:

SEC. 31___. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

(a) DEFINITION OF COVERED AMOUNTS.—In this section, the term ''covered amounts'' means—

(1) amounts made available to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.); and

(2) any other amount the Secretary of Energy may use to make guarantees.

(b) ADMINISTRATIVE EXPENSES.—The Secretary of Energy may use covered amounts, regardless of the fiscal year for which such amounts are made available, for the purpose of administrative expenses associated with carrying out the loan guarantee program established in section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n).

(c) MULTIPLE COVERED AMOUNTS.—In carrying out subsection (b), the Secretary of Energy shall use covered amounts equally from each program from which the covered amounts are derived.

SA 672. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTAIN ACTIVITIES RELATING TO INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

''§ 1802. Certain activities relating to intimate visual depictions

''(a) DEFINITIONS.—In this section:

''(1) COMMUNICATIONS SERVICE.—The term 'communications service' means—

''(A) a service provided by a person that is a common carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153), insofar as the person is acting as a common carrier;

''(B) an electronic communication service, as that term is defined in section 2510;

''(C) an information service, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

''(D) an interactive computer service, as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

''(2) INFORMATION CONTENT PROVIDER.—The term 'information content provider' has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

''(3) INTIMATE VISUAL DEPICTION.—The term 'intimate visual depiction' means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image itself or information or text displayed in connection with the intimate image who has attained 18 years of age at the time the intimate visual depiction is created and—

''(A) who is depicted engaging in sexually explicit conduct; or

''(B) whose genitals, anus, pubic area, or female nipple are unclothed and visible.

''(4) VISUAL DEPICTION OF A NUDE MINOR.—The term 'visual depiction of a nude minor' means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image who was under 18 years of age at the time the visual depiction was created in which the actual anus, genitals, or pubic area, or post-pubescent female nipple, of the minor are unclothed, visible, and displayed in a manner that does not constitute sexually explicit conduct.

''(5) SEXUALLY EXPLICIT CONDUCT.—The term 'sexually explicit conduct' has the meaning given that term in section 2256(2)(A).

''(b) OFFENSES.—

''(1) IN GENERAL.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, an intimate visual depiction of an individual—

''(A) with knowledge of the lack of consent of the individual to the distribution;

''(B) where what is depicted was not voluntarily exposed by the individual in a public or commercial setting; and

''(C) where what is depicted is not a matter of public concern.

For purposes of this paragraph, the fact that the subject of the depiction consented to the creation of the depiction shall not establish that that person consented to its distribution.

''(2) MINORS.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, a visual depiction of a nude minor with intent to abuse, humiliate, harass, or degrade the minor, or to arouse or gratify the sexual desire of any person.

''(c) PENALTY.—

''(1) IN GENERAL.—Any person who violates subsection (b), or attempts or conspires to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

''(2) FORFEITURE.—

''(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, or convicted of a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(i) any material distributed in violation of this section;

''(ii) such person's interest in property, real or personal, constituting or derived from any gross proceeds of such violation, or any property traceable to such property, obtained or retained directly or indirectly as a result of such violation; and

''(iii) any property, real or personal, used or intended to be used to commit or to facilitate the commission of such offense.

''(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subparagraph (A).

''(3) RESTITUTION.—Restitution shall be available as provided in section 2264 of this title.

''(d) EXCEPTIONS.—

''(1) LAW ENFORCEMENT, LAWFUL REPORTING, AND OTHER LEGAL PROCEEDINGS.—This section—

''(A) does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States;

''(B) shall not apply in the case of an individual acting in good faith to report unlawful or unsolicited activity or in pursuance of a legal or professional or other lawful obligation; and

''(C) shall not apply in the case of a document production or filing associated with a legal proceeding.

''(2) SERVICE PROVIDERS.—This section shall not apply to any provider of a communications service with regard to content provided by another information content provider unless the provider of the communications service intentionally solicits, or knowingly and predominantly distributes, such content.

''(e) THREATS.—Any person who threatens to commit an offense under subsection (b) shall be punished as provided in subsection (c).

''(f) EXTRATERRITORIALITY.—There is extraterritorial Federal jurisdiction over an offense under this section if the defendant or the depicted individual is a citizen or permanent resident of the United States.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the application of any other relevant law, including section 2252 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 88 of title 18, United States Code, is amended by inserting after the item relating to section 1801 the following:

''1802. Certain activities relating to intimate visual depictions.''.

(c) CONFORMING AMENDMENT.—Section 2264(a) of title 18, United States Code, is amended by inserting '', or under section 1802 of this title'' before the period.

SA 673. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. SUPPORT FOR NATIONALS OF AFGHANISTAN APPLYING FOR STUDENT VISAS.

(a) EXCEPTION WITH RESPECT TO RESIDENCE.—To be eligible as a nonimmigrant described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)), an individual who is a national of Afghanistan or a person with no nationality who last habitually resided in Afghanistan shall meet all requirements for such nonimmigrant status except that the individual shall not be required to demonstrate residence in Afghanistan or an intention not to abandon such residence.

(b) APPLICABILITY.—

(1) IN GENERAL.—The exception under subsection (a) shall apply during the period beginning on the date of the enactment of this Act and ending on the date that is two years after such date of enactment.

(2) EXTENSION.—The Secretary of Homeland Security, in consultation with the Secretary of State—

(A) shall periodically review the country conditions in Afghanistan; and

(B) may renew the exception under subsection (a) in 18-month increments based on such conditions.

SA 674. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. SUPPORT FOR NATIONALS OF AFGHANISTAN APPLYING FOR SPECIAL IMMIGRANT VISAS OR REFUGEE STATUS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should increase support for nationals of Afghanistan who—

(1) aided the United States mission in Afghanistan during the past 20 years and are now under threat from the Taliban, specifically such nationals of Afghanistan who—

(A) are special immigrant visa applicants; or

(B) have been referred to the United States Refugee Admissions Program, including through the Priority 2 designation for nationals of Afghanistan; and

(2) remain in Afghanistan or are in third countries.

(b) REQUIREMENTS.—The Secretary of State, in coordination with the Secretary of

Homeland Security and the head of any other relevant Federal department or agency, shall further surge capacity, including by increasing consular personnel at any United States embassy or consulate in the region that processes visa applications for nationals of Afghanistan—

(1) to better support nationals of Afghanistan who—

(A)(i) are special immigrant visa applicants who have been approved by the Chief of Mission; or

(ii) have been referred to the United States Refugee Admissions Program, including through the Priority 2 designation for nationals of Afghanistan; and

(2) to reduce application processing times for such nationals of Afghanistan while ensuring strict and necessary security vetting, including, to the extent practicable, by enabling such nationals of Afghanistan who have been referred to the United States Refugee Admissions Program to initiate application processing while still in Afghanistan.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the Secretary of State to decrease the capacity to process visa applications at United States embassies or consulates worldwide.

SA 675. Ms. KLOBUCHAR (for herself, Mr. GRAHAM, Mr. COONS, Mr. MORAN, Mr. BLUMENTHAL, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. TILLIS, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Afghan Adjustment Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Afghan Adjustment Act''.

SEC. 1092. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on Armed Services of the House of Representatives; and

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

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) section 1097 or an amendment made by such section.

(4) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) a pending, documentarily complete application for special immigrant status; and

(B) a case in processing in the United States Refugee Admissions Program for an individual who has received a Priority 1 or Priority 2 referral to such program.

(5) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 1093. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) nationals of Afghanistan residing outside the United States who meet the requirements for admission to the United States through a specified special immigrant visa application have demonstrably aided the United States mission in Afghanistan during the past 20 years; and

(2) the United States should increase support for such nationals of Afghanistan.

SEC. 1094. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding the status of a specified application submitted by, or on behalf of, a national of Afghanistan, including any information that has been provided to the applicant, in accordance with section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)).

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall designate an appropriate office within the Department of State—

(1) to review specified applications submitted by nationals of Afghanistan residing in Afghanistan, including by conducting any required interviews;

(2) to issue visas or other travel documents to such nationals, in accordance with the immigration laws;

(3) to provide services to such nationals, to the greatest extent practicable, that would normally be provided by an embassy; and

(4) to carry out any other function that the Secretary considers necessary.

SEC. 1095. INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(1) to develop and oversee the implementation of the strategy and contingency plan described in subsection (d)(1)(A); and

(2) to submit the report, and provide a briefing on the report, as described in subsection (d).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall include—

(A) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(B) any other Federal Government official designated by the President.

(2) DEFINED TERM.—In this subsection, the term ''relevant Federal agency'' means—

(A) the Department of State;

(B) the Department Homeland Security;

(C) the Department of Defense;

(D) the Department of Health and Human Services;

(E) the Federal Bureau of Investigation; and

(F) the Office of the Director of National Intelligence.

(c) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(d) DUTIES.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Task Force is established, the Task Force, acting through the chair of the Task Force, shall submit a report to the appropriate committees of Congress that includes—

(i) a strategy for facilitating the resettlement of nationals of Afghanistan outside the United States who, during the period beginning on October 1, 2001, and ending on September 1, 2021, directly and personally supported the United States mission in Afghanistan, as determined by the Secretary of State in consultation with the Secretary of Defense; and

(ii) a contingency plan for future emergency operations in foreign countries involving foreign nationals who have worked directly with the United States Government, including the Armed Forces of the United States and United States intelligence agencies.

(B) ELEMENTS.—The report required under subparagraph (A) shall include—

(i) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(I) such nationals in Afghanistan and such nationals in a third country;

(II) type of specified application; and

(III) applications that are documentarily complete and applications that are not documentarily complete;

(ii) an estimate of the number of nationals of Afghanistan who may be eligible for special immigrant status under section 1097 or an amendment made by such section;

(iii) with respect to the strategy required under subparagraph (A)(i)—

(I) the estimated number of nationals of Afghanistan described in such subparagraph;

(II) a description of the process for safely resettling such nationals;

(III) a plan for processing such nationals of Afghanistan for admission to the United States, that—

(aa) discusses the feasibility of remote processing for such nationals of Afghanistan residing in Afghanistan;

(bb) includes any strategy for facilitating refugee and consular processing for such nationals of Afghanistan in third countries, and the timelines for such processing;

(cc) includes a plan for conducting rigorous and efficient vetting of all such nationals of Afghanistan for processing;

(dd) discusses the availability and capacity of sites in third countries to process applications and conduct any required vetting for such nationals of Afghanistan, including the potential to establish additional sites; and

(ee) includes a plan for providing updates and necessary information to affected individuals and relevant nongovernmental organizations;

(IV) a description of considerations, including resource constraints, security concerns, missing or inaccurate information, and diplomatic considerations, that limit the ability of the Secretary of State or the Secretary of Homeland Security to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(V) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(VI) an estimate of the cost to fully implement the strategy; and

(VII) any other matter the Task Force considers relevant to the implementation of the strategy; and

(iv) with respect to the contingency plan required by subparagraph (A)(ii)—

(I) a description of the standard practices for screening and vetting foreign nationals considered to be eligible for resettlement in the United States, including a strategy for vetting, and maintaining the records of, such foreign nationals who are unable to provide identification documents or biographic details due to emergency circumstances;

(II) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(III) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(IV) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund; and

(V) any other matter the Task Force considers relevant to the implementation of the contingency plan.

(C) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) BRIEFING.—Not later than 60 days after submitting the report required by paragraph (1), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(e) TERMINATION.—The Task Force shall remain in effect until the earlier of—

(1) the date on which the strategy required under subsection (d)(1)(A)(i) has been fully implemented; or

(2) the date that is 10 years after the date of the enactment of this Act.

SEC. 1096. ADJUSTMENT OF STATUS FOR ELIGIBLE INDIVIDUALS.

(a) DEFINED TERM.—In this section, the term ''*eligible individual*'' means an alien who—

(1) is present in the United States—

(2) is a citizen or national of Afghanistan or, in the case of an alien having no nationality, is a person who last habitually resided in Afghanistan; and

(3)(A) was inspected and admitted to the United States on or before the date of the enactment of this Act;

(B) was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary of Homeland Security upon written notice; or

(C)(i) was admitted or paroled into the United States after the date of the enactment of this Act; and

(ii) has been determined by the Secretary of Homeland Security, in cooperation with the Secretary of Defense and other Federal agency partners, to have directly and personally supported the United States mission in Afghanistan, to an extent considered comparable to the support provided by individuals who have received Chief of Mission approval as part of their application for special immigrant status.

(b) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust the status of an eligible individual to the status of an alien lawfully admitted for permanent residence if—

(1) the eligible individual—

(A) submits an application for adjustment of status in accordance with procedures established by the Secretary; and

(B) meets the requirements of this section; and

(2) the Secretary determines, in the unreviewable discretion of the Secretary, that the adjustment of status of the eligible individual is not contrary to the national interest, public safety, or national security of the United States.

(c) ADMISSIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the provisions of section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) (relating to the admissibility of refugees seeking adjustment of status) shall apply to applicants for adjustment of status under this section.

(2) ADDITIONAL LIMITATIONS ON ADMISSIBILITY.—The Secretary of Homeland Security may not waive under section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c))—

(A) any ground of inadmissibility under paragraph (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); or

(B) any applicable ground of inadmissibility under paragraph (2) of that section that arises due to criminal conduct that was committed in the United States on or after July 30, 2021.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit any other waiver authority applicable under the immigration laws to an applicant for adjustment of status.

(d) INTERVIEW AND VETTING REQUIREMENTS.—

(1) REQUIREMENTS FOR IN-PERSON INTERVIEW AND VETTING.—

(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and, as appropriate, the Attorney General, shall establish vetting requirements for applicants seeking adjustment of status under this section that are equivalent in rigor to the vetting requirements for refugees admitted to the United States through the United States Refugee Admissions Program by conducting—

(i) an in-person interview (except in the case of a child who was younger than 10 years of age at the time of admission or parole);

(ii) biometric and biographic screening to identify any derogatory information associated with applicants;

(iii) a review and analysis of the data holdings of the Department of Defense, the Department of Homeland Security, and other cooperating interagency partners, including biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, and other identifiable information; and

(iv) a review of the information required to be collected under paragraph (2).

(B) CLEARANCE OF VETTING REQUIREMENTS.—

(i) IN GENERAL.—The Secretary of Homeland Security may not adjust the status of an eligible individual to that of an alien lawfully admitted for permanent residence under this section until—

(I) the vetting requirements described in subparagraph (A) have been implemented; and

(II) the eligible individual clears the vetting requirements established under subparagraph (A).

(ii) PRIORITIZATION.—The Secretary of Homeland Security shall prioritize the vetting of applicants under this paragraph in a manner that best ensures national security.

(iii) PREVIOUS VETTING.—The Secretary of Homeland Security shall conduct the vetting requirements established under subparagraph (A) with respect to each applicant for adjustment of status under this section regardless of whether the applicant has undergone previous vetting.

(C) INTERVIEW AT PORT OF ENTRY.—An interview of an individual by a U.S. Customs and Border Protection official at a port of entry shall not be considered to satisfy the in-person interview requirement under subparagraph (A)(i).

(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require, as part of the vetting requirements under this subsection, that the Secretary of Homeland Security collect from an applicant any biometric information that the Department of Homeland Security already has on file.

(2) VETTING DATABASE REQUIREMENT.—

(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and, as appropriate, partners in the intelligence community (including officials of the Department of State, the Federal Bureau of Investigation, and the National Counterterrorism Center), shall maintain records that contain, for each applicant under this section for the duration of the pendency of their application for adjustment of status—

(i) personal biographic information, including name and date of birth;

(ii) biometric information, including, where available, iris scans, photographs, and fingerprints; and

(iii) the results of all vetting by the United States Government to which the applicant has submitted, including whether the individual has undergone an in-person vetting interview, and any recurrent vetting.

(B) INFORMATION SHARING.—In response to a request from the Secretary of Homeland Security, in accordance with subparagraph (A), Federal agencies shall share information to the extent authorized by law.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the Secretary of Homeland Security to maintain records under any other law.

(e) RECORD OF ADMISSION.—

(1) PRIORITY FOR THOSE WHO SUPPORTED THE UNITED STATES MISSION IN AFGHANISTAN.—Upon the approval of an application for adjustment of status under this section submitted by an applicant (and the spouse and child of an applicant, if otherwise eligible for adjustment of status under this section) who submits documentation establishing that the applicant has received Chief of Mission approval as part of their application for special immigrant status, the Secretary of Homeland Security shall create a record of the alien's admission as a lawful permanent resident as of the date on which the alien was inspected and admitted or paroled into the United States.

(2) OTHER APPLICANTS.—Upon the approval of an application for adjustment of status under this section submitted by an applicant other than an applicant described in paragraph (1), the Secretary of Homeland Security shall create a record of the alien's admission as a lawful permanent resident as of the date on which the alien's application for adjustment of status under this section was approved.

(f) DEADLINE FOR APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual described in subsection (a) may only adjust status under this section if the individual submits an application for adjustment of status not later than the later of—

(A) the date that is 2 years after the date on which final guidance described in subsection (i)(2) is published; or

(B) the date that is 2 years after the date on which such individual becomes eligible to apply for adjustment of status under this section.

(2) EXCEPTION.—An application under this section may be considered after the applicable date described in paragraph (1), if the applicant demonstrates to the satisfaction of

the Secretary of Homeland Security the existence of extraordinary circumstances relating to the delay in submission of the application.

(g) PROHIBITION ON FURTHER AUTHORIZATION OF PAROLE.—An individual described in subsection (a) who was paroled into the United States shall not be authorized for an additional period of parole if such individual fails to submit an application for adjustment of status by the deadline described in subsection (f).

(h) EMPLOYMENT AUTHORIZATION.—Notwithstanding any other provision of law, the Secretary of Homeland Security may extend the period of employment authorization provided to an individual described in subparagraph (A) or (B) of subsection (a)(2) to the extent that the individual has been granted any additional period of parole.

(i) IMPLEMENTATION.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, guidance issued pursuant to subparagraph (A)—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication, but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall finalize the guidance implementing this section.

(B) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.—Chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act'') shall not apply to the guidance issued under this paragraph.

(j) ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide applicants for adjustment of status under this section with the same right to, and procedures for, administrative review as are provided to applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(k) PROHIBITION ON FEES.—The Secretary of Homeland Security may not charge a fee to any eligible individual in connection with—

(1) an application for adjustment of status or employment authorization under this section; or

(2) the initial issuance of a permanent resident card or an employment authorization document under this section.

(l) PENDING APPLICATIONS.—

(1) IN GENERAL.—During the period beginning on the date on which an alien files a bona fide application for adjustment of status under this section and ending on the date on which the Secretary of Homeland Security makes a final administrative decision regarding such application, an applicant included in such application who remains in compliance with all application requirements may not be—

(A) removed from the United States unless the Secretary of Homeland Security makes a prima facie determination that the alien is, or has become, ineligible for adjustment of status under this section;

(B) considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); or

(C) considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) if the alien has applied for and has been issued an employment authorization document.

(2) EFFECT ON OTHER APPLICATIONS.—Notwithstanding any other provision of law, in the interest of efficiency, the Secretary of Homeland Security may pause consideration of any other application for immigration benefits pending adjudication so as to prioritize an application for adjustment of status pursuant to this subtitle.

(m) ELIGIBILITY FOR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) an individual described in subsection (a) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (8 U.S.C. 1101 note, Public Law 117–43) shall retain his or her eligibility for the benefits and services described in subsection (b) of such section if the individual has a pending application under this section or is granted adjustment of status under this section; and

(B) such benefits and services shall remain available to the individual to the same extent and for the same periods of time as such benefits and services are otherwise available to refugees who acquire such status.

(2) EXCEPTION FROM FIVE-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.— Section 403(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)) is amended by adding at the end the following:

''(F) An alien who status is adjusted to that of an alien lawfully admitted for permanent residence under section 1096 of the Afghan Adjustment Act.''.

(n) PARENTS AND LEGAL GUARDIANS OF UNACCOMPANIED CHILDREN.—A parent or legal guardian of an eligible individual shall be eligible for adjustment of status under this section if—

(1) the eligible individual was under 18 years of age on the date on which the eligible individual was admitted or paroled into the United States; and

(2) such parent or legal guardian was paroled into or admitted to the United States after the date referred to in paragraph (1).

(o) EXEMPTION FROM NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Aliens granted adjustment of status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(2) SPOUSE AND CHILDREN BENEFICIARIES.—A spouse or child who is the beneficiary of an immigrant petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed by an alien who has been granted adjustment of status under this section, seeking classification of the spouse or child under section 203(a)(2)(A) of that Act (8 U.S.C. 1153(a)(2)(A)) shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(p) NOTIFICATION OF ELIGIBLE INDIVIDUALS.—The Secretary of Homeland Security shall make reasonable efforts to notify eligible individuals, including eligible individuals who independently departed United States Government facilities, with respect to—

(1) the requirements for applying to adjust status under this section;

(2) the deadline for submitting an application; and

(3) the consequences under subsection (g) for failing to apply for adjustment of status.

(q) REPORTING REQUIREMENTS.—

(1) REPORT AND CONSULTATION ON VETTING REQUIREMENTS.—

(A) INITIAL CONGRESSIONAL CONSULTATION ON VETTING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly inform and consult with the appropriate committees of Congress, in a classified or unclassified setting, with respect to the vetting requirements for applicants seeking adjustment of status under this section, including the nature of the interview and biometric and biographical screening processes required for such applicants and the amount of time needed by the agencies to set up the procedures and database required by this section.

(B) SECOND CONGRESSIONAL CONSULTATION ON VETTING.—Not later than the earlier of the date that is 180 days after the date of the enactment of this Act or the date on which the Secretary of Homeland Security begins accepting applications for adjustment of status under this subtitle, the Secretary shall provide to the appropriate committees of Congress with a second consultation on—

(i) the status of the vetting under this section, including the steps the Secretary has taken to respond to feedback provided during the initial consultation under subparagraph (A); and

(ii) the progress of the Secretary toward fully setting up the procedures and database required by this section.

(2) BRIEFING.—

(A) IN GENERAL.—Not later than 1 year after the application deadline under subsection (f)(1)(A), the Secretary of Homeland Security shall provide the appropriate committees of Congress with a briefing on the status of the vetting under this section of eligible individuals, including a plan for addressing any identified security concerns.

(B) ELEMENT.—The briefing required by subparagraph (A) shall include information on individuals who are eligible for adjustment of status under this section but did not—

(i) submit an application for adjustment of status under this section; or

(ii) meet the requirements of subsection (f)(2).

(3) INFORMATION REQUEST BY MEMBER OF CONGRESS.—Upon request by a Member of Congress on behalf of an applicant or by any of the appropriate committees of Congress, the Secretary of Homeland Security shall provide, in a classified or an unclassified setting, as appropriate, the basis for an exercise of discretion under subsection (b)(2) that resulted in the denial of an application for adjustment of status.

(r) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible individual from applying for or receiving any immigration benefit to which the eligible individual is otherwise entitled.

(s) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security $20,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

SEC. 1097. NEW CATEGORY OF SPECIAL IMMIGRANT VISAS FOR AT-RISK AFGHAN ALLIES AND RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.

(a) AT-RISK AFGHAN ALLIES.—

(1) IN GENERAL.—The Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State may provide an alien described in paragraph (2) (and the spouse and children of the alien if accompanying or following to join the alien) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) if—

(A) the alien or an agent acting on behalf of the alien submits a request for a recommendation under paragraph (3);

(B) the alien is otherwise admissible to the United States and eligible for lawful permanent residence (excluding the grounds of inadmissibility under section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))); and

(C) with respect to the alien, the Secretary of Defense has made a positive recommendation under paragraph (3).

(2) ALIEN DESCRIBED.—

(A) IN GENERAL.—An alien described in this paragraph is an alien who—

(i) is a citizen or national of Afghanistan;

(ii) was—

(I) a member of—

(aa) the special operations forces of the Afghanistan National Defense and Security Forces;

(bb) the Afghanistan National Army Special Operations Command;

(cc) the Afghan Air Force; or

(dd) the Special Mission Wing of Afghanistan;

(II) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(aa) a cadet or instructor at the Afghanistan National Defense University; and

(bb) a civilian employee of the Ministry of Defense or the Ministry of Interior Affairs;

(III) an individual associated with former Afghan military and police human intelligence activities, including operators and Department of Defense sources;

(IV) an individual associated with former Afghan military counterintelligence;

(V) an individual associated with the former Afghan Ministry of Defense who was involved in the prosecution and detention of combatants; or

(VI) a senior military officer, senior enlisted personnel, or civilian official who served on the staff of the former Ministry of Defense or the former Ministry of Interior Affairs of Afghanistan;

(iii) provided service to an entity or organization described in clause (ii) for not less than 1 year during the period beginning on December 22, 2001, and ending on September 1, 2021, and did so in support of the United States mission in Afghanistan; and

(iv) is recommended positively by the Secretary of Defense to the Secretary of State or the Secretary of Homeland Security, based on a consideration of the information described in paragraph (3)(A)(ii).

(B) INCLUSIONS.—For purposes of eligibility under this paragraph, the Afghanistan National Defense and Security Forces includes members of the security forces under the Ministry of Defense and the Ministry of Interior Affairs of the Islamic Republic of Afghanistan, including the Afghanistan National Army, the Afghan Air Force, the Afghanistan National Police, and any other entity designated by the Secretary of Defense as part of the Afghanistan National Defense and Security Forces during the relevant period of service of the applicant concerned.

(3) DEPARTMENT OF DEFENSE RECOMMENDATION.—

(A) IN GENERAL.—With respect to each principal applicant under this section, as soon as practicable after receiving a request for a recommendation, the Secretary of Defense shall—

(i) review—

(I)(aa) the service record of the principal applicant, if available; or

(bb) if the principal applicant provides a service record, any information that helps verify the service record concerned; and

(II) the data holdings of the Department of Defense and other cooperating interagency partners, including biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, other identifiable information, and any other information related to the applicant, including relevant derogatory information;

(ii) submit a positive or negative recommendation to the Secretary of State or the Secretary of Homeland Security as to whether the principal applicant meets the requirements under paragraph (2) without significant derogatory information; and

(iii) submit with such recommendation—

(I)(aa) any service record concerned, if available; or

(bb) if the principal applicant provides a service record, any information that helps verify the service record concerned; and

(II) any biometrics for the principal applicant that have been collected by the Department of Defense.

(B) EFFECT OF NO AVAILABLE SERVICE RECORDS.—If no service records are available for a principal applicant, the Secretary of Defense may review any referral from a former or current official of the Department of Defense who has knowledge of the principal applicant's service as described in paragraph (2)(A)(ii).

(C) PERSONNEL TO SUPPORT RECOMMENDATIONS.—Any limitation in law on the number of personnel within the Office of the Secretary of Defense, the military departments, or the defense agencies shall not apply to personnel employed for the primary purpose of carrying out this paragraph.

(D) REVIEW PROCESS FOR NEGATIVE DEPARTMENT OF DEFENSE RECOMMENDATION.—

(i) IN GENERAL.—An applicant who has a negative recommendation from the Department of Defense, as described in subparagraph (A)(ii), or with derogatory information shall—

(I) receive a written notice of negative recommendation from the Secretary of Defense that provides, to the maximum extent practicable, information describing the basis for the negative recommendation, including the facts and inferences, or evidentiary gaps, underlying the individual determination; and

(II) be provided not more than 1 written appeal to the Secretary of Defense for each such negative recommendation.

(ii) DEADLINE FOR APPEAL.—An appeal under subclause (II) of clause (i) shall be submitted not more than 120 days after the date on which the applicant concerned receives a decision under subclause (I) of that clause, or thereafter at the discretion of the Secretary of Defense or the Secretary of Homeland Security.

(iii) REQUEST TO REOPEN.—

(I) IN GENERAL.—An applicant who receives a negative recommendation under clause (i) may submit a request for a Department of Defense recommendation so that the applicant may provide additional information, clarify existing information, or explain any unfavorable information.

(II) LIMITATION.—After considering 1 such request to reopen from an applicant, the Secretary of Defense may deny subsequent requests to reopen submitted by the same applicant.

(b) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L)(iii), by adding a semicolon at the end;

(2) in subparagraph (M), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the parent or brother or sister of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(c) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary of Homeland Security, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa or special immigrant status under—

(A) this section or an amendment made by this section;

(B) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8); or

(C) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163).

(2) REPRESENTATION.—An alien applying for admission to the United States under this section, or an amendment made by this section, may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(3) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under this section may not exceed 11,500 each fiscal year.

(B) CARRYOVER.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant visas under this section during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of principal aliens who may be provided special immigrant visas under this section shall not exceed 34,500.

(D) DURATION OF AUTHORITY.—The authority to issue visas under this section shall—

(i) commence on the date of the enactment of this Act; and

(ii) terminate on the date on which all such visas are exhausted.

(4) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant visas under this section, or an amendment made by this section, shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)) or section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8).

(5) ORDER OF CONSIDERATION.—Immigrant visas shall be made available under this section to eligible immigrants in the order in which the Secretary of Defense has issued a recommendation under subsection (a)(3), subject to the requirements of the adjudication process.

(6) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien who is seeking status as a special immigrant under this section, or an amendment made by this section, protection or to immediately remove such alien from Afghanistan, if possible.

(7) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section, or an amendment made by this section, solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(8) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States as a special immigrant under this section or an amendment made by this section shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under

section 207 of such Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

(9) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) or subsection (a)(2) of this section to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was paroled or admitted as a nonimmigrant into the United States; and

(B) is otherwise eligible for status as a special immigrant under—

(i) this section; or

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, the Secretary of State, the Secretary of Defense, and the Secretary of Health and Human Services such sums as are necessary for each of the fiscal years 2023 through 2033 to carry out this section and the amendments made by this section.

SEC. 1098. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during Operation Allies Welcome, Enduring Welcome, and any successor operation, the Secretary of Homeland Security and the Secretary of State may waive any fee or surcharge or exempt individuals from the payment of any fee or surcharge collected by the Department of Homeland Security and the Department of State, respectively, in connection with a petition or application for, or issuance of, an immigrant visa to a national of Afghanistan under section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act, 8 U.S.C. 1101(b)(2)(A)(i) and 1153(a), respectively.

SEC. 1099. SEVERABILITY.

If any provision of this subtitle, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle, and the application of the remaining provisions of this subtitle to any person or circumstance, shall not be affected.

SEC. 1099A. DATE LIMITATION.

The Secretary of Homeland Security may not grant an application for adjustment of status under section 1096 or an application for special immigrant status under section 1097, or an amendment made by section 1097, before the Secretary has implemented the vetting procedures required by this subtitle, and in no event before January 1, 2024.

SA 676. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. COMPLIANCE PROCEDURES FOR PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY FEDERAL CONTRACTORS PRIOR TO CONDITIONAL OFFER.

(a) CIVILIAN AGENCY CONTRACTS.—Section 4714 of title 41, United States Code, is amended—

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

''(b) COMPLIANCE.—

''(1) PROCEDURES FOR SUBMISSION OF COMPLAINT.—The Secretary of Labor shall establish, and make available to the public, procedures under which an applicant for a position with a Federal contractor may submit to the Secretary a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(2) INVESTIGATION OF COMPLIANCE.—In addition to the authority to investigate compliance by a contractor with subsection (a)(1)(B) pursuant to a complaint submitted under paragraph (1) of this subsection, the Secretary of Labor may investigate compliance with subsection (a)(1)(B) in conducting a compliance evaluation under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation). The Secretary may publish such procedures by regulation, guidance, or by means which the Secretary deems appropriate.''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''head of an executive agency'' and inserting ''Secretary of Labor'';

(ii) by inserting '', based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary of Labor under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation)'' after ''determines'';

(iii) by striking ''such head'' and inserting ''the Secretary of Labor''; and

(iv) in subparagraph (C), by striking ''warning'' and inserting ''notice''; and

(B) in paragraph (2)—

(i) by striking ''head of an executive agency'' and inserting ''Secretary of Labor'';

(ii) by inserting '', based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary of Labor under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation),'' after ''determines'';

(iii) by striking ''such head'' and inserting ''the Secretary of Labor''; and

(iv) by inserting ''as may be necessary'' after ''Federal agencies''; and

(v) by amending subparagraph (C) to read as follows:

''(C) taking any of the actions described under section 202(7) of Executive Order 11246 (related to equal employment opportunity) and section 60–1.27 of title 41, Code of Federal Regulations (or any successor regulation).''.

(b) DEFENSE CONTRACTS.—Section 4657 of title 10, United States Code, is amended—

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

''(b) COMPLIANCE.—

''(1) PROCEDURES FOR SUBMISSION OF COMPLAINT.—The Secretary of Labor shall establish, and make available to the public, procedures under which an applicant for a position with a Federal contractor may submit to the Secretary of Labor a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(2) INVESTIGATION OF COMPLIANCE.—In addition to the authority to investigate compliance by a contractor with subsection (a)(1)(B) pursuant to a complaint submitted under paragraph (1) of this subsection, the Secretary of Labor may investigate compliance with subsection (a)(1)(B) in conducting a compliance evaluation under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation). The Secretary may publish such procedures by regulation, guidance, or by means which the Secretary deems appropriate.''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Defense'' and inserting ''Labor'';

(ii) by inserting ''of Labor'' before ''shall''; and

(iii) by inserting '', based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary of Labor under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation),'' after ''determines''; and

(iv) in subparagraph (C), by striking ''warning'' and inserting ''notice''; and

(B) in paragraph (2)—

(i) by striking ''Secretary of Defense'' and inserting ''Secretary of Labor'';

(ii) by inserting ''as may be necessary'' after ''Federal agencies''; and

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

''(C) taking any of the actions described under section 202(7) of Executive Order 11246 (related to equal employment opportunity) and section 60–1.27 of title 41, Code of Federal Regulations (or any successor regulation).''.

(c) APPLICATION.—This section, and the amendments made by this section, shall apply with respect to contracts awarded on or after the date that is 16 months after the date of the enactment of this Act.

SA 677. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. EXPANSION OF SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES TO INCLUDE FORMER MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) EXPANSION OF ELIGIBILITY.—Section 2044 of title 38, United States Code, is amended—

(1) in the section heading, by striking ''**veteran**'' and inserting ''**eligible**'';

(2) in subsection (a)—

(A) in paragraph (1), by striking ''veteran families'' and inserting ''eligible families'';

(B) in paragraph (4), by striking ''veteran families'' and inserting ''eligible families''; and

(C) in paragraph (6), by striking ''veteran family'' and inserting ''eligible family'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''veteran families'' and inserting ''eligible families''; and

(ii) in subparagraph (D)(vii), by striking ''veteran family'' and inserting ''eligible family'';

(B) in paragraph (2), by striking ''veteran families'' and inserting ''eligible families''; and

(C) in paragraph (3), by striking ''veteran families'' and inserting ''eligible families'';

(4) in subsection (c)(2), by striking ''veteran families'' each place it appears and inserting ''eligible families'';

(5) in subsection (d)(1), by striking ''veteran families'' and inserting ''eligible families''; and

(6) in subsection (f)—

(A) in paragraph (6)(A)—

(i) by striking ''very low-income veteran family'' and inserting ''very low-income eligible family''; and

(ii) by striking ''a veteran family'' and inserting ''an eligible family''; and

(B) by striking paragraph (7) and inserting the following:

''(7) The term 'eligible family' includes—

''(A) a veteran who is a single person;

''(B) a family in which the head of household or the spouse of the head of household is a veteran;

''(C) a former member of a reserve component of the Armed Forces who has retired or separated from service after having served a term of enlistment and is a single person; and

''(D) a family in which the head of household or spouse of the head of household is a former member of a reserve component of the Armed Forces who has retired or separated from service after having served a term of enlistment.''.

(b) FUNDING.—Subsection (e) of such section, as most recently amended by section 305(a) of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 (division U of Public Law 117–328), is further amended—

(1) by inserting ''(1)'' before ''From amounts''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Of amounts available under paragraph (1)(H) for fiscal year 2024, $50,000,000 shall be available to carry out subsections (a), (b), and (c) with respect to eligible families described in subparagraphs (C) and (D) of subsection (f)(7).

''(B) Any amounts made available under subparagraph (A) to carry out subsections (a), (b), and (c) with respect to eligible families described in subparagraphs (C) and (D) of subsection (f)(7) that remain available after supportive services have been provided to such families under this section shall be available during fiscal year 2024 to carry out subsections (a), (b), and (c) with respect to eligible families described in subparagraphs (A) and (B) of such subsection.''.

SEC. 1084. STUDY ON FOOD AND HOUSING INSECURITY EXPERIENCED BY MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) REPORT ON ESTABLISHMENT OF STUDY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report detailing plans to establish a study to analyze food and housing insecurity experienced by members of the reserve components of the Armed Forces.

(b) CONDUCT OF STUDY.—Not later than 120 days after the date on which the report required by subsection (a) is submitted, the Secretary of Defense shall begin conducting the study described in such subsection.

(c) ANNUAL REPORT.—Not later than one year after the date on which the report required by subsection (a) is submitted, and annually thereafter, the Secretary of Defense shall submit to Congress a report including the findings of the study conducted pursuant to subsection (b).

(d) RESERVE COMPONENT DEFINED.—In this section, the term ''reserve component'' has the meaning given that term in section 101 of title 38, United States Code.

SA 678. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 928.

SA 679. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 537.

SA 680. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. PLOT AND INTERMENT ALLOWANCES PAID BY THE SECRETARY OF VETERANS AFFAIRS FOR SPOUSES AND CHILDREN OF VETERANS WHO ARE BURIED IN STATE CEMETERIES.

(a) IN GENERAL.—Section 2303 of title 38, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e)(1) In the case of an individual described in paragraph (2) who is buried in a cemetery that is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of $525 (as increased from time to time under paragraph (3)) as a plot or interment allowance for such individual.

''(2) An individual described in this paragraph is a spouse, surviving spouse (which for purposes of this subsection includes a surviving spouse who had a subsequent remarriage), minor child (which for purposes of this subsection includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution), or, in the discretion of the Secretary, unmarried adult child of any individual described in paragraph (1), (2), (3), (4), or (7) of section 2402 of this title.

''(3) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount payable under paragraph (1) equal to the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to deaths occurring after that date.

SA 681. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. PILOT PROGRAM ON DOULA SUPPORT FOR VETERANS.

(a) FINDINGS.—Congress finds the following:

(1) There are approximately 2,300,000 women within the veteran population in the United States.

(2) The number of women veterans using services from the Veterans Health Administration has increased by 28.8 percent from 423,642 in 2014 to 545,670 in 2019.

(3) During the period of 2010 through 2015, the use of maternity services from the Veterans Health Administration increased by 44 percent.

(4) Although prenatal care and delivery is not provided in facilities of the Department of Veterans Affairs, pregnant women seeking care from the Department for other conditions may also need emergency care and require coordination of services through the Veterans Community Care Program under section 1703 of title 38, United States Code.

(5) The number of unique women veteran patients with an obstetric delivery paid for by the Department increased by 1,778 percent from 200 deliveries in 2000 to 3,756 deliveries in 2015.

(6) The number of women age 35 years or older with an obstetric delivery paid for by the Department increased 16-fold from fiscal year 2000 to fiscal year 2015.

(7) A study in 2010 found that veterans returning from Operation Enduring Freedom and Operation Iraqi Freedom who experienced pregnancy were twice as likely to have a diagnosis of depression, anxiety, posttraumatic stress disorder, bipolar disorder, or schizophrenia as those who had not experienced a pregnancy.

(8) The number of women veterans of reproductive age seeking care from the Veterans Health Administration continues to grow (more than 185,000 as of fiscal year 2015).

(b) PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to furnish doula services to covered veterans through eligible entities by expanding the Whole Health model of the Department of Veterans Affairs, or successor model, to measure the impact that doula support services have on birth and mental health outcomes of pregnant veterans (in this section referred to as the ''pilot program'').

(2) CONSIDERATION.—In carrying out the pilot program, the Secretary shall consider all types of doulas, including traditional and community-based doulas.

(3) CONSULTATION.—In designing and implementing the pilot program, the Secretary shall consult with stakeholders, including—

(A) organizations representing veterans, including veterans that are disproportionately impacted by poor maternal health outcomes;

(B) community-based health care professionals, including doulas, and other stakeholders; and

(C) experts in promoting health equity and combating racial bias in health care settings.

(4) GOALS.—The goals of the pilot program are the following:

(A) To improve—

(i) maternal, mental health, and infant care outcomes;

(ii) integration of doula support services into the Whole Health model of the Department, or successor model; and

(iii) the experience of women receiving maternity care from the Department, including by increasing the ability of a woman to develop and follow her own birthing plan.

(B) To reengage veterans with the Department after giving birth.

(c) LOCATIONS.—The Secretary shall carry out the pilot program in—

(1) the three Veterans Integrated Service Networks of the Department that have the highest percentage of female veterans enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code, compared to the total number of enrolled veterans in such Network;

(2) the three Veterans Integrated Service Networks that have the lowest percentage of female veterans enrolled in the patient enrollment system compared to the total number of enrolled veterans in such Network; and

(3) at least one Veterans Integrated Services Network—

(A) located in or serving a Frontier State (as defined in section 1886(d)(3)(E)(iii)(II) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(iii)(II))) where more than ⅓ of the population lives in frontier land; and

(B) serving populations experiencing higher average risk and prevalence for maternal mental health disorders, including American Indian or Alaska Native veterans.

(d) OPEN PARTICIPATION.—The Secretary shall allow any eligible entity or covered veteran interested in participating in the pilot program to participate in the pilot program.

(e) SERVICES PROVIDED.—

(1) IN GENERAL.—Under the pilot program, a covered veteran shall receive not more than 10 sessions of care from a doula under the Whole Health model of the Department, or successor model, under which a doula works as an advocate for the veteran alongside the medical team for the veteran.

(2) SESSIONS.—Sessions covered under paragraph (1) shall be as follows:

(A) Three or four sessions before labor and delivery.

(B) One session during labor and delivery.

(C) Three or four sessions after postpartum, which may be conducted via the mobile application for VA Video Connect.

(f) ADMINISTRATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Office of Women's Health of the Department of Veterans Affairs, or successor office (in this section referred to as the ''Office''), shall—

(A) coordinate services and activities under the pilot program;

(B) oversee the administration of the pilot program; and

(C) conduct onsite assessments of medical facilities of the Department that are participating in the pilot program.

(2) GUIDELINES FOR VETERAN-SPECIFIC CARE.—The Office shall establish guidelines under the pilot program for training doulas on military sexual trauma and post traumatic stress disorder.

(3) AMOUNTS FOR CARE.—The Office may recommend to the Secretary appropriate payment amounts for care and services provided under the pilot program, which shall not exceed $3,500 per doula per veteran.

(g) DOULA SERVICE COORDINATOR.—

(1) IN GENERAL.—The Secretary, in consultation with the Office, shall establish a Doula Service Coordinator within the functions of the Maternity Care Coordinator at each medical facility of the Department that is participating in the pilot program.

(2) DUTIES.—A Doula Service Coordinator established under paragraph (1) at a medical facility shall be responsible for—

(A) working with eligible entities, doulas, and covered veterans participating in the pilot program; and

(B) managing payment between eligible entities and the Department under the pilot program.

(3) TRACKING OF INFORMATION.—A doula providing services under the pilot program shall report to the applicable Doula Service Coordinator after each session conducted under the pilot program.

(4) COORDINATION WITH WOMEN'S PROGRAM MANAGER.—A Doula Service Coordinator for a medical facility of the Department shall coordinate with the women's program manager for that facility in carrying out the duties of the Doula Service Coordinator under the pilot program.

(h) TERM OF PILOT PROGRAM.—The Secretary shall conduct the pilot program for a period of five years.

(i) TECHNICAL ASSISTANCE.—The Secretary shall establish a process to provide technical assistance to eligible entities and doulas participating in the pilot program.

(j) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each year in which the pilot program is carried out, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(2) FINAL REPORT.—As part of the final report submitted under paragraph (1), the Secretary shall include recommendations on whether the model studied in the pilot program should be continued or more widely adopted by the Department.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of fiscal years 2024 through 2029, such sums as may be necessary to carry out this section.

(l) DEFINITIONS.—In this section:

(1) COVERED VETERAN.—The term ''covered veteran'' means a pregnant veteran or a formerly pregnant veteran (with respect to sessions post-partum) who is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that provides medically accurate, comprehensive maternity services to covered veterans under the laws administered by the Secretary, including under the Veterans Community Care Program under section 1703 of title 38, United States Code.

(3) VA VIDEO CONNECT.—The term ''VA Video Connect'' means the program of the Department of Veterans Affairs to connect veterans with their health care team from anywhere, using encryption to ensure a secure and private session.

SA 682. Mr. ROUNDS (for himself, Mr. SCHUMER, Mr. YOUNG, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle __—ADDITIONAL MATTERS RELATING TO ARTIFICIAL INTELLIGENCE

SEC. ___. REPORT ON AI REGULATION IN FINANCIAL SERVICES INDUSTRY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each of the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Bureau of Consumer Financial Protection shall submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on its gap in knowledge relating to artificial intelligence, including an analysis on—

(1) which tasks are most frequently being assisted or completed with artificial intelligence in the institutions the agency regulates;

(2) current governance standards in place for artificial intelligence use at the agency and current standards in place for artificial intelligence oversight by the agency;

(3) potentially additional regulatory authorities required by the agency to continue to successfully execute its mission;

(4) where artificial intelligence may lead to overlapping regulatory issues between agencies that require clarification;

(5) how the agency is currently using artificial intelligence, how the agency plans to use such artificial intelligence the next 3 years, and the expected impact, including fiscal and staffing, of those plans; and

(6) what resources, monetary or other resources, if any, the agency requires to both adapt to the changes that artificial intelligence will bring to the regulatory landscape and to adequately adopt and oversee the use of artificial intelligence across its operations described in paragraph (5).

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require an agency to include confidential supervisory information or pre-decisional or deliberative non-public information in a report under this section.

SEC. _____. ARTIFICIAL INTELLIGENCE BUG BOUNTY PROGRAMS.

(a) PROGRAM FOR FOUNDATIONAL ARTIFICIAL INTELLIGENCE PRODUCTS BEING INCORPORATED BY DEPARTMENT OF DEFENSE.—

(1) DEVELOPMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Chief Data and Artificial Intelligence Officer of the Department of Defense shall develop a bug bounty program for foundational artificial intelligence products being incorporated by the Department of Defense.

(2) COLLABORATION.—In developing the program required by paragraph (1), the Chief may collaborate with the heads of other government agencies that have expertise in cybersecurity and artificial intelligence.

(3) IMPLEMENTATION AUTHORIZED.—The Chief may carry out the program developed pursuant to subsection (a).

(4) CONTRACTS.—The Secretary of Defense shall ensure that whenever the Department of Defense enters into any contract, the contract allows for participation in the bug bounty program developed pursuant to paragraph (1).

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

(A) the use of any foundational artificial intelligence product; or

(B) the implementation of the program developed pursuant to paragraph (1) in order for the Department to incorporate a foundational artificial intelligence product.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Chief shall provide the congressional defense committees a briefing on—

(1) the development and implementation of bug bounty programs the Chief considers relevant to the matters covered by this section; and

(2) long-term plans of the Chief with respect to such bug bounty programs.

SEC. ___. VULNERABILITY ANALYSIS STUDY FOR EMERGING ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) STUDY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Chief Digital and Artificial Intelligence Officer (CDAO) of the Department of Defense shall complete a study analyzing the vulnerabilities of, and capacity to assess, emerging artificial intelligence systems, as well as research needs for such systems.

(b) ELEMENTS.—The study required by subsection (a) shall cover the following:

(1) Research and development needs and transition pathways to advance explainable and interpretable artificial intelligence, including the capability to audit the underlying artificial intelligence algorithms and data models.

(2) Assessing the potential risks of underlying artificial intelligence architectures and algorithms, including the following:

(A) Individual foundation models, including the adequacy of existing testing, training, and auditing for such models to ensure models can be properly assessed over time.

(B) The interactions of multiple artificial intelligence systems, and the ability to detect and assess new, complex, and emergent behavior amongst individual agents, as well as the collective impact, including how such changes may affect risk over time.

(C) The impact of increased agency in artificial intelligence systems and how such increased agency may affect the ability to detect and assess new, complex, and emergent behavior, as well risk over time.

(3) Assessing the robustness, survivability, and traceability of decision support systems that are integrated with artificial intelligence systems and used in a contested environment, including—

(A) potential benefits and risks of implementing such systems; and

(B) other technical or operational constraints to ensure such decision support systems are able to adhere to the Department of Defense Ethical Principles for Artificial Intelligence.

(4) Identification of existing artificial intelligence metrics, developmental, testing and audit capabilities, personnel, and infrastructure, including test and evaluation facilities, needed to enable ongoing identification and assessment under paragraphs (1) through (3), and other factors such as—

(A) implications for deterrence systems based on systems warfare; and

(B) vulnerability to systems confrontation on the system and system-of-systems level.

(5) Assessment of the sufficiency of current intellectual property and data rights regulations to address the clarity of government and industry data rights in an environment where commercial artificial intelligence algorithms are being trained on government-owned and controlled data sources.

(6) Identification of gaps or research needs to sufficiently respond to the elements outlined in this subsection that are not currently, or not sufficiently, funded within the Department of Defense or other Federal agencies.

(c) COORDINATION.—In carrying out the study required by subsection (a), the Chief Digital and Artificial Intelligence Officer shall coordinate with the following:

(1) The Director of the Defense Advanced Research Projects Agency (DARPA).

(2) The Under Secretary of Defense for Research and Evaluation.

(3) The Under Secretary of Defense for Policy.

(4) The Director for Operational Test and Evaluation (DOT&E) of the Department.

(5) As the Chief Digital and Artificial Intelligence Officer considers appropriate, the following:

(A) The Secretary of Energy.

(B) The Director of the National Institute of Standards and Technology.

(C) The Director of the National Science Foundation.

(D) The head of the National Artificial Intelligence Initiative Office of the Office of Science and Technology Policy.

(E) Members and representatives of industry.

(F) Members and representatives of academia.

(d) INTERIM BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Chief Digital and Artificial Intelligence Officer shall provide the congressional defense committees a briefing on the interim findings of the Chief Digital and Artificial Intelligence Officer with respect to the study being conducted pursuant to subsection (a).

(e) FINAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Chief Digital and Artificial Intelligence Officer shall submit to the congressional defense committees a final report on the findings of the Chief Digital and Artificial Intelligence Officer with respect ot the study conducted pursuant to subsection (a).

(2) FORM.—The final report submitted pursuant to paragraph (1) shall be submitted in unclassified for, but may include a classified annex.

SEC. ___. ROADMAP ON DATA SHARING AND COORDINATION RELATING TO ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a 5-year strategic roadmap—

(1) to promote the coordination of artificial intelligence systems and any data related to training, use, or evaluation of artificial intelligence systems; and

(2) to identify longstanding practices and institutional norms within each military department that contribute to decentralization of data systems and artificial intelligence technology acquisitions.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include the following elements:

(1) A review of past efforts to promote centralization of data and data management strategies related to training, use, or evaluation of artificial intelligence systems and interoperability of artificial intelligence systems.

(2) A description of how varying cultural norms among components of the Department of Defense contribute to decreased collaboration, interoperability, and joint decision-making within the Department with respect to artificial intelligence and associated data.

(3) A strategy to promote a unified vision of the Department that does not impinge upon the unique identity of each component with respect to artificial intelligence and associated data.

(4) Plans to prevent the necessity for post hoc technology integration programs, such as joint all-domain command and control (commonly referred to as ''JADC2''), with respect to newly acquired artificial intelligence systems.

SEC. ___. CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE RECRUITMENT AND RETENTION.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599k. Chief Digital and Artificial Intelligence Office recruitment and retention

''(a) GENERAL AUTHORITY.—(1) The Secretary of Defense may—

''(A) establish, as positions in the excepted service, such qualified positions in the Department of Defense as the Secretary determines necessary to carry out the responsibilities of the Chief Digital and Artificial Intelligence Office, including—

''(i) positions held by staff of the headquarters of the Office; and

''(ii) positions held by elements of the military departments supporting the Office;

''(B) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

''(C) subject to the requirements of subsections (b) and (c), fix the compensation of an individual for service in a qualified position.

''(2) The authority of the Secretary under this subsection applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

''(b) BASIC PAY.—(1) In accordance with this section, the Secretary shall fix the rates of basic pay for any qualified position established under subsection (a)—

''(A) in relation to the rates of pay provided for employees in comparable positions in the Department, in which the employee occupying the comparable position performs, manages, or supervises functions that execute a comparable mission of the Department; and

''(B) subject to the same limitations on maximum rates of pay established for such employees by law or regulation.

''(2) The Secretary may—

''(A) consistent with section 5341 of title 5, adopt such provisions of that title to provide for prevailing rate systems of basic pay; and

''(B) apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of such title.

''(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

''(2) An employee in a qualified position whose rate of basic pay is fixed under subsection (b)(1) shall be eligible for an allowance under section 5941 of title 5 on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

''(d) IMPLEMENTATION PLAN REQUIRED.—The authority granted in subsection (a) shall become effective 30 days after the date on which the Secretary of Defense provides to the congressional defense committees a plan for implementation of such authority. The plan shall include the following:

''(1) An assessment of the current scope of the positions covered by the authority.

''(2) A plan for the use of the authority.

''(3) An assessment of the anticipated workforce needs of the Chief Digital and Artificial Intelligence Office across the future-years defense plan.

''(4) Other matters as appropriate.

''(e) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in subsection (a) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

''(f) TRAINING.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

''(2) For purposes of this subsection, covered personnel are employees of the Department who—

''(A) carry out functions relating to—

''(i) the management of human resources and the civilian workforce of the Department; or

''(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

''(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.

''(g) REQUIRED REGULATIONS.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

''(h) ANNUAL REPORT.—(1) Not later than 1 year after the date of the enactment of this section and not less frequently than once each year thereafter until the date that is five years after the date of the enactment of this section, the Director of the Office of Personnel Management, in coordination with the Secretary, shall submit to the appropriate committees of Congress a detailed report on the administration of this section during the most recent one-year period.

''(2) Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

''(A) A discussion of the process used in accepting applications, assessing candidates, ensuring adherence to veterans' preference, and selecting applicants for vacancies to be filled by an individual for a qualified position.

''(B) A description of the following:

''(i) How the Secretary plans to fulfill the critical need of the Department to recruit and retain employees in qualified positions.

''(ii) The measures that will be used to measure progress.

''(iii) Any actions taken during the reporting period to fulfill such critical need.

''(C) A discussion of how the planning and actions taken under subparagraph (B) are integrated into the strategic workforce planning of the Department.

''(D) The metrics on actions occurring during the reporting period, including the following:

''(i) The number of employees in qualified positions hired, disaggregated by occupation, grade, and level or pay band.

''(ii) The placement of employees in qualified positions, disaggregated by military department or other component within the Department.

''(iii) The total number of veterans hired.

''(iv) The number of separations of employees in qualified positions, disaggregated by occupation and grade and level or pay band.

''(v) The number of retirements of employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

''(vi) The number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

''(E) A description of the training provided to employees described in subsection (f)(2) on the use of authorities under this section.

''(i) THREE-YEAR PROBATIONARY PERIOD.—The probationary period for all employees hired under the authority established in this section shall be 3 years.

''(j) INCUMBENTS OF EXISTING COMPETITIVE SERVICE POSITIONS.—(1) An individual occupying a position on the date of the enactment of this section that is selected to be converted to a position in the excepted service under this section shall have the right to refuse such conversion.

''(2) After the date on which an individual who refuses a converion under paragraph (1) stops serving in the position selected to be converted, the position may be converted to a position in the excepted service.

''(k) DEFINITIONS.—In this section:

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

''(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Oversight and Accountability, and the Committee on Appropriations of the House of Representatives.

''(2) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' has the meaning given that term in section 7103(a)(8) of title 5.

''(3) EXCEPTED SERVICE.—The term 'excepted service' has the meaning given that term in section 2103 of title 5.

''(4) PREFERENCE ELIGIBLE.—The term 'preference eligible' has the meaning given that term in section 2108(3) of title 5.

''(5) QUALIFIED POSITION.—The term 'qualified position' means a position, designated by the Secretary for the purpose of this section, in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the Chief Digital and Artificial Intelligence Office.

''(6) SENIOR EXECUTIVE SERVICE.—The term 'Senior Executive Service' has the meaning given that term in section 2101a of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

''1599k. Chief Digital and Artificial Intelligence Office recruitment and retention.''.

SA 683. Mr. KENNEDY (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title II, insert the following:

SEC. ____. ESTABLISHMENT OF TECHNOLOGY TRANSITION PROGRAM FOR STRATEGIC NUCLEAR DETERRENCE.

(a) IN GENERAL.—The Commander of Air Force Global Strike Command shall, through the use of a partnership intermediary, use any funds appropriated pursuant to the materials submitted under subsection (b), or otherwise made available to the Air Force, to establish a program—

(1) to carry out technology transition, digital engineering projects, and other innovation activities supporting the Air Force nuclear enterprise; and

(2) to discover capabilities that have the potential to generate life-cycle cost savings and provide data-driven approaches to resource allocation.

(b) INCLUSION OF PROGRAM ELEMENT IN FUTURE BUDGET MATERIALS.—In the materials submitted to by the Secretary of the Air Force in support of the budget of the President submitted for fiscal year 2025 and each fiscal year thereafter under section 1105 of title 31, United States Code, the Secretary shall include a program element dedicated to the program described in subsection (a).

(c) TERMINATION.—The program established under subsection (a) shall terminate on September 30, 2029.

(d) PARTNERSHIP INTERMEDIARY DEFINED.—The term ''partnership intermediary'' has the meaning given the term in section 23(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715(c)).

SA 684. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 715. IMPROVEMENT OF MENTAL HEALTH CARE FOR MEMBERS OF NATIONAL GUARD.

(a) ESTABLISHMENT OF SUICIDE PREVENTION WORKFORCE.—

(1) IN GENERAL.—The Chief of the National Guard Bureau, in consultation with the Director of the Army National Guard, the Director of the Air National Guard, and the Secretary of Defense, shall establish a full time suicide prevention workforce for the National Guard.

(2) DUTIES.—The suicide prevention workforce established under paragraph (1) shall—

(A) provide resources, education, and resources on suicide prevention to members of the National Guard at heightened risk for perpetuating harm or those contemplating multiple forms of violence, including suicide; and

(B) coordinate a standardized process and language between the Army National Guard and the Air National Guard with respect to suicide prevention programs to synchronize and oversee standardization and collaboration of such programs, including with respect to—

(i) how reports are made;

(ii) how data is collected; and

(iii) such other matters as the Chief of the National Guard Bureau considers appropriate.

(3) STRUCTURE.—The Chief of the National Guard Bureau shall structure the suicide prevention workforce established under paragraph (1) and related mental health wellness resources for members of the National Guard under an integrated organizational structure that coordinates and communicates between prevention and wellness programs across the Army National Guard and the Air National Guard.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Chief of the National Guard Bureau for fiscal year 2024 $465,000,000 to carry out this subsection.

(b) STAR BEHAVIORAL HEALTH PROVIDERS PROGRAM.—

(1) IN GENERAL.—The Chief of the National Guard Bureau shall establish a Star Behavioral Health Providers Program under which the Chief shall provide access by members of the National Guard to civilian health care providers who have completed education and training related to the physical and mental health needs of members of the Armed Forces.

(2) GRANTS.—The Chief of the National Guard Bureau shall establish a grant program under which States may award grants to civilian health care providers who agree to enter into a memorandum of understanding with the Chief under which the provider agrees to provide care to members of the National Guard under the Star Behavioral Health Providers Program established under paragraph (1).

(3) FUNDING.—There is authorized to be appropriated to the Chief of the National Guard Bureau such sums as may be necessary to carry out this subsection.

(c) COMPTROLLER GENERAL STUDY ON EXPANSION OF CARE FOR RESERVE COMPONENTS.—The Comptroller General of the United States shall conduct a study that—

(1) assesses the appropriate ratio of mental health providers within the National Guard to members of the National Guard;

(2) assesses the feasibility and advisability of, and funding requirements for, increasing the authorization of amounts under the Defense Health Program for the reserve components to provide funding for clinical care for members of the reserve components; and

(3) reviews the participation by States in a Star Behavior Health Providers Program, whether under subsection (b) or otherwise, and assesses the feasibility of expanding participation in such a program to all States and territories of the United States.

SA 685. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ENHANCED DOMESTIC CONTENT REQUIREMENT FOR NAVY SHIPBUILDING PROGRAMS.

(a) ENHANCED DOMESTIC CONTENT REQUIREMENT.—

(1) CONTRACTING REQUIREMENTS.—Except as provided in paragraph (2), for purposes of chapter 83 of title 41, United States Code, manufactured articles, materials, or supplies procured as part of a Navy shipbuilding program are manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States if the cost of such component articles, materials, or supplies—

(A) supplied during the period beginning January 1, 2026, and ending December 31, 2027, exceeds 65 percent of the cost of the manufactured articles, materials, or supplies;

(B) supplied during the period beginning January 1, 2028, and ending December 31, 2032, exceeds 75 percent of the cost of the manufactured articles, materials, or supplies; and

(C) supplied on or after January 1, 2033, equals 100 percent of the cost of the manufactured articles, materials, or supplies.

(2) APPLICABILITY TO RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—Contracts related to shipbuilding programs entered into under paragraph (1) to carry out research, development, test, and evaluation activities shall require that these activities and the components specified during these activities must meet the domestic content requirements delineated under paragraph (1).

(3) EXCLUSION FOR CERTAIN MANUFACTURED ARTICLES.—Paragraph (1) shall not apply to manufactured articles that consist wholly or predominantly of iron, steel, or a combination of iron and steel.

(4) WAIVER.—The Secretary of Defense may request a waiver from the requirements under paragraph (1) in order to expand sourcing to members of the national technical industrial base (as that term is defined in section 4801 of title 10, United States Code). Any such waiver shall be subject to the approval of the Director of the Made in America Office and may only be requested if it is determined that any of the following apply:

(A) Application of the limitation would increase the cost of the overall acquisition by more than 25 percent or cause unreasonable delays to be incurred.

(B) Satisfactory quality items manufactured by a domestic entity are not available or domestic production of such items cannot be initiated without significantly delaying the project for which the item is to be acquired.

(C) It is inconsistent with the public interest.

(5) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Director of the Made in America Office, shall issue rules to determine the treatment of the lowest price offered for a foreign end product for which 55 percent or more of the component articles, materials, or supplies of such foreign end product are manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States if—

(A) the application of paragraph (1) results in an unreasonable cost; or

(B) no offers are submitted to supply manufactured articles, materials, or supplies manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(6) APPLICABILITY.—The requirements of this subsection shall apply to contracts entered into on or after January 1, 2026.

(b) REPORTING ON COUNTRY OF ORIGIN MANUFACTURING.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on country of origin tracking and reporting as it relates to manufactured content procured as part of Navy shipbuilding programs, including through primary contracts and subcontracts at the second and third tiers. The report shall describe measures taken to ensure that the country of origin information pertaining to such content is reported accurately in terms of the location of manufacture and not determined by the location of sale.

SA 686. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR CERTAIN NAVAL VESSELS AND AUXILIARY SHIPS.

(a) REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR NAVAL VESSELS.—Section 4864(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(G) Ship shafts and propulsion system components, including reduction gears and propellers.''.

(b) REQUIREMENT THAT CERTAIN AUXILIARY SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

(1) COMPONENTS FOR AUXILIARY SHIPS.—Paragraph (3) of section 4864(a) of title 10, United States Code, is amended to read as follows:

''(3) COMPONENTS FOR AUXILIARY SHIPS.—Subject to subsection (k), the following components:

''(A) Large medium-speed diesel engines.

''(B) Propulsion system components, including reduction gears and propellers.''.

(2) IMPLEMENTATION.—Subsection (k) of section 4864 of title 10, United States Code, is amended to read as follows:

''(k) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—Subsection (a)(3) shall apply only with respect to contracts awarded by a Secretary of a military department for construction of a new class of auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024 using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.''.

SA 687. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CADETS: NOMINATION IN EVENT OF DEATH, RESIGNATION, OR EXPULSION FROM OFFICE OF MEMBER OF CONGRESS OTHERWISE AUTHORIZED TO NOMINATE.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by inserting after section 51302 the following new section:

''§ 51302a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 51302(b)(1) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

''(b) REPRESENTATIVES.—In the event a Member of the House of Representatives from a State does not submit nominations for cadets for an academic year in accordance with section 51302(b)(2) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets

for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 51302 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by inserting after the item relating to section 51302 the following new item:

''51302a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate''.

SA 688. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle __—United States-Pacific Island Partnership Empowerment Act

SEC. __1. SHORT TITLE.

This subtitle may be cited as the ''United States-Pacific Island Partnership Empowerment Act''.

SEC. __2. DEFINITIONS.

In this subtitle:

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

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

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

(2) EXCESS DEFENSE ARTICLES.—The term ''excess defense articles'' has the meaning given that term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(3) NONLETHAL EXCESS DEFENSE ARTICLE; UNITED STATES-PACIFIC ISLAND PARTNERSHIP.—The terms ''nonlethal excess defense article'' and ''United States-Pacific Island Partnership'' have the meanings given those terms in subparagraph (C) of section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)), as added by section 4(3).

SEC. __3. STATEMENT OF POLICY.

The United States supports expanding and deepening cooperation within the United States-Pacific Island Partnership to maintain free, open, and peaceful waterways in the Pacific in which the rights to the freedom of navigation and overflight are recognized and respected, trade flows are unimpeded, and geopolitical competition does not undermine the sovereignty and security of the Pacific Islands.

SEC. __4. PRIORITY FOR THE TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) LETHAL EXCESS DEFENSE ARTICLES.—Notwithstanding'';

(2) in subparagraph (A), as designated by paragraph (1), by striking ''the delivery of excess defense articles'' and inserting ''the delivery of lethal excess defense articles''; and

(3) by adding at the end the following:

''(B) NONLETHAL EXCESS DEFENSE ARTICLES.—The delivery of nonlethal excess defense articles, including vehicles, supplies, and furniture, under this section to members of the United States-Pacific Island Partnership shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

''(C) DEFINITIONS.—In this paragraph:

''(i) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term 'International Traffic in Arms Regulations' means subchapter M of chapter I of title 22, Code of Federal Regulations (or successor regulations).

''(ii) LETHAL EXCESS DEFENSE ARTICLE.—The term 'lethal excess defense article' means an excess defense article that is regulated under—

''(I) the International Traffic in Arms Regulations; or

''(II) the United States Munitions List.

''(iii) NONLETHAL EXCESS DEFENSE ARTICLE.—The term 'nonlethal excess defense article' means an excess defense article that is not regulated under—

''(I) the International Traffic in Arms Regulations; or

''(II) the United States Munitions List.

''(iv) UNITED STATES MUNITIONS LIST.—The term 'United States Munitions List' means the list set forth in part 121 of title 22, Code of Federal Regulations (or successor regulations).

''(v) UNITED STATES-PACIFIC ISLAND PARTNERSHIP.—The term 'United States-Pacific Island Partnership' means the partnership between the United States and the Cook Islands, the Federated States of Micronesia, Fiji, French Polynesia, Nauru, New Caledonia, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, the Solomon Islands, Tonga, Tuvalu, Vanuatu, and such other states in the Pacific Islands as the President may identify.''.

SEC. __5. ANNUAL REPORT ON TRANSFER OF EXCESS DEFENSE ARTICLES TO MEMBERS OF THE UNITED STATES-PACIFIC ISLAND PARTNERSHIP.

(a) ANNUAL REPORT REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of 5 years, the President shall submit to the appropriate congressional committees a report on the transfer of excess defense articles to members of the United States-Pacific Island Partnership.

(b) CONTENTS OF REPORT.—Each report required by subsection (a) shall include the following:

(1) An overview of the transfer of excess defense articles to members of the United States-Pacific Island Partnership during the period covered by the report, including the quantity and types of articles transferred.

(2) A description of the prioritization process used by the Department of Defense to determine the allocation of nonlethal excess defense articles to members of the United States-Pacific Island Partnership under subparagraph (B) of section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 232j(c)(2)), as added by section 4(3).

(3) A description of—

(A) any challenges or constraints encountered in the process for transferring excess defense articles to members of the United States-Pacific Island Partnership; and

(B) efforts undertaken to address those challenges or constraints.

(4) An assessment of the impact of excess defense articles transferred to members of the United States-Pacific Island Partnership on the capacity-building efforts, security cooperation, and interoperability of those members.

(5) A review of the effectiveness of the transfer of excess defense articles to members of the United States-Pacific Island Partnership in promoting regional stability, maritime security, and the sovereignty and security of the Pacific Islands.

(c) COORDINATION AND CONSULTATION.—In preparing each report required by subsection (a), the President—

(1) shall coordinate with—

(A) the Secretary of State;

(B) the Secretary of Defense; and

(C) such other heads of Federal agencies as the President considers relevant; and

(2) may consult with representatives of members of the United States-Pacific Island Partnership.

(d) FORMATS; PUBLIC AVAILABILITY.—Each report required by subsection (a) shall be submitted in both electronic and hard copy formats and made available to the public, consistent with applicable law.

(e) UPDATES.—The President shall provide updates to the appropriate congressional committees if significant developments or changes occur in the transfer of excess defense articles to members of the United States-Pacific Island Partnership that warrant congressional attention or amendment of this Act.

(f) FUNDING.—The President shall allocate resources necessary to fulfill the report requirement under this section using amounts appropriated before the date of the enactment of this Act, and no additional amounts may be authorized to be appropriated or appropriated solely for such purpose.

SA 689. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. FINANCIAL SUPPORT FOR INFRASTRUCTURE IN LESS DEVELOPED COUNTRIES.

Section 1411 of the BUILD Act of 2018 (division F of Public Law 115–254; 22 U.S.C. 9611) is amended—

(1) in paragraph (1), by inserting ''energy security,'' after ''poverty reduction,'';

(2) in paragraph (7), by striking ''and'' at the end;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) to prioritize, the maximum extent feasible, investments in—

''(A) critical infrastructure, including transportation systems (particularly ports);

''(B) affordable and reliable energy production and distribution; and

''(C) telecommunications networks.''.

SA 690. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2882. MODIFICATION OF PILOT PROGRAM ON ESTABLISHMENT OF ACCOUNT FOR REIMBURSEMENT FOR USE OF TESTING FACILITIES AT INSTALLATIONS OF THE DEPARTMENT OF THE AIR FORCE.

Section 2862 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 9771 note prec.) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by striking subsection (c) and inserting the following new subsections:

''(c) AVAILABLE AMOUNTS AND USAGE.—

''(1) IN GENERAL.—The commander of an installation selected to participate in the pilot program may obligate or expend the following amounts under the pilot program:

''(A) Subject to subsection (d), amounts reimbursed to such installation for Facility, Sustainment, Restoration, and Modernization.

''(B) Maintenance costs reimbursed by test customers of testing facilities at such installation under the pilot program.

''(2) DESIGNATION OF AMOUNTS.—The commander of an installation selected to participate in the pilot program may designate an appropriate amount of maintenance costs to be charged to users of the testing facilities at such installation under the pilot program.

''(3) USE OF AMOUNTS.—The commander of an installation selected to participate in the pilot program may use amounts accrued pursuant to the pilot program, either singly or in combination with appropriated funds, for maintenance projects at the installation.

''(d) OVERSIGHT OF ACCRUED MAINTENANCE REIMBURSEMENT FUNDS.—The commander of an installation selected to participate in the pilot program shall have direct oversight over the amounts reimbursed to the installation under the pilot program for Facility, Sustainment, Restoration, and Modernization.''.

SA 691. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CHINA INVESTMENT RISK DISCLOSURE.

(a) FINDINGS.—Congress finds the following:

(1) The People's Republic of China has vowed to seize Taiwan, which the People's Republic of China considers to be a renegade province.

(2) The people of Taiwan are concerned that the People's Republic of China will launch an armed attack of Taiwan.

(3) The Chairman of the Joint Chiefs of Staff, in testimony before Congress in April 2022, stated the following: ''The People's Republic of China has and continues to develop significant nuclear, space, cyber, land, air, and maritime military capabilities, and they are working every day to close the technology gap with the United States and our allies. In short, they remain intent on fundamentally revising the global international order in their favor by midcentury, they intend to be a military peer of the U.S. by 2035, and they intend to develop the military capabilities to seize Taiwan by 2027.''.

(4) Section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)) states that ''the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''.

(5) An armed attack of Taiwan would likely materially disrupt United States business relations with, and investments in, the People's Republic of China, whether directly or indirectly.

(6) The nature and risk of an armed attack of Taiwan by the People's Republic of China is material to shareholders of issuers that have a material presence in the People's Republic of China.

(7) Issuers should be required to disclose to their shareholders—

(A) any reliance that those issuers have on the operations of those issuers in the People's Republic of China;

(B) the material risks posed to the business interests of those issuers by an armed attack of Taiwan by the People's Republic of China; and

(C) the commercial relationships that those issuers have with the industrial base of the People's Liberation Army, including with any entity on the list of Chinese military companies maintained by the Secretary of Defense under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113 note).

(b) DISCLOSURE OF MATERIAL RISKS ASSOCIATED WITH AN ARMED ATTACK OF TAIWAN BY THE PEOPLE'S REPUBLIC OF CHINA.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(t) DISCLOSURE OF MATERIAL RISKS ASSOCIATED WITH AN ARMED ATTACK OF TAIWAN BY THE PEOPLE'S REPUBLIC OF CHINA.—

''(1) DEFINITION.—In this subsection, the term 'covered issuer'—

''(A) means an issuer that is required to file reports under subsection (a) or section 15(d); and

''(B) includes any issuer that files the form described in section 249.220f of title 17, Code of Federal Regulations, or any successor regulation.

''(2) REGULATIONS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall promulgate regulations requiring each covered issuer to disclose annually, beginning with the first full fiscal year of the covered issuer that begins after the date on which the Commission promulgates those regulations, information regarding the following:

''(A) The direct or indirect exposure, including through contract manufacturers and joint ventures, of the covered issuer to the People's Republic of China through—

''(i) the operations of the covered issuer;

''(ii) the employee base of the covered issuer;

''(iii) investments made by the covered issuer in the People's Republic of China (including the Hong Kong Special Administrative Region); and

''(iv) securities traded by the covered issuer in the People's Republic of China (including the Hong Kong Special Administrative Region).

''(B) The legal or regulatory uncertainty associated with the covered issuer operating in or exiting the People's Republic of China after an armed attack of Taiwan by the People's Republic of China.

''(C) The direct or indirect reliance of the covered issuer on goods or services sourced in the People's Republic of China.

''(D) The potential disruptions to the supply chain of the covered issuer due to an armed attack of Taiwan by the People's Republic of China.

''(E) The disruptions that an armed attack of Taiwan by the People's Republic of China may cause to the following:

''(i) The business relationships of the covered issuer in the People's Republic of China (including the Hong Kong Special Administrative Region).

''(ii) Other connections between the covered issuer and the People's Republic of China (including the Hong Kong Special Administrative Region).

''(iii) Assets of the covered issuer that are in the People's Republic of China (including the Hong Kong Special Administrative Region).

''(F) The impact on the cash flow, liquidity, supply chain, property, capital resources, cash requirements, or financial position of the covered issuer, or on any plant or equipment of the covered issuer located in the People's Republic of China (including the Hong Kong Special Administrative Region), that may be caused by an armed attack of Taiwan by the People's Republic of China, including—

''(i) any impairment of financial assets or long-lived assets of the covered issuer;

''(ii) any decline in—

''(I) the value of inventory or investments of the covered issuer; or

''(II) the recoverability of deferred tax assets of the covered issuer; and

''(iii) any impact on the collectability of consideration relating to contracts that the covered issuer has with customers.

''(G) The impact of any import or export ban that may result from an armed attack of Taiwan by the People's Republic of China on any product or commodity, including any critical mineral from the People's Republic of China, used in the course of business by the covered issuer or sold by the covered issuer.

''(3) INFORMATION AVAILABLE TO THE PUBLIC.—Each covered issuer shall make available to the public on the internet website of the covered issuer the information disclosed by the covered issuer in accordance with the regulations promulgated by the Commission under paragraph (2).''.

(c) DISCLOSURE BY INVESTMENT ADVISERS AND INVESTMENT COMPANIES.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

(B) INVESTMENT ADVISER.—The term ''investment adviser'' has the meaning given the term in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)).

(C) INVESTMENT COMPANY.—The term ''investment company'' has the meaning given the term in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3).

(2) DISCLOSURES.—Not later than 270 days after the date of enactment of this Act, the Commission shall promulgate regulations that require each investment adviser and each investment company to make an annual disclosure to the Commission (to the extent material) with respect to the issues described in paragraph (3).

(3) ISSUES DESCRIBED.—The issues described in this paragraph with respect to an investment adviser or investment company are the following:

(A) The exposure of the applicable entity to the People's Republic of China through investments made by the entity in the People's

Republic of China (including the Hong Kong Special Administrative Region).

(B) The potential loss in value of investments described in subparagraph (A) that may be caused by an armed attack of Taiwan by the People's Republic of China, including any sanctions imposed by the United States in response to such an armed attack.

(4) APPLICABILITY.—The regulations promulgated under paragraph (2) shall apply beginning with the first full fiscal year of an investment adviser or investment company, as applicable, that begins after the date on which the Commission promulgates those regulations.

SA 692. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title X, add at the end the following:

Subtitle H—Foreign Agricultural Restrictions to Maintain Local Agriculture and National Defense

SEC. 1091. AGRICULTURAL FOREIGN INVESTMENT.

(a) FINDINGS.—Congress finds that—

(1) agriculture is vital for the national security and economic prosperity of the United States and is a key element of United States national power;

(2) agriculture of the United States feeds the people of the United States and the world, and has been a key contributor to advancements in technology and medicine;

(3) strategic competitors of the United States have hegemonic goals to dominate the global agriculture industry and undermine the United States agriculture sector through intellectual property theft of seeds and other patented agriculture-related technologies;

(4) China in particular has increased agricultural investments tenfold over the past decade and continues to make investments in United States agriculture, agribusiness, and animal processing industries, including by acquiring ownership of farmland in the United States;

(5) the United States must prevent agricultural espionage and theft of intellectual property conducted by China and other foreign entities of concern (as defined in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508));

(6) agricultural intellectual property theft may enable global competitors to undercut United States producers in international seed markets;

(7) the Federal Government does not fully exercise its authorized oversight over investment transactions within the agricultural industry, causing—

(A) United States farmland to be under foreign acquisition; and

(B) the influence of foreign adversaries on agriculture in the United States to be an unknown risk factor; and

(8) the Federal Government must enforce and modernize existing laws to monitor and prevent malign actions of foreign entities of concern (as defined in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508)) on the farms and land of the United States.

(b) CIVIL PENALTIES.—Section 3 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502) is amended—

(1) by redesignating subsection (b) as subsection (d);

(2) in subsection (a), in the matter preceding paragraph (1), by striking ''(a) If the'' and all that follows through ''Any such civil penalty'' in the third sentence and inserting the following:

''(a) IN GENERAL.—A person shall be subject to a civil penalty imposed by the Secretary if the Secretary determines that the person—

''(1) has failed to submit a report in accordance with the provisions of section 2; or

''(2) has knowingly submitted a report under section 2 that—

''(A) does not contain all the information required to be in such report; or

''(B) contains information that is misleading or false.

''(b) AVAILABILITY OF FUNDS FROM CIVIL PENALTIES.—A civil penalty collected under subsection (a) shall be available to the Secretary without appropriation and remain available until expended for the purpose of enforcing this Act.

''(c) CIVIL ACTION.—Any civil penalty imposed by the Secretary under subsection (a)''; and

(3) in subsection (d) (as so redesignated)—

(A) by striking the subsection designation and all that follows through ''The amount'' and inserting the following:

''(d) AMOUNT OF PENALTY.—The amount'';

(B) by striking ''of this section''; and

(C) by striking ''shall not exceed 25 percent'' and inserting ''shall be not less than 5 percent, but not more than 25 percent,''.

(c) PUBLIC DISCLOSURE OF NONCOMPLIANT PERSONS.—Section 3 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502) (as amended by subsection (b)) is amended by adding at the end the following:

''(e) PUBLIC DISCLOSURE OF NONCOMPLIANT PERSONS.—The Secretary shall publicly disclose the name of each person who paid to the Secretary a civil penalty imposed under subsection (a), including, if applicable, after the completion of an appeal of a civil penalty.''.

(d) PUBLICATION OF REPORTING REQUIREMENTS.—Section 3 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502) (as amended by subsection (c)) is amended by adding at the end the following:

''(f) OUTREACH.—Using existing resources and efforts to the maximum extent practicable, the Secretary shall carry out a nationwide outreach program directed primarily towards landlords, owners, operators, persons, producers, and tenants (as those terms are defined in section 718.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2024)) of agricultural land and county property appraiser offices, land appraisal companies, and real estate auction companies to increase public awareness and provide education regarding the reporting requirements under this section.''.

(e) DUE DILIGENCE REQUIREMENTS.—The Agricultural Foreign Investment Disclosure Act of 1978 is amended by inserting after section 4 (7 U.S.C. 3503) the following:

''SEC. 5. DUE DILIGENCE REQUIREMENTS.

''Any entity (including a buyer, seller, real estate agent, broker, and title company) involved in the purchase or transfer of agricultural land in the United States shall—

''(1) conduct due diligence relating to the agriculture land being purchased or transferred; and

''(2) certify to the Secretary that, to the best of the knowledge and belief of the entity, the entity is in compliance with all applicable provisions of this Act.''.

SEC. 1092. REPORT ON AGRICULTURAL LAND PURCHASING ACTIVITIES IN THE UNITED STATES BY COUNTRIES DESIGNATED AS STATE SPONSORS OF TERRORISM AND CERTAIN OTHER COUNTRIES.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL LAND.—The term ''agricultural land'' has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

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

(C) the Committee on Intelligence of the Senate;

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

(E) the Committee on Agriculture of the House of Representatives; and

(F) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) COVERED FOREIGN COUNTRY.—The term ''covered foreign country'' means—

(A) the People's Republic of China;

(B) the Russian Federation;

(C) a state sponsor of terrorism; and

(D) any other country identified by the Secretary of Homeland Security or the Secretary of Agriculture.

(4) COVERED FOREIGN PERSON.—The term ''covered foreign person'' means a foreign person (as defined in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508)) that is a citizen of, or headquartered in, as applicable, a covered foreign country.

(5) STATE.—The term ''State'' has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(6) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism, for purposes of—

(A) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i));

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(D) any other provision of law.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of Agriculture, with support from the Secretary of Homeland Security and the head of any other appropriate Federal agency, shall submit to the appropriate committees of Congress a report describing the national security risks of the purchase and management of agricultural land by covered foreign persons.

(2) CONTENTS.—A report submitted under paragraph (1) shall include the following with respect to the year covered by the report:

(A) A description of—

(i) the number of acres of agricultural land owned or managed by covered foreign persons, organized by State; and

(ii) for each State, the percentage of land owned or managed by covered foreign persons compared to the total acreage of the State.

(B) An analysis of the possible threat to food security, food safety, biosecurity, or environmental protection due to the ownership of agricultural land by each covered foreign country through covered foreign persons.

(C) An analysis of the annual and total cost of support for agricultural land owned by covered foreign persons through farm programs administered by the Farm Service Agency.

(D) An analysis of the use of agricultural land for industrial espionage or intellectual property transfer by covered foreign persons.

(E) An analysis of the potential use by covered foreign persons of agricultural land in close proximity to manufacturing facilities, water sources, and other critical infrastructure to monitor, interrupt, or disrupt activities critical to the national and economic security of the United States.

(F) An analysis of other threats to the agricultural industry or national security of the United States due to the ownership of agricultural land by covered foreign persons.

(3) UNCLASSIFIED FORM.—A report submitted under this subsection shall—

(A) be submitted in unclassified form, but may include a classified annex; and

(B) be consistent with the protection of intelligence sources and methods.

SEC. 1093. INVESTIGATIVE ACTIONS.

(a) INVESTIGATIVE ACTIONS.—Section 4 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3503) is amended to read as follows:

''SEC. 4. INVESTIGATIVE ACTIONS.

''(a) IN GENERAL.—The Secretary shall appoint an employee in the Senior Executive Service (as described in section 3131 of title 5, United States Code) of the Department of Agriculture to serve as Chief of Operations of Investigative Actions (referred to in this section as the 'Chief of Operations'), who shall hire, appoint, and maintain additional employees to monitor compliance with the provisions of this Act.

''(b) CHIEF OF OPERATIONS.—The Chief of Operations may serve in such position simultaneously with a concurrent position within the Department of Agriculture.

''(c) SECURITY.—The Secretary shall—

''(1) provide classified storage, meeting, and other spaces, as necessary, for personnel; and

''(2) assist personnel in obtaining security clearances.

''(d) DUTIES.—The Chief of Operations shall—

''(1) monitor compliance with this Act;

''(2) refer noncompliance with this Act to the Secretary, the Farm Service Agency, and any other appropriate authority;

''(3) conduct investigations, in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, the Department of the Treasury, the National Security Council, and State and local law enforcement agencies, on malign efforts—

''(A) to steal agricultural knowledge and technology; and

''(B) to disrupt the United States agricultural base;

''(4) conduct an annual audit of the database developed under section 1095(b) of the National Defense Authorization Act for Fiscal Year 2024;

''(5) seek to enter into memoranda of agreement and memoranda of understanding with the Federal agencies described in paragraph (3)—

''(A) to ensure compliance with this Act; and

''(B) to prevent the malign efforts described in that paragraph;

''(6) refer to the Committee on Foreign Investment in the United States transactions that—

''(A) raise potential national security concerns; and

''(B) result in agricultural land acquisition by a foreign person that is a citizen of, or headquartered in, as applicable, a foreign entity of concern; and

''(7) publish annual reports that summarize the information contained in every report received by the Secretary under section 2 during the period covered by the report.

''(e) ADMINISTRATION.—The Chief of Operations shall report to—

''(1) the Secretary; or

''(2) if delegated by the Secretary, to—

''(A) the Administrator of the Farm Service Agency; or

''(B) the Director of the Department of Agriculture Office of Homeland Security.''.

(b) DEFINITION OF FOREIGN ENTITY OF CONCERN.—Section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508) is amended—

(1) in the matter preceding paragraph (1), by striking ''For purposes of this Act—'' and inserting ''In this Act:'';

(2) in each of paragraphs (1) through (6)—

(A) by striking ''the term'' and inserting ''The term''; and

(B) by inserting a paragraph heading, the text of which comprises the term defined in that paragraph;

(3) by redesignating paragraphs (2) through (6) as paragraphs (3), (4), (6), (7), and (8), respectively;

(4) by inserting after paragraph (1) the following:

''(2) FOREIGN ENTITY OF CONCERN.—The term 'foreign entity of concern' has the meaning given the term in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651).''; and

(5) by inserting after paragraph (4) (as so redesignated) the following:

''(5) MALIGN EFFORT.—The term 'malign effort' means any hostile effort undertaken by, at the direction of, on behalf of, or with the substantial support of the government of a foreign entity of concern.''.

(c) REPORTS.—The Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 11. REPORTS.

''(a) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report that describes the progress of the Secretary in implementing the amendments made by subtitle H of title X of the National Defense Authorization Act for Fiscal Year 2024.

''(b) REPORT ON TRACKING COVERED TRANSACTIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report on the feasibility of—

''(1) establishing a mechanism for quantifying the threats posed by foreign entities of concern to United States food security, biosecurity, food safety, environmental protection, and national defense; and

''(2) building, and submitting to the Committee on Foreign Investment in the United States for further review, a rigorous discovery and review process to review transactions described in section 721(a)(4)(B)(vi) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(B)(vi)).

''(c) YEARLY REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter for the following 10 years, the Secretary shall submit to Congress a report on the activities of the Secretary pursuant to this Act during the year covered by the report.''.

SEC. 1094. AUTHORITY OF COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES TO REVIEW CERTAIN REAL ESTATE PURCHASES BY FOREIGN ENTITIES OF CONCERN.

(a) IN GENERAL.—Section 721(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''; and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) any transaction described in subparagraph (B)(vi) proposed or pending on or after the date of enactment of this clause.''; and

(2) in subparagraph (B), by adding at the end the following:

''(vi) Subject to subparagraph (C), the purchase or lease by, or a concession to, a foreign entity of concern of private or public real estate in the United States if—

''(I)(aa) the value of the purchase, lease, or concession—

''(AA) exceeds $5,000,000; or

''(BB) in combination with the value of other such purchases or leases by, or concessions to, the same entity during the preceding 3 years, exceeds $5,000,000; or

''(bb) the real estate—

''(AA) exceeds 320 acres; or

''(BB) in combination with other private or public real estate in the United States purchased or leased by, or for which a concession is provided to, the same entity during the preceding 3 years, exceeds 320 acres; and

''(II) the real estate is primarily used for—

''(aa) agriculture, including raising of livestock and forestry;

''(bb) extraction of fossil fuels, natural gas, purchases or leases of renewable energy sources; or

''(cc) extraction of critical precursor materials for biological technology industries, information technology components, or national defense technologies.''.

(b) FOREIGN ENTITIES OF CONCERN.—Section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) FOREIGN ENTITY OF CONCERN.—The term 'foreign entity of concern' has the meaning given that term in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651).''.

(c) FACTORS TO BE CONSIDERED.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. 4565(f)) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) the potential follow-on national security effects of the risks posed by the proposed or pending transaction to United States food security, food safety, biosecurity, environmental protection, or national defense;''.

(d) INCLUSION OF SECRETARY OF AGRICULTURE AND THE COMMISSIONER OF FOOD AND DRUGS ON COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—Section 721(k)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(2)) is amended—

(1) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (J), (K), and (L), respectively; and

(2) by inserting after subparagraph (G) the following:

''(H) The Secretary of Agriculture.

''(I) The Commissioner of Food and Drugs.''.

(e) ANNUAL REPORT.—Section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) LIST OF REAL ESTATE OWNED BY FOREIGN ENTITIES OF CONCERN.—The President and such agencies as the President shall designate shall include in the annual report submitted under paragraph (1) a list of all real estate in the United States owned by a foreign entity of concern or a person closely associated with such an entity.''.

(f) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with Secretary of State and the Secretary of Homeland Security, shall submit to Congress a report that includes—

(1) an assessment of the feasibility of requiring retroactive divestment of real estate owned by foreign entities of concern (as defined in section 721(a) of the Defense Production Act of 1950, as amended by this section); and

(2) a description of the process used by the Committee on Foreign Investment in the United States to review the national security implications of any connections between—

(A) foreign investment in the United States made by the Government of the People's Republic of China or entities controlled by or acting on behalf of that Government; and

(B) the Chinese Communist Party.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after such date of enactment.

SEC. 1095. DIGITIZATION AND CONSOLIDATION OF FOREIGN LAND OWNERSHIP DATA.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL LAND.—The term ''agricultural land'' has the meaning given the term in section 781.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' has the meaning given the term in section 1092(a).

(3) DATABASE.—The term ''database'' means the database developed under subsection (b).

(4) FOREIGN PERSON.—The term ''foreign person'' has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(5) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of Agriculture; and

(B) the Secretary of Homeland Security.

(b) DATABASE.—Subject to the availability of appropriations, not later than 3 years after the date of enactment of this Act, the Secretaries, acting jointly, shall develop a database of agricultural land owned by foreign persons, using data that are—

(1) collected—

(A) pursuant to the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.); and

(B) from FSA–153 forms submitted to the Farm Service Agency; and

(2) publicly available.

(c) CONTENTS.—Each entry in the database for each registration or updated registration of agricultural land owned by a foreign person shall include information in the applicable FSA–153 form.

(d) AUDIT.—Not later than 180 days after the database is made publicly available, and annually thereafter, the Chief of Operations for Investigative Actions appointed under section 4 of the Agricultural Foreign Investment Disclosure Act of 1978 shall—

(1) conduct an audit of the database; and

(2) submit to the appropriate committees of Congress a report—

(A) evaluating the accuracy of the database; and

(B) describing recommendations for improving compliance with the reporting required under the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.).

SEC. 1096. PROHIBITION OF PARTICIPATION IN FARM SERVICE AGENCY PROGRAMS BY FOREIGN PERSONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' has the meaning given the term in section 1092(a).

(2) FOREIGN PERSON.—The term ''foreign person'' has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(3) OPERATOR.—The term ''operator'' has the meaning given the term in section 718.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(4) OWNER.—The term ''owner'' has the meaning given the term in section 718.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) PARTICIPANT.—The term ''participant'' has the meaning given the term in section 718.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) LIMITATION FOR FOREIGN-OWNED OR OPERATED LAND.—No operator or owner who is a foreign person may be a participant.

(c) COMPLIANCE.—

(1) IN GENERAL.—The Secretary may take such actions as the Secretary considers necessary to monitor compliance with subsection (b).

(2) OWNERSHIP CERTIFICATION.—The Secretary shall require any owner or operator applying to be a participant to certify in the application that the owner or operator is not a foreign person.

(3) CIVIL PENALTY.—

(A) IN GENERAL.—A foreign person shall be subject to a civil penalty imposed by the Secretary if the Secretary determines that the foreign person—

(i) has received benefits prohibited under subsection (b); or

(ii) has knowingly submitted a request for those benefits that contains information that is misleading or false.

(B) CIVIL ACTION.—A civil penalty imposed by the Secretary under subparagraph (A) shall be recoverable in a civil action brought by the Attorney General in an appropriate district court of the United States.

(C) AMOUNT.—The amount of a civil penalty imposed by the Secretary under subparagraph (A)—

(i) shall be such amount as the Secretary determines to be appropriate to carry out the purposes of this section; but

(ii) shall not exceed 125 percent of the monetary benefits provided to the foreign person in participating in the 1 or more programs of the Farm Service Agency in which participation is prohibited under subsection (b).

(D) USE OF CIVIL PENALTIES.—Penalties collected under this paragraph shall be available to the Secretary, without further appropriation and until expended, for the purpose of enforcing this section.

(4) USE OF INFORMATION.—For the purpose of monitoring compliance under this subsection, the Secretary shall use information—

(A) collected by the Secretary under the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.); and

(B) from the FSA–153 form submitted to the Farm Service Agency.

(d) REPORT.—The Secretary shall submit to the appropriate committees of Congress, on an annual basis, a report containing the following information:

(1) A description of violations of subsection (b) during the year covered by the report.

(2) An itemized list of savings for each program administered by the Farm Service Agency during the year covered by the report as a result of subsection (b).

(3) A description of compliance actions taken by the Secretary under subsection (c) during the year covered by the report.

(4) An itemized list of civil penalties imposed on foreign persons under subsection (c)(3) during the year covered by the report.

(5) Such other information on enforcement under this section, compliance with this section, and the benefits of this section as the Secretary determines to be necessary.

SEC. 1097. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle and the amendments made by this subtitle—

(1) $35,000,000 for fiscal year 2024, to remain available until expended, for secure workspace buildout under the amendments made by section 1093 and database system development under section 1095; and

(2) $9,000,000 for each of fiscal years 2024 through 2028 for all other activities.

SA 693. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. IMPOSITION OF SANCTIONS WITH RESPECT TO MILITARY AND INTELLIGENCE FACILITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN CUBA.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to any foreign person that the President determines engages in or has engaged in a significant transaction or transactions, or any dealings with, or has provided material support to or for a military or intelligence facility of the People's Republic of China in Cuba.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign person are the following:

(1) LICENSING PROHIBITION.—Notwithstanding any other provision of law, no license may be issued to the foreign person for any transaction described in section 515.559 of title 31, Code of Federal Regulations, or part 740 or 746 of title 15, Code of Federal Regulations, as that section and those parts were in effect on July 13, 2023.

(2) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States,

come within the United States, or are or come within the possession or control of a United States person.

(3) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of a foreign person who is an alien, denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President shall exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) EXCEPTIONS.—

(1) IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under subsection (b)(3) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(e) TERMINATION OF SANCTIONS.—Notwithstanding any other provision of law, this section shall terminate on the date that is 30 days after the date on which the President determines and certifies to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that Cuba has closed and dismantled all military or intelligence facilities of the People's Republic of China in Cuba.

(f) DEFINITIONS.—In this section:

(1) ALIEN.—The term ''alien'' has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' includes—

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

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(4) PERSON.—The term ''person'' means an individual or entity.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 1299M. CODIFICATION OF CUBA RESTRICTED LIST.

The President may not remove any entity or subentity from the List of Restricted Entities and Subentities Associated with Cuba of the Department of State (commonly known as the ''Cuba Restricted List'') if that entity or subentity was on that list as of July 13, 2023.

SEC. 1299N. REPORT ON ASSISTANCE BY THE PEOPLE'S REPUBLIC OF CHINA FOR THE CUBAN GOVERNMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the military and intelligence activities of the Government of the People's Republic of China in Cuba, including any military or intelligence facilities used by that government in Cuba;

(2) the purposes for which the Government of the People's Republic of China conducts those activities and uses those facilities in Cuba;

(3) the extent to which the Government of the People's Republic of China provides payment or government credits to the Cuban Government for the continued use of those facilities in Cuba; and

(4) any progress toward the verifiable termination of access by the Government of the People's Republic of China to those facilities and withdrawal of personnel, including advisers, technicians, and military personnel, from those facilities.

(b) DEFINITIONS.—In this section:

(1) AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT OF CUBA.—The term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in that section to ''a foreign state'' deemed to be a reference to ''Cuba''.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' includes—

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

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) CUBAN GOVERNMENT.—The term ''Cuban Government'' includes the government of any political subdivision of Cuba and any agency or instrumentality of the Government of Cuba.

SA 694. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AGENCY USE OF ARTIFICIAL INTELLIGENCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of Federal Procurement Policy.

(2) AGENCY.—The term ''agency'' means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government.

(3) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given the term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(4) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(5) FRAMEWORK.—The term ''framework'' means document number NIST AI 100–1 of the National Institute of Standards and Technology entitled ''Artificial Intelligence Risk Management Framework'', or any successor document.

(6) PLAYBOOK.—The term ''playbook'' means the AI RMF Playbook developed by the National Institute of Standards and Technology.

(7) PROFILE.—The term ''profile'' means an implementation of the artificial intelligence risk management functions, categories, and subcategories for a specific setting or application based on the requirements, risk tolerance, and resources of the framework user.

(b) REQUIREMENTS FOR AGENCY USE OF ARTIFICIAL INTELLIGENCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director, in consultation with the Administrator, shall issue guidance for each agency to incorporate the framework into the artificial intelligence risk management efforts of the agency, which shall—

(A) recommend requirements consistent with the framework and tailored to risks that could endanger human life, health, property, or the environment for agency implementation in the development, procurement, and use of artificial intelligence;

(B) specify appropriate cybersecurity strategies and the installation of effective cybersecurity tools;

(C) recommend minimum standards—

(i) that are consistent with the framework and Circular A–119 of the Office of Management and Budget;

(ii) that are tailored to risks that could endanger human life, health, property, or the environment; and

(iii) which a supplier of artificial intelligence for the agency must attest to meet before the head of an agency may procure artificial intelligence from that supplier;

(D) provide draft contract language for each agency to use in procurement that requires a supplier of artificial intelligence to adhere to certain actions that are consistent with the framework;

(E) provide a template for agency use on the guidance that includes recommended procedures for implementation;

(F) provide specific recommendations, including exceptions, consistent with the framework for an entity that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632));

(G) recommend training on the framework and the guidance for each agency responsible for procuring artificial intelligence; and

(H) develop profiles for agency use of artificial intelligence consistent with the framework.

(2) CONFORMING REQUIREMENT.—The head of each agency shall conform any policy, principle, practice, procedure, or guideline governing the design, development, implementation, deployment, use, or evaluation of an artificial intelligence system by the agency to the guidance issued under paragraph (1).

(3) SUPPORTING MATERIAL.—In carrying out paragraph (2), the head of each agency may use the supporting materials of the framework, including the playbook.

(4) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the impact of the application of the framework on agency use of artificial intelligence.

(5) REPORTING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 3 years thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on agency implementation of and conformity to the framework.

(c) REQUIREMENTS FOR AGENCY PROCUREMENT OF ARTIFICIAL INTELLIGENCE.—Not later than 180 days after the issuance of guidance pursuant to subsection (b)(1), the Federal Acquisition Regulatory Council shall promulgate regulations that provide for—

(1) the requirements for the acquisition of artificial intelligence products, services, tools, and systems, to include risk-based compliance with the framework; and

(2) solicitation provisions and contract clauses that include references to the requirements described in paragraph (1) and the framework for use in artificial intelligence acquisitions.

SA 695. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Chapter 313 of title 51, United States Code, is amended by adding at the end the following:

"SEC. 31303. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

''(a) IN GENERAL.—Except as provided in subsection (b)(1)—

''(1) a medical quality assurance record, or any part of a medical quality assurance record, may not be subject to discovery or admitted into evidence in a judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record for the Administration, or participates in any proceeding that reviews or creates a medical quality assurance record, may not testify in a judicial or administrative proceeding with respect to—

''(A) the medical quality assurance record; or

''(B) any finding, recommendation, evaluation, opinion, or action taken by such individual or in accordance with such proceeding with respect to the medical quality assurance record.

''(b) DISCLOSURE OF RECORDS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a medical quality assurance record may be disclosed to—

''(A) a Federal agency or private entity, if the medical quality assurance record is necessary for the Federal agency or private entity to carry out—

''(i) licensing or accreditation functions relating to Administration healthcare facilities; or

''(ii) monitoring of Administration healthcare facilities required by law;

''(B) a Federal agency or healthcare provider, if the medical quality assurance record is required by the Federal agency or healthcare provider to enable Administration participation in a healthcare program of the Federal agency or healthcare provider;

''(C) a criminal or civil law enforcement agency, or an instrumentality authorized by law to protect the public health or safety, on written request by a qualified representative of such agency or instrumentality submitted to the Administrator that includes a description of the lawful purpose for which the medical quality assurance record is requested;

''(D) to an official of the Department of Justice who is investigating a claim or potential claim against the Administration or in response to litigation or potential litigation involving the Administration when the records are deemed relevant and necessary;

''(E) an officer, an employee, or a contractor of the Administration who requires the medical quality assurance record to carry out an official duty associated with healthcare;

''(F) healthcare personnel, to the extent necessary to address a medical emergency affecting the health or safety of an individual;

''(G) any committee, panel, or board convened by the Administration to review the healthcare-related policies and practices of the Administration; and

''(H) pursuant to the order of a court of competent jurisdiction.

''(2) SUBSEQUENT DISCLOSURE PROHIBITED.—An individual or entity to whom a medical quality assurance record has been disclosed under paragraph (1) may not make a subsequent disclosure of the medical quality assurance record.

''(c) PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the personally identifiable information contained in a medical quality assurance record of a patient or an employee of the Administration, or any other individual associated with the Administration for purposes of a medical quality assurance program, shall be removed before the disclosure of the medical quality assurance record to an entity other than the Administration.

''(2) EXCEPTION.—Personally identifiable information described in paragraph (1) may be released to an entity other than the Administration if the Administrator makes a determination that the release of such personally identifiable information—

''(A) is in the best interests of the Administration; and

''(B) does not constitute an unwarranted invasion of personal privacy.

''(d) EXCLUSION FROM FOIA.—A medical quality assurance record may not be made available to any person under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), and this section shall be considered a statute described in subsection (b)(3)(B) of such section 522.

''(e) REGULATIONS.—Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations to implement this section.

''(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to withhold a medical quality assurance record from a committee of the Senate or House of Representatives or a joint committee of Congress if the medical quality assurance record relates to a matter within the jurisdiction of such committee or joint committee; or

''(2) to limit the use of a medical quality assurance record within the Administration, including the use by a contractor or consultant of the Administration.

''(g) DEFINITIONS.—In this section:

''(1) MEDICAL QUALITY ASSURANCE RECORD.—The term 'medical quality assurance record' means any proceeding, discussion, record, finding, recommendation, evaluation, opinion, minutes, report, or other document or action that results from a quality assurance committee, quality assurance program, or quality assurance program activity.

''(2) QUALITY ASSURANCE PROGRAM.—

''(A) IN GENERAL.—The term 'quality assurance program' means a comprehensive program of the Administration—

''(i) to systematically review and improve the quality of medical and behavioral health services provided by the Administration to ensure the safety and security of individuals receiving such health services; and

''(ii) to evaluate and improve the efficiency, effectiveness, and use of staff and resources in the delivery of such health services.

''(B) INCLUSION.—The term 'quality assurance program' includes any activity carried out by or for the Administration to assess the quality of medical care provided by the Administration.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''31303. Confidentiality of medical quality assurance records.''.

SA 696. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—HALT Fentanyl Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Halt All Lethal Trafficking of Fentanyl Act'' or the ''HALT Fentanyl Act''.

SEC. 1092. CLASS SCHEDULING OF FENTANYL-RELATED SUBSTANCES.

Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end of schedule I the following:

''(e)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a fentanyl-related substance, or which contains the salts, isomers, and salts of isomers of a fentanyl-related substance whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

''(2) For purposes of paragraph (1), except as provided in paragraph (3), the term 'fentanyl-related substance' means any substance that is structurally related to fentanyl by 1 or more of the following modifications:

''(A) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

''(B) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups.

''(C) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

''(D) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

''(E) By replacement of the N–propionyl group with another acyl group.

''(3) A substance that satisfies the definition of the term 'fentanyl-related substance' in paragraph (2) shall nonetheless not be treated as a fentanyl-related substance subject to this schedule if the substance—

''(A) is controlled by action of the Attorney General under section 201; or

''(B) is otherwise expressly listed in a schedule other than this schedule.

''(4)(A) The Attorney General may by order publish in the Federal Register a list of substances that satisfy the definition of the term 'fentanyl-related substance' in paragraph (2).

''(B) The absence of a substance from a list published under subparagraph (A) does not negate the control status of the substance under this schedule if the substance satisfies the definition of the term 'fentanyl-related substance' in paragraph (2).''.

SEC. 1093. REGISTRATION REQUIREMENTS RELATED TO RESEARCH.

(a) ALTERNATIVE REGISTRATION PROCESS FOR SCHEDULE I RESEARCH.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) by redesignating the second subsection (l) (relating to required training for prescribers) as subsection (m); and

(2) by adding at the end the following:

''(n) SPECIAL PROVISIONS FOR PRACTITIONERS CONDUCTING CERTAIN RESEARCH WITH SCHEDULE I CONTROLLED SUBSTANCES.—

''(1) IN GENERAL.—Notwithstanding subsection (f), a practitioner may conduct research described in paragraph (2) of this subsection with 1 or more schedule I substances in accordance with subparagraph (A) or (B) of paragraph (3) of this subsection.

''(2) RESEARCH SUBJECT TO EXPEDITED PROCEDURES.—Research described in this paragraph is research that—

''(A) is with respect to a drug that is the subject of an investigational use exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); or

''(B) is—

''(i) conducted by the Department of Health and Human Services or the Department of Veterans Affairs; or

''(ii) funded partly or entirely by a grant, contract, cooperative agreement, or other transaction from the Department of Health and Human Services or the Department of Veterans Affairs.

''(3) EXPEDITED PROCEDURES.—

''(A) RESEARCHER WITH A CURRENT SCHEDULE I OR II RESEARCH REGISTRATION.—

''(i) IN GENERAL.—If a practitioner is registered to conduct research with a controlled substance in schedule I or II, the practitioner may conduct research under this subsection on and after the date that is 30 days after the date on which the practitioner sends a notice to the Attorney General containing the following information, with respect to each substance with which the practitioner will conduct the research:

''(I) The chemical name of the substance.

''(II) The quantity of the substance to be used in the research.

''(III) Demonstration that the research is in the category described in paragraph (2), which demonstration may be satisfied—

''(aa) in the case of a grant, contract, cooperative agreement, or other transaction, or intramural research project, by identifying the sponsoring agency and supplying the number of the grant, contract, cooperative agreement, other transaction, or project; or

''(bb) in the case of an application under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)), by supplying the application number and the sponsor of record on the application.

''(IV) Demonstration that the researcher is authorized to conduct research with respect to the substance under the laws of the State in which the research will take place.

''(ii) VERIFICATION OF INFORMATION BY HHS OR VA.—Upon request from the Attorney General, the Secretary of Health and Human Services or the Secretary of Veterans Affairs, as appropriate, shall verify information submitted by an applicant under clause (i)(III).

''(B) RESEARCHER WITHOUT A CURRENT SCHEDULE I OR II RESEARCH REGISTRATION.—

''(i) IN GENERAL.—If a practitioner is not registered to conduct research with a controlled substance in schedule I or II, the practitioner may send a notice to the Attorney General containing the information listed in subparagraph (A)(i), with respect to each substance with which the practitioner will conduct the research.

''(ii) ATTORNEY GENERAL ACTION.—The Attorney General shall—

''(I) treat notice received under clause (i) as a sufficient application for a research registration; and

''(II) not later than 45 days of receiving such a notice that contains all information required under subparagraph (A)(i)—

''(aa) register the applicant; or

''(bb) serve an order to show cause upon the applicant in accordance with section 304(c).

''(4) ELECTRONIC SUBMISSIONS.—The Attorney General shall provide a means to permit a practitioner to submit a notification under paragraph (3) electronically.

''(5) LIMITATION ON AMOUNTS.—A practitioner conducting research with a schedule I substance under this subsection may only possess the amounts of schedule I substance identified in—

''(A) the notification to the Attorney General under paragraph (3); or

''(B) a supplemental notification that the practitioner may send if the practitioner needs additional amounts for the research, which supplemental notification shall include—

''(i) the name of the practitioner;

''(ii) the additional quantity needed of the substance; and

''(iii) an attestation that the research to be conducted with the substance is consistent with the scope of the research that was the subject of the notification under paragraph (3).

''(6) IMPORTATION AND EXPORTATION REQUIREMENTS NOT AFFECTED.—Nothing in this subsection alters the requirements of part A of title III, regarding the importation and exportation of controlled substances.''.

(b) SEPARATE REGISTRATIONS NOT REQUIRED FOR ADDITIONAL RESEARCHER IN SAME INSTITUTION.—Section 302(c) of the Controlled Substances Act (21 U.S.C. 822(c)) is amended by adding at the end the following:

''(4) An agent or employee of a research institution that is conducting research with a controlled substance if—

''(A) the agent or employee is acting within the scope of the professional practice of the agent or employee;

''(B) another agent or employee of the institution is registered to conduct research with a controlled substance in the same schedule;

''(C) the researcher who is so registered—

''(i) informs the Attorney General of the name, position title, and employing institution of the agent or employee who is not separately registered;

''(ii) authorizes that agent or employee to perform research under the registration of the registered researcher; and

''(iii) affirms that any act taken by that agent or employee involving a controlled substance shall be attributable to the registered researcher, as if the researcher had directly committed the act, for purposes of any proceeding under section 304(a) to suspend or revoke the registration of the registered researcher; and

''(D) the Attorney General does not, within 30 days of receiving the information, authorization, and affirmation described in subparagraph (C), refuse, for a reason listed in section 304(a), to allow the agent or employee to possess the substance without a separate registration.''.

(c) SINGLE REGISTRATION FOR RELATED RESEARCH SITES.—Section 302(e) of the Controlled Substances Act (21 U.S.C. 822(e)) is amended by adding at the end the following:

''(4)(A) Notwithstanding paragraph (1), a person registered to conduct research with a controlled substance under section 303(f) may conduct the research under a single registration if—

''(i) the research occurs exclusively on sites all of which are—

''(I) within the same city or county; and

''(II) under the control of the same institution, organization, or agency; and

''(ii) before commencing the research, the researcher notifies the Attorney General of each site where—

''(I) the research will be conducted; or

''(II) the controlled substance will be stored or administered.

''(B) A site described in subparagraph (A) shall be included in a registration described in that subparagraph only if the researcher has notified the Attorney General of the site—

''(i) in the application for the registration; or

''(ii) before the research is conducted, or before the controlled substance is stored or administered, at the site.

''(C) The Attorney General may, in consultation with the Secretary, issue regulations addressing, with respect to research sites described in subparagraph (A)—

''(i) the manner in which controlled substances may be delivered to the research sites;

''(ii) the storage and security of controlled substances at the research sites;

''(iii) the maintenance of records for the research sites; and

''(iv) any other matters necessary to ensure effective controls against diversion at the research sites.''.

(d) NEW INSPECTION NOT REQUIRED IN CERTAIN SITUATIONS.—Section 302(f) of the Controlled Substances Act (21 U.S.C. 822(f)) is amended—

(1) by striking ''(f) The'' and inserting ''(f)(1) The''; and

(2) by adding at the end the following:

''(2)(A) If a person is registered to conduct research with a controlled substance and applies for a registration, or for a modification of a registration, to conduct research with a second controlled substance that is in the same schedule as the first controlled substance, or is in a schedule with a higher numerical designation than the schedule of the first controlled substance, a new inspection by the Attorney General of the registered location is not required.

''(B) Nothing in subparagraph (A) shall prohibit the Attorney General from conducting an inspection that the Attorney General determines necessary to ensure that a registrant maintains effective controls against diversion.''.

(e) CONTINUATION OF RESEARCH ON SUBSTANCES NEWLY ADDED TO SCHEDULE I.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

''(h) CONTINUATION OF RESEARCH ON SUBSTANCES NEWLY ADDED TO SCHEDULE I.—If a person is conducting research on a substance

when the substance is added to schedule I, and the person is already registered to conduct research with a controlled substance in schedule I—

''(1) not later than 90 days after the scheduling of the newly scheduled substance, the person shall submit a completed application for registration or modification of existing registration, to conduct research on the substance, in accordance with regulations issued by the Attorney General for purposes of this paragraph;

''(2) the person may, notwithstanding subsections (a) and (b), continue to conduct the research on the substance until—

''(A) the person withdraws the application described in paragraph (1) of this subsection; or

''(B) the Attorney General serves on the person an order to show cause proposing the denial of the application under section 304(c);

''(3) if the Attorney General serves an order to show cause as described in paragraph (2)(B) and the person requests a hearing, the hearing shall be held on an expedited basis and not later than 45 days after the request is made, except that the hearing may be held at a later time if so requested by the person; and

''(4) if the person sends a copy of the application described in paragraph (1) to a manufacturer or distributor of the substance, receipt of the copy by the manufacturer or distributor shall constitute sufficient evidence that the person is authorized to receive the substance.''.

(f) TREATMENT OF CERTAIN MANUFACTURING ACTIVITIES AS COINCIDENT TO RESEARCH.—Section 302 of the Controlled Substances Act (21 U.S.C. 822), as amended by subsection (e), is amended by adding at the end the following:

''(i) TREATMENT OF CERTAIN MANUFACTURING ACTIVITIES AS COINCIDENT TO RESEARCH.—

''(1) IN GENERAL.—Except as provided in paragraph (3), a person who is registered to perform research on a controlled substance may perform manufacturing activities with small quantities of that substance, including activities described in paragraph (2), without being required to obtain a manufacturing registration, if—

''(A) the activities are performed for the purpose of the research; and

''(B) the activities and the quantities of the substance involved in the activities are stated in—

''(i) a notification submitted to the Attorney General under section 303(l);

''(ii) a research protocol filed with an application for registration approval under section 303(f); or

''(iii) a notification to the Attorney General that includes—

''(I) the name of the registrant; and

''(II) an attestation that the research to be conducted with the small quantities of manufactured substance is consistent with the scope of the research that is the basis for the registration.

''(2) ACTIVITIES INCLUDED.—Activities permitted under paragraph (1) include—

''(A) processing the substance to create extracts, tinctures, oils, solutions, derivatives, or other forms of the substance consistent with—

''(i) the information provided as part of a notification submitted to the Attorney General under section 303(l); or

''(ii) a research protocol filed with an application for registration approval under section 303(f); and

''(B) dosage form development studies performed for the purpose of requesting an investigational new drug exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).

''(3) EXCEPTION REGARDING MARIJUANA.—The authority under paragraph (1) to manufacture substances does not include the authority to grow marijuana.''.

(g) TRANSPARENCY REGARDING SPECIAL PROCEDURES.—Section 303 of the Controlled Substances Act (21 U.S.C. 823), as amended by subsection (a), is amended by adding at the end the following:

''(o) TRANSPARENCY REGARDING SPECIAL PROCEDURES.—

''(1) IN GENERAL.—If the Attorney General determines, with respect to a controlled substance, that an application by a practitioner to conduct research with the substance should be considered under a process, or subject to criteria, different from the process or criteria applicable to applications to conduct research with other controlled substances in the same schedule, the Attorney General shall make public, including by posting on the website of the Drug Enforcement Administration—

''(A) the identities of all substances for which such determinations have been made;

''(B) the process and criteria that shall be applied to applications to conduct research with those substances; and

''(C) how the process and criteria described in subparagraph (B) differ from the process and criteria applicable to applications to conduct research with other controlled substances in the same schedule.

''(2) TIMING OF POSTING.—The Attorney General shall make information described in paragraph (1) public upon making a determination described in that paragraph, regardless of whether a practitioner has submitted such an application at that time.''.

SEC. 1094. RULEMAKING.

(a) INTERIM FINAL RULES.—The Attorney General—

(1) shall, not later than 1 year after the date of enactment of this Act, issue rules to implement this subtitle and the amendments made by this subtitle; and

(2) may issue the rules under paragraph (1) as interim final rules.

(b) PROCEDURE FOR FINAL RULE.—

(1) EFFECTIVENESS OF INTERIM FINAL RULES.—A rule issued by the Attorney General as an interim final rule under subsection (a) shall become immediately effective as an interim final rule without requiring the Attorney General to demonstrate good cause therefor, notwithstanding subparagraph (B) of section 553(b) of title 5, United States Code.

(2) OPPORTUNITY FOR COMMENT AND HEARING.—An interim final rule issued under subsection (a) shall give interested persons the opportunity to comment and to request a hearing.

(3) FINAL RULE.—After the conclusion of such proceedings, the Attorney General shall issue a final rule to implement this subtitle and the amendments made by this subtitle in accordance with section 553 of title 5, United States Code.

SA 697. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. EXTENSION OF PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR AGENTS THAT PRESENT NATIONAL SECURITY THREATS.

Section 565A(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4a(g)) is amended by striking ''2023'' and inserting ''2033''

SA 698. Mr. CORNYN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REPORT ON AVAILABILITY OF GOODS AND TECHNOLOGIES RELATED TO UNDERSEA CABLES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 3 years, the President, acting through the Secretary of Commerce and with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report on the availability of goods and technologies capable of supporting undersea cables.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An identification of goods and technologies capable of supporting the construction, maintenance, or operation of an undersea cable project.

(2) An identification of United States and multilateral export controls and licensing policies for goods and technologies identified pursuant to paragraph (1) with respect to foreign adversaries.

(3) An identification of allies and partners of the United States that have a share of the global market with respect to the goods and technologies so identified, including a detailed description of the availability of those goods and technologies without restriction in sufficient quantities and comparable in quality to those produced in the United States.

(4) A description of ongoing negotiations with other countries to achieve unified export controls and licensing policies for goods and technologies so identified.

(5) An identification of all entities under the control, ownership, or influence of a foreign adversary that support the construction, operation, or maintenance of undersea cables.

(6) A description of efforts taken to promote United States leadership at international standards-setting bodies for equipment, systems, software, and virtually defined networks relevant to undersea cables, taking into account the different processes followed by those bodies.

(7) A description of the presence and activities of foreign adversaries at international standards-setting bodies relevant to undersea cables, including information on the differences in the scope and scale of the engagement of foreign adversaries at those bodies compared to engagement at those bodies by the United States and allies and partners of the United States, and the security risks raised by the proposals of foreign adversaries at those bodies.

(c) FORM.—Each report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

(2) FOREIGN ADVERSARY.—The term ''foreign adversary''—

(A) has the meaning given that term in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)); and

(B) includes the People's Republic of China.

SA 699. Ms. MURKOWSKI (for herself, Mr. WARNER, Mr. VAN HOLLEN, Mr. KAINE, Mr. CARDIN, Mr. SULLIVAN, Mr. CASSIDY, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. EXEMPTION OF ALIENS WORKING AS FISH PROCESSORS FROM THE NUMERICAL LIMITATION ON H–2B NONIMMIGRANT VISAS.

(a) IN GENERAL.—Section 214(g)(10) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(10)) is amended—

(1) by striking ''the numerical limitations of paragraph (1)(B)'' and inserting ''(A) The numerical limitation under paragraph (1)(B)''; and

(2) by adding at the end the following:

''(B)(i) The numerical limitation under paragraph (1)(B) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(ii)(b) who is employed (or has received an offer of employment)—

''(I) as a fish roe processor, a fish roe technician, or a supervisor of fish roe processing; or

''(II) as a fish processor.

''(ii) As used in clause (i)—

''(I) the term 'fish' means fresh or saltwater finfish, mollusks, crustaceans, and all other forms of aquatic animal life, including the roe of such animals, other than marine mammals and birds; and

''(II) the term 'processor'—

''(aa) means any person engaged in the processing of fish, including handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, holding, and all other processing activities; and

''(bb) does not include any person engaged in—

''(AA) harvesting or transporting fish or fishery products without otherwise engaging in processing;

''(BB) practices such as heading, eviscerating, or freezing intended solely to prepare a fish for holding on board a harvest vessel; or

''(CC) operating a retail establishment.''.

(b) REPEAL.—Section 14006 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287) is repealed.

SA 700. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN GOVERNMENTWIDE GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

Section 15(g)(1)(A)(i) of the Small Business Act (15 U.S.C. 644(g)(1)(A)(i)) is amended by striking ''23 percent'' and inserting ''25 percent''.

SA 701. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ADDITION OF ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION TO THE FEDERAL ACQUISITION REGULATORY COUNCIL.

Section 1302(b)(1) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) the Administrator of the Small Business Administration.''.

SA 702. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. ____. STRIKING THE RULE OF TWO.

(a) WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (7)(A), by striking ''and the contracting officer'' and all that follows through ''offers''; and

(2) in paragraph (8)(A), by striking ''and the contracting officer'' and all that follows through ''offers''.

(b) SMALL BUSINESS CONCERNS GENERALLY.—Section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) is amended by striking ''unless the contracting officer'' and all that follows through ''purchased''.

(c) HUBZONE PROGRAM.—Section 31(c)(2)(A)(i) of the Small Business Act (15 U.S.C. 657a(c)(2)(A)(i)) is amended by striking '', and the contracting officer'' and all that follows through ''offers for the contracting opportunity''.

(d) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Section 36(c)(1) of the Small Business Act (15 U.S.C. 657f(c)(1)) is amended by striking ''and the contracting officer'' and all that follows through ''offers for the contracting opportunity''.

SA 703. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO CONTRACTING AUTHORITY FOR CERTAIN SMALL BUSINESS CONCERNS.

(a) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.—Section 8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)) is amended—

(1) by inserting ''(or $22,000,000, in the case of a Department of Defense contract)'' after ''$7,000,000''; and

(2) by inserting ''(or $15,000,000, in the case of a Department of Defense contract)'' after ''$3,000,000''.

(b) CERTAIN SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Section 8(m) of the Small Business Act (15 U.S.C.637(m)) is amended—

(1) in paragraph (7)(B)—

(A) in clause (i), by inserting ''(or $22,000,000, in the case of a Department of Defense contract)'' after ''$7,000,000''; and

(B) in clause (ii), by inserting ''(or $15,000,000, in the case of a Department of Defense contract)'' after ''$4,000,000''; and

(2) in paragraph (8)(B)—

(A) in clause (i), by inserting ''(or $22,000,000, in the case of a Department of Defense contract)'' after ''$7,000,000''; and

(B) in clause (ii), by inserting ''(or $15,000,000, in the case of a Department of Defense contract)'' after ''$4,000,000''.

(c) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 31(c)(2)(A)(ii) of the Small Business Act (15 U.S.C. 657a(c)(2)(A)(ii)) is amended—

(1) in subclause (I), by inserting ''(or $22,000,000, in the case of a Department of Defense contract)'' after ''$7,000,000''; and

(2) in subclause (II), by inserting ''(or $15,000,000, in the case of a Department of Defense contract)'' after ''$3,000,000''.

(d) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Section 36(c)(2) of the Small Business Act (15 U.S.C. 657f(c)(2)) is amended—

(1) in subparagraph (A), by inserting ''(or $22,000,000, in the case of a Department of Defense contract)'' after ''$7,000,000''; and

(2) in subparagraph (B), by inserting ''(or $15,000,000, in the case of a Department of Defense contract)'' after ''$3,000,000''.

(e) CERTAIN VETERAN-OWNED CONCERNS.—Section 8127(c)(2) of title 38, United States Code, is amended by striking ''$5,000,000'' and inserting ''the dollar thresholds under section 36(c)(2) of the Small Business Act (15 U.S.C. 657f(c)(2))''.

SA 704. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 324. NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER.

''(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate the laboratory described in subsection (b) as an additional laboratory pursuant to the authority under section 308(c)(2), which shall be the lead Federal facility dedicated to defending the United States against biological threats by—

''(1) understanding the risks posed by intentional, accidental, and natural biological events; and

''(2) providing the operational capabilities to support the investigation, prosecution, and prevention of biocrimes and bioterrorism.

''(b) LABORATORY DESCRIBED.—The laboratory described in this subsection may be a federally funded research and development center—

''(1) known, as of the date of enactment of this section, as the National Biodefense Analysis and Countermeasures Center;

''(2) that may include—

''(A) the National Bioforensic Analysis Center, which conducts technical analyses in support of Federal law enforcement investigations; and

''(B) the National Biological Threat Characterization Center, which conducts experiments and studies to better understand biological vulnerabilities and hazards; and

''(3) transferred to the Department pursuant to subparagraphs (A), (D), and (F) of section 303(1) and section 303(2).

''(c) LABORATORY ACTIVITIES.—The National Biodefense Analysis and Countermeasures Center shall—

''(1) conduct studies and experiments to better understand current and future biological threats and hazards and pandemics;

''(2) provide the scientific data required to assess vulnerabilities, conduct risk assessments, and determine potential impacts to guide the development of countermeasures;

''(3) conduct and facilitate the technical forensic analysis and interpretation of materials recovered following a biological attack, or in other law enforcement investigations requiring evaluation of biological materials, in support of the appropriate lead Federal agency;

''(4) coordinate with other national laboratories to enhance research capabilities, share lessons learned, and provide training more efficiently;

''(5) collaborate with the Homeland Security Enterprise, as defined in section 2200, to plan and conduct research to address gaps and needs in biodefense; and

''(6) carry out other such activities as the Secretary determines appropriate.

''(d) WORK FOR OTHERS.—The National Biodefense Analysis and Countermeasures Center shall engage in a continuously operating Work for Others program to make the unique biocontainment and bioforensic capabilities of the National Biodefense Analysis and Countermeasures Center available to other Federal agencies.

''(e) FACILITY REPAIR AND ROUTINE EQUIPMENT REPLACEMENT.—The National Biodefense Analysis and Countermeasures Center shall—

''(1) perform regularly scheduled and required maintenance of laboratory infrastructure; and

''(2) procure mission-critical equipment and capability upgrades.

''(f) FACILITY MISSION NEEDS ASSESSMENT.—

''(1) IN GENERAL.—To address capacity concerns and accommodate future mission needs and advanced capabilities, the Under Secretary for Science and Technology shall conduct a mission needs assessment, to include scoping for potential future needs or expansion, of the National Biodefense Analysis and Countermeasures Center.

''(2) SUBMISSION.—Not later than 120 days after the date of enactment of this section, the Under Secretary for Science and Technology shall provide the assessment conducted under paragraph (1) to—

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

''(B) the Committee on Homeland Security and the Subcommittee on Homeland Security Appropriations of the Committee on Appropriations of the House of Representatives.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to support the activities of the laboratory designated under this section.

''(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting in any manner the authorities or responsibilities of the Countering Weapons of Mass Destruction Office of the Department.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 323 the following:

''Sec. 324. National Biodefense Analysis and Countermeasures Center.''.

SA 705. Mr. CARDIN (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Combating Global Corruption

SEC. 1299O. SHORT TITLE.

This subtitle may be cited as the ''Combating Global Corruption Act''.

SEC. 1299P. DEFINITIONS.

In this subtitle:

(1) CORRUPT ACTOR.—The term ''corrupt actor'' means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) CORRUPTION.—The term ''corruption'' means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(3) SIGNIFICANT CORRUPTION.—The term ''significant corruption'' means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

SEC. 1299Q. PUBLICATION OF TIERED RANKING LIST.

(a) IN GENERAL.—The Secretary of State shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(b) TIER 1 COUNTRIES.—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 1299R.

(c) TIER 2 COUNTRIES.—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 1299R, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) TIER 3 COUNTRIES.—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is making de minimis or no efforts to comply with the minimum standards set forth in section 1299R.

SEC. 1299R. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.

(a) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to address corruption, including through prevention.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELEVANT INTERNATIONAL COMMITMENTS.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country's compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, done at Caracas March 29, 1996.

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of Economic Co-operation and Development, done at Paris December 21, 1997 (commonly referred to as the ''Anti-Bribery Convention'').

(3) The United Nations Convention against Transnational Organized Crime, done at New York November 15, 2000.

(4) The United Nations Convention against Corruption, done at New York October 31, 2003.

(5) Such other treaties, agreements, and international standards as the Secretary of State considers appropriate.

SEC. 1299S. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note)—

(1) in all countries identified as tier 3 countries under section 1299Q(d); or

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) REPORT REQUIRED.—Not later than 180 days after publishing the list required by section 1299Q(a) and annually thereafter, the Secretary of State shall submit to the committees specified in subsection (e) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons that have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) BRIEFING IN LIEU OF REPORT.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by subsection (b)(4)) provide a briefing to the committees specified in subsection (e) instead of submitting a written report required under subsection (b), if doing so would better serve existing United States anti-corruption efforts or the national interests of the Untied States.

(e) TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

SEC. 1299T. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 1299Q, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

(B) to develop and implement corruption risk assessment tools and mitigation strategies.

(c) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

SA 706. Mr. PETERS (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, the following:

DIVISION F—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

TITLE LX—FEDERAL DATA AND INFORMATION SECURITY

Subtitle A—Federal Information Security Modernization Act of 2023

SECTION 6001. SHORT TITLE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Federal Information Security Modernization Act of 2023''.

SEC. 6002. DEFINITIONS.

In this subtitle, unless otherwise specified:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

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

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

(B) the Committee on Oversight and Accountability of the House of Representatives; and

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

(3) AWARDEE.—The term ''awardee'' has the meaning given the term in section 3591 of title 44, United States Code, as added by this subtitle.

(4) CONTRACTOR.—The term ''contractor'' has the meaning given the term in section 3591 of title 44, United States Code, as added by this subtitle.

(5) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(6) FEDERAL INFORMATION SYSTEM.—The term ''Federal information system'' has the meaning give the term in section 3591 of title 44, United States Code, as added by this subtitle.

(7) INCIDENT.—The term ''incident'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(8) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(9) PENETRATION TEST.—The term ''penetration test'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this subtitle.

(10) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching systems for threats and vulnerabilities, including threats or vulnerabilities that may evade detection by automated threat detection systems.

(11) ZERO TRUST ARCHITECTURE.—The term ''zero trust architecture'' has the meaning given the term in Special Publication 800–207 of the National Institute of Standards and Technology, or any successor document.

SEC. 6003. AMENDMENTS TO TITLE 44.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

''(v) privacy, confidentiality, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director, security of information; and''; and

(B) in subsection (g)—

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

(ii) by striking paragraph (1) and inserting the following:

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, disclosure, and sharing of information collected or maintained by or for agencies;

''(2) in consultation with the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on security, of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) by striking the first subsection designated as subsection (c);

(B) in paragraph (2) of the second subsection designated as subsection (c), by inserting ''an identification of internet accessible information systems and'' after ''an inventory under this subsection shall include'';

(C) in paragraph (3) of the second subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and'' before ''the Comptroller General''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning, wherever practicable.'';

(3) in section 3506—

(A) in subsection (a)(3), by inserting ''In carrying out these duties, the Chief Information Officer shall consult, as appropriate, with the Chief Data Officer in accordance with the designated functions under section 3520(c).'' after ''reduction of information collection burdens on the public.'';

(B) in subsection (b)(1)(C), by inserting ''availability,'' after ''integrity,'';

(C) in subsection (h)(3), by inserting ''security,'' after ''efficiency,''; and

(D) by adding at the end the following:

''(j)(1) Nothwithstanding paragraphs (2) and (3) of subsection (a), the head of each agency shall designate a Chief Privacy Officer with the necessary skills, knowledge, and expertise, who shall have the authority and responsibility to—

''(A) lead the privacy program of the agency; and

''(B) carry out the privacy responsibilities of the agency under this chapter, section 552a of title 5, and guidance issued by the Director.

''(2) The Chief Privacy Officer of each agency shall—

''(A) serve in a central leadership position within the agency;

''(B) have visibility into relevant agency operations; and

''(C) be positioned highly enough within the agency to regularly engage with other agency leaders and officials, including the head of the agency.

''(3) A privacy officer of an agency established under a statute enacted before the date of enactment of the Federal Information Security Modernization Act of 2023 may carry out the responsibilities under this subsection for the agency.''; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security to the Secretary of Homeland Security and the National Cyber Director.''.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (5), (6), (8), and (10), respectively;

(B) by inserting after paragraph (1) the following:

''(2) The term 'high value asset' means information or an information system that the head of an agency, using policies, principles, standards, or guidelines issued by the Director under section 3553(a), determines to be so critical to the agency that the loss or degradation of the confidentiality, integrity, or availability of such information or information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.'';

(C) by inserting after paragraph (6), as so redesignated, the following:

''(7) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(D) in paragraph (8)(A), as so redesignated, by striking ''used'' and inserting ''owned, managed,'';

(E) by inserting after paragraph (8), as so redesignated, the following:

''(9) The term 'penetration test'—

''(A) means an authorized assessment that emulates attempts to gain unauthorized access to, or disrupt the operations of, an information system or component of an information system; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).''; and

(F) by inserting after paragraph (10), as so redesignated, the following:

''(11) The term 'shared service' means a centralized mission capability or consolidated business function that is provided to multiple organizations within an agency or to multiple agencies.

''(12) The term 'zero trust architecture' has the meaning given the term in Special Publication 800–207 of the National Institute of Standards and Technology, or any successor document.''.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking ''section 3552(b)(6)(A)'' and inserting ''section 3552(b)(8)(A)''.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking ''section 3552(b)(6)(A)(i)'' and inserting ''section 3552(b)(8)(A)(i)''.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a(5)) is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking ''section 3542(b)'' and inserting ''section 3552(b)'';

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''; and

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''; and

(ii) in subsection (f)—

(I) in paragraph (3), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(II) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)''.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) in subsection (a)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(7) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and the Director of the National Institute of Standards and Technology—

''(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

''(B) the use of presumption of compromise and least privilege principles, such as zero trust architecture, to improve resiliency and

timely response actions to incidents on Federal systems.'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''and the National Cyber Director'' after ''Director'';

(ii) in paragraph (2)(A), by inserting ''and reporting requirements under subchapter IV of this chapter'' after ''section 3556'';

(iii) by redesignating paragraphs (8) and (9) as paragraphs (10) and (11), respectively; and

(iv) by inserting after paragraph (7) the following:

''(8) expeditiously seeking opportunities to reduce costs, administrative burdens, and other barriers to information technology security and modernization for agencies, including through shared services for cybersecurity capabilities identified as appropriate by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and other agencies as appropriate;'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(II) by inserting '', which shall be unclassified but may include 1 or more annexes that contain classified or other sensitive information, as appropriate'' after ''a report''; and

(III) by striking ''preceding year'' and inserting ''preceding 2 years'';

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking ''and'' at the end; and

(v) by inserting after paragraph (3), as so redesignated, the following:

''(4) a summary of the risks and trends identified in the Federal risk assessment required under subsection (i); and'';

(D) in subsection (h)—

(i) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and the National Cyber Director'' after ''in coordination with the Director''; and

(II) in subparagraph (D), by inserting '', the National Cyber Director,'' after ''notify the Director''; and

(ii) in paragraph (3)(A)(iv), by inserting '', the National Cyber Director,'' after ''the Secretary provides prior notice to the Director'';

(E) by amending subsection (i) to read as follows:

''(i) FEDERAL RISK ASSESSMENT.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall assess the Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of such assessment, including—

''(1) the status of agency cybersecurity remedial actions for high value assets described in section 3554(b)(7);

''(2) any vulnerability information relating to the systems of an agency that is known by the agency;

''(3) analysis of incident information under section 3597;

''(4) evaluation of penetration testing performed under section 3559A;

''(5) evaluation of vulnerability disclosure program information under section 3559B;

''(6) evaluation of agency threat hunting results;

''(7) evaluation of Federal and non-Federal cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments required under section 3554(a)(1)(A);

''(10) relevant reports from inspectors general of agencies and the Government Accountability Office; and

''(11) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.''; and

(F) by adding at the end the following:

''(m) DIRECTIVES.—

''(1) EMERGENCY DIRECTIVE UPDATES.—If the Secretary issues an emergency directive under this section, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Director, the National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives an update on the status of the implementation of the emergency directive at agencies not later than 7 days after the date on which the emergency directive requires an agency to complete a requirement specified by the emergency directive, and every 30 days thereafter until—

''(A) the date on which every agency has fully implemented the emergency directive;

''(B) the Secretary determines that an emergency directive no longer requires active reporting from agencies or additional implementation; or

''(C) the date that is 1 year after the issuance of the directive.

''(2) BINDING OPERATIONAL DIRECTIVE UPDATES.—If the Secretary issues a binding operational directive under this section, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Director, the National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives an update on the status of the implementation of the binding operational directive at agencies not later than 30 days after the issuance of the binding operational directive, and every 90 days thereafter until—

''(A) the date on which every agency has fully implemented the binding operational directive;

''(B) the Secretary determines that a binding operational directive no longer requires active reporting from agencies or additional implementation; or

''(C) the date that is 1 year after the issuance or substantive update of the directive.

''(3) REPORT.—If the Director of the Cybersecurity and Infrastructure Security Agency ceases submitting updates required under paragraphs (1) or (2) on the date described in paragraph (1)(C) or (2)(C), the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Director, the National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives a list of every agency that, at the time of the report—

''(A) has not completed a requirement specified by an emergency directive; or

''(B) has not implemented a binding operational directive.

''(n) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget shall review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including a consideration of reporting and compliance burden on agencies.

''(2) CONGRESSIONAL NOTIFICATION.—The Director of the Office of Management and Budget shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives of changes to guidance or policy resulting from the review under paragraph (1).

''(3) GAO REVIEW.—The Government Accountability Office shall review guidance and policy promulgated by the Director to assess its efficacy in risk reduction and burden on agencies.

''(o) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard or guideline pursuant to paragraphs (2) or (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop specifications to enable the automated verification of the implementation of the controls.

''(p) INSPECTORS GENERAL ACCESS TO FEDERAL RISK ASSESSMENTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall, upon request, make available Federal risk assessment information under subsection (i) to the Inspector General of the Department of Homeland Security and the inspector general of any agency that was included in the Federal risk assessment.'';

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

''(A) on an ongoing and continuous basis, assessing agency system risk, as applicable, by—

''(i) identifying and documenting the high value assets of the agency using guidance from the Director;

''(ii) evaluating the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

''(iii) identifying whether the agency is participating in federally offered cybersecurity shared services programs;

''(iv) identifying agency systems that have access to or hold the data assets inventoried under section 3511;

''(v) evaluating the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

''(vi) evaluating the vulnerability of agency systems and data, including high value assets, including by analyzing—

''(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

''(II) the results of penetration testing performed under section 3559A;

''(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

''(IV) incidents; and

''(V) any other vulnerability information relating to agency systems that is known to the agency;

''(vii) assessing the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (v) and the agency systems identified under clause (iv); and

''(viii) assessing the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system;'';

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking ''providing information'' and inserting ''using information from the assessment required under subparagraph (A), providing information'';

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting ''binding'' before ''operational''; and

(bb) in clause (vi), by striking ''and'' at the end; and

(V) by adding at the end the following:

''(E) providing an update on the ongoing and continuous assessment required under subparagraph (A)—

''(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

''(ii) at intervals determined by guidance issued by the Director, and to the extent appropriate and practicable using automation, to—

''(I) the Director;

''(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(III) the National Cyber Director;'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment required under paragraph (1)(A)'' after ''information systems'';

(II) in subparagraph (D), by inserting '', through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,'' after ''periodically'';

(iii) in paragraph (3)(A)—

(I) in the matter preceding clause (i), by striking ''senior agency information security officer'' and inserting ''Chief Information Security Officer'';

(II) in clause (i), by striking ''this section'' and inserting ''subsections (a) through (c)'';

(III) in clause (ii), by striking ''training and'' and inserting ''skills, training, and'';

(IV) by redesignating clauses (iii) and (iv) as (iv) and (v), respectively;

(V) by inserting after clause (ii) the following:

''(iii) manage information security, cybersecurity budgets, and risk and compliance activities and explain those concepts to the head of the agency and the executive team of the agency;''; and

(VI) in clause (iv), as so redesignated, by striking ''information security duties as that official's primary duty'' and inserting ''information, computer network, and technology security duties as the Chief Information Security Officers' primary duty'';

(iv) in paragraph (5), by striking ''annually'' and inserting ''not less frequently than quarterly''; and

(v) in paragraph (6), by striking ''official delegated'' and inserting ''Chief Information Security Officer delegated''; and

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) the ongoing and continuous assessment of agency system risk required under subsection (a)(1)(A), which may include using guidance and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(III) in subparagraph (B), as so redesignated, by striking ''and'' at the end; and

(IV) in subparagraph (C), as so redesignated—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

''(iii) binding operational directives and emergency directives issued by the Secretary under section 3553;''; and

(cc) in clause (iv), as so redesignated, by striking ''as determined by the agency; and'' and inserting ''as determined by the agency, considering the agency risk assessment required under subsection (a)(1)(A);

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(v) by inserting after paragraph (6) the following:

''(7) a secure process for providing the status of every remedial action and unremediated identified system vulnerability of a high value asset to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;''; and

(vi) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

''(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;'';

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) performing the notifications and other activities required under subchapter IV of this chapter; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (II), by adding ''and'' at the end;

(bb) by striking subclause (III); and

(cc) by redesignating subclause (IV) as subclause (III); and

(C) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (5);

(ii) by striking paragraph (1) and inserting the following:

''(1) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2023 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment required under subsection (a)(1)(A), the head of each agency shall submit to the Director, the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, the Comptroller General of the United States, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Accountability of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the appropriate authorization and appropriations committees of Congress a report that—

''(A) summarizes the agency system risk assessment required under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment required under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(C) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include 1 or more annexes that contain classified or other sensitive information, as appropriate.

''(3) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by striking the period at the end and inserting '', including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section'';

(4) in section 3555—

(A) in the section heading, by striking ''**ANNUAL INDEPENDENT**'' and inserting ''**INDEPENDENT**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''during which a report is required to be submitted under section 3553(c),'' after ''Each year'';

(ii) in paragraph (2)(A), by inserting '', including by performing, or reviewing the results of, agency penetration testing and analyzing the vulnerability disclosure program of the agency'' after ''information systems''; and

(iii) by adding at the end the following:

''(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.'';

(C) in subsection (b)(1), by striking ''annual'';

(D) in subsection (e)(1), by inserting ''during which a report is required to be submitted under section 3553(c)'' after ''Each year'';

(E) in subsection (g)(2)—

(i) by striking ''this subsection shall'' and inserting ''this subsection—

''(A) shall'';

(ii) in subparagraph (A), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) identify any entity that performs an independent evaluation under subsection (b).''; and

(F) by striking subsection (j) and inserting the following:

''(j) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of risk-based guidance for evaluating the effectiveness of an information security program and practices.

''(2) PRIORITIES.—The risk-based guidance developed under paragraph (1) shall include—

''(A) the identification of the most common successful threat patterns;

''(B) the identification of security controls that address the threat patterns described in subparagraph (A);

''(C) any other security risks unique to Federal systems; and

''(D) any other element the Director determines appropriate.''; and

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting ''within the Cybersecurity and Infrastructure Security Agency'' after ''incident center''; and

(B) in paragraph (4), by striking ''3554(b)'' and inserting ''3554(a)(1)(A)''.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3555 and inserting the following:

''3555. Independent evaluation.''.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(ii) by striking ''the report required under section 3553(c) of title 44, United States Code'' and inserting ''that report''.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)(B)) is amended by striking ''annual''.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''§ 3591. Definitions

''(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) APPROPRIATE REPORTING ENTITIES.—The term 'appropriate reporting entities' means—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

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

''(D) the Committee on Commerce, Science, and Transportation of the Senate;

''(E) the Committee on Oversight and Accountability of the House of Representatives;

''(F) the Committee on Homeland Security of the House of Representatives;

''(G) the Committee on Science, Space, and Technology of the House of Representatives;

''(H) the appropriate authorization and appropriations committees of Congress;

''(I) the Director;

''(J) the Director of the Cybersecurity and Infrastructure Security Agency;

''(K) the National Cyber Director;

''(L) the Comptroller General of the United States; and

''(M) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee', with respect to an agency—

''(A) means—

''(i) the recipient of a grant from an agency;

''(ii) a party to a cooperative agreement with an agency; and

''(iii) a party to an other transaction agreement with an agency; and

''(B) includes a subawardee of an entity described in subparagraph (A).

''(3) BREACH.—The term 'breach'—

''(A) means the compromise, unauthorized disclosure, unauthorized acquisition, or loss of control of personally identifiable information or any similar occurrence; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director.

''(4) CONTRACTOR.—The term 'contractor' means a prime contractor of an agency or a subcontractor of a prime contractor of an agency that creates, collects, stores, processes, maintains, or transmits Federal information on behalf of an agency.

''(5) FEDERAL INFORMATION.—The term 'Federal information' means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

''(6) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system owned, managed, or operated by an agency, or on behalf of an agency by a contractor, an awardee, or another organization.

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

''(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term 'nationwide consumer reporting agency' means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(9) VULNERABILITY DISCLOSURE.—The term 'vulnerability disclosure' means a vulnerability identified under section 3559B.

''§ 3592. Notification of breach

''(a) DEFINITION.—In this section, the term 'covered breach' means a breach—

''(1) involving not less than 50,000 potentially affected individuals; or

''(2) the result of which the head of an agency determines that notifying potentially affected individuals is necessary pursuant to subsection (b)(1), regardless of whether—

''(A) the number of potentially affected individuals is less than 50,000; or

''(B) the notification is delayed under subsection (d).

''(b) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with the Chief Information Officer and Chief Privacy Officer of the agency, shall—

''(1) determine whether notice to any individual potentially affected by the breach is appropriate, including by conducting an assessment of the risk of harm to the individual that considers—

''(A) the nature and sensitivity of the personally identifiable information affected by the breach;

''(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

''(C) the type of breach; and

''(D) any other factors determined by the Director; and

''(2) if the head of the agency determines notification is necessary pursuant to paragraph (1), provide written notification in accordance with subsection (c) to each individual potentially affected by the breach—

''(A) to the last known mailing address of the individual; or

''(B) through an appropriate alternative method of notification.

''(c) CONTENTS OF NOTIFICATION.—Each notification of a breach provided to an individual under subsection (b)(2) shall include, to the maximum extent practicable—

''(1) a brief description of the breach;

''(2) if possible, a description of the types of personally identifiable information affected by the breach;

''(3) contact information of the agency that may be used to ask questions of the agency, which—

''(A) shall include an e-mail address or another digital contact mechanism; and

''(B) may include a telephone number, mailing address, or a website;

''(4) information on any remedy being offered by the agency;

''(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for the appropriate Federal law enforcement agencies and each nationwide consumer reporting agency; and

''(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

''(d) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—The head of an agency, in coordination with the Director and the National Cyber Director, and as appropriate, the Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security, may delay a notification required under subsection (b) or (e) if the notification would—

''(A) impede a criminal investigation or a national security activity;

''(B) cause an adverse result (as described in section 2705(a)(2) of title 18);

''(C) reveal sensitive sources and methods;

''(D) cause damage to national security; or

''(E) hamper security remediation actions.

''(2) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

''(3) NATIONAL SECURITY SYSTEMS.—The head of an agency delaying notification under this subsection with respect to a breach exclusively of a national security system shall coordinate such delay with the Secretary of Defense.

''(e) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (b)(1), or that it is necessary to update the details of the information provided to potentially affected individuals as described in subsection (c), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (b) of those changes.

''(f) DELAY OF NOTIFICATION REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2023, and annually thereafter, the head of an agency, in coordination with any official who delays a notification under subsection (d), shall submit to the appropriate reporting entities a report on each delay that occurred during the previous 2 years.

''(2) COMPONENT OF OTHER REPORT.—The head of an agency may submit the report required under paragraph (1) as a component of the report submitted under section 3554(c).

''(g) CONGRESSIONAL REPORTING REQUIREMENTS.—

''(1) REVIEW AND UPDATE.—On a periodic basis, the Director of the Office of Management and Budget shall review, and update as appropriate, breach notification policies and guidelines for agencies.

''(2) REQUIRED NOTICE FROM AGENCIES.—Subject to paragraph (4), the Director of the Office of Management and Budget shall require the head of an agency affected by a covered breach to expeditiously and not later than 30 days after the date on which the agency discovers the covered breach give notice of the breach, which may be provided electronically, to—

''(A) each congressional committee described in section 3554(c)(1); and

''(B) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) CONTENTS OF NOTICE.—Notice of a covered breach provided by the head of an agency pursuant to paragraph (2) shall include, to the extent practicable—

''(A) information about the covered breach, including a summary of any information about how the covered breach occurred known by the agency as of the date of the notice;

''(B) an estimate of the number of individuals affected by covered the breach based on information known by the agency as of the date of the notice, including an assessment of the risk of harm to affected individuals;

''(C) a description of any circumstances necessitating a delay in providing notice to individuals affected by the covered breach in accordance with subsection (d); and

''(D) an estimate of when the agency will provide notice to individuals affected by the covered breach, if applicable.

''(4) EXCEPTION.—Any agency that is required to provide notice to Congress pursuant to paragraph (2) due to a covered breach exclusively on a national security system shall only provide such notice to—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

''(C) the appropriations committees of Congress;

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

''(E) the Select Committee on Intelligence of the Senate;

''(F) the Committee on Oversight and Accountability of the House of Representatives; and

''(G) the Permanent Select Committee on Intelligence of the House of Representatives.

''(5) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) through (3) shall be construed to alter any authority of an agency.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit—

''(A) the authority of the Director to issue guidance relating to notifications of, or the head of an agency to notify individuals potentially affected by, breaches that are not determined to be covered breaches or major incidents;

''(B) the authority of the Director to issue guidance relating to notifications and reporting of breaches, covered breaches, or major incidents;

''(C) the authority of the head of an agency to provide more information than required under subsection (b) when notifying individuals potentially affected by a breach;

''(D) the timing of incident reporting or the types of information included in incident reports provided, pursuant to this subchapter, to—

''(i) the Director;

''(ii) the National Cyber Director;

''(iii) the Director of the Cybersecurity and Infrastructure Security Agency; or

''(iv) any other agency;

''(E) the authority of the head of an agency to provide information to Congress about agency breaches, including—

''(i) breaches that are not covered breaches; and

''(ii) additional information beyond the information described in subsection (g)(3); or

''(F) any Congressional reporting requirements of agencies under any other law; or

''(2) limit or supersede any existing privacy protections in existing law.

''§ 3593. Congressional and Executive Branch reports on major incidents

''(a) APPROPRIATE CONGRESSIONAL ENTITIES.—In this section, the term 'appropriate congressional entities' means—

''(1) the majority and minority leaders of the Senate;

''(2) the Speaker and minority leader of the House of Representatives;

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

''(4) the Committee on Commerce, Science, and Transportation of the Senate;

''(5) the Committee on Oversight and Accountability of the House of Representatives;

''(6) the Committee on Homeland Security of the House of Representatives;

''(7) the Committee on Science, Space, and Technology of the House of Representatives; and

''(8) the appropriate authorization and appropriations committees of Congress

''(b) INITIAL NOTIFICATION.—

''(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written notification, which may be submitted electronically and include 1 or more annexes that contain classified or other sensitive information, as appropriate.

''(2) CONTENTS.—A notification required under paragraph (1) with respect to a major incident shall include the following, based on information available to agency officials as of the date on which the agency submits the notification:

''(A) A summary of the information available about the major incident, including how the major incident occurred and the threat causing the major incident.

''(B) If applicable, information relating to any breach associated with the major incident, regardless of whether—

''(i) the breach was the reason the incident was determined to be a major incident; and

''(ii) head of the agency determined it was appropriate to provide notification to potentially impacted individuals pursuant to section 3592(b)(1).

''(C) A preliminary assessment of the impacts to—

''(i) the agency;

''(ii) the Federal Government;

''(iii) the national security, foreign relations, homeland security, and economic security of the United States; and

''(iv) the civil liberties, public confidence, privacy, and public health and safety of the people of the United States.

''(D) If applicable, whether any ransom has been demanded or paid, or is expected to be paid, by any entity operating a Federal information system or with access to Federal information or a Federal information system, including, as available, the name of the entity demanding ransom, the date of the demand, and the amount and type of currency demanded, unless disclosure of such information will disrupt an active Federal law enforcement or national security operation.

''(c) SUPPLEMENTAL UPDATE.—Within a reasonable amount of time, but not later than 30 days after the date on which the head of an agency submits a written notification under subsection (a), the head of the agency shall provide to the appropriate congressional entities an unclassified and written update, which may include 1 or more annexes that contain classified or other sensitive information, as appropriate, on the major incident, based on information available to agency officials as of the date on which the agency provides the update, on—

''(1) system vulnerabilities relating to the major incident, where applicable, means by which the major incident occurred, the threat causing the major incident, where applicable, and impacts of the major incident to—

''(A) the agency;

''(B) other Federal agencies, Congress, or the judicial branch;

''(C) the national security, foreign relations, homeland security, or economic security of the United States; or

''(D) the civil liberties, public confidence, privacy, or public health and safety of the people of the United States;

''(2) the status of compliance of the affected Federal information system with applicable security requirements at the time of the major incident;

''(3) if the major incident involved a breach, a description of the affected information, an estimate of the number of individuals potentially impacted, and any assessment to the risk of harm to such individuals;

''(4) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident; and

''(5) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d), if applicable.

''(d) ADDITIONAL UPDATE.—If the head of an agency, the Director, or the National Cyber Director determines that there is any significant change in the understanding of the scope, scale, or consequence of a major incident for which the head of the agency submitted a written notification and update under subsections (b) and (c), the head of the agency shall submit to the appropriate congressional entities a written update that includes information relating to the change in understanding.

''(e) BIENNIAL REPORT.—Each agency shall submit as part of the biennial report required under section 3554(c)(1) a description of each major incident that occurred during the 2-year period preceding the date on which the biennial report is submitted.

''(f) REPORT DELIVERY.—

''(1) IN GENERAL.—Any written notification or update required to be submitted under this section—

''(A) shall be submitted in an electronic format; and

''(B) may be submitted in a paper format.

''(2) CLASSIFICATION STATUS.—Any written notification or update required to be submitted under this section—

''(A) shall be—

''(i) unclassified; and

''(ii) submitted through unclassified electronic means pursuant to paragraph (1)(A); and

''(B) may include classified annexes, as appropriate.

''(g) REPORT CONSISTENCY.—To achieve consistent and coherent agency reporting to Congress, the National Cyber Director, in coordination with the Director, shall—

''(1) provide recommendations to agencies on formatting and the contents of information to be included in the reports required under this section, including recommendations for consistent formats for presenting any associated metrics; and

''(2) maintain a comprehensive record of each major incident notification, update, and briefing provided under this section, which shall—

''(A) include, at a minimum—

''(i) the full contents of the written notification or update;

''(ii) the identity of the reporting agency; and

''(iii) the date of submission; and

''(iv) a list of the recipient congressional entities; and

''(B) be made available upon request to the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Accountability of the House of Representatives.

''(h) NATIONAL SECURITY SYSTEMS CONGRESSIONAL REPORTING EXEMPTION.—With respect to a major incident that occurs exclusively on a national security system, the head of the affected agency shall submit the notifications and reports required to be submitted to Congress under this section only to—

''(1) the majority and minority leaders of the Senate;

''(2) the Speaker and minority leader of the House of Representatives;

''(3) the appropriations committees of Congress;

''(4) the appropriate authorization committees of Congress;

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

''(6) the Select Committee on Intelligence of the Senate;

''(7) the Committee on Oversight and Accountability of the House of Representatives; and

''(8) the Permanent Select Committee on Intelligence of the House of Representatives.

''(i) MAJOR INCIDENTS INCLUDING BREACHES.—If a major incident constitutes a covered breach, as defined in section 3592(a), information on the covered breach required to be submitted to Congress pursuant to section 3592(g) may—

''(1) be included in the notifications required under subsection (b) or (c); or

''(2) be reported to Congress under the process established under section 3592(g).

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit—

''(A) the ability of an agency to provide additional reports or briefings to Congress;

''(B) Congress from requesting additional information from agencies through reports, briefings, or other means;

''(C) any congressional reporting requirements of agencies under any other law; or

''(2) limit or supersede any privacy protections under any other law.

''§ 3594. Government information sharing and incident response

''(a) IN GENERAL.—

''(1) INCIDENT SHARING.—Subject to paragraph (4) and subsection (b), and in accordance with the applicable requirements pursuant to section 3553(b)(2)(A) for reporting to the Federal information security incident center established under section 3556, the head of each agency shall provide to the Cybersecurity and Infrastructure Security Agency information relating to any incident affecting the agency, whether the information is obtained by the Federal Government directly or indirectly.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall include, at a minimum—

''(A) a full description of the incident, including—

''(i) all indicators of compromise and tactics, techniques, and procedures;

''(ii) an indicator of how the intruder gained initial access, accessed agency data or systems, and undertook additional actions on the network of the agency; and

''(iii) information that would support enabling defensive measures; and

''(iv) other information that may assist in identifying other victims;

''(B) information to help prevent similar incidents, such as information about relevant safeguards in place when the incident occurred and the effectiveness of those safeguards; and

''(C) information to aid in incident response, such as—

''(i) a description of the affected systems or networks;

''(ii) the estimated dates of when the incident occurred; and

''(iii) information that could reasonably help identify any malicious actor that may have conducted or caused the incident, subject to appropriate privacy protections.

''(3) INFORMATION SHARING.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(A) make incident information provided under paragraph (1) available to the Director and the National Cyber Director;

''(B) to the greatest extent practicable, share information relating to an incident with—

''(i) the head of any agency that may be—

''(I) impacted by the incident;

''(II) particularly susceptible to the incident; or

''(III) similarly targeted by the incident; and

''(ii) appropriate Federal law enforcement agencies to facilitate any necessary threat response activities, as requested;

''(C) coordinate any necessary information sharing efforts relating to a major incident with the private sector; and

''(D) notify the National Cyber Director of any efforts described in subparagraph (C).

''(4) NATIONAL SECURITY SYSTEMS EXEMPTION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (3), each agency operating or exercising control of a national security system shall share information about an incident that occurs exclusively on a national security system with the Secretary of Defense, the Director, the National Cyber Director, and the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

''(B) PROTECTIONS.—Any information sharing and handling of information under this paragraph shall be appropriately protected consistent with procedures authorized for the protection of sensitive sources and methods or by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(b) AUTOMATION.—In providing information and selecting a method to provide information under subsection (a), the head of each agency shall implement subsection (a)(1) in a manner that provides such information to the Cybersecurity and Infrastructure Security Agency in an automated and machine-readable format, to the greatest extent practicable.

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to suspect or conclude that a major incident occurred involving Federal information in electronic medium or form that does not exclusively involve a national security system shall coordinate with—

''(1) the Cybersecurity and Infrastructure Security Agency to facilitate asset response activities and provide recommendations for mitigating future incidents; and

''(2) consistent with relevant policies, appropriate Federal law enforcement agencies to facilitate threat response activities.

''§ 3595. Responsibilities of contractors and awardees

''(a) REPORTING.—

''(1) IN GENERAL.—Any contractor or awardee of an agency shall report to the agency if the contractor or awardee has a reasonable basis to conclude that—

''(A) an incident or breach has occurred with respect to Federal information the contractor or awardee collected, used, or maintained on behalf of an agency;

''(B) an incident or breach has occurred with respect to a Federal information system used, operated, managed, or maintained on behalf of an agency by the contractor or awardee;

''(C) a component of any Federal information system operated, managed, or maintained by a contractor or awardee contains a security vulnerability, including a supply chain compromise or an identified software or hardware vulnerability, for which there is reliable evidence of attempted or successful exploitation of the vulnerability by an actor without authorization of the Federal information system owner; or

''(D) the contractor or awardee has received personally identifiable information, personal health information, or other clearly sensitive information that is beyond the scope of the contract or agreement with the agency from the agency that the contractor or awardee is not authorized to receive.

''(2) THIRD-PARTY REPORTS OF VULNERABILITIES.—Subject to the guidance issued by the Director pursuant to paragraph (4), any contractor or awardee of an agency shall report to the agency and the Cybersecurity and Infrastructure Security Agency if the contractor or awardee has a reasonable basis to suspect or conclude that a component of any Federal information system operated, managed, or maintained on behalf of an agency by the contractor or awardee on behalf of the agency contains a security vulnerability, including a supply chain compromise or an identified software or hardware vulnerability, that has been reported to the contractor or awardee by a third party, including through a vulnerability disclosure program.

''(3) PROCEDURES.—

''(A) SHARING WITH CISA.—As soon as practicable following a report of an incident to an agency by a contractor or awardee under paragraph (1), the head of the agency shall provide, pursuant to section 3594, information about the incident to the Director of the Cybersecurity and Infrastructure Security Agency.

''(B) TIME FOR REPORTING.—Unless a different time for reporting is specified in a contract, grant, cooperative agreement, or other transaction agreement, a contractor or awardee shall—

''(i) make a report required under paragraph (1) not later than 1 day after the date on which the contractor or awardee has reasonable basis to suspect or conclude that the criteria under paragraph (1) have been met; and

''(ii) make a report required under paragraph (2) within a reasonable time, but not later than 90 days after the date on which the contractor or awardee has reasonable basis to suspect or conclude that the criteria under paragraph (2) have been met.

''(C) PROCEDURES.—Following a report of a breach or incident to an agency by a contractor or awardee under paragraph (1), the head of the agency, in consultation with the contractor or awardee, shall carry out the applicable requirements under sections 3592, 3593, and 3594 with respect to the breach or incident.

''(D) RULE OF CONSTRUCTION.—Nothing in subparagraph (B) shall be construed to allow the negation of the requirements to report vulnerabilities under paragraph (1) or (2) through a contract, grant, cooperative agreement, or other transaction agreement.

''(4) GUIDANCE.—The Director shall issue guidance to agencies relating to the scope of vulnerabilities to be reported under paragraph (2), such as the minimum severity of a vulnerability required to be reported or whether vulnerabilities that are already publicly disclosed must be reported.

''(b) REGULATIONS; MODIFICATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2023—

''(A) the Federal Acquisition Regulatory Council shall promulgate regulations, as appropriate, relating to the responsibilities of contractors and recipients of other transaction agreements and cooperative agreements to comply with this section; and

''(B) the Office of Federal Financial Management shall promulgate regulations under title 2, Code Federal Regulations, as appropriate, relating to the responsibilities of grantees to comply with this section.

''(2) IMPLEMENTATION.—Not later than 1 year after the date on which the Federal Acquisition Regulatory Council and the Office of Federal Financial Management promulgates regulations under paragraph (1), the head of each agency shall implement policies and procedures, as appropriate, necessary to implement those regulations.

''(3) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—The head of each agency head shall notify the Director upon implementation of policies and procedures necessary to implement the regulations promulgated under paragraph (1).

''(B) OMB NOTIFICATION.— Not later than 30 days after the date described in paragraph (2), the Director shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives on the status of the implementation by each agency of the regulations promulgated under paragraph (1).

''(c) NATIONAL SECURITY SYSTEMS EXEMPTION.—Notwithstanding any other provision of this section, a contractor or awardee of an agency that would be required to report an incident or vulnerability pursuant to this section that occurs exclusively on a national security system shall—

''(1) report the incident or vulnerability to the head of the agency and the Secretary of Defense; and

''(2) comply with applicable laws and policies relating to national security systems.

''§ 3596. Training

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who obtains access to a Federal information system because of the status of the individual as—

''(1) an employee, contractor, awardee, volunteer, or intern of an agency; or

''(2) an employee of a contractor or awardee of an agency.

''(b) BEST PRACTICES AND CONSISTENCY.—The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, the National Cyber Director, and the Director of the National Institute of Standards and Technology, shall develop best practices to support consistency across agencies in cybersecurity incident response training, including—

''(1) information to be collected and shared with the Cybersecurity and Infrastructure Security Agency pursuant to section 3594(a) and processes for sharing such information; and

''(2) appropriate training and qualifications for cyber incident responders.

''(c) AGENCY TRAINING.—The head of each agency shall develop training for covered individuals on how to identify and respond to an incident, including—

''(1) the internal process of the agency for reporting an incident; and

''(2) the obligation of a covered individual to report to the agency any suspected or confirmed incident involving Federal information in any medium or form, including paper, oral, and electronic.

''(d) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (c) may be included as part of an annual privacy, security awareness, or other appropriate training of an agency.

''§ 3597. Analysis and report on Federal incidents

''(a) ANALYSIS OF FEDERAL INCIDENTS.—

''(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall perform and, in coordination with the Director and the National Cyber Director, develop, continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

''(A) the causes of incidents, including—

''(i) attacker tactics, techniques, and procedures; and

''(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

''(B) the scope and scale of incidents at agencies;

''(C) common root causes of incidents across multiple agencies;

''(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

''(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

''(F) trends across multiple agencies to address intrusion detection and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

''(3) SHARING OF DATA AND ANALYSIS.—

''(A) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency shall share on an ongoing basis the analyses and underlying data required under this subsection with agencies, the Director, and the National Cyber Director to—

''(i) improve the understanding of cybersecurity risk of agencies; and

''(ii) support the cybersecurity improvement efforts of agencies.

''(B) FORMAT.—In carrying out subparagraph (A), the Director of the Cybersecurity and Infrastructure Security Agency shall share the analyses—

''(i) in human-readable written products; and

''(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

''(C) EXEMPTION.—This subsection shall not apply to incidents that occur exclusively on national security systems.

''(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, the National Cyber Director and the heads of other agencies, as appropriate, shall submit to the appropriate reporting entities a report that includes—

''(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

''(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

''(A) a specific analysis of breaches; and

''(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(3) an annex for each agency that includes—

''(A) a description of each major incident;

''(B) the total number of incidents of the agency; and

''(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(c) PUBLICATION.—

''(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency shall make a version of each report submitted under subsection (b) publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year during which the report is submitted.

''(2) EXEMPTION.—The publication requirement under paragraph (1) shall not apply to a portion of a report that contains content that should be protected in the interest of national security, as determined by the Director, the Director of the Cybersecurity and Infrastructure Security Agency, or the National Cyber Director.

''(3) LIMITATION ON EXEMPTION.—The exemption under paragraph (2) shall not apply to any version of a report submitted to the appropriate reporting entities under subsection (b).

''(4) REQUIREMENT FOR COMPILING INFORMATION.—

''(A) COMPILATION.—Subject to subparagraph (B), in making a report publicly available under paragraph (1), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information so that no specific incident of an agency can be identified.

''(B) EXCEPTION.—The Director of the Cybersecurity and Infrastructure Security Agency may include information that enables a specific incident of an agency to be identified in a publicly available report—

''(i) with the concurrence of the Director and the National Cyber Director;

''(ii) in consultation with the impacted agency; and

''(iii) in consultation with the inspector general of the impacted agency.

''(d) INFORMATION PROVIDED BY AGENCIES.—

''(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

''(2) NONCOMPLIANCE REPORTS.—During any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with

the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes the information described in subsection (b) with respect to the agency.

''(e) NATIONAL SECURITY SYSTEM REPORTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary of Defense, in consultation with the Director, the National Cyber Director, the Director of National Intelligence, and the Director of Cybersecurity and Infrastructure Security shall annually submit a report that includes the information described in subsection (b) with respect to national security systems, to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President, to—

''(A) the majority and minority leaders of the Senate,

''(B) the Speaker and minority leader of the House of Representatives;

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

''(D) the Select Committee on Intelligence of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Appropriations of the Senate;

''(G) the Committee on Oversight and Accountability of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Permanent Select Committee on Intelligence of the House of Representatives;

''(J) the Committee on Armed Services of the House of Representatives; and

''(K) the Committee on Appropriations of the House of Representatives.

''(2) CLASSIFIED FORM.—A report required under paragraph (1) may be submitted in a classified form.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 1 year after the later of the date of enactment of the Federal Information Security Modernization Act of 2023 and the most recent publication by the Director of guidance to agencies regarding major incidents as of the date of enactment of the Federal Information Security Modernization Act of 2023, the Director shall develop, in coordination with the National Cyber Director, and promulgate guidance on the definition of the term 'major incident' for the purposes of subchapter II and this subchapter.

''(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term 'major incident' shall—

''(1) include, with respect to any information collected or maintained by or on behalf of an agency or a Federal information system—

''(A) any incident the head of the agency determines is likely to result in demonstrable harm to—

''(i) the national security interests, foreign relations, homeland security, or economic security of the United States; or

''(ii) the civil liberties, public confidence, privacy, or public health and safety of the people of the United States;

''(B) any incident the head of the agency determines likely to result in an inability or substantial disruption for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

''(C) any incident the head of the agency determines substantially disrupts or substantially degrades the operations of a high value asset owned or operated by the agency;

''(D) any incident involving the exposure to a foreign entity of sensitive agency information, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head of the agency or the head of a component of the agency; and

''(E) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director, in consultation with the Director and the Director of the Cybersecurity and Infrastructure Security Agency, may declare a major incident at any agency, and such a declaration shall be considered if it is determined that an incident—

''(A) occurs at not less than 2 agencies; and

''(B) is enabled by—

''(i) a common technical root cause, such as a supply chain compromise, or a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor;

''(3) stipulate that, in determining whether an incident constitutes a major incident under the standards described in paragraph (1), the head of the agency shall consult with the National Cyber Director; and

''(4) stipulate that the mere report of a vulnerability discovered or disclosed without a loss of confidentiality, integrity, or availability shall not on its own constitute a major incident.

''(c) EVALUATION AND UPDATES.—Not later than 60 days after the date on which the Director first promulgates the guidance required under subsection (a), and not less frequently than once during the first 90 days of each evenly numbered Congress thereafter, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives a briefing that includes—

''(1) an evaluation of any necessary updates to the guidance;

''(2) an evaluation of any necessary updates to the definition of the term 'major incident' included in the guidance; and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''3591. Definitions.
''3592. Notification of breach.
''3593. Congressional and Executive Branch reports.
''3594. Government information sharing and incident response.
''3595. Responsibilities of contractors and awardees.
''3596. Training.
''3597. Analysis and report on Federal incidents.
''3598. Major incident definition.''.

SEC. 6004. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended in section 1078—

(1) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3552 of title 44, United States Code.'';

(2) in subsection (b), by adding at the end the following:

''(8) PROPOSAL EVALUATION.—The Director shall—

''(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

''(B) require that any proposal for the use of amounts in the Fund includes, as appropriate—

''(i) a cybersecurity risk management plan; and

''(ii) a supply chain risk assessment in accordance with section 1326 of title 41.''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''and''; and

(iii) by adding at the end the following:

''(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.''; and

(C) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(b) SUBCHAPTER I.—Subchapter I of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking ''use, security, and disposal of'' and inserting ''use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of,''; and

(B) in subsection (h), by inserting '', including cybersecurity performances,'' after ''the performances''; and

(2) in section 11303(b)(2)(B)—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(iii) whether the function should be performed by a shared service offered by another executive agency;''.

(c) SUBCHAPTER II.—Subchapter II of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting '', including security risks'' after ''managing the risks'';

(2) in section 11313(1), by striking ''efficiency and effectiveness'' and inserting ''efficiency, security, and effectiveness'';

(3) in section 11317, by inserting ''security,'' before ''or schedule''; and

(4) in section 11319(b)(1), in the paragraph heading, by striking ''CIOS'' and inserting ''CHIEF INFORMATION OFFICERS''.

SEC. 6005. ACTIONS TO ENHANCE FEDERAL INCIDENT TRANSPARENCY.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this subtitle, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director of the Cybersecurity and Infrastructure Security Agency anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this subtitle.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) UPDATING FISMA 2014.—Section 2 of the Federal Information Security Modernization Act of 2014 (Public Law 113–283; 128 Stat. 3073) is amended—

(A) by striking subsections (b) and (d); and

(B) by redesignating subsections (c), (e), and (f) as subsections (b), (c), and (d), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop, and as appropriate update, guidance, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this subtitle.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this subtitle; and

(ii) include requirements for the timeliness of data production.

(C) AUTOMATION.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promote, as feasible, the use of automation and machine-readable data for data sharing under section 3594(a) of title 44, United States Code, as added by this subtitle.

(3) CONTRACTOR AND AWARDEE GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Director shall issue guidance to agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this subtitle.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying agencies of incidents involving information of the Federal Government.

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(13) to another agency, to the extent necessary, to assist the recipient agency in responding to an incident (as defined in section 3552 of title 44) or breach (as defined in section 3591 of title 44) or to fulfill the information sharing requirements under section 3594 of title 44.''.

SEC. 6006. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this subtitle; and

(2) establishing a process for securely providing the status of each remedial action for high value assets under section 3554(b)(7) of title 44, United States Code, as amended by this Act, to the Director and the Director of the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action.

(b) COORDINATION.—The head of each agency shall coordinate with the inspector general of the agency, as applicable, to ensure consistent understanding of agency policies for the purpose of evaluations conducted by the inspector general.

SEC. 6007. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term ''reporting entity'' means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term ''sensitive information'' has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 1 year after the date of enactment of this subtitle, the Director shall develop, in consultation with the National Cyber Director, and issue guidance requiring the head of each agency to notify a reporting entity, and take into consideration the need to coordinate with Sector Risk Management Agencies (as defined in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650)), as appropriate, of an incident at the agency that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) any information system (as defined in section 3502 of title 44, United States Code) used in the transmission or storage of the sensitive information described in paragraph (1).

SEC. 6008. MOBILE SECURITY BRIEFINGS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director shall provide to the appropriate congressional committees—

(1) a briefing on the compliance of agencies with the No TikTok on Government Devices Act (44 U.S.C. 3553 note; Public Law 117–328); and

(2) as a component of the briefing required under paragraph (1), a list of each exception of an agency from the No TikTok on Government Devices Act (44 U.S.C. 3553 note; Public Law 117–328), which may include a classified annex.

(b) ADDITIONAL BRIEFING.—Not later than 1 year after the date of the briefing required under subsection (a)(1), the Director shall provide to the appropriate congressional committees—

(1) a briefing on the compliance of any agency that was not compliant with the No TikTok on Government Devices Act (44 U.S.C. 3553 note; Public Law 117–328) at the time of the briefing required under subsection (a)(1); and

(2) as a component of the briefing required under paragraph (1), an update to the list required under subsection (a)(2).

SEC. 6009. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) GUIDANCE.—Not later than 2 years after the date of enactment of this subtitle the Director, in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, shall update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

(b) NATIONAL SECURITY SYSTEMS.—The Secretary of Defense shall issue guidance that meets or exceeds the standards required in guidance issued under subsection (a) for National Security Systems.

SEC. 6010. CISA AGENCY LIAISONS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency liaison to the Chief Information Security Officer of each agency.

(b) QUALIFICATIONS.—Each liaison assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each liaison assigned under subsection (a) shall include—

(1) providing, as requested, assistance and advice to the agency Chief Information Security Officer;

(2) supporting, as requested, incident response coordination between the assigned agency and the Cybersecurity and Infrastructure Security Agency;

(3) becoming familiar with assigned agency systems, processes, and procedures to better facilitate support to the agency; and

(4) other liaison duties to the assigned agency solely in furtherance of Federal cybersecurity or support to the assigned agency as a Sector Risk Management Agency, as assigned by the Director of the Cybersecurity and Infrastructure Security Agency in consultation with the head of the assigned agency.

(d) LIMITATION.—A liaison assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual liaison may be assigned to multiple agency Chief Information Security Officers under subsection (a).

(f) COORDINATION OF ACTIVITIES.—The Director of the Cybersecurity and Infrastructure Security Agency shall consult with the Director on the execution of the duties of the Cybersecurity and Infrastructure Security Agency liaisons to ensure that there is no inappropriate duplication of activities among—

(1) Federal cybersecurity support to agencies of the Office of Management and Budget; and

(2) the Cybersecurity and Infrastructure Security Agency liaison.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed impact the ability of the Director to support agency implementation of Federal cybersecurity requirements pursuant to subchapter II of

chapter 35 of title 44, United States Code, as amended by this Act.

SEC. 6011. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3559A. Federal penetration testing

''(a) GUIDANCE.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies that—

''(1) requires agencies to perform penetration testing on information systems, as appropriate, including on high value assets;

''(2) provides policies governing the development of—

''(A) rules of engagement for using penetration testing; and

''(B) procedures to use the results of penetration testing to improve the cybersecurity and risk management of the agency;

''(3) ensures that operational support or a shared service is available; and

''(4) in no manner restricts the authority of the Secretary of Homeland Security or the Director of the Cybersecurity and Infrastructure Agency to conduct threat hunting pursuant to section 3553 of title 44, United States Code, or penetration testing under this chapter.

''(b) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (a) shall not apply to national security systems.

''(c) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (a) shall be delegated to—

''(1) the Secretary of Defense in the case of a system described in section 3553(e)(2); and

''(2) the Director of National Intelligence in the case of a system described in section 3553(e)(3).''.

(b) EXISTING GUIDANCE.—

(1) IN GENERAL.—Compliance with guidance issued by the Director relating to penetration testing before the date of enactment of this subtitle shall be deemed to be compliance with section 3559A of title 44, United States Code, as added by this Act.

(2) IMMEDIATE NEW GUIDANCE NOT REQUIRED.—Nothing in section 3559A of title 44, United States Code, as added by this subtitle, shall be construed to require the Director to issue new guidance to agencies relating to penetration testing before the date described in paragraph (3).

(3) GUIDANCE UPDATES.—Notwithstanding paragraphs (1) and (2), not later than 2 years after the date of enactment of this Act, the Director shall review and, as appropriate, update existing guidance requiring penetration testing by agencies.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

''3559A. Federal penetration testing.''.

(d) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by this subtitle, is further amended by inserting after paragraph (8) the following:

''(9) performing penetration testing that may leverage manual expert analysis to identify threats and vulnerabilities within information systems—

''(A) without consent or authorization from agencies; and

''(B) with prior notification to the head of the agency;''.

SEC. 6012. VULNERABILITY DISCLOSURE POLICIES.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by this subtitle, the following:

''§ 3559B. Federal vulnerability disclosure policies

''(a) PURPOSE; SENSE OF CONGRESS.—

''(1) PURPOSE.—The purpose of Federal vulnerability disclosure policies is to create a mechanism to enable the public to inform agencies of vulnerabilities in Federal information systems.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing the requirements of this section, the Federal Government should take appropriate steps to reduce real and perceived burdens in communications between agencies and security researchers.

''(b) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' has the meaning given the term in section 3591.

''(2) INTERNET OF THINGS.—The term 'internet of things' has the meaning given the term in Special Publication 800–213 of the National Institute of Standards and Technology, entitled 'IoT Device Cybersecurity Guidance for the Federal Government: Establishing IoT Device Cybersecurity Requirements', or any successor document.

''(3) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

''(4) SUBMITTER.—The term 'submitter' means an individual that submits a vulnerability disclosure report pursuant to the vulnerability disclosure process of an agency.

''(5) VULNERABILITY DISCLOSURE REPORT.—The term 'vulnerability disclosure report' means a disclosure of a security vulnerability made to an agency by a submitter.

''(c) GUIDANCE.—The Director shall issue guidance to agencies that includes—

''(1) use of the information system security vulnerabilities disclosure process guidelines established under section 4(a)(1) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3b(a)(1));

''(2) direction to not recommend or pursue legal action against a submitter or an individual that conducts a security research activity that—

''(A) represents a good faith effort to identify and report security vulnerabilities in information systems; or

''(B) otherwise represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (f)(2);

''(3) direction on sharing relevant information in a consistent, automated, and machine readable manner with the Director of the Cybersecurity and Infrastructure Security Agency;

''(4) the minimum scope of agency systems required to be covered by the vulnerability disclosure policy of an agency required under subsection (f)(2), including exemptions under subsection (g);

''(5) requirements for providing information to the submitter of a vulnerability disclosure report on the resolution of the vulnerability disclosure report;

''(6) a stipulation that the mere identification by a submitter of a security vulnerability, without a significant compromise of confidentiality, integrity, or availability, does not constitute a major incident; and

''(7) the applicability of the guidance to Internet of things devices owned or controlled by an agency.

''(d) CONSULTATION.—In developing the guidance required under subsection (c)(3), the Director shall consult with the Director of the Cybersecurity and Infrastructure Security Agency.

''(e) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) provide support to agencies with respect to the implementation of the requirements of this section;

''(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section;

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified security vulnerabilities in vendor products and services; and

''(4) as appropriate, implement the requirements of this section, in accordance with the authority under section 3553(b)(8), as a shared service available to agencies.

''(f) RESPONSIBILITIES OF AGENCIES.—

''(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system and to the extent consistent with the security of information systems but with the presumption of disclosure—

''(A) an appropriate security contact; and

''(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

''(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

''(A) describe—

''(i) the scope of the systems of the agency included in the vulnerability disclosure policy, including for Internet of things devices owned or controlled by the agency;

''(ii) the type of information system testing that is authorized by the agency;

''(iii) the type of information system testing that is not authorized by the agency;

''(iv) the disclosure policy for a contractor; and

''(v) the disclosure policy of the agency for sensitive information;

''(B) with respect to a vulnerability disclosure report to an agency, describe—

''(i) how the submitter should submit the vulnerability disclosure report; and

''(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

''(C) include any other relevant information; and

''(D) be mature in scope and cover every internet accessible information system used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED SECURITY VULNERABILITIES.—The head of each agency shall—

''(A) consider security vulnerabilities reported in accordance with paragraph (2);

''(B) commensurate with the risk posed by the security vulnerability, address such security vulnerability using the security vulnerability management process of the agency; and

''(C) in accordance with subsection (c)(5), provide information to the submitter of a vulnerability disclosure report.

''(g) EXEMPTIONS.—

''(1) IN GENERAL.—The Director and the head of each agency shall carry out this section in a manner consistent with the protection of national security information.

''(2) LIMITATION.—The Director and the head of each agency may not publish under subsection (f)(1) or include in a vulnerability disclosure policy under subsection (f)(2) host names, services, information systems, or other information that the Director or the head of an agency, in coordination with the

Director and other appropriate heads of agencies, determines would—

''(A) disrupt a law enforcement investigation;

''(B) endanger national security or intelligence activities; or

''(C) impede national defense activities or military operations.

''(3) NATIONAL SECURITY SYSTEMS.—This section shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).

''(i) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised as necessary to implement the provisions under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by this subtitle, the following:

''3559B. Federal vulnerability disclosure policies.''.

(c) CONFORMING UPDATE AND REPEAL.—

(1) GUIDELINES ON THE DISCLOSURE PROCESS FOR SECURITY VULNERABILITIES RELATING TO INFORMATION SYSTEMS, INCLUDING INTERNET OF THINGS DEVICES.—Section 5 of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c) is amended by striking subsections (d) and (e).

(2) IMPLEMENTATION AND CONTRACTOR COMPLIANCE.—The IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a et seq.) is amended—

(A) by striking section 6 (15 U.S.C. 278g–3d); and

(B) by striking section 7 (15 U.S.C. 278g–3e).

SEC. 6013. IMPLEMENTING ZERO TRUST ARCHITECTURE.

(a) BRIEFINGS.—Not later than 1 year after the date of enactment of this Act, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives a briefing on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from trusted networks to implement security controls based on a presumption of compromise, including through the transition to zero trust architecture;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems as quickly as practicable, accounting for intelligence or law enforcement purposes; and

(6) otherwise increasing the resource costs for entities that cause incidents to be successful.

(b) PROGRESS REPORT.—As a part of each report required to be submitted under section 3553(c) of title 44, United States Code, during the period beginning on the date that is 4 years after the date of enactment of this Act and ending on the date that is 10 years after the date of enactment of this Act, the Director shall include an update on agency implementation of zero trust architecture, which shall include—

(1) a description of steps agencies have completed, including progress toward achieving any requirements issued by the Director, including the adoption of any models or reference architecture;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

(c) CLASSIFIED ANNEX.—Each update required under subsection (b) may include 1 or more annexes that contain classified or other sensitive information, as appropriate.

(d) NATIONAL SECURITY SYSTEMS.—

(1) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Accountability of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a briefing on the implementation of zero trust architecture with respect to national security systems.

(2) PROGRESS REPORT.—Not later than the date on which each update is required to be submitted under subsection (b), the Secretary of Defense shall submit to the congressional committees described in paragraph (1) a progress report on the implementation of zero trust architecture with respect to national security systems.

SEC. 6014. AUTOMATION AND ARTIFICIAL INTELLIGENCE.

(a) DEFINITION.—In this section, the term ''information system'' has the meaning given the term in section 3502 of title 44, United States Code.

(b) USE OF ARTIFICIAL INTELLIGENCE.—

(1) IN GENERAL.—As appropriate, the Director shall issue guidance on the use of artificial intelligence by agencies to improve the cybersecurity of information systems.

(2) CONSIDERATIONS.—The Director and head of each agency shall consider the use and capabilities of artificial intelligence systems wherever automation is used in furtherance of the cybersecurity of information systems.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the date that is 5 years after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of artificial intelligence to further the cybersecurity of information systems.

(c) COMPTROLLER GENERAL REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the privacy of individuals and the cybersecurity of information systems associated with the use by Federal agencies of artificial intelligence systems or capabilities.

(2) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall perform a study, and submit to the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate and the Committees on Oversight and Accountability, Homeland Security, and Science, Space, and Technology of the House of Representatives a report, on the use of automation, including artificial intelligence, and machine-readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes employed by agencies under paragraphs (1), (5)(C), and (8)(B) of section 3554(b) of title 44, United States Code, as amended by this subtitle.

SEC. 6015. EXTENSION OF CHIEF DATA OFFICER COUNCIL.

Section 3520A(e)(2) of title 44, United States Code, is amended by striking ''upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress'' and inserting ''December 31, 2031''.

SEC. 6016. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 424(e) of title 5, United States Code, is amended—

(1) in paragraph (2)—

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

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

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

''(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44; and''; and

(2) by adding at the end the following:

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the publication of information that is exempted from disclosure under section 552 of this title.''.

SEC. 6017. SECURITY OPERATIONS CENTER SHARED SERVICE.

(a) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Accountability of the House of Representatives a briefing on—

(1) existing security operations center shared services;

(2) the capability for such shared service to offer centralized and simultaneous support to multiple agencies;

(3) the capability for such shared service to integrate with or support agency threat hunting activities authorized under section 3553 of title 44, United States Code, as amended by this subtitle;

(4) the capability for such shared service to integrate with or support Federal vulnerability management activities; and

(5) future plans for expansion and maturation of such shared service.

(b) GAO REPORT.—Not less than 540 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on Federal cybersecurity security operations centers that—

(1) identifies Federal agency best practices for efficiency and effectiveness;

(2) identifies non-Federal best practices used by large entity operations centers and entities providing operation centers as a service; and

(3) includes recommendations for the Cybersecurity and Infrastructure Security Agency and any other relevant agency to improve the efficiency and effectiveness of security operations centers shared service offerings.

SEC. 6018. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) CODIFYING FEDERAL CYBERSECURITY REQUIREMENTS IN TITLE 44.—

(1) AMENDMENT TO FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—Section 225 of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523) is amended by striking subsections (b) and (c).

(2) TITLE 44.—Section 3554 of title 44, United States Code, as amended by this subtitle, is further amended by adding at the end the following:

''(f) SPECIFIC CYBERSECURITY REQUIREMENTS AT AGENCIES.—

''(1) IN GENERAL.—Consistent with policies, standards, guidelines, and directives on information security under this subchapter, and except as provided under paragraph (3), the head of each agency shall—

''(A) identify sensitive and mission critical data stored by the agency consistent with the inventory required under section 3505(c);

''(B) assess access controls to the data described in subparagraph (A), the need for readily accessible storage of the data, and the need of individuals to access the data;

''(C) encrypt or otherwise render indecipherable to unauthorized users the data described in subparagraph (A) that is stored on or transiting agency information systems;

''(D) implement a single sign-on trusted identity platform for individuals accessing each public website of the agency that requires user authentication, as developed by the Administrator of General Services in collaboration with the Secretary; and

''(E) implement identity management consistent with section 504 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7464), including multi-factor authentication, for—

''(i) remote access to a information system; and

''(ii) each user account with elevated privileges on a information system.

''(2) PROHIBITION.—

''(A) DEFINITION.—In this paragraph, the term 'Internet of things' has the meaning given the term in section 3559B.

''(B) PROHIBITION.—Consistent with policies, standards, guidelines, and directives on information security under this subchapter, and except as provided under paragraph (3), the head of an agency may not procure, obtain, renew a contract to procure or obtain in any amount, notwithstanding section 1905 of title 41, United States Code, or use an Internet of things device if the Chief Information Officer of the agency determines during a review required under section 11319(b)(1)(C) of title 40 of a contract for an Internet of things device that the use of the device prevents compliance with the standards and guidelines developed under section 4 of the IoT Cybersecurity Improvement Act (15 U.S.C. 278g–3b) with respect to the device.

''(3) EXCEPTION.—The requirements under paragraph (1) shall not apply to a information system for which—

''(A) the head of the agency, without delegation, has certified to the Director with particularity that—

''(i) operational requirements articulated in the certification and related to the information system would make it excessively burdensome to implement the cybersecurity requirement;

''(ii) the cybersecurity requirement is not necessary to secure the information system or agency information stored on or transiting it; and

''(iii) the agency has taken all necessary steps to secure the information system and agency information stored on or transiting it; and

''(B) the head of the agency has submitted the certification described in subparagraph (A) to the appropriate congressional committees and the authorizing committees of the agency.

''(4) DURATION OF CERTIFICATION.—

''(A) IN GENERAL.—A certification and corresponding exemption of an agency under paragraph (3) shall expire on the date that is 4 years after the date on which the head of the agency submits the certification under paragraph (3)(A).

''(B) RENEWAL.—Upon the expiration of a certification of an agency under paragraph (3), the head of the agency may submit an additional certification in accordance with that paragraph.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

''(A) to alter the authority of the Secretary, the Director, or the Director of the National Institute of Standards and Technology in implementing subchapter II of this title;

''(B) to affect the standards or process of the National Institute of Standards and Technology;

''(C) to affect the requirement under section 3553(a)(4); or

''(D) to discourage continued improvements and advancements in the technology, standards, policies, and guidelines used to promote Federal information security.

''(g) EXCEPTION.—

''(1) REQUIREMENTS.—The requirements under subsection (f)(1) shall not apply to—

''(A) the Department of Defense;

''(B) a national security system; or

''(C) an element of the intelligence community.

''(2) PROHIBITION.—The prohibition under subsection (f)(2) shall not apply to—

''(A) Internet of things devices that are or comprise a national security system;

''(B) national security systems; or

''(C) a procured Internet of things device described in subsection (f)(2)(B) that the Chief Information Officer of an agency determines is—

''(i) necessary for research purposes; or

''(ii) secured using alternative and effective methods appropriate to the function of the Internet of things device.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by this subtitle, is further amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to any exemption from the requirements of subsection (f)(3) that is effective on the date of submission of the report, the number of information systems that have received an exemption from those requirements.''.

(c) DURATION OF CERTIFICATION EFFECTIVE DATE.—Paragraph (3) of section 3554(f) of title 44, United States Code, as added by this subtitle, shall take effect on the date that is 1 year after the date of enactment of this Act.

(d) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015 UPDATE.—Section 222(3)(B) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521(3)(B)) is amended by inserting ''and the Committee on Oversight and Accountability'' before ''of the House of Representatives.''

SEC. 6019. FEDERAL CHIEF INFORMATION SECURITY OFFICER.

(a) AMENDMENT.—Chapter 36 of title 44, United States Code, is amended by adding at the end the following:

''§ 3617. Federal chief information security officer

''(a) ESTABLISHMENT.—There is established a Federal Chief Information Security Officer, who shall serve in—

''(1) the Office of the Federal Chief Information Officer of the Office of Management and Budget; and

''(2) the Office of the National Cyber Director.

''(b) APPOINTMENT.—The Federal Chief Information Security Officer shall be appointed by the President.

''(c) OMB DUTIES.—The Federal Chief Information Security Officer shall report to the Federal Chief Information Officer and assist the Federal Chief Information Officer in carrying out—

''(1) every function under this chapter;

''(2) every function assigned to the Director under title II of the E–Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347);

''(3) other electronic government initiatives consistent with other statutes; and

''(4) other Federal cybersecurity initiatives determined by the Federal Chief Information Officer.

''(d) ADDITIONAL DUTIES.—The Federal Chief Information Security Officer shall—

''(1) support the Federal Chief Information Officer in overseeing and implementing Federal cybersecurity under the E–Government Act of 2002 (Public Law 107–347; 116 Stat. 2899) and other relevant statutes in a manner consistent with law; and

''(2) perform every function assigned to the Director under sections 1321 through 1328 of title 41, United States Code.

''(e) COORDINATION WITH ONCD.—The Federal Chief Information Security Officer shall support initiatives determined by the Federal Chief Information Officer necessary to coordinate with the Office of the National Cyber Director.''.

(b) NATIONAL CYBER DIRECTOR DUTIES.—Section 1752 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500) is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) SENIOR FEDERAL CYBERSECURITY OFFICER.—The Federal Chief Information Security Officer appointed by the President under section 3617 of title 44, United States Code, shall be a senior official within the Office and carry out duties applicable to the protection of information technology (as defined in section 11101 of title 40, United States Code), including initiatives determined by the Director necessary to coordinate with the Office of the Federal Chief Information Officer.''.

(c) TREATMENT OF INCUMBENT.—The individual serving as the Federal Chief Information Security Officer appointed by the President as of the date of the enactment of this Act may serve as the Federal Chief Information Security Officer under section 3617 of title 44, United States Code, as added by this subtitle, beginning on the date of enactment of this Act, without need for a further or additional appointment under such section.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 36 of title 44, United States Code, is amended by adding at the end the following:

''Sec. 3617. Federal chief information security officer''.

SEC. 6020. RENAMING OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 3601 of title 44, United States Code, is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

(2) CONFORMING AMENDMENTS.—

(A) TITLE 10.—Section 2222(i)(6) of title 10, United States Code, is amended by striking ''section 3601(4)'' and inserting ''section 3601''.

(B) NATIONAL SECURITY ACT OF 1947.—Section 506D(k)(1) of the National Security Act of 1947 (50 U.S.C. 3100(k)(1)) is amended by striking ''section 3601(4)'' and inserting ''section 3601''.

(b) OFFICE OF ELECTRONIC GOVERNMENT.—Section 3602 of title 44, United States Code, is amended—

(1) in the heading, by striking ''**OFFICE OF ELECTRONIC GOVERNMENT**'' and inserting ''**OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER**'';

(2) in subsection (a), by striking ''Office of Electronic Government'' and inserting ''Office of the Federal Chief Information Officer'';

(3) in subsection (b), by striking ''an Administrator'' and inserting ''a Federal Chief Information Officer'';

(4) in subsection (c), in the matter preceding paragraph (1), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(5) in subsection (d), in the matter preceding paragraph (1), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(6) in subsection (e), in the matter preceding paragraph (1), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(7) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(B) in paragraph (16), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''; and

(8) in subsection (g), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''.

(c) CHIEF INFORMATION OFFICERS COUNCIL.—Section 3603 of title 44, United States Code, is amended—

(1) in subsection (b)(2), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer'';

(2) in subsection (c)(1), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer''; and

(3) in subsection (f)—

(A) in paragraph (3), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(B) in paragraph (5), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(d) E-GOVERNMENT FUND.—Section 3604 of title 44, United States Code, is amended—

(1) in subsection (a)(2), by striking ''the Administrator of the Office of Electronic Government'' and inserting ''the Federal Chief Information Officer'';

(2) in subsection (b), by striking ''Administrator'' each place it appears and inserting ''Federal Chief Information Officer''; and

(3) in subsection (c), in the matter preceding paragraph (1), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(e) PROGRAM TO ENCOURAGE INNOVATIVE SOLUTIONS TO ENHANCE ELECTRONIC GOVERNMENT SERVICES AND PROCESSES.—Section 3605 of title 44, United States Code, is amended—

(1) in subsection (a), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(2) in subsection (b), by striking '', the Administrator,'' and inserting '', the Federal Chief Information Officer,''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer''; and

(ii) by striking ''proposals submitted to the Administrator'' and inserting ''proposals submitted to the Federal Chief Information Officer'';

(B) in paragraph (2)(B), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(C) in paragraph (4), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(f) E-GOVERNMENT REPORT.—Section 3606 of title 44, United States Code, is amended in the section heading by striking ''**E-Government**'' and inserting ''**Annual**''.

(g) TREATMENT OF INCUMBENT.—The individual serving as the Administrator of the Office of Electronic Government under section 3602 of title 44, United States Code, as of the date of the enactment of this Act, may continue to serve as the Federal Chief Information Officer commencing as of that date, without need for a further or additional appointment under such section.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 36 of title 44, United States Code, is amended—

(1) by striking the item relating to section 3602 and inserting the following:

''3602. Office of the Federal Chief Information Officer.''; and

(2) in the item relating to section 3606, by striking ''E–Government'' and inserting ''Annual''.

(i) REFERENCES.—

(1) ADMINISTRATOR.—Any reference to the Administrator of the Office of Electronic Government in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Federal Chief Information Officer.

(2) OFFICE OF ELECTRONIC GOVERNMENT.—Any reference to the Office of Electronic Government in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Office of the Federal Chief Information Officer.

SEC. 6021. RULES OF CONSTRUCTION.

(a) AGENCY ACTIONS.—Nothing in this subtitle, or an amendment made by this subtitle, shall be construed to authorize the head of an agency to take an action that is not authorized by this subtitle, an amendment made by this subtitle, or existing law.

(b) PROTECTION OF RIGHTS.—Nothing in this subtitle, or an amendment made by this subtitle, shall be construed to permit the violation of the rights of any individual protected by the Constitution of the United States, including through censorship of speech protected by the Constitution of the United States or unauthorized surveillance.

Subtitle B—Improving Digital Identity Act of 2023

SEC. 6031. SHORT TITLE.

This Act may be cited as the ''Improving Digital Identity Act of 2023''.

SEC. 6032. FINDINGS.

Congress finds the following:

(1) The lack of an easy, affordable, reliable, and secure way for organizations, businesses, and government agencies to identify whether an individual is who they claim to be online creates an attack vector that is widely exploited by adversaries in cyberspace and precludes many high-value transactions from being available online.

(2) Incidents of identity theft and identity fraud continue to rise in the United States, where more than 293,000,000 people were impacted by data breaches in 2021.

(3) Since 2017, losses resulting from identity fraud have increased by 333 percent, and, in 2020, those losses totaled $56,000,000,000.

(4) The Director of the Financial Crimes Enforcement Network of the Department of the Treasury has stated that the abuse of personally identifiable information and other building blocks of identity is a key enabler behind much of the fraud and cybercrime affecting the United States today.

(5) The inadequacy of current digital identity solutions degrades security and privacy for all people in the United States, and next generation solutions are needed that improve security, privacy, equity, and accessibility.

(6) Government entities, as authoritative issuers of identity in the United States, are uniquely positioned to deliver critical components that address deficiencies in the digital identity infrastructure of the United States and augment private sector digital identity and authentication solutions.

(7) State governments are particularly well-suited to play a role in enhancing digital identity solutions used by both the public and private sectors, given the role of State governments as the issuers of driver's licenses and other identity documents commonly used today.

(8) The public and private sectors should collaborate to deliver solutions that promote confidence, privacy, choice, equity, accessibility, and innovation. The private sector drives much of the innovation around digital identity in the United States and has an important role to play in delivering digital identity solutions.

(9) The bipartisan Commission on Enhancing National Cybersecurity has called for the Federal Government to ''create an interagency task force directed to find secure, user-friendly, privacy-centric ways in which agencies can serve as 1 authoritative source to validate identity attributes in the broader identity market. This action would enable Government agencies and the private sector to drive significant risk out of new account openings and other high-risk, high-value online services, and it would help all citizens more easily and securely engage in transactions online.''.

(10) It should be the policy of the Federal Government to use the authorities and capabilities of the Federal Government, in coordination with State, local, Tribal, and territorial partners and private sector innovators, to enhance the security, reliability, privacy, equity, accessibility, and convenience of consent-based digital identity solutions that support and protect transactions between individuals, government entities, and businesses, and that enable people in the United States to prove who they are online.

SEC. 6033. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE NOTIFICATION ENTITIES.—The term ''appropriate notification entities'' means—

(A) the President;

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

(C) the Committee on Oversight and Accountability of the House of Representatives.

(2) DIGITAL IDENTITY VERIFICATION.—The term ''digital identity verification'' means a process to verify the identity or an identity attribute of an individual accessing a service online or through another electronic means.

(3) DIRECTOR.—The term ''Director'' means the Director of the Task Force.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(5) IDENTITY ATTRIBUTE.—The term ''identity attribute'' means a data element associated with the identity of an individual, including, the name, address, or date of birth of an individual.

(6) IDENTITY CREDENTIAL.—The term ''identity credential'' means a document or other

evidence of the identity of an individual issued by a government agency that conveys the identity of the individual, including a driver's license or passport.

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

(8) TASK FORCE.—The term ''Task Force'' means the Improving Digital Identity Task Force established under section 6034(a).

SEC. 6034. IMPROVING DIGITAL IDENTITY TASK FORCE.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a task force to be known as the ''Improving Digital Identity Task Force''.

(b) PURPOSE.—The purpose of the Task Force shall be to establish and coordinate a government-wide effort to develop secure methods for Federal, State, local, Tribal, and territorial agencies to improve access and enhance security between physical and digital identity credentials, particularly by promoting the development of digital versions of existing physical identity credentials, including driver's licenses, e-Passports, social security credentials, and birth certificates, to—

(1) protect the privacy and security of individuals;

(2) support reliable, interoperable digital identity verification in the public and private sectors; and

(3) in achieving paragraphs (1) and (2), place a particular emphasis on—

(A) reducing identity theft and fraud;

(B) enabling trusted transactions; and

(C) ensuring equitable access to digital identity verification.

(c) DIRECTOR.—

(1) IN GENERAL.—The Task Force shall have a Director, who shall be appointed by the President.

(2) POSITION.—The Director shall serve at the pleasure of the President.

(3) PAY AND ALLOWANCES.—The Director shall be compensated at the rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(4) QUALIFICATIONS.—The Director shall have substantive technical expertise and managerial acumen that—

(A) is in the business of digital identity management, information security, or benefits administration;

(B) is gained from not less than 1 organization; and

(C) includes specific expertise gained from academia, advocacy organizations, or the private sector.

(5) EXCLUSIVITY.—The Director may not serve in any other capacity within the Federal Government while serving as Director.

(6) TERM.—The term of the Director, including any official acting in the role of the Director, shall terminate on the date described in subsection (k).

(d) MEMBERSHIP.—

(1) FEDERAL GOVERNMENT REPRESENTATIVES.—The Task Force shall include the following individuals or the designees of such individuals:

(A) The Secretary.

(B) The Secretary of the Treasury.

(C) The Director of the National Institute of Standards and Technology.

(D) The Director of the Financial Crimes Enforcement Network.

(E) The Commissioner of Social Security.

(F) The Secretary of State.

(G) The Administrator of General Services.

(H) The Director of the Office of Management and Budget.

(I) The Postmaster General of the United States Postal Service.

(J) The National Cyber Director.

(K) The Attorney General.

(L) The heads of other Federal agencies or offices as the President may designate or invite, as appropriate.

(2) STATE, LOCAL, TRIBAL, AND TERRITORIAL GOVERNMENT REPRESENTATIVES.—The Director shall appoint to the Task Force 6 State, local, Tribal, or territorial government officials who represent agencies that issue identity credentials and who have—

(A) experience in identity technology and services;

(B) knowledge of the systems used to provide identity credentials; or

(C) any other qualifications or competencies that may help achieve balance or otherwise support the mission of the Task Force.

(3) NONGOVERNMENTAL EXPERTS.—

(A) IN GENERAL.—The Director shall appoint to the Task Force 5 nongovernmental experts.

(B) SPECIFIC APPOINTMENTS.—The experts appointed under subparagraph (A) shall include the following:

(i) A member who is a privacy and civil liberties expert.

(ii) A member who is a technical expert in identity verification.

(iii) A member who is a technical expert in cybersecurity focusing on identity verification services.

(iv) A member who represents the identity verification services industry.

(v) A member who represents a party that relies on effective identity verification services to conduct business.

(e) WORKING GROUPS.—The Director shall organize the members of the Task Force into appropriate working groups for the purpose of increasing the efficiency and effectiveness of the Task Force, as appropriate.

(f) MEETINGS.—The Task Force shall—

(1) convene at the call of the Director; and

(2) provide an opportunity for public comment in accordance with section 1009(a)(3) of title 5, United States Code.

(g) DUTIES.—In carrying out the purpose described in subsection (b), the Task Force shall—

(1) identify Federal, State, local, Tribal, and territorial agencies that issue identity credentials or hold information relating to identifying an individual;

(2) assess restrictions with respect to the abilities of the agencies described in paragraph (1) to verify identity information for other agencies and nongovernmental organizations;

(3) assess any necessary changes in statutes, regulations, or policy to address any restrictions assessed under paragraph (2);

(4) recommend a strategy, based on existing standards, to enable agencies to provide services relating to digital identity verification in a way that—

(A) is secure, protects privacy, and protects individuals against unfair and misleading practices;

(B) prioritizes equity and accessibility;

(C) requires individual consent for the provision of digital identify verification services by a Federal, State, local, Tribal, or territorial agency;

(D) is interoperable among participating Federal, State, local, Tribal, and territorial agencies, as appropriate and in accordance with applicable laws; and

(E) prioritizes technical standards developed by voluntary consensus standards bodies in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) and guidance under OMB Circular A–119, entitled ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities'', or any successor thereto;

(5) recommend principles to promote policies for shared identity proofing across public sector agencies, which may include single sign-on or broadly accepted attestations;

(6) identify funding or other resources needed to support the agencies described in paragraph (4) that provide digital identity verification, including recommendations with respect to the need for and the design of a Federal grant program to implement the recommendations of the Task Force and facilitate the development and upgrade of State, local, Tribal, and territorial highly-secure interoperable systems that enable digital identity verification;

(7) recommend funding models to provide digital identity verification to private sector entities, which may include fee-based funding models;

(8) determine if any additional steps are necessary with respect to Federal, State, local, Tribal, and territorial agencies to improve digital identity verification and management processes for the purpose of enhancing the security, reliability, privacy, accessibility, equity, and convenience of digital identity solutions that support and protect transactions between individuals, government entities, and businesses; and

(9) undertake other activities necessary to assess and address other matters relating to digital identity verification, including with respect to—

(A) the potential exploitation of digital identity tools or associated products and services by malign actors;

(B) privacy implications; and

(C) increasing access to foundational identity documents.

(h) PROHIBITION.—The Task Force may not implicitly or explicitly recommend the creation of—

(1) a single identity credential provided or mandated by the Federal Government for the purposes of verifying identity or associated attributes;

(2) a unilateral central national identification registry relating to digital identity verification; or

(3) a requirement that any individual be forced to use digital identity verification for a given public purpose.

(i) REQUIRED CONSULTATION.—The Task Force shall closely consult with leaders of Federal, State, local, Tribal, and territorial governments and nongovernmental leaders, which shall include the following:

(1) The Secretary of Education.

(2) The heads of other Federal agencies and offices determined appropriate by the Director.

(3) State, local, Tribal, and territorial government officials focused on identity, such as information technology officials and directors of State departments of motor vehicles and vital records bureaus.

(4) Digital privacy experts.

(5) Civil liberties experts.

(6) Technology and cybersecurity experts.

(7) Users of identity verification services.

(8) Representatives with relevant expertise from academia and advocacy organizations.

(9) Industry representatives with experience implementing digital identity systems.

(10) Identity theft and fraud prevention experts, including advocates for victims of identity theft and fraud.

(j) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate notification entities a report on the activities of the Task Force, including—

(A) recommendations on—

(i) implementing the strategy pursuant to subsection (g)(4); and

(ii) methods to leverage digital driver's licenses, distributed ledger technology, and other technologies; and

(B) summaries of the input and recommendations of the leaders consulted under subsection (i).

(2) INTERIM REPORTS.—

(A) IN GENERAL.—The Director may submit to the appropriate notification entities interim reports the Director determines necessary to support the work of the Task Force and educate the public.

(B) MANDATORY REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Director shall submit to the appropriate notification entities an interim report addressing—

(i) the matters described in paragraphs (1), (2), (4), and (6) of subsection (g); and

(ii) any other matters the Director determines necessary to support the work of the Task Force and educate the public.

(3) FINAL REPORT.—Not later than 180 days before the date described in subsection (k), the Director shall submit to the appropriate notification entities a final report that includes recommendations for the President and Congress relating to any relevant matter within the scope of the duties of the Task Force.

(4) PUBLIC AVAILABILITY.—The Task Force shall make the reports required under this subsection publicly available on a centralized website as an open Government data asset (as defined in section 3502 of title 44, United States Code).

(k) SUNSET.—The Task Force shall conclude business on the date that is 3 years after the date of enactment of this Act.

SEC. 6035. SECURITY ENHANCEMENTS TO FEDERAL SYSTEMS.

(a) GUIDANCE FOR FEDERAL AGENCIES.—Not later than 180 days after the date on which the Director submits the report required under section 6034(j)(1), the Director of the Office of Management and Budget shall issue guidance to Federal agencies for the purpose of implementing any recommendations included in such report determined appropriate by the Director of the Office of Management and Budget.

(b) REPORTS ON FEDERAL AGENCY PROGRESS IMPROVING DIGITAL IDENTITY VERIFICATION CAPABILITIES.—

(1) ANNUAL REPORT ON GUIDANCE IMPLEMENTATION.—Not later than 1 year after the date of the issuance of guidance under subsection (a), and annually thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the efforts of the Federal agency to implement that guidance.

(2) PUBLIC REPORT.—

(A) IN GENERAL.—Not later than 45 days after the date of the issuance of guidance under subsection (a), and annually thereafter, the Director shall develop and make publicly available a report that includes—

(i) a list of digital identity verification services offered by Federal agencies;

(ii) the volume of digital identity verifications performed by each Federal agency;

(iii) information relating to the effectiveness of digital identity verification services by Federal agencies; and

(iv) recommendations to improve the effectiveness of digital identity verification services by Federal agencies.

(B) CONSULTATION.—In developing the first report required under subparagraph (A), the Director shall consult the Task Force.

(3) CONGRESSIONAL REPORT ON FEDERAL AGENCY DIGITAL IDENTITY CAPABILITIES.—

(A) REFORM.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives a report relating to the implementation and effectiveness of the digital identity capabilities of Federal agencies.

(B) CONSULTATION.—In developing the report required under subparagraph (A), the Director of the Office of Management and Budget shall—

(i) consult with the Task Force; and

(ii) to the greatest extent practicable, include in the report recommendations of the Task Force.

(C) CONTENTS OF REPORT.—The report required under subparagraph (A) shall include—

(i) an analysis, including metrics and milestones, for the implementation by Federal agencies of—

(I) the guidelines published by the National Institute of Standards and Technology in the document entitled ''Special Publication 800–63'' (commonly referred to as the ''Digital Identity Guidelines''), or any successor document; and

(II) if feasible, any additional requirements relating to enhancing digital identity capabilities identified in the document of the Office of Management and Budget entitled ''M–19–17'' and issued on May 21, 2019, or any successor document;

(ii) a review of measures taken to advance the equity, accessibility, cybersecurity, and privacy of digital identity verification services offered by Federal agencies; and

(iii) any other relevant data, information, or plans for Federal agencies to improve the digital identity capabilities of Federal agencies.

(c) ADDITIONAL REPORTS.—On the first March 1 occurring after the date described in subsection (b)(3)(A), and annually thereafter, the Director of the Office of Management and Budget, in consultation with the Director of the National Institute of Standards and Technology, shall include in the report required under section 3553(c) of title 44, United States Code—

(1) any additional and ongoing reporting on the matters described in subsection (b)(3)(C); and

(2) associated information collection mechanisms.

SEC. 6036. GAO REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the estimated potential savings, including estimated annual potential savings, due to the increased adoption and widespread use of digital identification, of—

(1) the Federal Government from averted fraud, including benefit fraud; and

(2) the economy of the United States and consumers from averted identity theft.

(b) CONTENTS.—Among other variables the Comptroller General of the United States determines relevant, the report required under subsection (a) shall include multiple scenarios with varying uptake rates to demonstrate a range of possible outcomes.

Subtitle C—Federal Data Center Enhancement Act of 2023

SEC. 6041. SHORT TITLE.

This subtitle may be cited as the ''Federal Data Center Enhancement Act of 2023''.

SEC. 6042. FEDERAL DATA CENTER CONSOLIDATION INITIATIVE AMENDMENTS.

(a) FINDINGS.—Congress finds the following:

(1) The statutory authorization for the Federal Data Center Optimization Initiative under section 834 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) expired at the end of fiscal year 2022.

(2) The expiration of the authorization described in paragraph (1) presents Congress with an opportunity to review the objectives of the Federal Data Center Optimization Initiative to ensure that the initiative is meeting the current needs of the Federal Government.

(3) The initial focus of the Federal Data Center Optimization Initiative, which was to consolidate data centers and create new efficiencies, has resulted in, since 2010—

(A) the consolidation of more than 6,000 Federal data centers; and

(B) cost savings and avoidance of $5,800,000,000.

(4) The need of the Federal Government for access to data and data processing systems has evolved since the date of enactment in 2014 of subtitle D of title VIII of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015.

(5) Federal agencies and employees involved in mission critical functions increasingly need reliable access to secure, reliable, sustainable, and protected facilities to house mission critical data and data operations to meet the immediate needs of the people of the United States.

(6) As of the date of enactment of this subtitle, there is a growing need for Federal agencies to use data centers and cloud applications that meet high standards for cybersecurity, resiliency, availability, and sustainability.

(b) MINIMUM REQUIREMENTS FOR NEW DATA CENTERS.—Section 834 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

''(3) NEW DATA CENTER.—The term 'new data center' means—

''(A)(i) a data center or a portion thereof that is owned, operated, or maintained by a covered agency; or

''(ii) to the extent practicable, a data center or portion thereof—

''(I) that is owned, operated, or maintained by a contractor on behalf of a covered agency on the date on which the contract between the covered agency and the contractor expires; and

''(II) with respect to which the covered agency extends the contract, or enters into a new contract, with the contractor; and

''(B) on or after the date that is 180 days after the date of enactment of the Federal Data Center Enhancement Act of 2023, a data center or portion thereof that is—

''(i) established; or

''(ii) substantially upgraded or expanded.'';

(2) by striking subsection (b) and inserting the following:

''(b) MINIMUM REQUIREMENTS FOR NEW DATA CENTERS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Data Center Enhancement Act of 2023, the Administrator shall establish minimum requirements for new data centers in consultation with the Administrator of General Services and the Federal Chief Information Officers Council.

''(2) CONTENTS.—

''(A) IN GENERAL.—The minimum requirements established under paragraph (1) shall include requirements relating to—

''(i) the availability of new data centers;

''(ii) the use of new data centers;

''(iii) the use of sustainable energy sources;

''(iv) uptime percentage;

''(v) protections against power failures, including on-site energy generation and access to multiple transmission paths;

''(vi) protections against physical intrusions and natural disasters;

''(vii) information security protections required by subchapter II of chapter 35 of title 44, United States Code, and other applicable law and policy; and

''(viii) any other requirements the Administrator determines appropriate.

''(B) CONSULTATION.—In establishing the requirements described in subparagraph (A)(vii), the Administrator shall consult with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director.

''(3) INCORPORATION OF MINIMUM REQUIREMENTS INTO CURRENT DATA CENTERS.—As soon as practicable, and in any case not later than 90 days after the Administrator establishes the minimum requirements pursuant to paragraph (1), the Administrator shall issue guidance to ensure, as appropriate, that covered agencies incorporate the minimum requirements established under that paragraph into the operations of any data center of a covered agency existing as of the date of enactment of the Federal Data Center Enhancement Act of 2023.

''(4) REVIEW OF REQUIREMENTS.—The Administrator, in consultation with the Administrator of General Services and the Federal Chief Information Officers Council, shall review, update, and modify the minimum requirements established under paragraph (1), as necessary.

''(5) REPORT ON NEW DATA CENTERS.—During the development and planning lifecycle of a new data center, if the head of a covered agency determines that the covered agency is likely to make a management or financial decision relating to any data center, the head of the covered agency shall—

''(A) notify—

''(i) the Administrator;

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

''(iii) Committee on Oversight and Accountability of the House of Representatives; and

''(B) describe in the notification with sufficient detail how the covered agency intends to comply with the minimum requirements established under paragraph (1).

''(6) USE OF TECHNOLOGY.—In determining whether to establish or continue to operate an existing data center, the head of a covered agency shall—

''(A) regularly assess the application portfolio of the covered agency and ensure that each at-risk legacy application is updated, replaced, or modernized, as appropriate, to take advantage of modern technologies; and

''(B) prioritize and, to the greatest extent possible, leverage commercial cloud environments rather than acquiring, overseeing, or managing custom data center infrastructure.

''(7) PUBLIC WEBSITE.—

''(A) IN GENERAL.—The Administrator shall maintain a public-facing website that includes information, data, and explanatory statements relating to the compliance of covered agencies with the requirements of this section.

''(B) PROCESSES AND PROCEDURES.—In maintaining the website described in subparagraph (A), the Administrator shall—

''(i) ensure covered agencies regularly, and not less frequently than biannually, update the information, data, and explanatory statements posed on the website, pursuant to guidance issued by the Administrator, relating to any new data centers and, as appropriate, each existing data center of the covered agency; and

''(ii) ensure that all information, data, and explanatory statements on the website are maintained as open Government data assets.''; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The head of a covered agency shall oversee and manage the data center portfolio and the information technology strategy of the covered agency in accordance with Federal cybersecurity guidelines and directives, including—

''(A) information security standards and guidelines promulgated by the Director of the National Institute of Standards and Technology;

''(B) applicable requirements and guidance issued by the Director of the Office of Management and Budget pursuant to section 3614 of title 44, United States Code; and

''(C) directives issued by the Secretary of Homeland Security under section 3553 of title 44, United States Code.''.

(c) EXTENSION OF SUNSET.—Section 834(e) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) is amended by striking ''2022'' and inserting ''2026''.

(d) GAO REVIEW.—Not later than 1 year after the date of the enactment of this subtitle, and annually thereafter, the Comptroller General of the United States shall review, verify, and audit the compliance of covered agencies with the minimum requirements established pursuant to section 834(b)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) for new data centers and subsection (b)(3) of that section for existing data centers, as appropriate.

TITLE LXI—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

Subtitle A—National Risk Management Act of 2023

SEC. 6101. SHORT TITLE.

This subtitle may be cited as the ''National Risk Management Act of 2023''.

SEC. 6102. NATIONAL RISK MANAGEMENT CYCLE.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 2220F. NATIONAL RISK MANAGEMENT CYCLE.

''(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term 'national critical functions' means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

''(b) NATIONAL RISK MANAGEMENT CYCLE.—

''(1) RISK IDENTIFICATION AND ASSESSMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify and assess risks to critical infrastructure, considering both cyber and physical threats and the associated likelihoods, vulnerabilities, and consequences.

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult—

''(i) Sector Risk Management Agencies;

''(ii) critical infrastructure owners and operators;

''(iii) the Assistant to the President for National Security Affairs;

''(iv) the Assistant to the President for Homeland Security; and

''(v) the National Cyber Director.

''(C) PROCESS ELEMENTS.—The process established under subparagraph (A) shall include elements to—

''(i) collect relevant information, collected pursuant to section 2218, from Sector Risk Management Agencies relating to the threats, vulnerabilities, and consequences related to the particular sectors of those Sector Risk Management Agencies;

''(ii) allow critical infrastructure owners and operators to submit relevant information to the Secretary for consideration; and

''(iii) outline how the Secretary will solicit input from other Federal departments and agencies.

''(D) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

''(E) REPORT.—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A)—

''(i) not later than 1 year after the date of enactment of this section; and

''(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a(b)(2)).

''(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

''(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

''(i) prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

''(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

''(iii) identify and outline current and proposed national-level actions, programs, and efforts, including resource requirements, to be taken to address the risks identified;

''(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

''(v) request any additional authorities necessary to successfully execute the strategy.

''(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

''(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers the first strategy required under paragraph (2)(A), and each year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

''(A) the national risk management cycle activities undertaken pursuant to the strategy delivered under paragraph (2)(A); and

''(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy delivered under paragraph (2)(A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2220E the following:

''Sec. 2220F. National risk management cycle.''.

Subtitle B—Securing Open Source Software Act of 2023

SEC. 6111. SHORT TITLE.

This subtitle may be cited as the ''Securing Open Source Software Act of 2023''.

SEC. 6112. FINDINGS.

Congress finds that—

(1) open source software fosters technology development and is an integral part of overall cybersecurity;

(2) a secure, healthy, vibrant, and resilient open source software ecosystem is crucial for ensuring the national security and economic vitality of the United States;

(3) open source software is part of the foundation of digital infrastructure that promotes a free and open internet;

(4) due to both the unique strengths of open source software and inconsistent historical investment in open source software security, there exist unique challenges in securing open source software; and

(5) the Federal Government should play a supporting role in ensuring the long-term security of open source software.

SEC. 6113. OPEN SOURCE SOFTWARE SECURITY DUTIES.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 650 et seq.), as amended by section 6102(a), is amended—

(1) in section 2200 (6 U.S.C. 650)—

(A) by redesignating paragraphs (22) through (28) as paragraphs (25) through (31), respectively; and

(B) by inserting after paragraph (21) the following:

''(22) OPEN SOURCE SOFTWARE.—The term 'open source software' means software for which the human-readable source code is made available to the public for use, study, re-use, modification, enhancement, and redistribution.

''(23) OPEN SOURCE SOFTWARE COMMUNITY.—The term 'open source software community' means the community of individuals, foundations, nonprofit organizations, corporations, and other entities that—

''(A) develop, contribute to, maintain, and publish open source software; or

''(B) otherwise work to ensure the security of the open source software ecosystem.

''(24) OPEN SOURCE SOFTWARE COMPONENT.—The term 'open source software component' means an individual repository of open source software that is made available to the public.'';

(2) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (13), by striking ''and'' at the end;

(B) by redesignating paragraph (14) as paragraph (17); and

(C) by inserting after paragraph (13) the following:

''(14) support, including by offering services, the secure usage and deployment of software, including open source software, in the software development lifecycle at Federal agencies in accordance with section 2220G;''; and

(3) by adding at the end the following:

''SEC. 2220G. OPEN SOURCE SOFTWARE SECURITY DUTIES.

''(a) DEFINITION.—In this section, the term 'software bill of materials' has the meaning given the term in the Minimum Elements for a Software Bill of Materials published by the Department of Commerce, or any superseding definition published by the Agency.

''(b) EMPLOYMENT.—The Director shall, to the greatest extent practicable, employ individuals in the Agency who—

''(1) have expertise and experience participating in the open source software community; and

''(2) perform the duties described in subsection (c).

''(c) DUTIES OF THE DIRECTOR.—

''(1) IN GENERAL.—The Director shall—

''(A) perform outreach and engagement to bolster the security of open source software;

''(B) support Federal efforts to strengthen the security of open source software;

''(C) coordinate, as appropriate, with non-Federal entities on efforts to ensure the long-term security of open source software;

''(D) serve as a public point of contact regarding the security of open source software for non-Federal entities, including State, local, Tribal, and territorial partners, the private sector, international partners, and the open source software community; and

''(E) support Federal and non-Federal supply chain security efforts by encouraging efforts to bolster open source software security, such as—

''(i) assisting in coordinated vulnerability disclosures in open source software components pursuant to section 2209(n); and

''(ii) supporting the activities of the Federal Acquisition Security Council.

''(2) ASSESSMENT OF CRITICAL OPEN SOURCE SOFTWARE COMPONENTS.—

''(A) FRAMEWORK.—Not later than 1 year after the date of enactment of this section, the Director shall publicly publish a framework, incorporating government, industry, and open source software community frameworks and best practices, including those published by the National Institute of Standards and Technology, for assessing the risk of open source software components, including direct and indirect open source software dependencies, which shall incorporate, at a minimum—

''(i) the security properties of code in a given open source software component, such as whether the code is written in a memory-safe programming language;

''(ii) the security practices of development, build, and release processes of a given open source software component, such as the use of multi-factor authentication by maintainers and cryptographic signing of releases;

''(iii) the number and severity of publicly known, unpatched vulnerabilities in a given open source software component;

''(iv) the breadth of deployment of a given open source software component;

''(v) the level of risk associated with where a given open source software component is integrated or deployed, such as whether the component operates on a network boundary or in a privileged location; and

''(vi) the health of the open source software community for a given open source software component, including, where applicable, the level of current and historical investment and maintenance in the open source software component, such as the number and activity of individual maintainers.

''(B) UPDATING FRAMEWORK.—Not less frequently than annually after the date on which the framework is published under subparagraph (A), the Director shall—

''(i) determine whether updates are needed to the framework described in subparagraph (A), including the augmentation, addition, or removal of the elements described in clauses (i) through (vi) of such subparagraph; and

''(ii) if the Director determines that additional updates are needed under clause (i), make those updates to the framework.

''(C) DEVELOPING FRAMEWORK.—In developing the framework described in subparagraph (A), the Director shall consult with—

''(i) appropriate Federal agencies, including the National Institute of Standards and Technology;

''(ii) individuals and nonprofit organizations from the open source software community; and

''(iii) private companies from the open source software community.

''(D) USABILITY.—The Director shall ensure, to the greatest extent practicable, that the framework described in subparagraph (A) is usable by the open source software community, including through the consultation described in subparagraph (C).

''(E) FEDERAL OPEN SOURCE SOFTWARE ASSESSMENT.—Not later than 1 year after the publication of the framework described in subparagraph (A), and not less frequently than every 2 years thereafter, the Director shall, to the greatest extent practicable and using the framework described in subparagraph (A)—

''(i) perform an assessment of open source software components used directly or indirectly by Federal agencies based on readily available, and, to the greatest extent practicable, machine readable, information, such as—

''(I) software bills of materials that are, at the time of the assessment, made available to the Agency or are otherwise accessible via the internet;

''(II) software inventories, available to the Director at the time of the assessment, from the Continuous Diagnostics and Mitigation program of the Agency; and

''(III) other publicly available information regarding open source software components; and

''(ii) develop 1 or more ranked lists of components described in clause (i) based on the assessment, such as ranked by the criticality, level of risk, or usage of the components, or a combination thereof.

''(F) AUTOMATION.—The Director shall, to the greatest extent practicable, automate the assessment conducted under subparagraph (E).

''(G) PUBLICATION.—The Director shall publicly publish and maintain any tools developed to conduct the assessment described in subparagraph (E) as open source software.

''(H) SHARING.—

''(i) RESULTS.—The Director shall facilitate the sharing of the results of each assessment described in subparagraph (E)(i) with appropriate Federal and non-Federal entities working to support the security of open source software, including by offering means for appropriate Federal and non-Federal entities to download the assessment in an automated manner.

''(ii) DATASETS.—The Director may publicly publish, as appropriate, any datasets or versions of the datasets developed or consolidated as a result of an assessment described in subparagraph (E)(i).

''(I) CRITICAL INFRASTRUCTURE ASSESSMENT STUDY AND PILOT.—

''(i) STUDY.—Not later than 2 years after the publication of the framework described in subparagraph (A), the Director shall conduct a study regarding the feasibility of the Director conducting the assessment described in subparagraph (E) for critical infrastructure entities.

''(ii) PILOT.—

''(I) IN GENERAL.—If the Director determines that the assessment described in

clause (i) is feasible, the Director may conduct a pilot assessment on a voluntary basis with 1 or more critical infrastructure sectors, in coordination with the Sector Risk Management Agency and the sector coordinating council of each participating sector.

''(II) TERMINATION.—If the Director proceeds with the pilot described in subclause (I), the pilot shall terminate on the date that is 2 years after the date on which the Director begins the pilot.

''(iii) REPORTS.—

''(I) STUDY.—Not later than 180 days after the date on which the Director completes the study conducted under clause (i), the Director shall submit to the appropriate congressional committees a report that—

''(aa) summarizes the study; and

''(bb) states whether the Director plans to proceed with the pilot described in clause (ii)(I).

''(II) PILOT.—If the Director proceeds with the pilot described in clause (ii), not later than 1 year after the date on which the Director begins the pilot, the Director shall submit to the appropriate congressional committees a report that includes—

''(aa) a summary of the results of the pilot; and

''(bb) a recommendation as to whether the activities carried out under the pilot should be continued after the termination of the pilot described in clause (ii)(II).

''(3) COORDINATION WITH NATIONAL CYBER DIRECTOR.—The Director shall—

''(A) brief the National Cyber Director on the activities described in this subsection; and

''(B) coordinate activities with the National Cyber Director, as appropriate.

''(4) REPORTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and every 2 years thereafter, the Director shall submit to the appropriate congressional committees a report that includes—

''(i) a summary of the work on open source software security performed by the Director during the period covered by the report, including a list of the Federal and non-Federal entities with which the Director interfaced;

''(ii) the framework developed under paragraph (2)(A);

''(iii) a summary of any updates made to the framework developed under paragraph (2)(A) pursuant to paragraph (2)(B) since the last report submitted under this subparagraph;

''(iv) a summary of each assessment conducted pursuant to paragraph (2)(E) since the last report was submitted under this subparagraph;

''(v) a summary of changes made to the assessment conducted pursuant to paragraph (2)(E) since the last report submitted under this subparagraph, including overall security trends; and

''(vi) a summary of the types of entities with which an assessment conducted pursuant to paragraph (2)(E) since the last reported submitted under this subparagraph was shared pursuant to paragraph (2)(H), including a list of the Federal and non-Federal entities with which the assessment was shared.

''(B) PUBLIC REPORT.—Not later than 30 days after the date on which the Director submits a report required under subparagraph (A), the Director shall make a version of the report publicly available on the website of the Agency.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 6102(b), is amended by inserting after the item relating to section 2220F the following:

''Sec. 2220G. Open source software security duties.''.

SEC. 6114. SOFTWARE SECURITY ADVISORY SUBCOMMITTEE.

Section 2219(d)(1) of the Homeland Security Act of 2002 (6 U.S.C. 665e(d)(1)) is amended by adding at the end the following:

''(E) Software security, including open source software security.''.

SEC. 6115. OPEN SOURCE SOFTWARE GUIDANCE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) COVERED AGENCY.—The term ''covered agency'' means an agency described in section 901(b) of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552 of title 44, United States Code.

(5) OPEN SOURCE SOFTWARE; OPEN SOURCE SOFTWARE COMMUNITY.—The terms ''open source software'' and ''open source software community'' have the meanings given those terms in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650), as amended by section 6113.

(b) GUIDANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall issue guidance on the responsibilities of the chief information officer at each covered agency regarding open source software, which shall include—

(A) how chief information officers at each covered agency should, considering industry and open source software community best practices—

(i) manage and reduce risks of using open source software; and

(ii) guide contributing to and releasing open source software;

(B) how chief information officers should enable, rather than inhibit, the secure usage of open source software at each covered agency;

(C) any relevant updates to the Memorandum M–16–21 issued by the Office of Management and Budget on August 8, 2016, entitled, ''Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software''; and

(D) how covered agencies may contribute publicly to open source software that the covered agency uses, including how chief information officers should encourage those contributions.

(2) EXEMPTION OF NATIONAL SECURITY SYSTEMS.—The guidance issued under paragraph (1) shall not apply to national security systems.

(c) PILOT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the chief information officer of each covered agency selected under paragraph (2), in coordination with the Director, the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall establish a pilot open source function at the covered agency that—

(A) is modeled after open source program offices, such as those in the private sector, the nonprofit sector, academia, and other non-Federal entities; and

(B) shall—

(i) support the secure usage of open source software at the covered agency;

(ii) develop policies and processes for contributions to and releases of open source software at the covered agency, in consultation, as appropriate, with the offices of general counsel and procurement of the covered agency;

(iii) interface with the open source software community; and

(iv) manage and reduce risks of using open source software at the covered agency.

(2) SELECTION OF PILOT AGENCIES.—The Director, in coordination with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall select not less than 1 and not more than 5 covered agencies to conduct the pilot described in paragraph (1).

(3) ASSESSMENT.—Not later than 1 year after the establishment of the pilot open source functions described in paragraph (1), the Director, in coordination with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall assess whether open source functions should be established at some or all covered agencies, including—

(A) how to organize those functions within covered agencies, such as the creation of open source program offices; and

(B) appropriate roles and responsibilities for those functions.

(4) GUIDANCE.—Notwithstanding the termination of the pilot open source functions under paragraph (5), if the Director determines, based on the assessment described in paragraph (3), that some or all of the open source functions should be established at some or all covered agencies, the Director, in coordination with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall issue guidance on the implementation of those functions.

(5) TERMINATION.—The pilot open source functions described in paragraph (1) shall terminate not later than 4 years after the establishment of the pilot open source functions.

(d) BRIEFING AND REPORT.—The Director shall—

(1) not later than 1 year after the date of enactment of this Act, brief the appropriate congressional committees on the guidance issued under subsection (b); and

(2) not later than 540 days after the establishment of the pilot open source functions under subsection (c)(1), submit to the appropriate congressional committees a report on—

(A) the pilot open source functions; and

(B) the results of the assessment conducted under subsection (c)(3).

(e) DUTIES.—Section 3554(b) of title 44, United States Code, as amended by section 5103, is amended by inserting after paragraph (7) the following:

''(8) plans and procedures to ensure the secure usage and development of software, including open source software (as defined in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650));''.

SEC. 6116. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to provide any additional regulatory authority to any Federal agency described therein.

Subtitle C—National Cybersecurity Awareness Act

SEC. 6121. SHORT TITLE.

This subtitle may be cited as the ''National Cybersecurity Awareness Act''.

SEC. 6122. FINDINGS.

Congress finds the following:

(1) The presence of ubiquitous internet-connected devices in the everyday lives of citizens of the United States has created opportunities for constant connection and modernization.

(2) A connected society is subject to cybersecurity threats that can compromise even the most personal and sensitive of information.

(3) Connected critical infrastructure is subject to cybersecurity threats that can compromise fundamental economic, health, and safety functions.

(4) The Government of the United States plays an important role in safeguarding the nation from malicious cyber activity.

(5) A citizenry that is knowledgeable regarding cybersecurity is critical to building a robust cybersecurity posture and reducing the threat of cyber attackers stealing sensitive information and causing public harm.

(6) While Cybersecurity Awareness Month is critical to supporting national cybersecurity awareness, it cannot be a once-a-year activity, and there must be a sustained, constant effort to raise awareness about cyber hygiene, encourage individuals in the United States to learn cyber skills, and communicate the ways that cyber skills and careers in cyber advance individual and societal security, privacy, safety, and well-being.

SEC. 6123. CYBERSECURITY AWARENESS.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 6113(a), is amended by adding at the end the following:

"SEC. 2220H. CYBERSECURITY AWARENESS CAMPAIGNS.

''(a) DEFINITION.—In this section, the term 'Campaign Program' means the campaign program established under subsection (b)(1).

''(b) AWARENESS CAMPAIGN PROGRAM.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the National Cybersecurity Awareness Act, the Director, in coordination with appropriate Federal agencies, shall establish a program for planning and coordinating Federal cybersecurity awareness campaigns.

''(2) ACTIVITIES.—In carrying out the Campaign Program, the Director shall—

''(A) inform non-Federal entities of voluntary cyber hygiene best practices, including information on how to—

''(i) prevent cyberattacks; and

''(ii) mitigate cybersecurity risks; and

''(B) consult with private sector entities, State, local, Tribal, and territorial governments, academia, nonprofit organizations, and civil society—

''(i) to promote cyber hygiene best practices and the importance of cyber skills, including by focusing on tactics that are cost effective and result in significant cybersecurity improvement, such as—

''(I) maintaining strong passwords and the use of password managers;

''(II) enabling multi-factor authentication, including phishing-resistant multi-factor authentication;

''(III) regularly installing software updates;

''(IV) using caution with email attachments and website links; and

''(V) other cyber hygienic considerations, as appropriate;

''(ii) to promote awareness of cybersecurity risks and mitigation with respect to malicious applications on internet-connected devices, including applications to control those devices or use devices for unauthorized surveillance of users;

''(iii) to help consumers identify products that are designed to support user and product security, such as products designed using the Secure-by-Design and Secure-by-Default principles of the Agency or the Recommended Criteria for Cybersecurity Labeling for Consumer Internet of Things (IoT) Products of the National Institute of Standards and Technology, published February 4, 2022 (or any subsequent version);

''(iv) to coordinate with other Federal agencies, as determined appropriate by the Director, to—

''(I) develop and promote relevant cybersecurity-related and cyber skills-related awareness activities and resources; and

''(II) ensure the Federal Government is coordinated in communicating accurate and timely cybersecurity information;

''(v) to expand nontraditional outreach mechanisms to ensure that entities, including low-income and rural communities, small and medium sized businesses and institutions, and State, local, Tribal, and territorial partners, receive cybersecurity awareness outreach in an equitable manner; and

''(vi) to encourage participation in cyber workforce development ecosystems and to expand adoption of best practices to grow the national cyber workforce.

''(3) REPORTING.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Cybersecurity Awareness Act, and annually thereafter, the Director, in consultation with the heads of appropriate Federal agencies, shall submit to the appropriate congressional committees a report regarding the Campaign Program.

''(B) CONTENTS.—Each report submitted pursuant to subparagraph (A) shall include—

''(i) a summary of the activities of the Agency that support promoting cybersecurity awareness under the Campaign Program, including consultations made under paragraph (2)(B);

''(ii) an assessment of the effectiveness of techniques and methods used to promote national cybersecurity awareness under the Campaign Program; and

''(iii) recommendations on how to best promote cybersecurity awareness nationally.

''(c) CYBERSECURITY CAMPAIGN RESOURCES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the National Cybersecurity Awareness Act, the Director shall develop and maintain a repository for the resources, tools, and public communications of the Agency that promote cybersecurity awareness.

''(2) REQUIREMENTS.—The resources described in paragraph (1) shall be—

''(A) made publicly available online; and

''(B) regularly updated to ensure the public has access to relevant and timely cybersecurity awareness information.''.

(b) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (13), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (14) as paragraph (16); and

(3) by inserting after paragraph (13) the following:

''(14) lead and coordinate Federal efforts to promote national cybersecurity awareness;''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 6113(b), is amended by inserting after the item relating to section 2220G the following:

''Sec. 2220H. Cybersecurity awareness campaigns.''.

Subtitle D—DHS International Cyber Partner Act of 2023

SEC. 6131. SHORT TITLE.

This subtitle may be cited as the ''DHS International Cyber Partner Act of 2023''.

SEC. 6132. PURPOSE.

The purposes of this subtitle are to—

(1) authorize the Secretary of Homeland Security to assign personnel to foreign locations to support the missions of the Department of Homeland Security; and

(2) provide assistance and expertise to foreign governments, international organizations, and international entities on cybersecurity and infrastructure security.

SEC. 6133. INTERNATIONAL ASSIGNMENT AND ASSISTANCE.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

"SEC. 104. INTERNATIONAL ASSIGNMENT AND ASSISTANCE.

''(a) INTERNATIONAL ASSIGNMENT.—

''(1) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, may assign personnel of the Department to a duty station that is located outside the United States at which the Secretary determines representation of the Department is necessary to accomplish the cybersecurity and infrastructure security missions of the Department and to carry out duties and activities as assigned by the Secretary.

''(2) CONCURRENCE ON ACTIVITIES.—The activities of personnel of the Department who are assigned under this subsection shall be—

''(A) performed with the concurrence of the chief of mission to the foreign country to which such personnel are assigned; and

''(B) consistent with the duties and powers of the Secretary of State and the chief of mission for a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), respectively.

''(b) INTERNATIONAL SUPPORT.—

''(1) IN GENERAL.—If the Secretary makes a determination described in paragraph (2), the Secretary, with the concurrence of the Secretary of State, may provide equipment, services, technical assistance, or expertise on cybersecurity, infrastructure security, and resilience to a foreign government, an international organization, or an international entity, with or without reimbursement, including, as appropriate—

''(A) cybersecurity and infrastructure security advice, training, capacity development, education, best practices, incident response, threat hunting, and other similar capabilities;

''(B) sharing and exchanging cybersecurity and infrastructure security information, including research and development, threat indicators, risk assessments, strategies, and security recommendations;

''(C) cybersecurity and infrastructure security test and evaluation support and services;

''(D) cybersecurity and infrastructure security research and development support and services; and

''(E) any other assistance that the Secretary prescribes.

''(2) DETERMINATION.—A determination described in this paragraph is a determination by the Secretary that providing equipment, services, technical assistance, or expertise under paragraph (1) would—

''(A) further the homeland security interests of the United States; and

''(B) enhance the ability of a foreign government, an international organization, or an international entity to work cooperatively with the United States to advance the homeland security interests of the United States.

''(3) LIMITATIONS.—Any equipment provided under paragraph (1)—

''(A) may not include offensive security capabilities; and

''(B) shall be limited to enabling defensive cybersecurity and infrastructure security activities by the receiving entity, such as cybersecurity tools or explosive detection and mitigation equipment.

''(4) REIMBURSEMENT OF EXPENSES.—If the Secretary determines that collection of payment is appropriate, the Secretary is authorized to collect payment from the receiving entity for the cost of equipment, services, technical assistance, and expertise provided under paragraph (1) and any accompanying shipping costs.

''(5) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any amount collected under paragraph (4)—

''(A) shall be credited as offsetting collections to the account that finances the equipment, services, technical assistance, or expertise for which the payment is received; and

''(B) shall remain available until expended for the purpose of providing for the security interests of the homeland.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to affect, augment, or diminish the authority of the Secretary of State.

''(d) CONGRESSIONAL REPORTING AND NOTIFICATION.—

''(1) REPORT ON ASSISTANCE.—Not later than 1 year after the date of enactment of the DHS International Cyber Partner Act of 2023, and every year thereafter, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that includes, for each instance in which assistance is provided under subsection (b)—

''(A) the foreign government, international organization, or international entity provided the assistance;

''(B) the reason for providing the assistance;

''(C) the equipment, services, technical assistance, or expertise provided; and

''(D) whether the equipment, services, technical assistance, or expertise was provided on a reimbursable or nonreimbursable basis, and the rational for why the assistance was provided with or without reimbursement.

''(2) COPIES OF AGREEMENTS.—Not later than 30 days after the effective date, under the authority under subsection (b), of a contract, memorandum, or agreement with a foreign government, international organization, or international entity to provide assistance, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of the contract, memorandum, or agreement.

''(3) NOTICE ON ASSIGNMENTS.—Not later than 30 days after assigning personnel to a duty station located outside the United States in accordance with subsection (a)(1), the Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the assignment.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–196; 116 Stat. 2135) is amended by inserting after the item relating to section 103 the following:

''Sec. 104. International assignment and assistance.''.

SEC. 6134. CISA ACTIVITIES.

(a) DIRECTOR.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)), as amended by section 6123(b), is amended by inserting after paragraph (14) the following:

''(15) provide support for the cybersecurity and physical security of critical infrastructure of international partners and allies in furtherance of the homeland security interests of the United States, which may include, consistent with section 104, assigning personnel to a duty station that is located outside the United States and providing equipment, services, technical assistance, or expertise; and''.

(b) FOREIGN LOCATIONS.—Section 2202(g)(1) of the Homeland Security Act of 2002 (6 U.S.C. 652(g)(1)) is amended by inserting '', including locations outside the United States'' before the period at the end.

(c) CYBER PLANNING.—Section 2216 of the Homeland Security Act of 2002 (6 U.S.C. 665b) is amended—

(1) in subsection (a), in the first sentence, by inserting '', including international partners, as appropriate'' after ''for public and private sector entities''; and

(2) in subsection (c)(2)—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following

''(G) for planning with international partners, the Department of State.''.

SEC. 6135. LIMITATIONS.

Under the authority provided under this subtitle, or an amendment made by this subtitle, the Secretary of Homeland Security may not—

(1) engage in any activity that would censor a citizen of the United States;

(2) conduct surveillance of a citizen of the United States; or

(3) interfere with an election in the United States.

Subtitle E—Department of Homeland Security Civilian Cybersecurity Reserve Act

SEC. 6141. SHORT TITLE.

This subtitle may be cited as the ''Department of Homeland Security Civilian Cybersecurity Reserve Act''.

SEC. 6142. CIVILIAN CYBERSECURITY RESERVE PILOT PROJECT.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Cybersecurity and Infrastructure Security Agency.

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

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

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Oversight and Accountability of the House of Representatives; and

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

(3) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Agency.

(5) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given the term in section 2103 of title 5, United States Code.

(6) SIGNIFICANT INCIDENT.—The term ''significant incident''—

(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

(i) the national security interests, foreign relations, or economy of the United States; or

(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

(B) does not include an incident or a portion of a group of related incidents that occurs on—

(i) a national security system, as defined in section 3552 of title 44, United States Code; or

(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

(7) TEMPORARY POSITION.—The term ''temporary position'' means a position in the competitive or excepted service for a period of 6 months or less.

(8) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given the term in section 2101 of title 5, United States Code.

(b) PILOT PROJECT.—

(1) IN GENERAL.—The Director may carry out a pilot project to establish a Civilian Cybersecurity Reserve at the Agency.

(2) PURPOSE.—The purpose of a Civilian Cybersecurity Reserve is to enable the Agency to effectively respond to significant incidents.

(3) ALTERNATIVE METHODS.—Consistent with section 4703 of title 5, United States Code, in carrying out a pilot project authorized under paragraph (1), the Director may, without further authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications requirements for, recruitment of, and appointment to positions; and

(B) classifying positions.

(4) APPOINTMENTS.—Under the pilot project authorized under paragraph (1), upon occurrence of a significant incident, the Director—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 30 members to temporary positions.

(5) STATUS AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (4) shall be in addition to any employees of the Agency who provide cybersecurity services.

(7) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(c) ELIGIBILITY; APPLICATION AND SELECTION.—

(1) IN GENERAL.—Under the pilot project authorized under subsection (b)(1), the Director shall establish criteria for—

(A) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(B) the application and selection processes for the Civilian Cybersecurity Reserve.

(2) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under paragraph (1)(A) with respect to an individual shall include—

(A) previous employment—

(i) by the executive branch;

(ii) within the uniformed services;

(iii) as a Federal contractor within the executive branch; or

(iv) by a State, local, Tribal, or territorial government;

(B) if the individual has previously served as a member of the Civilian Cybersecurity Reserve of the Agency, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve of the Agency; and

(C) cybersecurity expertise.

(3) PRESCREENING.—The Agency shall—

(A) conduct a prescreening of each individual prior to appointment under subsection (b)(4) for any topic or product that would create a conflict of interest; and

(B) require each individual appointed under subsection (b)(4) to notify the Agency if a potential conflict of interest arises during the appointment.

(4) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Director to become such a member, which shall set forth the rights and obligations of the individual and the Agency.

(5) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(6) PRIORITY.—In appointing individuals to the Civilian Cybersecurity Reserve, the Agency shall prioritize the appointment of individuals described in clause (i) or (ii) of paragraph (2)(A) before considering individuals described in clause (iii) or (iv) of paragraph (2)(A).

(7) PROHIBITION.—Any individual who is an employee (as defined in section 2105 of title 5, United States Code) of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(d) SECURITY CLEARANCES.—

(1) IN GENERAL.—The Director shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(2) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out their duties, the Agency shall be responsible for the cost of sponsoring the security clearance of that member.

(e) STUDY AND IMPLEMENTATION PLAN.—

(1) STUDY.—Not later than 60 days after the date of enactment of this Act, the Agency shall begin a study on the design and implementation of the pilot project authorized under subsection (b)(1) at the Agency, including—

(A) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(B) activities that members may undertake as part of their duties;

(C) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;

(D) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(E) resources, including additional funding, needed to carry out the pilot project;

(F) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(G) processes and requirements for training and onboarding members.

(2) IMPLEMENTATION PLAN.—Not later than 1 year after beginning the study required under paragraph (1), the Agency shall—

(A) submit to the appropriate congressional committees an implementation plan for the pilot project authorized under subsection (b)(1); and

(B) provide to the appropriate congressional committees a briefing on the implementation plan.

(3) PROHIBITION.—The Agency may not take any action to begin implementation of the pilot project authorized under subsection (b)(1) until the Agency fulfills the requirements under paragraph (2).

(f) PROJECT GUIDANCE.—Not later than 2 years after the date of enactment of this Act, the Director shall, in consultation with the Office of Government Ethics, issue guidance establishing and implementing the pilot project authorized under subsection (b)(1) at the Agency.

(g) BRIEFINGS AND REPORT.—

(1) BRIEFINGS.—Not later than 1 year after the date on which the Director issues the guidance required under subsection (f), and every year thereafter, the Agency shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project authorized under subsection (b)(1), including—

(A) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(B) an evaluation of the ethical requirements of the pilot project;

(C) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Agency during significant incidents; and

(D) an evaluation of the eligibility requirements for the pilot project.

(2) REPORT.—Not earlier than 6 months and not later than 3 months before the date on which the pilot project of the Agency terminates under subsection (i), the Agency shall submit to the appropriate congressional committees a report on, and provide a briefing on recommendations relating to, the pilot project, including recommendations for—

(A) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(B) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(C) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(D) an evaluation of the eligibility requirements for the pilot project.

(h) EVALUATION.—Not later than 3 years after the pilot project authorized under subsection (b)(1) is established in the Agency, the Comptroller General of the United States shall—

(1) conduct a study evaluating the pilot project at the Agency; and

(2) submit to Congress—

(A) a report on the results of the study; and

(B) a recommendation with respect to whether the pilot project should be modified, extended in duration, or established as a permanent program.

(i) SUNSET.—The pilot project authorized under subsection (b)(1) shall terminate on the date that is 4 years after the date on which the pilot project is established, except that an activated member of the Civilian Cybersecurity Reserve who was appointed to and is serving in a temporary position under this section as of the day before that termination date may continue to serve until the end of the appointment.

(j) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this subtitle.

Subtitle F—Satellite Cybersecurity Act

SEC. 6151. SHORT TITLE.

This subtitle may be cited as the ''Satellite Cybersecurity Act''.

SEC. 6152. DEFINITIONS.

In this subtitle:

(1) CLEARINGHOUSE.—The term ''clearinghouse'' means the commercial satellite system cybersecurity clearinghouse required to be developed and maintained under section 6154(b)(1).

(2) COMMERCIAL SATELLITE SYSTEM.—The term ''commercial satellite system''—

(A) means a system that—

(i) is owned or operated by a non-Federal entity based in the United States; and

(ii) is composed of not less than 1 earth satellite; and

(B) includes—

(i) any ground support infrastructure for each satellite in the system; and

(ii) any transmission link among and between any satellite in the system and any ground support infrastructure in the system.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given the term in subsection (e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c).

(4) CYBERSECURITY RISK.—The term ''cybersecurity risk'' has the meaning given the term in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650).

(5) CYBERSECURITY THREAT.—The term ''cybersecurity threat'' has the meaning given the term in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650).

(6) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(7) SECTOR RISK MANAGEMENT AGENCY.—The term ''sector risk management agency'' has the meaning given the term ''Sector Risk Management Agency'' in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650).

SEC. 6153. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to support the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House

of Representatives on the study conducted under subsection (a), which shall include information—

(1) on efforts of the Federal Government, and the effectiveness of those efforts, to—

(A) address or improve the cybersecurity of commercial satellite systems; and

(B) support related efforts with international entities or the private sector;

(2) on the resources made available to the public by Federal agencies to address cybersecurity risks and threats to commercial satellite systems, including resources made available through the clearinghouse;

(3) on the extent to which commercial satellite systems are reliant on, or relied on by, critical infrastructure;

(4) that includes an analysis of how commercial satellite systems and the threats to those systems are integrated into Federal and non-Federal critical infrastructure risk analyses and protection plans;

(5) on the extent to which Federal agencies are reliant on commercial satellite systems and how Federal agencies mitigate cybersecurity risks associated with those systems;

(6) on the extent to which Federal agencies are reliant on commercial satellite systems that are owned wholly or in part or controlled by foreign entities, or that have infrastructure in foreign countries, and how Federal agencies mitigate associated cybersecurity risks;

(7) on the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems; and

(8) as determined appropriate by the Comptroller General of the United States, that includes recommendations for further Federal action to support the cybersecurity of commercial satellite systems, including recommendations on information that should be shared through the clearinghouse.

(c) CONSULTATION.—In carrying out subsections (a) and (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—

(1) the Office of the National Cyber Director;

(2) the Department of Homeland Security;

(3) the Department of Commerce;

(4) the Department of Defense;

(5) the Department of Transportation;

(6) the Federal Communications Commission;

(7) the National Aeronautics and Space Administration;

(8) the National Executive Committee for Space-Based Positioning, Navigation, and Timing; and

(9) the National Space Council.

(d) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).

(e) CLASSIFICATION.—The report made under subsection (b) shall be unclassified but may include a classified annex.

SEC. 6154. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) SMALL BUSINESS CONCERN DEFINED.—In this section, the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY CLEARINGHOUSE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.

(2) REQUIREMENTS.—The clearinghouse—

(A) shall be publicly available online;

(B) shall contain publicly available commercial satellite system cybersecurity resources, including the voluntary recommendations consolidated under subsection (c)(1);

(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;

(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and

(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.

(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.

(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain the clearinghouse using an online platform, a website, or a capability in existence as of the date of enactment of this Act.

(c) CONSOLIDATION OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.

(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing, to the greatest extent practicable, the following:

(A) Risk-based, cybersecurity-informed engineering, including continuous monitoring and resiliency.

(B) Planning for retention or recovery of positive control of commercial satellite systems in the event of a cybersecurity incident.

(C) Protection against unauthorized access to vital commercial satellite system functions.

(D) Physical protection measures designed to reduce the vulnerabilities of a commercial satellite system's command, control, and telemetry receiver systems.

(E) Protection against jamming, eavesdropping, hijacking, computer network exploitation, spoofing, threats to optical satellite communications, and electromagnetic pulse.

(F) Security against threats throughout a commercial satellite system's mission lifetime.

(G) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.

(H) Protection against vulnerabilities posed by ownership of commercial satellite systems or commercial satellite system companies by foreign entities.

(I) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.

(J) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), relevant findings and recommendations from the study conducted by the Comptroller General of the United States under section 6153(a).

(K) Any other recommendations to ensure the confidentiality, availability, and integrity of data residing on or in transit through commercial satellite systems.

(d) IMPLEMENTATION.—In implementing this section, the Director shall—

(1) to the extent practicable, carry out the implementation in partnership with the private sector;

(2) coordinate with—

(A) the Office of the National Cyber Director, the National Space Council, and the head of any other agency determined appropriate by the Office of the National Cyber Director or the National Space Council; and

(B) the heads of appropriate Federal agencies with expertise and experience in satellite operations, including the entities described in section 6153(c), to enable—

(i) the alignment of Federal efforts on commercial satellite system cybersecurity; and

(ii) to the extent practicable, consistency in Federal recommendations relating to commercial satellite system cybersecurity; and

(3) consult with non-Federal entities developing commercial satellite systems or otherwise supporting the cybersecurity of commercial satellite systems, including private, consensus organizations that develop relevant standards.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter until the date that is 9 years after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a report summarizing—

(1) any partnership with the private sector described in subsection (d)(1);

(2) any consultation with a non-Federal entity described in subsection (d)(3);

(3) the coordination carried out pursuant to subsection (d)(2);

(4) the establishment and maintenance of the clearinghouse pursuant to subsection (b);

(5) the recommendations consolidated pursuant to subsection (c)(1); and

(6) any feedback received by the Director on the clearinghouse from non-Federal entities.

SEC. 6155. STRATEGY.

Not later than 120 days after the date of the enactment of this Act, the National Space Council, jointly with the Office of the National Cyber Director, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a strategy for the activities of Federal agencies to address and improve the cybersecurity of commercial satellite systems, which shall include an identification of—

(1) proposed roles and responsibilities for relevant agencies; and

(2) as applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

SEC. 6156. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(1) designate commercial satellite systems or other space assets as a critical infrastructure sector; or

(2) infringe upon or alter the authorities of the agencies described in section 6153(c).

SEC. 6157. SECTOR RISK MANAGEMENT AGENCY TRANSFER.

If the President designates an infrastructure sector that includes commercial satellite systems as a critical infrastructure sector pursuant to the process established under section 9002(b)(3) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a(b)(3)) and subsequently designates a sector risk management agency for that critical infrastructure sector that is not the Cybersecurity and Infrastructure Security Agency, the President may direct the Director to transfer the authorities of the Director under section 6154 of this subtitle to the head of the designated sector risk management agency.

Subtitle G—Rural Hospital Cybersecurity Enhancement Act

SEC. 6161. SHORT TITLE.

This subtitle may be cited as the ''Rural Hospital Cybersecurity Enhancement Act''.

SEC. 6162. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(3) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(4) GEOGRAPHIC DIVISION.—The term ''geographic division'' means a geographic division that is among the 9 geographic divisions determined by the Bureau of the Census.

(5) RURAL HOSPITAL.—The term ''rural hospital'' means a healthcare facility that—

(A) is located in a non-urbanized area, as determined by the Bureau of the Census; and

(B) provides inpatient and outpatient healthcare services, including primary care, emergency care, and diagnostic services.

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

SEC. 6163. RURAL HOSPITAL CYBERSECURITY WORKFORCE DEVELOPMENT STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Director, shall develop and transmit to the appropriate committees of Congress a comprehensive rural hospital cybersecurity workforce development strategy to address the growing need for skilled cybersecurity professionals in rural hospitals.

(b) CONSULTATION.—

(1) AGENCIES.—In carrying out subsection (a), the Secretary and Director may consult with the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Labor, and any other appropriate head of an agency.

(2) PROVIDERS.—In carrying out subsection (a), the Secretary shall consult with not less than 2 representatives of rural healthcare providers from each geographic division in the United States.

(c) CONSIDERATIONS.—The rural hospital cybersecurity workforce development strategy developed under subsection (a) shall, at a minimum, consider the following components:

(1) Partnerships between rural hospitals, non-rural healthcare systems, educational institutions, private sector entities, and nonprofit organizations to develop, promote, and expand the rural hospital cybersecurity workforce, including through education and training programs tailored to the needs of rural hospitals.

(2) The development of a cybersecurity curriculum and teaching resources that focus on teaching technical skills and abilities related to cybersecurity in rural hospitals for use in community colleges, vocational schools, and other educational institutions located in rural areas.

(3) Identification of—

(A) cybersecurity workforce challenges that are specific to rural hospitals, as well as challenges that are relative to hospitals generally; and

(B) common practices to mitigate both sets of challenges described in subparagraph (A).

(4) Recommendations for legislation, rulemaking, or guidance to implement the components of the rural hospital cybersecurity workforce development strategy.

(d) ANNUAL BRIEFING.—Not later than 60 days after the date on which the first full fiscal year ends following the date on which the Secretary transmits the rural hospital cybersecurity workforce development strategy developed under subsection (a), and not later than 60 days after the date on which each fiscal year thereafter ends, the Secretary shall provide a briefing to the appropriate committees of Congress that includes, at a minimum, information relating to—

(1) updates to the rural hospital cybersecurity workforce development strategy, as appropriate;

(2) any programs or initiatives established pursuant to the rural hospital cybersecurity workforce development strategy, as well as the number of individuals trained or educated through such programs or initiatives;

(3) additional recommendations for legislation, rulemaking, or guidance to implement the components of the rural hospital cybersecurity workforce development strategy; and

(4) the effectiveness of the rural hospital cybersecurity workforce development strategy in addressing the need for skilled cybersecurity professionals in rural hospitals.

SEC. 6164. INSTRUCTIONAL MATERIALS FOR RURAL HOSPITALS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall make available instructional materials for rural hospitals that can be used to train staff on fundamental cybersecurity efforts.

(b) DUTIES.—In carrying out subsection (a), the Director shall—

(1) consult with appropriate heads of agencies, experts in cybersecurity education, and rural healthcare experts;

(2) identify existing cybersecurity instructional materials that can be adapted for use in rural hospitals and create new materials as needed; and

(3) conduct an awareness campaign to promote the materials available to rural hospitals developed under subsection (a).

SEC. 6165. NO ADDITIONAL FUNDS.

No additional funds are authorized to be appropriated for the purpose of carrying out this subtitle.

TITLE LXII—STEMMING THE FLOW OF ILLICIT NARCOTICS

Subtitle A—Enhancing DHS Drug Seizures Act

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Enhancing DHS Drug Seizures Act''.

SEC. 6202. COORDINATION AND INFORMATION SHARING.

(a) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a strategy to strengthen existing and establish new public-private partnerships with shipping, chemical, and pharmaceutical industries to assist with early detection and interdiction of illicit drugs and precursor chemicals.

(2) CONTENTS.—The strategy required under paragraph (1) shall contain goals and objectives for employees of the Department of Homeland Security to ensure the tactics, techniques, and procedures gained from the public-private partnerships described in paragraph (1) are included in policies, best practices, and training for the Department.

(3) IMPLEMENTATION PLAN.—Not later than 180 days after developing the strategy required under paragraph (1), the Secretary of Homeland Security shall develop an implementation plan for the strategy, which shall outline departmental lead and support roles, responsibilities, programs, and timelines for accomplishing the goals and objectives of the strategy.

(4) BRIEFING.—The Secretary of Homeland Security shall provide annual briefings to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made in addressing the implementation plan developed pursuant to paragraph (3).

(b) ASSESSMENT OF DRUG TASK FORCES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall conduct an assessment of the counterdrug task forces in which the Department of Homeland Security, including components of the Department, participates in or leads, which shall include—

(A) areas of potential overlap;

(B) opportunities for sharing information and best practices;

(C) how the Department's processes for ensuring accountability and transparency in its vetting and oversight of partner agency task force members align with best practices; and

(D) corrective action plans for any capability limitations and deficient or negative findings identified in the report for any such task forces led by the Department.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains a summary of the results of the assessment conducted pursuant to paragraph (1).

(3) CORRECTIVE ACTION PLAN.—The Secretary of Homeland Security shall—

(A) implement the corrective action plans described in paragraph (1)(D) immediately after the submission of the report pursuant to paragraph (2); and

(B) provide annual briefings to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made in implementing the corrective action plans.

(c) COMBINATION OF BRIEFINGS.—The Secretary of Homeland Security may combine the briefings required under subsections (a)(4) and (b)(3)(B) and provide such combined briefings through fiscal year 2026.

SEC. 6203. DANGER PAY FOR DEPARTMENT OF HOMELAND SECURITY PERSONNEL DEPLOYED ABROAD.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by inserting after section 881 the following:

''SEC. 881A. DANGER PAY ALLOWANCE.

''(a) AUTHORIZATION.—An employee of the Department, while stationed in a foreign area, may be granted a danger pay allowance, not to exceed 35 percent of the basic

pay of such employee, for any period during which such foreign area experiences a civil insurrection, a civil war, ongoing terrorist acts, or wartime conditions that threaten physical harm or imminent danger to the health or well-being of such employee.

''(b) NOTICE.—Before granting or terminating a danger pay allowance to any employee pursuant to subsection (a), the Secretary, after consultation with the Secretary of State, shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives of—

''(1) the intent to make such payments and the circumstances justifying such payments; or

''(2) the intent to terminate such payments and the circumstances justifying such termination.''.

SEC. 6204. IMPROVING TRAINING TO FOREIGN-VETTED LAW ENFORCEMENT OR NATIONAL SECURITY UNITS.

The Secretary of Homeland Security, or the designee of the Secretary, may waive reimbursement for salary expenses of Department of Homeland Security for personnel providing training to foreign-vetted law enforcement or national security units in accordance with an agreement with the Department of Defense pursuant to section 1535 of title 31, United States Code.

SEC. 6205. ENHANCING THE OPERATIONS OF U.S. CUSTOMS AND BORDER PROTECTION IN FOREIGN COUNTRIES.

Section 411(f) of the Homeland Security Act of 2002 (6 U.S.C. 211(f)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) PERMISSIBLE ACTIVITIES.—

''(A) IN GENERAL.—Employees of U.S. Customs and Border Protection and other customs officers designated in accordance with the authorities granted to officers and agents of Air and Marine Operations may provide the support described in subparagraph (B) to authorities of the government of a foreign country, including by conducting joint operations with appropriate government officials within the territory of such country, if an arrangement has been entered into between the Government of the United States and the government of such country that permits such support by such employees and officers.

''(B) SUPPORT DESCRIBED.—The support described in this subparagraph is support for—

''(i) the monitoring, locating, tracking, and deterrence of—

''(I) illegal drugs to the United States;

''(II) the illicit smuggling of persons and goods into the United States;

''(III) terrorist threats to the United States; and

''(IV) other threats to the security or economy of the United States;

''(ii) emergency humanitarian efforts; and

''(iii) law enforcement capacity-building efforts.

''(C) PAYMENT OF CLAIMS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iv), the Secretary may expend funds that have been appropriated or otherwise made available for the operating expenses of the Department to pay claims for money damages against the United States, in accordance with the first paragraph of section 2672 of title 28, United States Code, which arise in a foreign country in connection with U.S. Customs and Border Protection operations in such country.

''(ii) SUBMISSION DEADLINE.—A claim may be allowed under clause (i) only if it is presented not later than 2 years after it accrues.

''(iii) REPORT.—Not later than 90 days after the date on which the expenditure authority under clause (i) expires pursuant to clause (iv), the Secretary shall submit a report to Congress that describes, for each of the payments made pursuant to clause (i)—

''(I) the foreign entity that received such payment;

''(II) the amount paid to such foreign entity;

''(III) the country in which such foreign entity resides or has its principal place of business; and

''(IV) a detailed account of the circumstances justify such payment.

''(iv) SUNSET.—The expenditure authority under clause (i) shall expire on the date that is 5 years after the date of the enactment of the Enhancing DHS Drug Seizures Act.''.

SEC. 6206. DRUG SEIZURE DATA IMPROVEMENT.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to identify any opportunities for improving drug seizure data collection.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) include a survey of the entities that use drug seizure data; and

(2) address—

(A) any additional data fields or drug type categories that should be added to U.S. Customs and Border Protection's SEACATS, U.S. Border Patrol's e3 portal, and any other systems deemed appropriate by the Commissioner of U.S. Customs and Border Protection, in accordance with the first recommendation in the Government Accountability Office's report GAO-22-104725, entitled ''Border Security: CBP Could Improve How It Categorizes Drug Seizure Data and Evaluates Training'';

(B) how all the Department of Homeland Security components that collect drug seizure data can standardize their data collection efforts and deconflict drug seizure reporting;

(C) how the Department of Homeland Security can better identify, collect, and analyze additional data on precursor chemicals, synthetic drugs, novel psychoactive substances, and analogues that have been seized by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(D) how the Department of Homeland Security can improve its model of anticipated drug flow into the United States.

(c) IMPLEMENTATION OF FINDINGS.—Following the completion of the study required under subsection (a)—

(1) the Secretary of Homeland Security, in accordance with the Office of National Drug Control Policy's 2022 National Drug Control Strategy, shall modify Department of Homeland Security drug seizure policies and training programs, as appropriate, consistent with the findings of such study; and

(2) the Commissioner of U.S. Customs and Border Protection, in consultation with the Director of U.S. Immigration and Customs Enforcement, shall make any necessary updates to relevant systems to include the results of confirmatory drug testing results.

SEC. 6207. DRUG PERFORMANCE MEASURES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop and implement a plan to ensure that components of the Department of Homeland Security develop and maintain outcome-based performance measures that adequately assess the success of drug interdiction efforts and how to utilize the existing drug-related metrics and performance measures to achieve the missions, goals, and targets of the Department.

SEC. 6208. PENALTIES FOR HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

(a) PERSONNEL AND STRUCTURES.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 274D the following:

''SECTION 274E. DESTROYING OR EVADING BORDER CONTROLS.

''(a) IN GENERAL.—It shall be unlawful to knowingly and without lawful authorization—

''(1)(A) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or

''(B) otherwise construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; and

''(2) in carrying out an act described in paragraph (1), have the intent to knowingly and willfully—

''(A) secure a financial gain;

''(B) further the objectives of a criminal organization; and

''(C) violate—

''(i) section 274(a)(1)(A)(i);

''(ii) the customs and trade laws of the United States (as defined in section 2(4) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125));

''(iii) any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States; or

''(iv) any Federal law relating to border controls measures of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Destroying or evading border controls.''.

Subtitle B—Non-Intrusive Inspection Expansion Act

SEC. 6211. SHORT TITLE.

This subtitle may be cited as the ''Non-Intrusive Inspection Expansion Act''.

SEC. 6212. USE OF NON-INTRUSIVE INSPECTION SYSTEMS AT LAND PORTS OF ENTRY.

(a) FISCAL YEAR 2026.—Using non-intrusive inspection systems acquired through previous appropriations Acts, beginning not later than September 30, 2026, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to scan, cumulatively, at ports of entry where systems are in place by the deadline, not fewer than—

(1) 40 percent of passenger vehicles entering the United States; and

(2) 90 percent of commercial vehicles entering the United States.

(b) SUBSEQUENT FISCAL YEARS.—Beginning in fiscal year 2027, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to reach the next projected benchmark for incremental scanning of passenger and commercial vehicles entering the United States at such ports of entry.

(c) BRIEFING.—Not later than May 30, 2026, the Commissioner of U.S. Customs and Border Protection shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on

Homeland Security of the House of Representatives regarding the progress made during the first half of fiscal year 2026 in achieving the scanning benchmarks described in subsection (a).

(d) REPORT.—If the scanning benchmarks described in subsection (a) are not met by the end of fiscal year 2026, not later than 120 days after the end of that fiscal year, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(1) analyzes the causes for not meeting such requirements;

(2) identifies any resource gaps and challenges; and

(3) details the steps that will be taken to ensure compliance with such requirements in the subsequent fiscal year.

SEC. 6213. NON-INTRUSIVE INSPECTION SYSTEMS FOR OUTBOUND INSPECTIONS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit a strategy to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for increasing sustained outbound inspection operations at land ports of entry that includes—

(1) the number of existing and planned outbound inspection lanes at each port of entry;

(2) infrastructure limitations that limit the ability of U.S. Customs and Border Protection to deploy non-intrusive inspection systems for outbound inspections;

(3) the number of additional non-intrusive inspection systems that are necessary to increase scanning capacity for outbound inspections; and

(4) plans for funding and acquiring the systems described in paragraph (3).

(b) IMPLEMENTATION.—Beginning not later than September 30, 2026, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to scan not fewer than 10 percent of all vehicles exiting the United States through land ports of entry.

SEC. 6214. GAO REVIEW AND REPORT.

(a) REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the use by U.S. Customs and Border Protection of non-intrusive inspection systems for border security.

(2) ELEMENTS.—The review required under paragraph (1) shall—

(A) identify—

(i) the number and types of non-intrusive inspection systems deployed by U.S. Customs and Border Protection; and

(ii) the locations to which such systems have been deployed; and

(B) examine the manner in which U.S. Customs and Border Protection—

(i) assesses the effectiveness of such systems; and

(ii) uses such systems in conjunction with other border security resources and assets, such as border barriers and technology, to detect and interdict drug smuggling and trafficking at the southwest border of the United States.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing the findings of the review conducted pursuant to subsection (a).

Subtitle C—Securing America's Ports of Entry Act of 2023

SEC. 6221. SHORT TITLE.

This subtitle may be cited as the ''Securing America's Ports of Entry Act of 2023''.

SEC. 6222. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) OFFICERS.—The Commissioner of U.S. Customs and Border Protection shall hire, train, and assign not fewer than 600 new U.S. Customs and Border Protection officers above the current attrition level during every fiscal year until the total number of U.S. Customs and Border Protection officers equals and sustains the requirements identified each year in the Workload Staffing Model.

(b) SUPPORT STAFF.—The Commissioner is authorized to hire, train, and assign support staff, including technicians and Enterprise Services mission support, to perform non-law enforcement administrative functions to support the new U.S. Customs and Border Protection officers hired pursuant to subsection (a).

(c) TRAFFIC FORECASTS.—In calculating the number of U.S. Customs and Border Protection officers needed at each port of entry through the Workload Staffing Model, the Commissioner shall—

(1) rely on data collected regarding the inspections and other activities conducted at each such port of entry;

(2) consider volume from seasonal surges, other projected changes in commercial and passenger volumes, the most current commercial forecasts, and other relevant information; and

(3) consider historical volume and forecasts prior to the COVID–19 pandemic and the impact on international travel.

(d) GAO REPORT.—If the Commissioner does not hire the 600 additional U.S. Customs and Border Protection officers authorized under subsection (a) during fiscal year 2023, or during any subsequent fiscal year in which the hiring requirements set forth in the Workload Staffing Model have not been achieved, the Comptroller General of the United States shall—

(1) conduct a review of U.S. Customs and Border Protection hiring practices to determine the reasons that such requirements were not achieved and other issues related to hiring by U.S. Customs and Border Protection; and

(2) submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the results of the review conducted under paragraph (1).

SEC. 6223. PORTS OF ENTRY INFRASTRUCTURE ENHANCEMENT REPORT.

Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that identifies—

(1) infrastructure improvements at ports of entry that would enhance the ability of U.S. Customs and Border Protection officers to interdict opioids and other drugs that are being illegally transported into the United States, including a description of circumstances at specific ports of entry that prevent the deployment of technology used at other ports of entry;

(2) detection equipment that would improve the ability of such officers to identify opioids, including precursors and derivatives, that are being illegally transported into the United States; and

(3) safety equipment that would protect such officers from accidental exposure to such drugs or other dangers associated with the inspection of potential drug traffickers.

SEC. 6224. REPORTING REQUIREMENTS.

(a) TEMPORARY DUTY ASSIGNMENTS.—

(1) QUARTERLY REPORTS.—The Commissioner of U.S. Customs and Border Protection shall submit quarterly reports to the appropriate congressional committees that include, for the reporting period—

(A) the number of temporary duty assignments;

(B) the number of U.S. Customs and Border Protection employees required for each temporary duty assignment;

(C) the ports of entry from which such employees were reassigned;

(D) the ports of entry to which such employees were reassigned;

(E) the ports of entry at which reimbursable service agreements have been entered into that may be affected by temporary duty assignments;

(F) the duration of each temporary duty assignment;

(G) the cost of each temporary duty assignment; and

(H) for each temporary duty assignment to the southwest border, a description of any activities done in support of U.S. Border Patrol operations.

(2) NOTICE.—Not later than 10 days before redeploying employees from 1 port of entry to another, absent emergency circumstances—

(A) the Commissioner shall notify the director of the port of entry from which employees will be reassigned of the intended redeployments; and

(B) the port director shall notify impacted facilities (including airports, seaports, and land ports) of the intended redeployments.

(3) STAFF BRIEFING.—The Commissioner shall brief all affected U.S. Customs and Border Protection employees regarding plans to mitigate vulnerabilities created by any planned staffing reductions at ports of entry.

(b) REPORTS ON U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS.—Section 907(a) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4451(a)) is amended—

(1) in paragraph (3), by striking ''and an assessment'' and all that follows and inserting a period;

(2) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively;

(3) by inserting after paragraph (3) the following:

''(4) A description of the factors that were considered before entering into the agreement, including an assessment of how the agreement provides economic benefits and security benefits (if applicable) at the port of entry to which the agreement relates.''; and

(4) in paragraph (5), as redesignated by paragraph (2), by inserting after ''the report'' the following: '', including the locations of such services and the total hours of reimbursable services under the agreement, if any''.

(c) ANNUAL WORKLOAD STAFFING MODEL REPORT.—As part of the Annual Report on Staffing required under section 411(g)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)(A)), the Commissioner shall include—

(1) information concerning the progress made toward meeting the U.S. Customs and Border Protection officer and support staff hiring targets set forth in section 6222, while accounting for attrition;

(2) an update to the information provided in the Resource Optimization at the Ports of Entry report, which was submitted to Congress on September 12, 2017, pursuant to the

Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31); and

(3) a summary of the information included in the reports required under subsection (a) and section 907(a) of the Trade Facilitation and Trade Enforcement Act of 2015, as amended by subsection (b).

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

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

(2) the Committee on Appropriations of the Senate;

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

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

SEC. 6225. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle—

(1) $136,292,948 for fiscal year 2024; and

(2) $156,918,590 for each of the fiscal years 2025 through 2029.

Subtitle D—Border Patrol Enhancement Act

SEC. 6231. SHORT TITLE.

This subtitle may be cited as the ''Border Patrol Enhancement Act''.

SEC. 6232. AUTHORIZED STAFFING LEVEL FOR THE UNITED STATES BORDER PATROL.

(a) DEFINED TERM.—In this section, the term ''validated personnel requirements determination model'' means a determination of the number of United States Border Patrol agents needed to meet the critical mission requirements of the United States Border Patrol to maintain an orderly process for migrants entering the United States, that has been validated by an entity pursuant to subsection (c).

(b) UNITED STATES BORDER PATROL PERSONNEL REQUIREMENTS DETERMINATION MODEL.—

(1) COMPLETION; NOTICE.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall complete a personnel requirements determination model for United States Border Patrol that builds on the 5-year United States Border Patrol staffing and deployment plan referred to on page 33 of House of Representatives Report 112–91 (May 26, 2011) and submit a notice of completion to—

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

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

(C) the Director of the Office of Personnel Management; and

(D) the Comptroller General of the United States.

(2) CERTIFICATION.—Not later than 30 days after the completion of the personnel requirements determination model described in paragraph (1), the Commissioner shall submit a copy of such model, an explanation of its development, and a strategy for obtaining independent verification and validation of such model to the congressional committees and Federal officials listed in subparagraphs (A) through (D) of paragraph (1).

(c) INDEPENDENT STUDY OF PERSONNEL REQUIREMENTS DETERMINATION MODEL.—

(1) REQUIREMENT FOR STUDY.—Not later than 90 days after the completion of the personnel requirements determination model pursuant to subsection (b)(1), the Secretary of Homeland Security shall select an entity that is technically, managerially, and financially independent from the Department of Homeland Security to conduct an independent verification and validation of the model.

(2) REPORTS.—

(A) TO SECRETARY.—Not later than 1 year after the completion of the personnel requirements determination model pursuant to subsection (b)(1), the entity performing the independent verification and validation of the model shall submit a report to the Secretary of Homeland Security that includes—

(i) the results of the study required under paragraph (1); and

(ii) any recommendations regarding the model that the entity considers to be appropriate.

(B) TO CONGRESS.—Not later than 30 days after receiving the report described in subparagraph (A), the Secretary of Homeland Security shall submit such report, along with any additional views or recommendations regarding the personnel requirements determination model, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(d) AUTHORITY TO HIRE ADDITIONAL PERSONNEL.—Beginning on the date that is 180 days after the Secretary of Homeland Security receives a report pursuant to subsection (c)(2) that validates the personnel requirements determination model and after implementing any recommendations received pursuant to subsection (c)(2)(A)(ii) to improve or update the model, the Secretary may hire, train, and assign 600 or more United States Border Patrol agents above the attrition level during every fiscal year until the number of such active agents meets the level recommended by such validated personnel requirements determination model.

SEC. 6233. ESTABLISHMENT OF HIGHER RATES OF REGULARLY SCHEDULED OVERTIME PAY FOR UNITED STATES BORDER PATROL AGENTS CLASSIFIED AT G–12.

Section 5550(b) of title 5, United States Code, is amended by adding at the end the following:

''(5) REGULARLY SCHEDULED OVERTIME PAY FOR BORDER PATROL AGENTS CLASSIFIED AT GS–12.—Notwithstanding any other provision of this subsection or of section 5542, any border patrol agent assigned to the level 1 border patrol rate of pay or to the level 2 border patrol rate of pay who is occupying a position classified at GS–12 level shall receive pay for each hour of regularly scheduled overtime (in excess of the 8 hours of regular time per workday) at a rate that is equal to 1.5 times his or her applicable hourly rate of basic pay.''.

SEC. 6234. CONTINUING TRAINING.

(a) IN GENERAL.—The Commissioner shall require all United States Border Patrol agents and other employees or contracted employees designated by the Commissioner, to participate in annual continuing training to maintain and update their understanding of—

(1) Department of Homeland Security policies, procedures, and guidelines;

(2) the fundamentals of law, ethics, and professional conduct;

(3) applicable Federal law and regulations;

(4) precedential legal rulings, including Federal Circuit Court and United States Supreme Court opinions relating to the duty of care and treatment of persons in the custody of the United States Border Patrol that the Commissioner determines are relevant to active duty agents;

(5) applicable migration trends that the Commissioner determines are relevant;

(6) best practices for coordinating with community stakeholders; and

(7) any other information that the Commissioner determines to be relevant to active duty agents.

(b) TRAINING SUBJECTS.—Continuing training under this subsection shall include training regarding—

(1) non-lethal use of force policies available to United States Border Patrol agents and de-escalation strategies and methods;

(2) identifying, screening, and responding to vulnerable populations, such as children, persons with diminished mental capacity, victims of human trafficking, pregnant mothers, victims of gender-based violence, victims of torture or abuse, and the acutely ill;

(3) trends in transnational criminal organization activities that impact border security and migration;

(4) policies, strategies, and programs—

(A) to protect due process, the civil, human, and privacy rights of individuals, and the private property rights of land owners;

(B) to reduce the number of migrant and agent deaths; and

(C) to improve the safety of agents on patrol;

(5) personal resilience;

(6) anti-corruption and officer ethics training;

(7) current migration trends, including updated cultural and societal issues of nations that are a significant source of migrants who are—

(A) arriving at a United States port of entry to seek humanitarian protection; or

(B) encountered at a United States international boundary while attempting to enter without inspection;

(8) the impact of border security operations on natural resources and the environment, including strategies to limit the impact of border security operations on natural resources and the environment;

(9) relevant cultural, societal, racial, and religious training, including cross-cultural communication skills;

(10) training authorized under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.);

(11) risk management and safety training that includes agency protocols for ensuring public safety, personal safety, and the safety of persons in the custody of the Department of Homeland Security;

(12) non-lethal, self-defense training; and

(13) any other training that meets the requirements to maintain and update the subjects identified in subsection (a).

(c) COURSE REQUIREMENTS.—Courses offered under this section—

(1) shall be administered by the United States Border Patrol, in consultation with the Federal Law Enforcement Training Center; and

(2) shall be approved in advance by the Commissioner of U.S. Customs and Border Protection to ensure that such courses satisfy the requirements for training under this section.

(d) ASSESSMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that assesses the training and education provided pursuant to this section, including continuing education.

(e) FREQUENCY REQUIREMENTS.—Training offered as part of continuing education under this section shall include—

(1) annual courses focusing on the curriculum described in paragraphs (1) through (6) of subsection (b); and

(2) biannual courses focusing on curriculum described in paragraphs (7) through (12) of subsection (b).

SEC. 6235. RECRUITMENT AND RETENTION REPORT.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act,

the Comptroller General of the United States shall—

(1) conduct a study of the recruitment and retention of female agents in United States Border Patrol; and

(2) not later than 1 year after commencing such study, submit a report containing the results of such study and recommendations to address any identified deficiencies or improvement opportunities to—

(A) the Commissioner;

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

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

(b) ASSESSMENT.—In conducting the study pursuant to subsection (a)(1), the Comptroller General shall assess—

(1) the recruitment, application processes, training, promotion, and other aspects of employment for women in the United States Border Patrol;

(2) the training, complaints system, and redress for sexual harassment and assault; and

(3) additional issues related to the recruitment and retention of female agents.

(c) RESPONSE FROM COMMISSIONER.—Not later than 90 days after receiving report required under subsection (a)(2), the Commissioner shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives responses to the recommendations contained in the report, including any necessary implementation plans to address identified deficiencies or improvements.

Subtitle E—Protecting the Border From Unmanned Aircraft Systems Act

SEC. 6241. SHORT TITLE.

This subtitle may be cited as the ''Protecting the Border from Unmanned Aircraft Systems Act''.

SEC. 6242. INTERAGENCY STRATEGY FOR CREATING A UNIFIED POSTURE ON COUNTER-UNMANNED AIRCRAFT SYSTEMS CAPABILITIES AND PROTECTIONS AT INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) DEFINITIONS.— In this section:

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

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

(B) the Committee on Commerce, Science, and Transportation of the Senate;

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

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Appropriations of the Senate;

(F) the Committee on Foreign Relations of the Senate;

(G) the Select Committee on Intelligence of the Senate;

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

(I) the Committee on the Judiciary of the House of Representatives;

(J) the Committee on Transportation and Infrastructure of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives;

(L) the Committee on Foreign Affairs of the House of Representatives;

(M) the Permanent Select Committee on Intelligence of the House of Representatives;

(N) the Committee on Armed Services of the House of Representatives; and

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

(2) COVERED FACILITY OR ASSET.—The term ''covered facility or asset'' has the meaning given such term in section 210G(k)(3) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)).

(3) C–UAS.—The term ''C–UAS'' means counter-unmanned aircraft system.

(4) NATIONAL AIRSPACE SYSTEM; NAS.—The terms ''National Airspace System'' and ''NAS'' have the meaning given such terms in section 245.5 of title 32, Code of Federal Regulations.

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

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, the Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense to develop a strategy for creating a unified posture on C–UAS capabilities and protections at—

(1) covered facilities or assets along international borders of the United States; and

(2) any other border-adjacent facilities or assets at which such capabilities maybe utilized under Federal law.

(c) ELEMENTS.—The strategy required to be developed under subsection (b) shall include the following elements:

(1) An examination of C–UAS capabilities at covered facilities or assets along the border, or such other border-adjacent facilities or assets at which such capabilities may be utilized under Federal law, and their usage to detect or mitigate credible threats to homeland security, including the facilitation of illicit activities, or for other purposes authorized by law.

(2) An examination of efforts to protect privacy and civil liberties in the context of C–UAS operations, including with respect to impacts on border communities and protections of the First and Fourth Amendments to the United States Constitution.

(3) An examination of unmanned aircraft system tactics, techniques, and procedures being used in the border environment by malign actors to include how unmanned aircraft systems are acquired, modified, and utilized to conduct malicious activity such, as attacks, surveillance, conveyance of contraband, or other forms of threats.

(4) An assessment of the C–UAS systems necessary to identify illicit activity and protect against the threats from unmanned aircraft systems at international borders of the United States, including the availability, feasibility, and interoperability of C–UAS.

(5) A description of the training required or recommended at international borders of the United States, including how such training—

(A) fits into broader training standards and norms; and

(B) relates to the protection of privacy and civil liberties.

(6) Recommendations for additional authorities and resources to protect against illicit unmanned aircraft systems, including systems that may be necessary to detect illicit activity and mitigate credible threats along international borders of the United States.

(7) An assessment of interagency research and development efforts, including the potential for expanding such efforts.

(d) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense, shall submit the strategy developed pursuant to subsection (b) to the appropriate congressional committees.

(e) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter for the following 7 years, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense, shall submit to the appropriate congressional committees a report, which may include a classified annex, that describes—

(A) the resources that are necessary to carry out the strategy developed pursuant to subsection (b); and

(B) any significant developments relating to the elements described in subsection (c).

(2) CONGRESSIONAL BRIEFINGS.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall include the elements regarding C–UAS described in paragraph (1) in the semiannual briefings to the appropriate congressional committees required under section 210G(g) of the Homeland Security Act of 2002 (6 U.S.C. 124n(g)).

Subtitle F—Port Maintenance

SEC. 6251. PORT MAINTENANCE.

(a) IN GENERAL.—Section 411(o) of the Homeland Security Act of 2002 (6 U.S.C. 211(o)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) PORT MAINTENANCE.—

''(A) PROCEDURES.—

''(i) IN GENERAL.—Subject to subparagraphs (B) and (C), the Commissioner, in consultation with the Administrator of the General Services Administration—

''(I) shall establish procedures by which U.S. Customs and Border Protection may conduct maintenance and repair projects costing not more than $300,000 at any Federal Government-owned port of entry where the Office of Field Operations performs any of the activities described in subparagraphs (A) through (G) of subsection (g)(3); and

''(II) is authorized to perform such maintenance and repair projects, subject to the procedures described in clause (ii).

''(ii) PROCEDURES DESCRIBED.—The procedures established pursuant to clause (i) shall include—

''(I) a description of the types of projects that may be carried out pursuant to clause (i); and

''(II) the procedures for identifying and addressing any impacts on other tenants of facilities where such projects will be carried out.

''(iii) PUBLICATION OF PROCEDURES.—All of the procedures established pursuant to clause (i) shall be published in the Federal Register.

''(iv) RULE OF CONSTRUCTION.—The publication of procedures under clause (iii) shall not impact the authority of the Commissioner to update such procedures, in consultation with the Administrator, as appropriate.

''(B) LIMITATION.—The authority under subparagraph (A) shall only be available for maintenance and repair projects involving existing infrastructure, property, and capital at any port of entry described in subparagraph (A).

''(C) ANNUAL ADJUSTMENTS.—The Commissioner shall annually adjust the amount described in subparagraph (A) by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of June preceding the date on which such adjustment takes effect exceeds the

Consumer Price Index for All Urban Consumers for the same month of the preceding calendar year.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to affect the availability of funding from—

''(i) the Federal Buildings Fund established under section 592 of title 40, United States Code;

''(ii) the Donation Acceptance Program established under section 482; or

''(iii) any other statutory authority or appropriation for projects described in subparagraph (A).''.

(b) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the elements described in paragraph (2).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a summary of all maintenance projects conducted pursuant to section 411(o)(3) of the Homeland Security Act of 2002, as added by subsection (a) during the prior fiscal year;

(B) the cost of each project referred to in subparagraph (A);

(C) the account that funded each such project, if applicable; and

(D) any budgetary transfers, if applicable, that funded each such project.

(c) TECHNICAL AMENDMENT.—Section 422(a) of the Homeland Security Act of 2002 (6 U.S.C. 232(a)) is amended by inserting ''section 411(o)(3) of this Act and'' after ''Administrator under''.

TITLE LXIII—IMPROVING LOBBYING DISCLOSURE REQUIREMENTS

Subtitle A—Lobbying Disclosure Improvement Act

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Lobbying Disclosure Improvement Act''.

SEC. 6302. REGISTRANT DISCLOSURE REGARDING FOREIGN AGENT REGISTRATION EXEMPTION.

Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended—

(1) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) a statement as to whether the registrant is exempt under section 3(h) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613(h)).''.

Subtitle B—Disclosing Foreign Influence in Lobbying Act

SEC. 6311. SHORT TITLE.

This subtitle may be cited as the ''Disclosing Foreign Influence in Lobbying Act''.

SEC. 6312. CLARIFICATION OF CONTENTS OF REGISTRATION.

Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)), as amended by section 5602 of this title, is amended—

(1) in paragraph (8), as added by section 5602 of this title, by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(9) notwithstanding paragraph (4), the name and address of each government of a foreign country (including any agency or subdivision of a government of a foreign country, such as a regional or municipal unit of government) and foreign political party, other than the client, that participates in the direction, planning, supervision, or control of any lobbying activities of the registrant.''.

TITLE LXIV—ENHANCING NATIONAL COUNTERING WEAPONS OF MASS DESTRUCTION CAPABILITIES

Subtitle A—Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023

SEC. 6401. SHORT TITLE.

This subtitle may be cited as the ''Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023''.

CHAPTER 1—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 6402. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) HOMELAND SECURITY ACT OF 2002.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.) is amended—

(1) in section 1901 (6 U.S.C. 591)—

(A) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) matters and strategies pertaining to—

''(A) weapons of mass destruction; and

''(B) non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats;

''(2) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats; and

''(3) enhancing the ability of Federal, State, local, and Tribal partners to prevent, detect, protect against, and mitigate the impacts of terrorist attacks in the United States to counter—

''(A) weapons of mass destruction; and

''(B) non-medical aspects of use of unauthorized chemical, biological, radiological, and nuclear materials, devices, or agents and other related emerging threats.''; and

(B) by striking subsection (e);

(2) by amending section 1921 (6 U.S.C. 591g) to read as follows:

''SEC. 1921. MISSION OF THE OFFICE.

''The Office shall be responsible for—

''(1) coordinating the efforts of the Department and with other Federal departments and agencies to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) enhancing the ability of Federal, State, local, and Tribal partners to prevent, detect, protect against, and mitigate the impacts of attacks using—

''(A) weapons of mass destruction against the United States; or

''(B) unauthorized chemical, biological, radiological, nuclear materials, devices, or agents or other related emerging threats against the United States.'';

(3) in section 1922 (6 U.S.C. 591h)—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(4) in section 1923 (6 U.S.C. 592)—

(A) by redesignating subsections (a) and (b) as subsections (b) and (d), respectively;

(B) by inserting before subsection (b), as so redesignated, the following:

''(a) OFFICE RESPONSIBILITIES.—

''(1) IN GENERAL.—For the purposes of coordinating the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) provide expertise and guidance to Department leadership and components on nonmedical aspects of chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G);

''(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;

''(C) identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(D) in coordination with the Office of Intelligence and Analysis, support components of the Department, and Federal, State, local, and Tribal partners by providing intelligence and information analysis and reports on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(E) in consultation with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(F) lead development and prioritization of Department requirements to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G), which requirements shall be—

''(i) developed in coordination with end users; and

''(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

''(G) in coordination with the Science and Technology Directorate, direct, fund, and coordinate capability development activities to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats research, development, test, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and technology transition;

''(H) acquire, procure, and deploy capabilities to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

''(I) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, and Tribal partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

''(J) provide expertise on weapons of mass destruction and non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats to Departmental and Federal partners to support engagements and efforts with international partners subject to the research, development, testing, and evaluation coordination requirement under subparagraph (G); and

''(K) carry out any other duties assigned to the Office by the Secretary.

''(2) DETECTION AND REPORTING.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) in coordination with end users, including State, local, and Tribal partners, as appropriate—

''(i) carry out a program to test and evaluate technology, in consultation with the Science and Technology Directorate, to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, in coordination with other Federal agencies, as appropriate, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting those weapons of mass destruction or chemical, biological, radiological, nuclear, or other related emerging threats—

''(I) under realistic operational and environmental conditions; and

''(II) against realistic adversary tactics and countermeasures;

''(B) in coordination with end users, conduct, support, coordinate, and encourage a transformational program of research and development to generate and improve technologies to detect, protect against, and report on the illicit entry, transport, assembly, or potential use within the United States of weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, and coordinate with the Under Secretary for Science and Technology on research and development efforts relevant to the mission of the Office and the Under Secretary for Science and Technology;

''(C) before carrying out operational testing under subparagraph (A), develop a testing and evaluation plan that articulates the requirements for the user and describes how these capability needs will be tested in developmental test and evaluation and operational test and evaluation;

''(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats in support of Federal, State, local, and Tribal governments;

''(E) support and enhance the effective sharing and use of appropriate information on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats generated by elements of the intelligence community, law enforcement agencies, other Federal agencies, State, local, and Tribal governments, and foreign governments, as well as provide appropriate information to those entities;

''(F) consult, as appropriate, with relevant Departmental components and offices, the Department of Health and Human Services, and other Federal partners, on weapons of mass destruction and non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats and efforts to mitigate, prepare, and respond to all threats in support of the State, local, and Tribal communities; and

''(G) perform other duties as assigned by the Secretary.'';

(C) in subsection (b), as so redesignated—

(i) in the subsection heading, by striking ''MISSION'' and inserting ''RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES'';

(ii) in paragraph (1)—

(I) by inserting ''deploy,'' after ''acquire,''; and

(II) by striking ''deployment'' and inserting ''operation'';

(iii) by striking paragraphs (6) through (10);

(iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively;

(v) in paragraph (6), as so redesignated—

(I) by striking subparagraph (B);

(II) by striking ''activities—'' and all that follows through ''to ensure'' and inserting ''activities to ensure''; and

(III) by striking ''attacks; and'' and inserting ''attacks;'';

(vi) in paragraph (7)(C)(v), as so redesignated—

(I) in the matter preceding subclause (I), by inserting ''except as otherwise provided,'' before ''require''; and

(II) in subclause (II)—

(aa) in the matter preceding item (aa), by striking ''death or disability'' and inserting ''death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the needs of the Office) and for which the Assistant Secretary may grant a waiver of the repayment obligation''; and

(bb) in item (bb), by adding ''and'' at the end;

(vii) by striking paragraph (13); and

(viii) by redesignating paragraph (14) as paragraph (8); and

(D) by inserting after subsection (b), as so redesignated, the following:

''(c) CHEMICAL AND BIOLOGICAL RESPONSIBILITIES.—The Office—

''(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, mitigate, and protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical and biological materials, devices, or agents against the United States; and

''(2) shall—

''(A) serve as a primary entity responsible for the efforts of the Department to develop, acquire, deploy, and support the operations of a national biological detection system and improve that system over time;

''(B) enhance the chemical and biological detection efforts of Federal, State, local, and Tribal governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

''(C) collaborate with the Department of Health and Human Services, the Office of Health Security of the Department, the Defense Advanced Research Projects Agency, the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories on chemical and biological surveillance efforts.'';

(5) in section 1924 (6 U.S.C. 593), by striking ''section 11011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).'' and inserting ''section 4092 of title 10, United States Code, except that the authority shall be limited to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties.'';

(6) in section 1927(a)(1)(C) (6 U.S.C. 596a(a)(1)(C))—

(A) in clause (i), by striking ''required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) includes any other information regarding national technical nuclear forensics activities carried out under section 1923.'';

(7) in section 1928 (6 U.S.C. 596b)—

(A) in subsection (a), by striking ''high-risk urban areas'' and inserting ''jurisdictions designated under subsection (c)'';

(B) in subsection (c)(1), by striking ''from among high-risk urban areas under section 2003'' and inserting ''based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequences from terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials''; and

(C) by striking subsection (d) and inserting the following:

''(d) REPORT.—Not later than 2 years after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Secretary shall submit to the appropriate congressional committees an update on the STC program.''; and

(8) by inserting after section 1928 (6 U.S.C. 596b) the following:

''SEC. 1929. ACCOUNTABILITY.

''(a) DEPARTMENTWIDE STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, which should—

''(A) have clearly identified authorities, specified roles, objectives, benchmarks, accountability, and timelines;

''(B) incorporate the perspectives of non-Federal and private sector partners; and

''(C) articulate how the Department will contribute to relevant national-level strategies and work with other Federal agencies.

''(2) CONSIDERATION.—The Secretary shall appropriately consider weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats when creating the strategy and implementation plan required under paragraph (1).

''(3) REPORT.—The Office shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

''(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Secretary, in consultation with appropriate stakeholders representing Federal, State, local, Tribal, academic, private sector, and non-governmental entities, shall conduct a Departmentwide review of biodefense activities and strategies.

''(2) REVIEW.—The review required under paragraph (1) shall—

''(A) identify with specificity the biodefense lines of effort of the Department, including biodefense lines of effort relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

''(B) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

''(C) identify any policy, resource, capability, or other gaps in the Department's ability to assess, prevent, protect against, and respond to biological threats;

''(D) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise; and

''(E) assess the risk of high-risk gain-of-function research to the homeland security of the United States and identify the gaps in the response of the Department to that risk.

''(3) STRATEGY.—Not later than 1 year after completion of the review required under paragraph (1), the Secretary shall issue a biodefense strategy for the Department that—

''(A) is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or any successor strategy; and

''(B) shall—

''(i) describe the biodefense mission and role of the Department, as well as how such mission and role relates to the biodefense lines of effort of the Department;

''(ii) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the components and offices of the Department involved in the biodefense lines of effort of the Department;

''(iii) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

''(iv) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, and Tribal entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, and Tribal entities; and

''(v) include information relating to—

''(I) milestones and performance metrics that are specific to the biodefense mission and role of the Department described in clause (i); and

''(II) implementation of any operational changes necessary to carry out clauses (iii) and (iv).

''(4) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

''(5) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans required under paragraph (3), the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding such strategy and plans.

''(c) EMPLOYEE MORALE.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Office shall submit to and brief the appropriate congressional committees on a strategy and plan to continuously improve morale within the Office.

''(d) COMPTROLLER GENERAL.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

''(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

''(2) the consistency and effectiveness of stakeholder coordination across the mission of the Office, including operational and support components of the Department and State and local entities; and

''(3) the efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

''(e) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—

''(1) STUDY.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a consensus study and report to the Secretary and the appropriate congressional committees on—

''(A) the role of the Department in preparing, detecting, and responding to biological and health security threats to the homeland;

''(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

''(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances.

''(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

''(A) the implementation of the recommendations included in the report; and

''(B) the status of biological detection at the Department, and, if applicable, timelines for the transition to updated technology.

''(f) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Secretary shall establish an advisory body to advise on the ongoing coordination of the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, to be known as the Advisory Council for Countering Weapons of Mass Destruction (in this subsection referred to as the 'Advisory Council').

''(2) MEMBERSHIP.—The members of the Advisory Council shall—

''(A) be appointed by the Assistant Secretary; and

''(B) to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials from State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

''(i) members selected from the emergency management field and emergency response providers;

''(ii) State, local, and Tribal government officials;

''(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, or nuclear materials, devices, or agents;

''(iv) representatives from the national laboratories; and

''(v) such other individuals as the Assistant Secretary determines to be appropriate.

''(3) RESPONSIBILITIES.— The Advisory Council shall—

''(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats; and

''(C) provide advice on performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

''(4) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, the Assistant Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements of Office programs, as appropriate.

''(5) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

''(6) FACA.—Chapter 10 of title 5, United States Code, shall not apply to the Advisory Council.

''(7) QUALIFICATIONS.—Each member of the Advisory Council shall—

''(A) be impartial in any advice provided to the Advisory Council; and

''(B) not seek to advance any political position or predetermined conclusion as a member of the Advisory Council.''.

(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF 2018.—Section 2 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–387; 132 Stat. 5162) is amended—

(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ''1927'' and inserting ''1926''; and

(2) in subsection (g) (6 U.S.C. 591 note)—

(A) in the matter preceding paragraph (1), by striking ''one year after the date of the enactment of this Act, and annually thereafter,'' and inserting ''June 30 of each year,''; and

(B) in paragraph (2), by striking ''Security, including research and development activities'' and inserting ''Security''.

(c) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat 1884) is amended—

(1) in section 1(b), by striking the item relating to section 502; and

(2) by striking section 502 (6 U.S.C. 592a).

SEC. 6403. RULE OF CONSTRUCTION.

Nothing in this chapter or the amendments made by this chapter may be construed as modifying any existing authority under any provision of law not expressly amended by this chapter.

CHAPTER 2—OFFICE OF HEALTH SECURITY

SEC. 6404. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2)—

(i) by striking ''the Assistant Secretary for Health Affairs,''; and

(ii) by striking ''Affairs, or'' and inserting ''Affairs or''; and

(B) in subsection (d), by adding at the end the following:

''(6) A Chief Medical Officer.'';

(2) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY'';

(3) by redesignating section 1931 (6 U.S.C. 597) as section 2301 and transferring such section to appear after the heading for title XXIII, as added by paragraph (2);

(4) in section 2301, as so redesignated—

(A) in the section heading, by striking ''**CHIEF MEDICAL OFFICER**'' and inserting ''**OFFICE OF HEALTH SECURITY**'';

(B) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—There is established in the Department an Office of Health Security.

''(b) HEAD OF OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

''(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

''(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

''(3) be appointed by the President; and

''(4) report directly to the Secretary.'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''medical issues related to natural disasters, acts of terrorism, and other man-made disasters'' and inserting ''medical activities of the Department and all workforce-focused health and safety activities of the Department'';

(ii) in paragraph (1), by striking '', the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials'' and inserting ''and all other Department officials'';

(iii) in paragraph (4), by striking ''and'' at the end;

(iv) by redesignating paragraph (5) as paragraph (13); and

(v) by inserting after paragraph (4) the following:

''(5) overseeing all medical activities of the Department, including the delivery, advisement, and support of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

''(6) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer and deputy chief medical officer or the employees who function in the capacity of chief medical officer and deputy chief medical officer;

''(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill standards for medical personnel and the assessment of that knowledge and skill;

''(8) in coordination with the Chief Privacy Officer of the Department and the Chief Information Officer of the Department, advising the Secretary and the head of each component of the Department that delivers patient care regarding the collection, storage, and oversight of medical records;

''(9) with respect to any psychological health counseling or assistance program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

''(A) ensuring such program includes safeguards against adverse actions by such component with respect to any employee solely because the employee identifies a need for psychological health counseling or assistance or receives such assistance;

''(B) ensuring such program includes safeguards regarding automatic referrals for employment-related examinations or inquires that are based solely on an employee who self identifies a need for psychological health counseling or assistance or receives such counseling or assistance, except that such safeguards shall not prevent a component referral to evaluate the ability of an employee to meet established medical or psychological standards by such component or to evaluate the national security eligibility of the employee;

''(C) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel;

''(D) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

''(E) establishing periodic management training on crisis intervention and such component's psychological health counseling or assistance program;

''(F) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

''(G) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

''(H) prioritizing, as appropriate, expertise in the provision of psychological health counseling and assistance for certain populations of the workforce, such as employees serving in positions within law enforcement, to help improve outcomes for those employees receiving that counseling or assistance; and

''(I) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

''(10) in consultation with the Chief Information Officer of the Department—

''(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

''(B) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

''(11) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding contracts for the delivery of direct patient care, other medical services, and medical supplies;

''(12) coordinating with—

''(A) the Countering Weapons of Mass Destruction Office;

''(B) other components of the Department as directed by the Secretary;

''(C) Federal agencies, including the Department of Agriculture, the Department of Health and Human Services, the Department of State, and the Department of Transportation;

''(D) State, local, and Tribal governments; and

''(E) the medical community; and''; and

(D) by adding at the end the following:

''(d) ASSISTANCE AND AGREEMENTS.—The Secretary, acting through the Chief Medical Officer, in support of the medical activities of the Department, may—

''(1) provide technical assistance, training, and information to State, local, and Tribal governments and nongovernmental organizations;

''(2) enter into agreements with other Federal agencies; and

''(3) accept services from personnel of components of the Department and other Federal agencies on a reimbursable or nonreimbursable basis.

''(e) OFFICE OF HEALTH SECURITY PRIVACY OFFICER.—There shall be a Privacy Officer in the Office of Health Security with primary responsibility for privacy policy and compliance within the Office, who shall—

''(1) report directly to the Chief Medical Officer; and

''(2) ensure privacy protections are integrated into all Office of Health Security activities, subject to the review and approval of the Chief Privacy Officer of the Department to the extent consistent with the authority of the Chief Privacy Officer of the Department under section 222.

''(f) ACCOUNTABILITY.—

''(1) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this subsection, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to address medical activities of, and the workforce health and safety matters under the purview of, the Department.

''(2) BRIEFING.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall brief the appropriate congressional committees on the organizational transformations of the Office of Health Security, including how best practices were used in the creation of the Office of Health Security.'';

(5) by redesignating section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301, as so redesignated;

(6) in section 2302, as so redesignated—

(A) in the section heading, by striking ''**MEDICAL SUPPORT**'' and inserting ''**SAFETY**'';

(B) in subsection (a), by striking ''Under Secretary for Management'' each place that term appears and inserting ''Chief Medical Officer''; and

(C) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary for Management, in coordination with the Chief Medical Officer,'' and inserting ''Chief Medical Officer''; and

(ii) in paragraph (3), by striking ''as deemed appropriate by the Under Secretary,'';

(7) by redesignating section 528 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated;

(8) in section 2303, as so redesignated—

(A) in subsection (a), by striking ''Assistant Secretary for the Countering Weapons of Mass Destruction Office'' and inserting ''Chief Medical Officer''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''Homeland Security Presidential Directive 9–Defense of the United States Agriculture and Food'' and inserting ''National Security Memorandum 16—Strengthening the Security and Resilience of the United States Food and Agriculture''; and

(ii) in paragraph (6), by inserting ''the Department of Agriculture and other'' before ''appropriate'';

(9) by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section to appear after section 2303, as so redesignated;

(10) in section 2304(f)(2)(B), as so redesignated, by striking ''Office of the Assistant Secretary for Preparedness and Response'' and inserting ''Administration for Strategic Preparedness and Response''; and

(11) by inserting after section 2304, as so redesignated, the following:

''SEC. 2305. RULES OF CONSTRUCTION.

''Nothing in this title shall be construed to—

''(1) override or otherwise affect the requirements described in section 888;

''(2) require the advice of the Chief Medical Officer on the appointment of Coast Guard officers or the officer from the Public Health Service of the Department of Health and Human Services assigned to the Coast Guard;

''(3) provide the Chief Medical Officer with authority to take any action that would diminish the interoperability of the Coast Guard medical system with the medical systems of the other branches of the Armed Forces of the United States; or

''(4) affect or diminish the authority of the Secretary of Health and Human Services or to grant to the Chief Medical Officer any authority that is vested in, or delegated to, the Secretary of Health and Human Services.''.

(b) TRANSITION AND TRANSFERS.—

(1) TRANSITION.—The individual appointed pursuant to section 1931 of the Homeland Security Act of 2002 (6 U.S.C. 597) of the Department of Homeland Security, as in effect on the day before the date of enactment of this

Act, and serving as the Chief Medical Officer of the Department of Homeland Security on the day before the date of enactment of this Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without the need for reappointment.

(2) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security—

(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management relating to workforce health and safety, as in existence on the day before the date of enactment of this Act;

(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office associated with the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 6405. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIII of the Homeland Security Act of 2002, as added by this chapter, is amended by adding at the end the following:

"SEC. 2306. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means an individual who—

''(A) is—

''(i) an employee of the Department;

''(ii) a detailee to the Department from another Federal agency;

''(iii) a personal services contractor of the Department; or

''(iv) hired under a contract for services with the Department;

''(B) performs health care services as part of duties of the individual in that capacity; and

''(C) has a current, valid, and unrestricted license or certification—

''(i) that is issued by a State; and

''(ii) that is for the practice of medicine, osteopathic medicine, dentistry, nursing, emergency medical services, or another health profession.

''(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term 'medical quality assurance program' means any activity carried out on or after the date of enactment of this section by the Department to assess the quality of medical care, including activities conducted by individuals, committees, or other review bodies responsible for quality assurance, credentials, infection control, incident reporting, the delivery, advisement, and support of direct patient care and assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review, or identification and prevention of medical, mental health, or dental incidents and risks.

''(3) MEDICAL QUALITY ASSURANCE RECORD OF THE DEPARTMENT.—The term 'medical quality assurance record of the Department' means the proceedings, records (including patient records that the Department creates and maintains as part of a system of records), minutes, and reports that—

''(A) emanate from quality assurance program activities described in paragraph (2); and

''(B) are produced or compiled by the Department as part of a medical quality assurance program.

''(b) CONFIDENTIALITY OF RECORDS.—A medical quality assurance record of the Department that is created as part of a medical quality assurance program—

''(1) is confidential and privileged; and

''(2) except as provided in subsection (d), may not be disclosed to any person or entity.

''(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section—

''(1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding that reviews or creates a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to such record or with respect to any finding, recommendation, evaluation, opinion, or action taken by such individual in connection with such record.

''(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subsection (c)(2) may give testimony in connection with the record, only as follows:

''(A) To a Federal agency or private organization, if such medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization to—

''(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services; or

''(ii) perform monitoring, required by law, of Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services.

''(B) To an administrative or judicial proceeding concerning an adverse action related to the credentialing of or health care provided by a present or former health care provider by the Department.

''(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record of the Department or testimony is needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a health care provider for the Department.

''(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record of the Department or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

''(E) To an employee, a detailee, or a contractor of the Department who has a need for such medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their employment or contract.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that such medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality described in subparagraph (F), but only with respect to the subject of the proceeding.

''(2) PERSONALLY IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person receiving health care services from the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

''(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974').

''(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

''(1) to authorize or require the withholding from any person or entity de-identified aggregate statistical information regarding the results of medical quality assurance programs, under de-identification standards developed by the Secretary in consultation with the Secretary of Health and Human Services, as appropriate, that is released in a manner in accordance with all other applicable legal requirements; or

''(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, any joint committee of Congress, or the Comptroller General of the United States if the record pertains to any matter within their respective jurisdictions.

''(f) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORDS, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

''(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code.

''(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable under this section for that participation or for providing that information if the participation or provision of information was—

''(1) provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place; and

''(2) made in accordance with any other applicable legal requirement, including Federal privacy laws and regulations.

''(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including the medical record

of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(j) PENALTY.—Any person who willfully discloses a medical quality assurance record of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

''(k) RELATIONSHIP TO COAST GUARD.—The requirements of this section shall not apply to any medical quality assurance record of the Department that is created by or for the Coast Guard as part of a medical quality assurance program.

''(l) CONTINUED PROTECTION.—Disclosure under subsection (d) does not permit redisclosure except to the extent the further disclosure is authorized under subsection (d) or is otherwise authorized to be disclosed under this section.

''(m) RELATIONSHIP TO OTHER LAW.—This section shall continue in force and effect, except as otherwise specifically provided in any Federal law enacted after the date of enactment of this Act.

''(n) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede the requirements of—

''(1) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1936) and its implementing regulations;

''(2) part 1 of subtitle D of title XIII of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931 et seq.) and its implementing regulations; or

''(3) sections 921 through 926 of the Public Health Service Act (42 U.S.C. 299b–21 through 299b–26) and their implementing regulations.''.

SEC. 6406. TECHNICAL AND CONFORMING AMENDMENTS.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following:

''Sec. 528. Transfer of equipment during a public health emergency.'';

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following:

''Sec. 710. Employee engagement.
''Sec. 711. Annual employee award program.
''Sec. 712. Acquisition professional career program.'';

(C) by inserting after the item relating to section 1928 the following:

''Sec. 1929. Accountability.'';

(D) by striking the items relating to subtitle C of title XIX and sections 1931 and 1932; and

(E) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY

''Sec. 2301. Office of Health Security.
''Sec. 2302. Workforce health and safety.
''Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.
''Sec. 2304. Medical countermeasures.
''Sec. 2305. Rules of construction.
''Sec. 2306. Confidentiality of medical quality assurance records.'';

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by striking ''section 711(a)'' and inserting ''section 710(a))'';

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively;

(5) in section subsection (d)(3) of section 1923(d)(3) (6 U.S.C. 592), as so redesignated—

(A) in the paragraph heading, by striking ''HAWAIIAN NATIVE-SERVING'' and inserting ''NATIVE HAWAIIAN-SERVING''; and

(B) by striking ''Hawaiian native-serving'' and inserting '' 'Native Hawaiian-serving'';

and

(6) by striking the subtitle heading for subtitle C of title XIX.

TITLE LXV—PROTECTING OUR DOMESTIC WORKFORCE AND SUPPLY CHAIN

Subtitle A—American Security Drone Act of 2023

SEC. 6501. SHORT TITLE.

This subtitle may be cited as the ''American Security Drone Act of 2023''.

SEC. 6502. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity included on a list developed and maintained by the Federal Acquisition Security Council and published in the System for Award Management (SAM). This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Attorney General, Director of National Intelligence, and the Secretary of Defense, determines poses a national security risk.

(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

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

(3) INTELLIGENCE; INTELLIGENCE COMMUNITY.—The terms ''intelligence'' and ''intelligence community'' have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 6503. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) through (f), the head of an executive agency may not procure any covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity, which includes associated elements related to the collection and transmission of sensitive information (consisting of communication links and the components that control the unmanned aircraft) that enable the operator to operate the aircraft in the National Airspace System. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA's science or management objectives or operational mission.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

(B) the Committee on Oversight and Reform in the House of Representatives; and

(C) other appropriate congressional committees of jurisdiction.

SEC. 6504. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is two years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the

Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the operation is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA's science or management objectives or operational mission.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

(B) the Committee on Oversight and Reform in the House of Representatives; and

(C) other appropriate congressional committees of jurisdiction.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Transportation, shall prescribe regulations or guidance to implement this section.

SEC. 6505. PROHIBITION ON USE OF FEDERAL FUNDS FOR PROCUREMENT AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is two years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—

(1) to procure a covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement or operation is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the purpose of meeting NOAA's science or management objectives or operational mission.

(e) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

(B) the Committee on Oversight and Reform in the House of Representatives; and

(C) other appropriate congressional committees of jurisdiction.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the requirements of this section pertaining to Federal contracts.

SEC. 6506. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 6507. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—All executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, within one year of the date of enactment of this Act, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level, as determined by the Secretary of Homeland Security or the Secretary's designee.

(c) EXCEPTIONS.—The Department of Defense, the Department of Homeland Security, the Department of Justice, the Department of Transportation, and the National Oceanic and Atmospheric Administration may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues, or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 6508. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 6509. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of an unmanned aircraft system—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing, and transmitting Federal information in an unmanned aircraft system:

(1) Protections to ensure controlled access to an unmanned aircraft system.

(2) Protecting software, firmware, and hardware by ensuring changes to an unmanned aircraft system are properly managed, including by ensuring an unmanned

aircraft system can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of an unmanned aircraft system.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of an unmanned aircraft system.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall—

(1) incorporate policies to implement the exemptions contained in this subtitle; and

(2) incorporate an exemption to the policy in the case of a head of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—

(A) may not be delegated below the level of the Deputy Secretary, or Administrator, of the procuring department or agency;

(B) shall specify—

(i) the quantity of end items to which the waiver applies and the procurement value of those items; and

(ii) the time period over which the waiver applies, which shall not exceed three years;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 6510. STATE, LOCAL, AND TERRITORIAL LAW ENFORCEMENT AND EMERGENCY SERVICE EXEMPTION.

(a) RULE OF CONSTRUCTION.—Nothing in this subtitle shall prevent a State, local, or territorial law enforcement or emergency service agency from procuring or operating a covered unmanned aircraft system purchased with non-Federal dollars.

(b) CONTINUITY OF ARRANGEMENTS.—The Federal Government may continue entering into contracts, grants, and cooperative agreements or other Federal funding instruments with State, local, or territorial law enforcement or emergency service agencies under which a covered unmanned aircraft system will be purchased or operated if the agency has received approval or waiver to purchase or operate a covered unmanned aircraft system pursuant to section 6505.

SEC. 6511. STUDY.

(a) STUDY ON THE SUPPLY CHAIN FOR UNMANNED AIRCRAFT SYSTEMS AND COMPONENTS.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the appropriate congressional committees a report on the supply chain for covered unmanned aircraft systems, including a discussion of current and projected future demand for covered unmanned aircraft systems.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the current and future global and domestic market for covered unmanned aircraft systems that are not widely commercially available except from a covered foreign entity.

(B) A description of the sustainability, availability, cost, and quality of secure sources of covered unmanned aircraft systems domestically and from sources in allied and partner countries.

(C) The plan of the Secretary of Defense to address any gaps or deficiencies identified in subparagraph (B), including through the use of funds available under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) and partnerships with the National Aeronautics and Space Administration and other interested persons.

(D) Such other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section the term ''appropriate congressional committees'' means:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(C) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(D) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(E) The Committee on Transportation and Infrastructure of the House of Representatives.

(F) The Committee on Homeland Security of the House of Representatives.

SEC. 6512. EXCEPTIONS.

(a) EXCEPTION FOR WILDFIRE MANAGEMENT OPERATIONS AND SEARCH AND RESCUE OPERATIONS.—The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement and operation restrictions under sections 6503, 6504, and 6505 to the extent the procurement or operation is necessary for the purpose of supporting the full range of wildfire management operations or search and rescue operations.

(b) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—The elements of the intelligence community, in consultation with the Director of National Intelligence, are exempt from the procurement and operation restrictions under sections 6503, 6504, and 6505 to the extent the procurement or operation is necessary for the purpose of supporting intelligence activities.

(c) EXCEPTION FOR TRIBAL LAW ENFORCEMENT OR EMERGENCY SERVICE AGENCY.—Tribal law enforcement or Tribal emergency service agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 6503, 6504, and 6505 to the extent the procurement or operation is necessary for the purpose of supporting the full range of law enforcement operations or search and rescue operations on Indian lands.

SEC. 6513. SUNSET.

Sections 6503, 6504, and 6505 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

Subtitle B—Government-wide Study Relating to High-security Leased Space

SEC. 6521. GOVERNMENT-WIDE STUDY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) BENEFICIAL OWNER.—

(A) IN GENERAL.—The term ''beneficial owner'', with respect to a covered entity, means each natural person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

(i) exercises substantial control over the covered entity; or

(ii) owns or controls not less than 25 percent of the ownership interests of, or receives substantial economic benefits from the assets of, the covered entity.

(B) EXCLUSIONS.—The term ''beneficial owner'', with respect to a covered entity, does not include—

(i) a minor;

(ii) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(iii) a person acting solely as an employee of the covered entity and whose control over or economic benefits from the covered entity derives solely from the employment status of the person;

(iv) a person whose only interest in the covered entity is through a right of inheritance, unless the person also meets the requirements of subparagraph (A); or

(v) a creditor of the covered entity, unless the creditor also meets the requirements of subparagraph (A).

(C) ANTI-ABUSE RULE.—The exclusions under subparagraph (B) shall not apply if, in the determination of the Administrator, an exclusion is used for the purpose of evading, circumventing, or abusing the requirements of this Act.

(3) CONTROL.—The term ''control'', with respect to a covered entity, means—

(A) having the authority or ability to determine how the covered entity is utilized; or

(B) having some decisionmaking power for the use of the covered entity.

(4) COVERED ENTITY.—The term ''covered entity'' means—

(A) a person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group; or

(B) any governmental entity or instrumentality of a government.

(5) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) an Executive agency; and

(B) any establishment in the legislative or judicial branch of the Federal Government.

(7) FEDERAL LESSEE.—

(A) IN GENERAL.—The term ''Federal lessee'' means—

(i) the Administrator;

(ii) the Architect of the Capitol; and

(iii) the head of any other Federal agency that has independent statutory leasing authority.

(B) EXCLUSIONS.—The term ''Federal lessee'' does not include—

(i) the head of an element of the intelligence community; or

(ii) the Secretary of Defense.

(8) FEDERAL TENANT.—

(A) IN GENERAL.—The term ''Federal tenant'' means a Federal agency that is occupying or will occupy a high-security leased space for which a lease agreement has been secured on behalf of the Federal agency.

(B) EXCLUSION.—The term ''Federal tenant'' does not include an element of the intelligence community.

(9) FOREIGN ENTITY.—The term ''foreign entity'' means—

(A) a corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is headquartered in or organized under the laws of—

(i) a country that is not the United States; or

(ii) a State, unit of local government, or Indian Tribe that is not located within or a territory of the United States; or

(B) a government or governmental instrumentality that is not—

(i) the United States Government; or

(ii) a State, unit of local government, or Indian Tribe that is located within or a territory of the United States.

(10) FOREIGN PERSON.—The term ''foreign person'' means an individual who is not a United States person.

(11) HIGH-SECURITY LEASED ADJACENT SPACE.—The term ''high-security leased adjacent space'' means a building or office space that shares a boundary with or surrounds a high-security leased space.

(12) HIGH-SECURITY LEASED SPACE.—The term ''high-security leased space'' means a space leased by a Federal lessee that—

(A) will be occupied by Federal employees for nonmilitary activities; and

(B) has a facility security level of III, IV, or V, as determined by the Federal tenant in consultation with the Interagency Security Committee, the Secretary of Homeland Security, and the Administrator.

(13) HIGHEST-LEVEL OWNER.—The term ''highest-level owner'' means an entity that owns or controls—

(A) an immediate owner of the offeror of a lease for a high-security leased adjacent space; or

(B) 1 or more entities that control an immediate owner of the offeror of a lease described in subparagraph (A).

(14) IMMEDIATE OWNER.—The term ''immediate owner'' means an entity, other than the offeror of a lease for a high-security leased adjacent space, that has direct control of that offeror, including—

(A) ownership or interlocking management;

(B) identity of interests among family members;

(C) shared facilities and equipment; and

(D) the common use of employees.

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

(16) SUBSTANTIAL ECONOMIC BENEFITS.—The term ''substantial economic benefits'', with respect to a natural person described in paragraph (2)(A)(ii), means having an entitlement to the funds or assets of a covered entity that, as a practical matter, enables the person, directly or indirectly, to control, manage, or direct the covered entity.

(17) UNITED STATES PERSON.—The term ''United States person'' means an individual who—

(A) is a citizen of the United States; or

(B) is an alien lawfully admitted for permanent residence in the United States.

(b) GOVERNMENT-WIDE STUDY.—

(1) COORDINATION STUDY.—The Administrator, in coordination with the Director of the Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall carry out a Government-wide study examining options to assist agencies (as defined in section 551 of title 5, United States Code) to produce a security assessment process for high-security leased adjacent space before entering into a lease or novation agreement with a covered entity for the purposes of accommodating a Federal tenant located in a high-security leased space.

(2) CONTENTS.—The study required under paragraph (1)—

(A) shall evaluate how to produce a security assessment process that includes a process for assessing the threat level of each occupancy of a high-security leased adjacent space, including through—

(i) site-visits;

(ii) interviews; and

(iii) any other relevant activities determined necessary by the Director of the Federal Protective Service; and

(B) may include a process for collecting and using information on each immediate owner, highest-level owner, or beneficial owner of a covered entity that seeks to enter into a lease with a Federal lessee for a high-security leased adjacent space, including—

(i) name;

(ii) current residential or business street address; and

(iii) an identifying number or document that verifies identity as a United States person, a foreign person, or a foreign entity.

(3) WORKING GROUP.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in coordination with the Director of Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall establish a working group to assist in the carrying out of the study required under paragraph (1).

(B) NO COMPENSATION.—A member of the working group established under subparagraph (A) shall receive no compensation as a result of serving on the working group.

(C) SUNSET.—The working group established under subparagraph (A) shall terminate on the date on which the report required under paragraph (6) is submitted.

(4) PROTECTION OF INFORMATION.—The Administrator shall ensure that any information collected pursuant to the study required under paragraph (1) shall not be made available to the public.

(5) LIMITATION.—Nothing in this subsection requires an entity located in the United States to provide information requested pursuant to the study required under paragraph (1).

(6) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Director of Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) the results of the study required under paragraph (1); and

(B) how all applicable privacy laws and rights relating to the First and Fourth Amendments to the Constitution of the United States would be upheld and followed in—

(i) the security assessment process described in subparagraph (A) of paragraph (2); and

(ii) the information collection process described in subparagraph (B) of that paragraph.

(7) LIMITATION.—Nothing in this subsection authorizes a Federal entity to mandate information gathering unless specifically authorized by law.

(8) PROHIBITION.—No information collected pursuant the security assessment process described in paragraph (2)(A) may be used for law enforcement purposes.

(9) NO ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this subsection.

Subtitle C—Intergovernmental Critical Minerals Task Force Act

SEC. 6531. SHORT TITLE.

This subtitle may be cited as the ''Intergovernmental Critical Minerals Task Force Act''.

SEC. 6532. DEFINITIONS.

In this subtitle:

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

(A) the Committees on Homeland Security and Governmental Affairs, Energy and Natural Resources, Armed Services, Environment and Public Works, Commerce, Science, and Transportation, and Foreign Relations of the Senate; and

(B) the Committees on Oversight and Accountability, Natural Resources, Armed Services, and Foreign Affairs of the House of Representatives.

(2) COVERED COUNTRY.—The term ''covered country'' means—

(A) a covered nation (as defined in section 4872(d) of title 10, United States Code); and

(B) any other country determined by the task force to be a geostrategic competitor or adversary of the United States with respect to critical minerals.

(3) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) TASK FORCE.—The term ''task force'' means the task force established under section 6534(b).

SEC. 6533. FINDINGS.

Congress finds that—

(1) current supply chains of critical minerals pose a great risk to the homeland and national security of the United States;

(2) critical minerals contribute to transportation, technology, renewable energy, military equipment and machinery, and other relevant entities crucial for the homeland and national security of the United States;

(3) in 2022, the United States was 100 percent import reliant for 12 out of 50 critical minerals and more than 50 percent import reliant for an additional 31 critical mineral commodities classified as ''critical'' by the United States Geological Survey, and the People's Republic of China was the top producing nation for 30 of those 50 critical minerals;

(4) companies based in the People's Republic of China that extract rare earth minerals around the world have received hundreds of charges of human rights violations; and

(5) on March 26, 2014, the World Trade Organization ruled that the export restraints by the People's Republic of China on rare earth metals violated obligations under the

protocol of accession to the World Trade Organization, which harmed manufacturers and workers in the United States.

SEC. 6534. INTERGOVERNMENTAL CRITICAL MINERALS TASK FORCE.

(a) PURPOSES.—The purposes of the task force are—

(1) to assess the reliance of the United States on the People's Republic of China, and other covered countries, for critical minerals, and the resulting homeland and national security risks associated with that reliance, at each level of the Federal, State, local, Tribal, and territorial governments;

(2) to make recommendations to onshore and improve the domestic supply chain for critical minerals; and

(3) to reduce the reliance of the United States, and partners and allies of the United States, on critical mineral supply chains involving covered countries.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director shall establish a task force to facilitate cooperation, coordination, and mutual accountability among each level of the Federal Government and State, local, Tribal, and territorial governments on a holistic response to the dependence on covered countries for critical minerals across the United States.

(c) COMPOSITION; MEETINGS.—

(1) APPOINTMENT.—The Director, in consultation with key intergovernmental, private, and public sector stakeholders, shall appoint to the task force representatives with expertise in critical mineral supply chains from Federal agencies, State, local, Tribal, and territorial governments, including not less than 1 representative from each of—

(A) the Bureau of Indian Affairs;

(B) the Bureau of Land Management;

(C) the Department of Agriculture;

(D) the Department of Commerce;

(E) the Department of Defense;

(F) the Department of Energy;

(G) the Department of Homeland Security;

(H) the Department of Housing and Urban Development;

(I) the Department of the Interior;

(J) the Department of Labor;

(K) the Department of State;

(L) the Department of Transportation;

(M) the Environmental Protection Agency;

(N) the General Services Administration;

(O) the National Science Foundation;

(P) the United States International Development Finance Corporation;

(Q) the United States Geological Survey; and

(R) any other relevant Federal entity, as determined by the Director.

(2) CONSULTATION.—The task force shall consult individuals with expertise in critical mineral supply chains, individuals from States whose communities, businesses, and industries are involved in aspects of the critical mineral supply chain, including mining and processing operations, and individuals from a diverse and balanced cross-section of—

(A) intergovernmental consultees, including—

(i) State governments;

(ii) local governments;

(iii) Tribal governments; and

(iv) territorial governments; and

(B) other stakeholders, including—

(i) academic research institutions;

(ii) corporations;

(iii) nonprofit organizations;

(iv) private sector stakeholders;

(v) trade associations;

(vi) mining industry stakeholders; and

(vii) labor representatives.

(3) CHAIR.—The Director may serve as chair of the task force, or designate a representative of the task force to serve as chair.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 90 days after the date on which all representatives of the task force have been appointed, the task force shall hold the first meeting of the task force.

(B) FREQUENCY.—The task force shall meet not less than once every 90 days.

(d) DUTIES.—

(1) IN GENERAL.—The duties of the task force shall include—

(A) facilitating cooperation, coordination, and mutual accountability for the Federal Government and State, local, Tribal, and territorial governments to enhance data sharing and transparency in the supply chains for critical minerals in support of the purposes described in subsection (a);

(B) providing recommendations with respect to—

(i) research and development into emerging technologies used to expand existing critical mineral supply chains in the United States and to establish secure and reliable critical mineral supply chains to the United States;

(ii) increasing capacities for mining, processing, refinement, reuse, and recycling of critical minerals in the United States to facilitate the environmentally responsible production of domestic resources to meet national critical mineral needs, in consultation with Tribal and local communities;

(iii) identifying how statutes, regulations, and policies related to the critical mineral supply chain could be modified to accelerate environmentally responsible domestic production of critical minerals, in consultation with Tribal and local communities;

(iv) strengthening the domestic workforce to support growing critical mineral supply chains with good-paying, safe jobs in the United States;

(v) identifying alternative domestic sources to critical minerals that the United States currently relies on the People's Republic of China or other covered countries for mining, processing, refining, and recycling, including the availability, cost, and quality of those domestic alternatives;

(vi) identifying critical minerals and critical mineral supply chains that the United States can onshore, at a competitive availability, cost, and quality, for those minerals and supply chains that the United States relies on the People's Republic of China or other covered countries to provide; and

(vii) opportunities for the Federal Government and State, local, Tribal, and territorial governments to mitigate risks to the homeland and national security of the United States with respect to supply chains for critical minerals that the United States currently relies on the People's Republic of China or other covered countries for mining, processing, refining, and recycling;

(C) prioritizing the recommendations in subparagraph (B), taking into consideration economic costs and focusing on the critical mineral supply chains with vulnerabilities posing the most significant risks to the homeland and national security of the United States;

(D) establishing specific strategies, to be carried out in coordination with the Secretary of State, to strengthen international partnerships in furtherance of critical minerals supply chain security with international allies and partners, including—

(i) countries with which the United States has a free trade agreement;

(ii) countries participating in the Indo-Pacific Economic Framework for Prosperity;

(iii) countries participating in the Quadrilateral Security Dialogue;

(iv) countries that are signatories to the Abraham Accords;

(v) countries designated as eligible sub-Saharan Africa countries under section 104 of the Africa Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(vi) other countries or multilateral partnerships the Task Force determines to be appropriate; and

(E) other duties, as determined by the Director.

(2) REPORT.—The Director shall—

(A) not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress a report, which shall be submitted in unclassified form, but may include a classified annex, that describes any findings, guidelines, and recommendations created in performing the duties under paragraph (1);

(B) not later than 120 days after the date on which the Director submits the report under subparagraph (A), publish that report in the Federal Register and on the website of the Office of Management and Budget, except that the Director shall redact information from the report that the Director determines could pose a risk to the homeland and national security of the United States by being publicly available; and

(C) brief the appropriate committees of Congress twice per year.

(e) SUNSET.—The task force shall terminate on the date that is 90 days after the date on which the task force completes the requirements under subsection (d)(2).

(f) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study examining the Federal and State regulatory landscape related to improving domestic supply chains for critical minerals in the United States.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that describes the results of the study under paragraph (1).

Subtitle D—Federal Executive Boards

SEC. 6541. SHORT TITLE.

This subtitle may be cited as the ''Improving Government Efficiency and Workforce Development through Federal Executive Boards Act of 2023''.

SEC. 6542. FEDERAL EXECUTIVE BOARDS.

(a) IN GENERAL.—Chapter 11 of title 5, United States Code, is amended by adding at the end the following:

''§ 1106. Federal Executive Boards

''(a) PURPOSES.—The purposes of this section are to—

''(1) strengthen the strategic coordination, communication, and management of Government activities across the United States, including to improve the experience of citizens interacting with agencies, and to incorporate field perspectives into the preparation of Federal workforce policy goals;

''(2) facilitate interagency collaboration to improve the efficiency and effectiveness of Federal programs and initiatives, including those that impact the competitiveness of the United States in the global economy;

''(3) facilitate communication and collaboration on Federal emergency preparedness and continuity of operations for the Federal workforce in applicable geographic areas;

''(4) facilitate strategies and programs for recruiting, training, managing, and retaining Federal employees, as well as sharing best practices for improving the workforce experience and access to education and training, including with respect to the responsible use of emerging technology;

''(5) facilitate relationships with State and local governments, colleges and universities,

and local nonprofit organizations that collaborate with the Federal Government; and

''(6) provide stable funding for Federal Executive Boards to enable the activities described in paragraphs (1) through (5).

''(b) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency'—

''(A) means an Executive agency, as defined in section 105; and

''(B) does not include the Government Accountability Office.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

''(3) FEDERAL EXECUTIVE BOARD.—The term 'Federal Executive Board' means an interagency entity—

''(A) established by the Director—

''(i) in coordination with the Director of the Office of Management and Budget and the Administrator of General Services; and

''(ii) in consultation with the headquarters of appropriate agencies;

''(B) located in a geographic area with a high concentration of Federal employees outside the Washington, DC, metropolitan area; and

''(C) focused on strengthening the management and administration of agency activities and coordination among local Federal officers to implement national initiatives in that geographic area.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(5) STATE APPRENTICESHIP AGENCY.—The term 'State Apprenticeship Agency' has the meaning given the term in section 29.2 of title 29, Code of Federal Regulations, or any successor regulation.

''(c) PERPETUATION AND CONTINUED SUPPORT.—

''(1) IN GENERAL.—The Director, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall continue to support the existence of Federal Executive Boards in geographic areas outside the Washington, DC, metropolitan area.

''(2) CONSULTATION.—Before establishing any new Federal Executive Boards that are not in existence on the date of enactment of this section, the Director shall conduct a review of existing Federal Executive Boards and consult with the headquarters of appropriate agencies to guide the determination of the number and location of Federal Executive Boards.

''(3) LOCATION.—The Director shall develop a set of criteria to establish and evaluate the number and locations of Federal Executive Boards that shall—

''(A) factor in contemporary Federal workforce data as of the date of enactment of this section; and

''(B) be informed by the annual changes in workforce data, including the geographic disbursement of the Federal workforce and the role of remote work options.

''(4) MEMBERSHIP.—

''(A) IN GENERAL.—Each Federal Executive Board for a geographic area shall consist of the most senior officer of each agency in that geographic area.

''(B) ALTERNATE REPRESENTATIVE.—The senior officer of an agency described in subparagraph (A) may designate, by title of office, an alternate representative, who shall—

''(i) be a senior officer in the agency; and

''(ii) attend meetings and otherwise represent the agency on the Federal Executive Board in the absence of the most senior officer.

''(d) ADMINISTRATION AND OVERSIGHT.—The Director, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall administer and oversee Federal Executive Boards, including—

''(1) establishing staffing and accountability policies, including performance standards, for employees responsible for administering Federal Executive Boards with an opportunity for employee customer service feedback from agencies participating in Federal Executive Boards;

''(2) establishing communications policies for the dissemination of information to agencies participating in Federal Executive Boards; and

''(3) administering Federal Executive Board funding through the fund established in subsection (f).

''(e) GOVERNANCE AND ACTIVITIES.—

''(1) IN GENERAL.—Each Federal Executive Board shall—

''(A) subject to the approval of the Director, adopt charters or other rules for the internal governance of the Federal Executive Board;

''(B) elect a Chairperson from among the members of the Federal Executive Board, who shall serve for a set term;

''(C) serve as an instrument of outreach relating to agency activities in the geographic area;

''(D) provide a forum to amplify the exchange of information relating to programs and management methods and problems—

''(i) between the national headquarters of agencies and the field; and

''(ii) among field elements in geographic areas;

''(E) develop local coordinated approaches to the development and operation of programs that have common characteristics or serve the same populations;

''(F) communicate management initiatives and other concerns from Federal officers and employees in the Washington, DC, metropolitan area to Federal officers and employees in the geographic area to achieve better mutual understanding and support;

''(G) develop relationships with State and local governments, institutions of higher education, and nongovernmental organizations to help fulfill the roles and responsibilities of the Federal Executive Board;

''(H) in coordination with appropriate agencies and consistent with any relevant memoranda of understanding between the Office of Personnel Management and those agencies, facilitate communication, collaboration, and training to prepare the Federal workforce for emergencies and continuity of operations;

''(I) in coordination with appropriate agencies, support agency efforts to place and recruit students in training opportunities, particularly apprenticeships and paid internships;

''(J) consult with the Secretary of Labor or State Apprenticeship Agencies on the process for establishing registered apprenticeship programs within agencies, as appropriate;

''(K) consult with State workforce development boards and local workforce development boards as established in sections 101 and 107 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111, 3122), respectively, as appropriate;

''(L) as appropriate and in accordance with law, rules, and policies, lead cross-agency talent management initiatives—

''(i) including interagency—

''(I) recruitment and hiring activities;

''(II) internships and apprenticeships;

''(III) onboarding and leadership and management development; and

''(IV) mentorship programs; and

''(ii) by prioritizing initiatives related to—

''(I) conducting outreach to communities of individuals with demographics that are underrepresented in a given occupation or agency;

''(II) addressing skills gaps within the Federal Government related to high-risk areas as identified by the Government Accountability Office;

''(III) enabling the Federal workforce to adapt to and responsibly use emerging technology; and

''(IV) strengthening the competitiveness of the United States in the global economy;

''(M) coordinate with the Transition Assistance Centers established to carry out the Transition Assistance Program of the Department of Defense to help members of the Armed Forces who are transitioning to civilian life apply for Government positions in the geographic location of the Federal Executive Board;

''(N) as appropriate, serve as a collaborative space where employees from across agencies can participate in innovation projects relevant to Federal initiatives by applying human-centered design, user-experience design, or other creativity methods; and

''(O) take other actions as agreed to by the Federal Executive Board and the Director, in consultation with the Director of the Office of Management and Budget and the Administrator of General Services.

''(2) COORDINATION OF CERTAIN ACTIVITIES.—The facilitation of communication, collaboration, and training described in paragraph (1)(H) shall, when appropriate, be coordinated and defined through written agreements entered into between the Director and the heads of the applicable agencies.

''(3) NON-MONETARY DONATIONS.—Each Federal Executive Board may accept donations of supplies, services, land, and equipment consistent with the purposes described in paragraphs (1) through (5) of subsection (a), including to assist in carrying out the activities described in paragraph (1) of this subsection.

''(4) PROGRAMMATIC ASSESSMENTS.—Not less frequently than semi-annually or following each major programmatic activity, each Federal Executive Board shall assess the experience of participants or other relevant stakeholders in each program provided by the Federal Executive Board.

''(f) FUNDING.—

''(1) ESTABLISHMENT OF FUND.—The Director, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall establish a Federal Executive Board Fund within the Office of Personnel Management for financing essential Federal Executive Board functions for the purposes of staffing and operating expenses.

''(2) DEPOSITS.—There shall be deposited in the fund established under paragraph (1) amounts transferred to the fund pursuant to paragraph (3) from each agency participating in Federal Executive Boards, according to a formula established by the Director—

''(A) in consultation with the headquarters of those agencies; and

''(B) in coordination with the Director of the Office of Management and Budget and the Administrator of General Services.

''(3) CONTRIBUTIONS.—

''(A) CONTRIBUTION TRANSFERS.—Subject to the formula for contributions established by the Director under paragraph (2), each agency participating in Federal Executive Boards shall transfer amounts to the fund established under paragraph (1).

''(B) FORMULA.—

''(i) IN GENERAL.—The formula for contributions established by the Director under paragraph (2) shall consider the number of employees in each agency in all geographic areas served by Federal Executive Boards.

''(ii) RECALCULATION.—The contribution of the headquarters of each agency under clause (i) to the fund established under paragraph (1) shall be recalculated not less frequently than every 2 years.

''(C) IN-KIND CONTRIBUTIONS.—At the discretion of the Director, an agency may provide in-kind contributions instead of, or in addition to, providing monetary contributions to the fund established under paragraph (1).

''(4) MINIMUM AMOUNT.—

''(A) IN GENERAL.—The fund established under paragraph (1) shall include a minimum of $15,000,000 in each fiscal year, to remain available until expended.

''(B) ADJUSTMENT.—The Director shall adjust the amount required under subparagraph (A) every 2 years on a schedule aligned with the recalculation described in paragraph (3)(B)(ii) to reflect—

''(i) the percentage increase, if any, in the Consumer Price Index for all Urban Consumers as determined by the Bureau of Labor Statistics; and

''(ii) any changes in costs related to Federal pay changes authorized by the President or by an Act of Congress.

''(5) USE OF EXCESS AMOUNTS.—Any unobligated and unexpended balances in the fund established under paragraph (1) that the Director determines to be in excess of amounts needed for Federal Executive Board functions shall be allocated among the Federal Executive Boards for the activities described in subsection (e) by the Director—

''(A) in coordination with the Director of the Office of Management and Budget and the Administrator of General Services; and

''(B) in consultation with the headquarters of agencies participating in Federal Executive Boards.

''(6) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Office of Personnel Management shall pay for costs relating to administrative and oversight activities conducted under subsection (d) from appropriations made available to the Office of Personnel Management.

''(g) REPORTS.—The Director, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall submit biennial reports to Congress and to agencies participating in Federal Executive Boards on the outcomes of and budget matters related to Federal Executive Boards.

''(h) REGULATIONS.—The Director, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall prescribe regulations necessary to carry out this section.''.

(b) REPORT.—

(1) DEFINITION.—In this subsection, the term ''Federal Executive Board'' has the meaning given the term in section 1106(b) of title 5, United States Code, as added by subsection (a) of this section.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives a report that includes—

(A) a description of essential Federal Executive Board functions;

(B) details of staffing requirements for each Federal Executive Board; and

(C) estimates of staffing and operating expenses for each Federal Executive Board.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 11 of title 5, United States Code, is amended by inserting after the item relating to section 1105 the following:

''1106. Federal Executive Boards.''.

Subtitle E—Mitigating Foreign Influence in Classified Government Contracts Act

SEC. 6551. SHORT TITLE.

This subtitle may be cited as the ''Mitigating Foreign Influence in Classified Government Contracts Act''.

SEC. 6552. DEFINITIONS.

In this Act:

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

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Oversight and Accountability, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COGNIZANT SECURITY AGENCIES; ENTITY; FOREIGN INTEREST.— The terms ''cognizant security agencies'', ''entity'', and ''foreign interest'' have the meanings given those term in section 2004.4 of title 32, Code of Federal Regulations.

(3) DIRECTOR.—The term ''Director'' means the Director of the Information Security Oversight Office.

(4) NISPPAC.—The term ''NISPPAC'' means the National Industrial Security Program Policy Advisory Committee established by Executive Order 12829 (50 U.S.C. 3161 note; relating to national industrial security program).

SEC. 6553. ASSESSMENT OF FOREIGN INFLUENCE IN NATIONAL INDUSTRIAL SECURITY PROGRAM.

(a) IN GENERAL.—The Director shall convene and direct NISPPAC to complete and submit, not later than 1 year after the date of the enactment of this Act, to the Director an assessment of foreign influence in the National Industrial Security Program.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) A definition of foreign influence that focuses on contractual agreements or other non-ownership means that may allow foreign interests unauthorized access to classified information or to adversely affect performance of a contract or agreement requiring access to classified information.

(2) An assessment of the extent of the threat of foreign influence in the National Industrial Security Program.

(3) A description of the challenges in identifying foreign influence.

(4) A list of the criteria and factors that should be considered to identify foreign influence requiring mitigation.

(5) An identification of the methods, if any, currently used to mitigate foreign influence.

(6) An assessment of the effectiveness and limitations of such mitigations, and recommendations for new mitigation methods.

(7) An assessment of whether processes to identify and mitigate foreign influence are consistent across cognizant security agencies.

(8) An identification of the tools available to assist entities identify and avoid foreign influence that would require mitigation, and recommendations for tools needed.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees the assessment completed under subsection (a).

SEC. 6554. STRATEGY TO IDENTIFY AND MITIGATE FOREIGN INFLUENCE IN NATIONAL INDUSTRIAL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Director, in consultation with the cognizant security agencies, shall submit to the appropriate committees of Congress a strategy, to be known as the ''National Strategy to Mitigate Foreign Influence in the National Industrial Security Program'', to improve the ability of the Federal Government and entities to identify and mitigate foreign influence.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Processes to identify foreign influence requiring mitigation, including entity submission of standard forms and government security reviews.

(2) Methods to mitigate foreign influence.

(3) Practices to ensure processes to identify foreign influence and methods to mitigate foreign influence are consistent across cognizant security agencies.

(4) Tools, including best practices, to assist entities in recognizing the risk of foreign influence and implementing methods to mitigate foreign influence.

(5) Proposed updates to parts 117 and 2004 of title 32, Code of Federal Regulations.

(6) Recommendations for legislation as the Director considers appropriate.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 90 days after the date on which the strategy required under subsection (a) is submitted to the appropriate committees of Congress, the Director, in collaboration with the cognizant security agencies, shall commence implementation of the strategy.

(2) REPORT.—Not later than 1 year after the date on which the Director commences implementation of the strategy required by subsection (a) in accordance with paragraph (1), the Director shall submit to the appropriate committees of Congress a report describing the efforts of the cognizant security agencies to implement the strategy and the progress of such efforts.

SA 707. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ASSESSMENT OF EXISTING LARGE POWER TRANSFORMERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, shall submit to Congress an assessment of large power transformers in the United States.

(b) REQUIREMENTS.—The assessment required under subsection (a) shall include—

(1) an identification of the number of large power transformers in the United States as of the date of the assessment;

(2) a description of the age and condition of the large power transformers identified under paragraph (1);

(3) an identification of the number of large power transformers identified under paragraph (1) that require replacement or significant repair as of the date of the assessment;

(4) an estimate of the number of large power transformers that would be required in the United States if there was a need for recovery of the electric grid on a nationwide scale; and

(5) a cost estimate for the domestic manufacture of a large power transformer.

SA 708. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. EXTENSION OF DEPARTMENT OF VETERANS AFFAIRS HIGH TECHNOLOGY PILOT PROGRAM.

(a) EXTENSION.—Section 116(h) of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (38 U.S.C. 3001 note) is amended by striking ''the date that is 5 years after the date on which the Secretary first enters into a contract under this section'' and inserting ''December 31, 2023''.

(b) RECISSION OF CERTAIN AMOUNTS APPROPRIATED BY AMERICAN RESCUE PLAN ACT OF 2021.—Of the amounts appropriated by section 523(a) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) to the account described in such section that remain unobligated on the date of the enactment of this Act, $4,000,000 is hereby rescinded.

SA 709. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. DEPARTMENT OF VETERANS AFFAIRS HIGH TECHNOLOGY PROGRAM.

(a) HIGH TECHNOLOGY PROGRAM.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3699C. High technology program

''(a) ESTABLISHMENT.—(1) The Secretary shall carry out a program under which the Secretary provides covered individuals with the opportunity to enroll in high technology programs of education that the Secretary determines provide training or skills sought by employers in a relevant field or industry.

''(2) Not more than 6,000 covered individuals may participate in the program under this section in any fiscal year.

''(b) AMOUNT OF ASSISTANCE.—(1) The Secretary shall provide, to each covered individual who pursues a high technology program of education under this section, educational assistance in amounts equal to the amounts provided under section 3313(c)(1) of this title, including with respect to the housing stipend described in that section and in accordance with the treatment of programs that are distance learning and programs that are less than half-time.

''(2) Under paragraph (1), the Secretary shall provide such amounts of educational assistance to a covered individual for each of the following:

''(A) A high technology program of education.

''(B) A second such program if—

''(i) the second such program begins at least 18 months after the covered individual graduates from the first such program; and

''(ii) the covered individual uses educational assistance under chapter 33 of this title to pursue the second such program.

''(c) CONTRACTS.—(1) For purposes of carrying out subsection (a), the Secretary shall seek to enter into contracts with any number of qualified providers of high technology programs of education for the provision of such programs to covered individuals. Each such contract shall provide for the conditions under which the Secretary may terminate the contract with the provider and the procedures for providing for the graduation of students who were enrolled in a program provided by such provider in the case of such a termination.

''(2) A contract under this subsection shall provide that the Secretary shall pay to a provider—

''(A) upon the enrollment of a covered individual in the program, 25 percent of the cost of the tuition and other fees for the program of education for the individual;

''(B) upon graduation of the individual from the program, 25 percent of such cost; and

''(C) 50 percent of such cost upon—

''(i) the successful employment of the covered individual for a period—

''(I) of 180 days in the field of study of the program; and

''(II) that begins not later than 180 days following graduation of the covered individual from the program;

''(ii) the employment of the individual by the provider for a period of one year; or

''(iii) the enrollment of the individual in a program of education to continue education in such field of study.

''(3) For purposes of this section, a provider of a high technology program of education is qualified if—

''(A) the provider employs instructors whom the Secretary determines are experts in their respective fields in accordance with paragraph (5);

''(B) the provider has successfully provided the high technology program for at least one year;

''(C) the provider does not charge tuition and fees to a covered individual who receives assistance under this section to pursue such program that are higher than the tuition and fees charged by such provider to another individual; and

''(D) the provider meets the approval criteria developed by the Secretary under paragraph (4).

''(4)(A) The Secretary shall prescribe criteria for approving providers of a high technology program of education under this section.

''(B) In developing such criteria, the Secretary may consult with State approving agencies.

''(C) Such criteria are not required to meet the requirements of section 3672 of this title.

''(D) Such criteria shall include the job placement rate, in the field of study of a program of education, of covered individuals who complete such program of education.

''(5) The Secretary shall determine whether instructors are experts under paragraph (3)(A) based on evidence furnished to the Secretary by the provider regarding the ability of the instructors to—

''(A) identify professions in need of new employees to hire, tailor the programs to meet market needs, and identify the employers likely to hire graduates;

''(B) effectively teach the skills offered to covered individuals;

''(C) provide relevant industry experience in the fields of programs offered to incoming covered individuals; and

''(D) demonstrate relevant industry experience in such fields of programs.

''(6) In entering into contracts under this subsection, the Secretary shall give preference to a provider of a high technology program of education—

''(A) from which at least 70 percent of graduates find full-time employment in the field of study of the program during the 180-day period beginning on the date the student graduates from the program; or

''(B) that offers tuition reimbursement for any student who graduates from such a program and does not find employment described in subparagraph (A).

''(d) EFFECT ON OTHER ENTITLEMENT.—(1) If a covered individual enrolled in a high technology program of education under this section has remaining entitlement to educational assistance under chapter 30, 32, 33, 34, or 35 of this title, entitlement of the individual to educational assistance under this section shall be charged at the rate of one month of such remaining entitlement for each such month of educational assistance under this section.

''(2) The Secretary may not consider enrollment in a high technology program of education under this section to be assistance under a provision of law referred to in section 3695 of this title.

''(e) REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS.—(1) The Secretary shall not approve the enrollment of any covered individual, not already enrolled, in any high technology programs of education under this section for any period during which the Secretary finds that more than 85 percent of the students enrolled in the program are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 1606 or 1607 of title 10, except with respect to tuition, fees, or other charges that are paid under a payment plan at an educational institution that the Secretary determines has a history of offering payment plans that are completed not later than 180 days after the end of the applicable term, quarter, or semester.

''(2) The Secretary may waive a requirement of paragraph (1) if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, such waiver to be in the interest of the covered individual and the Federal Government. Not later than 30 days after the Secretary waives such a requirement, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding such waiver.

''(3)(A)(i) The Secretary shall establish and maintain a process by which an educational institution may request a review of a determination that the educational institution does not meet the requirements of paragraph (1).

''(ii) The Secretary may consult with a State approving agency regarding such process or such a review.

''(iii) Not later than 180 days after the Secretary establishes or revises a process under this subparagraph, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report regarding such process.

''(B) An educational institution that requests a review under subparagraph (A)—

''(i) shall request the review not later than 30 days after the start of the term, quarter, or semester for which the determination described in subparagraph (A) applies; and

''(ii) may include any information that the educational institution believes the Department should have taken into account when making the determination, including with respect to any mitigating circumstances.

''(f) ANNUAL REPORTS.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, and annually thereafter until

the termination date specified in subsection (i), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the operation of program under this section during the year covered by the report. Each such report shall include each of the following:

''(1) The number of covered individuals enrolled in the program, disaggregated by type of educational institution, during the year covered by the report.

''(2) The number of covered individuals who completed a high technology program of education under the program during the year covered by the report.

''(3) The average employment rate of covered individuals who completed such a program of education during such year, as of 180 days after the date of completion.

''(4) The average length of time between the completion of such a program of education and employment.

''(5) The total number of covered individuals who completed a program of education under the program and who, as of the date of the submission of the report, are employed in a position related to technology.

''(6) The average salary of a covered individual who completed a program of education under the program and who is employed in a position related to technology, in various geographic areas determined by the Secretary.

''(7) The average salary of all individuals employed in positions related to technology in the geographic areas determined under subparagraph (F), and the difference, if any, between such average salary and the average salary of a covered individual who completed a program of education under the program and who is employed in a position related to technology.

''(8) The number of covered individuals who completed a program of education under the program and who subsequently enrolled in a second program of education under the program.

''(g) COLLECTION OF INFORMATION; CONSULTATION.—(1) The Secretary shall develop practices to use to collect information about covered individuals and providers of high technology programs of education.

''(2) For the purpose of carrying out program under this section, the Secretary may consult with providers of high technology programs of education and may establish an advisory group made up of representatives of such providers, private employers in the technology field, and other relevant groups or entities, as the Secretary determines necessary.

''(h) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means any of the following:

''(A) A veteran whom the Secretary determines—

''(i) served an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training) and was discharged or released therefrom under conditions other than dishonorable; and

''(ii) has not attained the age of 62.

''(B) A member of the Armed Forces that the Secretary determines will become a veteran described in subparagraph (A) fewer than 180 days after the date of such determination.

''(2) The term 'high technology program of education' means a program of education—

''(A) offered by a public or private educational institution;

''(B) if offered by an institution of higher learning, that is provided directly by such institution rather than by an entity other than such institution under a contract or other agreement;

''(C) that does not lead to a degree;

''(D) that has a term of not less than six and not more than 28 weeks; and

''(E) that provides instruction in computer programming, computer software, media application, data processing, or information sciences.

''(i) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2028.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3699B the following new item:

''3699C. High technology program.''.

(b) EFFECT ON HIGH TECHNOLOGY PILOT PROGRAM.—Section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3001 note) is amended—

(1) in subsection (g), by striking paragraph (6); and

(2) by striking subsection (h) and inserting the following new subsection (h):

''(h) TERMINATION.—The authority to carry out a pilot program under this section shall terminate September 30, 2023.''.

(c) APPROVAL OF CERTAIN HIGH TECHNOLOGY PROGRAMS.—Section 3680A of title 38, United States Code, is amended—

(1) in subsection (a), by striking paragraph (4) and inserting the following:

''(4) Any independent study program except—

''(A) an independent study program (including such a program taken over open circuit television) that—

''(i) is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b);

''(ii) leads to—

''(I) a standard college degree;

''(II) a certificate that reflects educational attainment offered by an institution of higher learning; or

''(III) a certificate that reflects graduation from a course of study offered by—

''(aa) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or

''(bb) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level; and

''(iii) in the case of a program described in clause (ii)(III)—

''(I) provides training aligned with the requirements of employers in the State or local area where the program is located, which may include in-demand industry sectors or occupations;

''(II) provides a student, upon graduation from the program, with a recognized postsecondary credential that is recognized by employers in the relevant industry, which may include a credential recognized by industry or sector partnerships in the State or local area where the industry is located; and

''(III) meets such content and instructional standards as may be required to comply with the criteria under section 3676(c)(14) and (15) of this title; or

''(B) an online high technology program of education (as defined in subsection (h) of section 3699C of this title)—

''(i) the provider of which has entered into a contract with the Secretary under subsection (c) of such section;

''(ii) that has been provided to covered individuals (as defined in subsection (h) of such section) under such contract for a period of at least five years;

''(iii) regarding which the Secretary has determined that the average employment rate of covered individuals who graduated from such program of education is 65 percent or higher for the year preceding such determination; and

''(iv) that satisfies the requirements of subsection (e) of such section.''; and

(2) in subsection (d), by adding at the end the following:

''(8) Paragraph (1) shall not apply to the enrollment of a veteran in an online high technology program described in subsection (a)(4)(B).''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on October 1, 2023.

(e) RECISSION OF CERTAIN AMOUNTS APPROPRIATED BY AMERICAN RESCUE PLAN ACT OF 2021.—Of the amounts appropriated by section 8002 of the American Rescue Plan Act of 2021 (Public Law 117–2) that remain unobligated on the date of the enactment of this Act, $700,000,000 is rescinded.

SA 710. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. CLAIMS RELATING TO URANIUM MINING; REAUTHORIZATION OF THE RADIATION EXPOSURE COMPENSATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Uranium Miners and Workers Act of 2023''.

(b) CLAIMS RELATING TO URANIUM MINING.—

(1) IN GENERAL.—Subparagraph (A) of section 5(a)(1) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended to read as follows:

''(A) that individual—

''(i) was employed—

''(I) in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Arizona, Colorado, Idaho, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, or any other State for which the Attorney General makes a determination for inclusion of eligibility; and

''(II) at any time during the period beginning on January 1, 1942, and ending on December 31, 1978; and

''(ii)(I) was a miner exposed to 40 or more working level months of radiation or worked for at least 1 year during the period described under clause (i)(II) and submits written medical documentation that the individual, after that exposure, developed lung cancer, a nonmalignant respiratory disease, renal cancer, or any other chronic renal disease, including nephritis and kidney tubal tissue injury; or

''(II) was a miller, ore transporter, or core driller who worked for at least 1 year during the period described under clause (i)(II) and submits written medical documentation that the individual, after that exposure, developed lung cancer, a nonmalignant respiratory disease, renal cancer, or any other chronic renal disease, including nephritis and kidney tubal tissue injury;''.

(2) TRANSFER OF FUNDS.—For individuals who are eligible for payments described in subparagraph (A) of section 5(a)(1) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note), as amended by paragraph (1), the Secretary of the Treasury shall transfer, not later than 60 days after the date of enactment of this Act, $475,000,000 to the Radiation Exposure Compensation Trust Fund established under section 3 of the Radiation Exposure Compensation Act, out of unobligated amounts appropriated for purposes of coronavirus response under any of the following:

(A) The Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123; 134 Stat. 146).

(B) The Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178).

(C) The CARES Act (Public Law 116–136; 134 Stat. 281).

(D) The Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620).

(E) Divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1182).

(F) The American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4).

(G) An amendment made by a provision of law described in any of subparagraphs (A) through (F).

(c) REAUTHORIZATION OF THE RADIATION EXPOSURE COMPENSATION ACT.—

(1) IN GENERAL.—Section 3(d) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by striking the first sentence and inserting ''The Fund shall terminate on the date that is 4 years after the date of enactment of the Uranium Miners and Workers Act of 2023.''.

(2) LIMITATION ON CLAIMS.—Section 8(a) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by striking ''not later than 2 years after the date of enactment of the RECA Extension Act of 2022'' and inserting ''not later than 4 years after the date of enactment of the Uranium Miners and Workers Act of 2023''.

SA 711. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. REQUIREMENT FOR COST BENEFIT ANALYSIS BEFORE IMPLEMENTATION OF REQUIREMENT TO PURCHASE OR LEASE ELECTRIC OR ZERO EMISSION VEHICLES.

Section 2922g of title 10, United States Code, is amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsections (e) and (f)'';

(2) in subsection (e), by amending the subsection header to read as follows: ''CASE-BY-CASE AUTHORIZATION OF USE OF OTHER VEHICLES THAT REDUCE CONSUMPTION OF FOSSIL FUELS'';

(3) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(4) by inserting after subsection (e) the following new subsection (f):

''(f) COST BENEFIT ANALYSIS.—The requirements under subsection (d) shall not take effect until the Secretary finalizes a cost benefit analysis that shows a net benefit to the Department of Defense of the purchase or lease of vehicles described in such subsection as compared to internal combustion engine vehicles based on the following factors:

''(1) Force readiness.

''(2) Differential costs between zero emission vehicles and internal combustion engine vehicles.

''(3) Cost of construction of electric vehicle charging networks at military installations.

''(4) National security implications of purchasing zero emission vehicles with components comprised of critical minerals sourced from foreign countries.''; and

(5) in subsection (h)(1), as redesignated by paragraph (3), by striking ''2202'' and inserting ''2002''.

SA 712. Ms. LUMMIS (for herself, Mrs. GILLIBRAND, Ms. WARREN, and Mr. MARSHALL) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle _____—CRYPTO ASSETS

SEC. _____01. ANTI-MONEY LAUNDERING EXAMINATION STANDARDS.

(a) TREASURY.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Conference of State Bank Supervisors and the Federal Financial Institutions Examination Council, shall establish a risk-focused examination and review process for money service businesses, as defined in section 1010.100 of title 31, Code of Federal Regulations, to assess the following relating to crypto assets—

(1) the adequacy of reporting obligations and anti-money laundering programs under subsections (g) and (h) of section 5318 of title 31, United States Code, respectively as applied to those businesses; and

(2) compliance of those businesses with anti-money laundering and countering the financing of terrorism requirements under subchapter II of chapter 53 of title 31, United States Code.

(b) SECURITIES EXCHANGE COMMISSION.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall establish a dedicated risk-focused examination and review process for entities regulated by the Commission to assess the following relating to crypto assets—

(1) the adequacy of reporting obligations and anti-money laundering programs under subsections (g) and (h) of section 5318 of title 31, United States Code, respectively as applied to those entities; and

(2) compliance of those entities with anti-money laundering and countering the financing of terrorism requirements under subchapter II of chapter 53 of title 31, United States Code.

(c) COMMODITY FUTURES TRADING COMMISSION.—Not later than 2 years after the date of enactment of this Act, the Commodity Futures Trading Commission shall establish a dedicated risk-focused examination and review process for entities regulated by the Commodity Futures Trading Commission to assess the following relating to crypto assets—

(1) the adequacy of reporting obligations and anti-money laundering programs under subsections (g) and (h) of section 5318 of title 31, United States Code, respectively, as applied to those entities; and

(2) compliance of those entities with anti-money laundering and countering the financing of terrorism requirements under subchapter II of chapter 53 of title 31, United States Code.

SEC. _____02. CRYPTO ASSET KIOSKS.

(a) DEFINITION.—In this section, the term ''crypto asset kiosk'' means a stand-alone machine, including a crypto asset automated teller machine, which facilitates the buying, selling, or exchange of crypto assets.

(b) UPDATE.—Beginning not later than 2 years after the date of enactment of this Act, the Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall require crypto asset kiosk owners and administrators to submit and update the physical addresses of the kiosks owned or operated by the owner or administrator, as applicable, once every 120 days and collect the name, date of birth, physical address, and phone number of each counterparty to a transaction..

(c) RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall issue rules requiring crypto asset kiosk owners and administrators to verify the identity of each customer using a valid form of government-issued identification or other documentary method, as determined by the Secretary of the Treasury.

(d) REPORTS.—

(1) FINANCIAL CRIMES ENFORCEMENT NETWORK.—Not later than 180 days after the date of enactment of this Act, the Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall issue a public report identifying unlicensed kiosk operators and administrators, including identification of known unlicensed operators and estimates of the number and locations of suspected unlicensed operators, as applicable.

(2) DRUG ENFORCEMENT AGENCY.—Not later than 1 year after the date of enactment of this Act, the Drug Enforcement Administration shall issue a report to Congress identifying recommendations to reduce drug trafficking with crypto asset kiosks.

SEC. _____03. SANCTIONS COMPLIANCE RESPONSIBILITIES OF PAYMENT STABLECOIN ISSUERS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall adopt guidance clarifying the sanctions compliance responsibilities and liability of an issuer of a payment stablecoin with respect to downstream transactions relating to the stablecoin that take place after the stablecoin is first provided to a customer of the issuer.

SEC. _____04. CRYPTO ASSET MIXERS AND TUMBLERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that analyzes the following issues:

(1) Current (as of the date on which the report is submitted) typologies of crypto asset mixers and tumblers and historical transaction volume.

(2) Estimates of the percentage of transactions relating to mixers and tumblers which are used by actors engaged in illicit finance.

(3) An assessment of potential non-illicit uses of mixers and tumblers described in paragraph (1).

(4) Analysis of regulatory approaches employed by other jurisdictions relating to mixers and tumblers.

(5) Recommendations for legislation or regulation relating to mixers and tumblers.

SA 713. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2882. REPORT ON NATIONAL SECURITY THREATS OF FOREIGN-OWNED AGRICULTURAL LAND NEAR INSTALLATIONS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report on foreign-owned agricultural land located within 50 miles of an installation of the Department of Defense.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a list of each foreign person that owns agricultural land located within 50 miles of an installation of the Department of Defense;

(2) in the case of an individual described in paragraph (1), the citizenship of such individual;

(3) in the case of a foreign person described in paragraph (1) that is not an individual or government—

(A) the principal place of business of such person; and

(B) the country in which each such person is created or organized;

(4) the nature of each legal entity holding interest in such agricultural land and the type of interest;

(5) the legal description and acreage of such agricultural land; and

(6) an assessment of any threat that foreign ownership of such agricultural land may have on the readiness of the Armed Forces, food supply in the United States, and the national security of the United States.

(c) AGRICULTURAL LAND DEFINED.—In this section, the term ''agricultural land'' includes—

(1) crop land, pasture land, wetlands, and marshlands;

(2) land enrolled in a Federal, State, or local agricultural conservation program; and

(3) land used for animal confinement, concentrated animal feeding operations, livestock production, timber production, or forestry.

SA 714. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STOP FUNDING OUR ADVERSARIES.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that Federal funding does not support any research in China; and

(2) to combat the military-civilian fusion policy of the People's Republic of China.

(b) DEFINITIONS.—In this section:

(1) CHINESE COMMUNIST PARTY.—The term ''Chinese Communist Party'' includes any agent or instrumentality of the Chinese Communist Party and any entity owned by or controlled by the Chinese Communist Party.

(2) FEDERAL AGENCY.—

(A) IN GENERAL.—The term ''Federal agency'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) .

(B) INCLUSIONS.—The term ''Federal agency'' includes the Department of Defense, the Department of Veterans Affairs, the Department of Energy, the Environmental Protection Agency, the Department of the Interior, the Department of Transportation, the Department of Health and Human Services, the Department of Agriculture, the United States Agency for International Development, the National Science Foundation, and the Smithsonian Institution.

(3) FEDERAL FUNDING.—The term ''Federal funding''—

(A) means any grant, subgrant, contract, cooperative agreement, and any other method through which the Federal Government provides funding to a recipient; and

(B) includes a method through which the Federal Government provides funding to a subrecipient at any tier.

(4) GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—The term ''Government of the People's Republic of China'' includes—

(A) any agent or instrumentality of the Government of the People's Republic of China;

(B) any entity owned by or controlled by the People's Republic of China; and

(C) any organization managed by the Government of the People's Republic of China, the People's Liberation Army Ground Force of China, and any public institution of higher learning in China.

(c) PROHIBITION ON FUNDING RESEARCH IN CHINA.—The head of a Federal agency may not directly or indirectly support, through any Federal funding, research that will be conducted by the Government of the People's Republic of China or the Chinese Communist Party.

SA 715. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORTS RELATING TO AUKUS PLANNING AND IMPLEMENTATION.

(a) REPORTS.—

(1) SECRETARY OF DEFENSE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the following:

(A) Recommendations for how the United States submarine industrial base should best invest its financial and workforce resources in support of AUKUS, including—

(i) how new members of an expanded submarine industrial base workforce would be best employed in current public and private shipyards; and

(ii) whether the expanded capacity required by the implementation of AUKUS warrants the development of an additional shipyard within the United States.

(B) An assessment of the Department of Defense's current role in Foreign Military Sales and suggestions for improvement and streamlining of that role and process.

(C) An assessment and itemization of any procedural impediments to the effective and rapid implementation of the transfers agreed upon under AUKUS.

(D) An assessment of the opportunities presented by Pillar Two of AUKUS, including proposals for workforce exchanges, workforce development, use of current education and workforce development programs, and collaboration with and between Department of Defense research institutions and research institutions of Australia and the United Kingdom.

(E) An assessment of the impacts to the ship repair industry of the United States if United States submarines are repaired in Australia or the United Kingdom.

(F) A description of other topics relevant to the effective implementation of AUKUS, at the discretion of the Secretary.

(2) SECRETARY OF THE NAVY.—The Secretary of Defense shall direct the Secretary of the Navy to submit, not later than 90 days after the date of the enactment of this Act, a report to the appropriate committees of Congress on the following:

(A) The certification requirements for the military and future civilian nuclear workforce of Australia to ensure stewardship of nuclear-powered submarines.

(B) The impact of the implementation of AUKUS on the ability of the Navy to meet its own submarine shipbuilding requirements.

(3) FORM.—Each report required by this subsection shall be submitted in classified form, but may contain a classified annex if necessary.

(b) DEFINITIONS.—In this section:

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

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

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

(2) AUKUS.—The term ''AUKUS'' means the security partnership announced in September 2021 between Australia, the United Kingdom, and the United States to promote a free and open Indo-Pacific that is secure and stable.

SA 716. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, beginning on line 10, strike ''accredited universities, senior military colleges, or other similar institutions of higher education'' and insert ''institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), including senior military colleges,''.

SA 717. Mr. MENENDEZ submitted an amendment intended to be proposed

by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12____. UNITED STATES SPECIAL PRESIDENTIAL ENVOY FOR THE ABRAHAM ACCORDS, NEGEV FORUM, AND RELATED NORMALIZATION AGREEMENTS.

(a) ESTABLISHMENT.—There is established within the Department of State the Office of the Special Presidential Envoy for the Abraham Accords, Negev Forum, and Related Integration and Normalization Fora and Agreements (referred to in this section as the ''Regional Integration Office'').

(b) LEADERSHIP.—

(1) SPECIAL ENVOY.—The Regional Integration Office shall be headed by the Special Presidential Envoy for the Abraham Accords, Negev Forum, and Related Normalization Agreements (referred to in this section as the ''Special Envoy''), who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate; and

(B) report directly to the Secretary of State.

(2) RANK.—The Special Envoy shall have the rank and status of ambassador.

(c) LIMITATION.—The Special Envoy shall not be a dual-hatted official with other responsibilities within the Department of State or the executive branch.

(d) DUTIES AND RESPONSIBILITIES.—The Special Envoy shall—

(1) lead diplomatic engagement—

(A) to strengthen and expand the Negev Forum, Abraham Accords, and related normalization agreements with Israel, including promoting initiatives that benefit the people of key partners in regional integration or other regional actors in order to encourage such expansion; and

(B) to support the work of regional integration;

(2) implement the policy of the United States to expand normalization and support greater regional integration—

(A) within the Middle East and North Africa; and

(B) between the Middle East and North Africa and other key regions, including sub-Saharan Africa, the Indo-Pacific region, and beyond;

(3) work to deliver tangible economic and security benefits for the citizens of Abraham Accords countries, Negev Forum countries, and countries that are members of other related normalization agreements;

(4) serve as the ministerial liaison for the United States to the Negev Forum, and other emerging normalization and integration fora, as necessary, and provide senior representation at events, steering committee meetings, and other relevant diplomatic engagements relating to the Negev Forum or other regional integration bodies;

(5) coordinate all cross-agency engagements and strategies in support of normalization efforts with other relevant officials and agencies;

(6) ensure that the appropriate congressional committees are regularly informed about the work of the Regional Integration Office;

(7) initiate and advance negotiations on a framework for an economic and security partnership with the Negev Forum countries, other key partners in regional integration, and other regional actors; and

(8) oppose efforts to delegitimize Israel and legal barriers to normalization with Israel.

(e) SENSE OF CONGRESS.—It is the sense of Congress that whole-of-government resources should be harnessed to ensure the successful performance by the Special Envoy of the duties described in subsection (d).

(f) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Special Envoy shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on actions taken by all relevant Federal agencies—

(1) to strengthen and expand the Abraham Accords and the work of the Negev Forum and future structures and organizations; and

(2) towards the objectives of regional integration.

(g) TERMINATION.—This section shall terminate on the date that is 6 years after date of the enactment of this Act.

(h) RULE OF CONSTRUCTION.—If, on the date of the enactment of this Act, an individual has already been designated, consistent with the requirements and responsibilities described in subsections (b), (c), and (d) and section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), the requirements under subsection (b) shall be considered to be satisfied with respect to such individual until the date on which such individual no longer serves as the Special Envoy.

SA 718. Ms. CORTEZ MASTO (for herself and Ms. ROSEN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

at the end of subtitle C of title VII , add the following:

SEC. 727. EPIDEMIOLOGICAL CONSULTATION REGARDING MEMBERS ASSIGNED TO CREECH AIR FORCE BASE.

(a) CONSULTATION.—The Secretary of the Air Force, in coordination with the Director of the Defense Health Agency, shall conduct a behavioral health epidemiological consultation on unique social and occupational stressors affecting members of the Air Force assigned to Creech Air Force Base and dependents of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(1) an executive summary of findings from the consultation conducted under subsection (a); and

(2) recommendations regarding how to address key findings to improve the quality of life and resiliency of the members and dependents specified in such subsection.

SA 719. Ms. CORTEZ MASTO (for herself and Ms. ROSEN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 625. FEASIBILITY STUDY REGARDING ASSIGNMENT INCENTIVE PAY FOR MEMBERS OF THE AIR FORCE ASSIGNED TO CREECH AIR FORCE BASE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of paying assignment incentive pay under section 307a of title 37, United States Code, to members of the Air Force assigned to Creech Air Force Base, Nevada. The study shall include—

(1) an assessment of the financial stress experienced by such members, especially junior members with families, associated with—

(A) the daily commute to and from the base;

(B) the unique demands of the mission to remotely pilot aircraft; and

(C) limited access to essential services, including child care, housing, and readily accessible health care; and

(2) the overall cost to the United States, and financial relief provided by, such assignment incentive pay authorized by the Secretary of the Air Force in 2008 for such members.

SA 720. Mrs. FISCHER (for herself, Mr. HICKENLOOPER, Mr. BARRASSO, and Ms. LUMMIS) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TRANSFER OF CERTAIN UNOBLIGATED BALANCES; FUNDING OF PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMISSION; PROGRAM.—The terms ''Commission'' and ''Program'' have the meanings given those terms in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608).

(2) COVERED ACCOUNTS.—The term ''covered accounts'' means amounts made available under—

(A) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123; 134 Stat. 146);

(B) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178);

(C) the CARES Act (Public Law 116–136; 134 Stat. 281);

(D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620);

(E) division M or N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(F) the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4); or

(G) an amendment made by a provision of law described in any of subparagraphs (A) through (F).

(b) FUNDING.—

(1) IN GENERAL.—Of the unobligated balances, as of the date of enactment of this Act, of the covered accounts, $3,080,000,000 shall be transferred not later than 90 days after the date of enactment of this Act to the Commission to carry out the Program.

(2) PRO RATA TRANSFER.—Unobligated balances shall be transferred under paragraph (1) on a pro rata basis.

(3) USE AND AVAILABILITY OF FUNDS.—Amounts transferred under paragraph (1) shall—

(A) be merged with other appropriations for the Program;

(B) be subject to the same conditions and limitations as the other appropriations for the Program; and

(C) remain available until expended.

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking ''$1,900,000,000'' and inserting ''$4,980,000,000''.

SA 721. Mr. WYDEN (for himself, Mr. CRAPO, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—UNITED STATES-TAIWAN INITIATIVE ON 21ST-CENTURY TRADE FIRST AGREEMENT IMPLEMENTATION ACT

SEC. 6001. SHORT TITLE.

This division may be cited as the ''United States-Taiwan Initiative on 21st-Century Trade First Agreement Implementation Act''.

SEC. 6002. FINDINGS.

Congress finds the following:

(1) As a leading democracy, Taiwan is a key partner of the United States in the Indo-Pacific region.

(2) The United States and Taiwan share democratic values, deep commercial and economic ties, and strong people-to-people connections. Those links serve as the impetus for expanding engagement by the United States with Taiwan.

(3) Taiwan is the eighth-largest trading partner of the United States and the United States is the second-largest trading partner of Taiwan.

(4) Since 2020, the United States and Taiwan, under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO), have held an economic prosperity partnership dialogue to enhance economic and commercial ties between the United States and Taiwan, including with respect to supply chain security and resiliency, investment screening, health, science, and technology, and the digital economy.

(5) On June 1, 2022, the United States and Taiwan launched the United States-Taiwan Initiative on 21st-Century Trade to deepen our economic and trade relationship, advance mutual trade priorities based on shared values, promote innovation, and support inclusive economic growth for workers and businesses.

(6) On August 17, 2022, the United States and Taiwan announced the negotiating mandate for formal trade negotiations under the United States-Taiwan Initiative on 21st-Century Trade and agreed to seek high-standard commitments.

(7) Article I, section 8, clause 3 of the Constitution of the United States grants Congress authority over international trade. The President lacks the authority to enter into binding trade agreements absent approval from Congress.

(8) Congressional approval of the United States-Taiwan Initiative on 21st-Century Trade First Agreement will ensure that the agreement, and the trade relationship between the United States and Taiwan more broadly, will be durable. A durable trade agreement will foster sustained economic growth and give workers, consumers, businesses, farmers, ranchers, and other stakeholders assurance that commercial ties between the United States and Taiwan will be long-lasting and reliable.

SEC. 6003. PURPOSE.

The purpose of this division is—

(1) to approve and implement the Agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding Trade between the United States of America and Taiwan, done on June 1, 2023;

(2) to strengthen and develop economic relations between the United States and Taiwan for our mutual benefit;

(3) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement; and

(4) to establish transparency and consultation requirements with respect to Further Agreements.

SEC. 6004. DEFINITIONS.

In this division:

(1) AGREEMENT.—The term ''Agreement'' means the Agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding Trade between the United States of America and Taiwan approved by Congress under section 6005.

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

(A) the Committee on Finance of the Senate; and

(B) the Committee on Ways and Means of the House of Representatives.

(3) FURTHER AGREEMENT.—The term ''Further Agreement'' means—

(A) any trade agreement, other than the Agreement approved by Congress under section 6005, arising from or relating to the August 17, 2022, negotiating mandate relating to the United States-Taiwan Initiative on 21st-Century Trade; or

(B) any nonministerial modification or nonministerial amendment to the Agreement.

(4) NEGOTIATING TEXT.—The term ''negotiating text'' means any document that proposes the consideration, examination, or adoption of a particular element or language in an international instrument.

(5) STATE LAW.—The term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(6) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

SEC. 6005. APPROVAL OF AGREEMENT.

Congress approves the Agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding Trade between the United States of America and Taiwan, done on June 1, 2023.

SEC. 6006. ENTRY INTO FORCE OF AGREEMENT.

(a) CONDITIONS FOR ENTRY INTO FORCE OF AGREEMENT.—The President may provide for the Agreement to enter into force not earlier than 30 days after the date on which the President submits to Congress a certification under subsection (c).

(b) CONSULTATION AND REPORT.—The President, not later than 30 days before submitting a certification under subsection (c), shall—

(1) consult with the appropriate congressional committees;

(2) submit to the appropriate congressional committees a report that—

(A) explains the basis of the determination of the President contained in that certification, including by providing specific reference to the measures the parties to the Agreement intend to use to comply with the obligations in the Agreement; and

(B) describes, including through the use of economic estimates and analyses, how entry into force of the Agreement will further trade relations between the United States and Taiwan and advance the interests of workers, consumers, businesses, farmers, ranchers, and other stakeholders in the United States; and

(3) answer in writing any questions that relate to potential compliance and implementation of the Agreement that are submitted by the appropriate congressional committees during the 15-day period beginning on the date of the submission of the report under paragraph (2).

(c) CERTIFICATION.—A certification under this subsection is a certification in writing that—

(1) indicates the President has determined Taiwan has taken measures necessary to comply with the provisions of the Agreement that are to take effect not later than the date on which the Agreement enters into force; and

(2) identifies the anticipated date the President intends to exchange notes or take any other action to notify Taiwan that the United States has completed all procedures necessary to bring the Agreement into force.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after entry into force of the Agreement, the Trade Representative shall submit to the appropriate congressional committees a report providing an assessment of the implementation of the Agreement, including by identifying any provisions for which further progress is necessary to secure compliance.

(2) FORM.—The report required by paragraph (1) shall be submitted with any confidential business information clearly identified or contained in a separate annex.

(3) PUBLICATION.—Not later than 5 days after the report required by paragraph (1) is submitted to the appropriate congressional committees, the Trade Representative shall publish the report, with any confidential business information redacted, on a publicly available website of the Office of the United States Trade Representative.

SEC. 6007. TRANSPARENCY AND CONSULTATION WITH RESPECT TO FURTHER AGREEMENTS.

(a) SENSE OF CONGRESS ON DEEPENING RELATIONSHIP WITH TAIWAN.—It is the sense of Congress that—

(1) the United States should continue to deepen its relationship with Taiwan; and

(2) any Further Agreements should be high-standard, enforceable, and meaningful to both the United States and Taiwan, as well as subject to robust requirements on public transparency and congressional consultation.

(b) ACCESS TO TEXTS OF FURTHER AGREEMENTS.—The Trade Representative shall provide to the appropriate congressional committees the following with respect to a Further Agreement:

(1) Negotiating text drafted by the United States prior to sharing the negotiating text with Taiwan or otherwise sharing the text outside the executive branch.

(2) Negotiating text drafted by Taiwan not later than 3 days after receiving the text from Taiwan.

(3) Any consolidated negotiating texts that the United States and Taiwan are considering, which shall include an attribution of the source of each provision contained in those texts to either the United States or Taiwan.

(4) The final text not later than 45 days before the Trade Representative makes the text public or otherwise shares the text outside the executive branch.

(c) REVIEW OF TEXTS.—

(1) BRIEFING.—The Trade Representative shall schedule a briefing with the appropriate congressional committees to discuss the texts provided under subsection (b).

(2) REVIEW.—The appropriate congressional committees shall have not less than—

(A) 2 business days prior to the briefing under paragraph (1) to review the texts provided under subsection (b); and

(B) 4 business days after the briefing to provide comments with respect to the texts before the Trade Representative transmits any such texts to Taiwan.

(3) ADDITIONAL TIME TO REVIEW UNITED STATES NEGOTIATING TEXT.—If, during the period specified in paragraph (2)(B), two Members of Congress who are not of the same political party and each of whom is the Chair or Ranking Member of one of the appropriate congressional committees jointly request additional time to review the negotiating text provided under subsection (b)(1), the Trade Representative shall not transmit the text to Taiwan for a period of 15 business days following the request, unless the request indicates less time is necessary or such Members issue a subsequent joint notification to the Trade Representative that they have concluded their review sooner.

(d) NOTIFICATION AND BRIEFING DURING NEGOTIATIONS.—The Trade Representative shall—

(1) not later than one business day after scheduling any negotiating round with respect to a Further Agreement, promptly notify the appropriate congressional committees and provide those committees with the dates and locations for the negotiating round;

(2) ensure that any individual described in section 104(c)(2)(C) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4203(c)(2)(C)) that attends a negotiating round is accredited as a member of the United States delegation during any such negotiating round; and

(3) provide daily briefings to the individuals described in paragraph (2) during any such negotiating round regarding the status of those negotiations, including any tentative agreement to accept any aspect of negotiating text.

(e) APPROVAL.—A Further Agreement shall not take effect unless—

(1) the President, at least 60 days before the day on which the President enters into the Further Agreement, publishes the text of the Further Agreement on a publicly available website of the Office of the United States Trade Representative; and

(2) a bill is enacted into law expressly approving the Further Agreement and, if necessary, making any required changes to United States law.

SEC. 6008. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF THE AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States, shall have effect.

(2) INTERNAL REVENUE CODE.—The Agreement does not constitute a free trade agreement for purposes of section 30D(e)(1)(A)(i)(II) of the Internal Revenue Code of 1986.

(3) CONSTRUCTION.—Unless specifically provided for in this division, nothing in this division shall be construed—

(A) to amend or modify any law of the United States; or

(B) to limit any authority conferred under any law of the United States.

(b) RELATIONSHIP OF THE AGREEMENT TO STATE LAW.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(c) EFFECT OF THE AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SA 722. Mr. SANDERS (for himself, Mr. GRASSLEY, Mr. MARKEY, Mr. LEE, Ms. BALDWIN, Ms. WARREN, Mr. WYDEN, Mr. BRAUN, Ms. LUMMIS, Mr. MERKLEY, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1005. DEPARTMENT OF DEFENSE SPENDING REDUCTIONS IN THE ABSENCE OF AN UNQUALIFIED AUDIT OPINION.

If during any fiscal year after fiscal year 2024, the Secretary of Defense determines that a department, agency, or other element of the Department of Defense has not achieved an unqualified opinion on its full financial statements for the calendar year ending during such fiscal year—

(1) the amount available to such department, agency, or element for the fiscal year in which such determination is made shall be equal to the amount otherwise authorized to be appropriated minus 1.0 percent;

(2) the amount unavailable to such department, agency, or element for that fiscal year pursuant to paragraph (1) shall be applied on a pro rata basis against each program, project, and activity of such department, agency, or element in that fiscal year; and

(3) the Secretary shall deposit in the general fund of the Treasury for purposes of deficit reduction all amounts unavailable to departments, agencies, and elements of the Department in the fiscal year pursuant to determinations made under paragraph (1).

SA 723. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. REPORT ON STATUS OF UPDATES TO SECURITY CLEARANCE PROCESS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than June 1, 2024, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives report on the status of its updates to the security clearance process of the Department of Defense and the methods the Department is pursing to ensure the security clearance process continues to protect national security.

(b) CONTENTS.—The report submitted pursuant to subsection (a) shall include, at a minimum, the following:

(1) A review of the last 10 years of cases of those who held security clearances granted by the Department that were ultimately charged with terrorism, espionage, counterintelligence, or other related crimes.

(2) A review of any existing internal processes applicable to the suspension of security clearances for those individuals.

(3) Any policy that may address removal of clearances of individuals who are found to pose a threat to other members of the Armed Forces or to national security after their clearance process has been adjudicated.

(4) Recommendations on enhancing existing security review processes and recommendations for future new processes to address any gaps identifies and lessons from the review.

SA 724. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 849. REPORT ON DEFENSE CONTRACTING FRAUD.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud, including a summary of fraud-related criminal convictions, civil judgements, and settlements over the previous five fiscal years, a listing of contractors debarred or suspended from Federal contracting based on a criminal conviction for fraud, and a valuation of contracts affected by fraud.

SA 725. Mr. SANDERS (for himself, Ms. WARREN, Mr. MARKEY, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1005. REDUCTION IN MILITARY SPENDING.

The total amount of funds authorized to be appropriated by this Act is hereby reduced by 10 percent, with the amount of such reduction to be applied on a pro rata basis among the accounts and funds for which amounts are authorized to be appropriated by this Act, excluding accounts and funds relating to military personnel, the Defense Health Program, and assistance to Ukraine. The amount of reduction for each account and fund subject to such requirement shall be applied on a pro rata basis across each program, project, and activity funded by such account or fund.

SA 726. Mr. SANDERS (for himself, Mr. FETTERMAN, Mr. WELCH, Mr. WYDEN, Mr. DURBIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Improving Whole Health for Veterans With Chronic Conditions Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Improving Whole Health for Veterans with Chronic Conditions Act''.

SEC. 1092. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Department of Veterans Affairs has pioneered a whole health approach to health care that provides access to alternative medicines, delivers a holistic approach to health and well-being, and repeatedly demonstrates better health outcomes than the private sector at a low cost to taxpayers in the United States;

(2) the effects of poor dental care are shown to worsen the symptoms of diabetes and heart disease;

(3) diabetes and heart disease are shown to increase risk of periodontal disease;

(4) the combination of diabetes, heart disease, and periodontal disease can be fatal; and

(5) to best achieve a whole health model for the provision of health care to veterans with diabetes and heart disease and reduce long-term costs, the Department must furnish preventative and comprehensive dental care to veterans diagnosed with diabetes and heart disease.

SEC. 1093. DEFINITIONS.

In this subtitle:

(1) COVERED CARE.—The term ''covered care'' means dental care that is comprehensive in nature and consistent with the dental services and treatment furnished by the Secretary of Veterans Affairs to veterans pursuant to section 1712(a)(1)(G) of title 38, United States Code.

(2) COVERED VETERAN.—The term ''covered veteran'' means a veteran who—

(A) is enrolled in the system of annual patient enrollment of the Department of Veterans Affairs established and operated under subsection (a) of section 1705 of title 38, United States Code, pursuant to paragraph (1) or (2) of such subsection or is not enrolled in such system but is otherwise entitled to hospital care and medical services under subsection (c)(2) of such section;

(B) is not eligible for dental services and treatment and related dental appliances under the laws administered by the Secretary of Veterans Affairs as of the date of the enactment of this Act; and

(C) has a diagnosis of—

(i) type 1 or type 2 diabetes; or

(ii) ischemic heart disease.

SEC. 1094. PILOT PROGRAM TO FURNISH DENTAL CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS TO CERTAIN VETERANS DIAGNOSED WITH DIABETES OR ISCHEMIC HEART DISEASE.

(a) IN GENERAL.—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program (in this section referred to as the ''pilot program'') under which the Secretary shall furnish covered care to covered veterans for the duration of the pilot program.

(b) DURATION.—The pilot program shall be carried out during the four-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program at the following locations:

(A) Each medical center of the Department with an established dental clinic.

(B) Each community-based outpatient clinic with an established dental clinic.

(2) MOBILE DENTAL CLINICS.—In carrying out the pilot program, the Secretary shall test the efficacy of mobile dental clinics to service rural areas that do not have a population base to warrant a full-time clinic but where there are covered veterans in need of dental care.

(3) HOME-BASED DENTAL CARE.—In carrying out the pilot program, the Secretary shall test the efficacy of portable dental care units to service rural veteran in their homes, as the Secretary considers medically appropriate.

(d) DENTAL THERAPISTS AND TELE-DENTISTRY.—

(1) IN GENERAL.—In carrying out the pilot program, The Secretary shall test the efficacy of the use of dental therapists and tele-dentistry to service the dental care needs of covered veterans.

(2) USE OF TELE-DENTISTRY.—When providing tele-dentistry under paragraph (1), the Secretary shall use Federal employees to the maximum extent possible.

(e) ADMINISTRATION.—

(1) NOTICE TO COVERED VETERANS.—In carrying out the pilot program, the Secretary shall inform all covered veterans of the covered care available under the pilot program.

(2) COPAYMENTS.—The Secretary may collect copayments for covered care furnished under the pilot program in accordance with authorities on the collection of copayments for medical care of veterans under chapter 17 of title 38, United States Code.

(f) REPORTS.—

(1) IN GENERAL.—Not later than 90 days before the completion of the pilot program, and not later than 180 days after the completion of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives a report on the pilot program.

(2) CONTENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the implementation and operation of the provision of covered care under the pilot program.

(B) The number of covered veterans receiving covered care under the pilot program and a description of the covered care furnished to such veterans.

(C) An analysis of the costs and benefits of covered care provided under the pilot program, including a comparison of costs and benefits by location type.

(D) An assessment of the impact of the pilot program on appointments for care, prescriptions, hospitalizations, emergency room visits, wellness, employability, satisfaction, and perceived quality of life of covered veterans related to their diagnosis of diabetes or ischemic heart disease.

(E) An analysis and assessment of the efficacy of mobile clinics and portable dental care units, to the extent such modalities are used, to service the needs of covered veterans under the pilot program.

(F) An analysis and assessment of the efficacy of dental therapists and tele-dentistry to service the needs of covered veterans under the pilot program, to include a cost benefit analysis of such services.

(G) The findings and conclusions of the Secretary with respect to the pilot program.

(H) Such recommendations as the Secretary considers appropriate for the expansion of dental care to all veterans eligible for health care from the Department.

(g) IMPACT ON COMMUNITY CARE.—Nothing in this section limits a covered veteran from accessing care or services pursuant to section 1703 of title 38, United States Code.

SEC. 1095. STUDENT LOAN REPAYMENT PROGRAM TO INCENTIVIZE DENTAL TRAINING AND ENSURE THE DENTAL WORKFORCE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs, to ensure that the Department of Veterans Affairs has sufficient staff to provide covered care to covered veterans, shall implement a loan reimbursement program for qualified dentists, dental hygienists, and oral surgeons who agree—

(1) to be appointed by the Secretary as a dentist, dental hygienist, or oral surgeon, as the case may be, under section 7401 of title 38, United States Code; and

(2) to serve as a dentist, dental hygienist, or oral surgeon, as the case may be, of the Department pursuant to such appointment at a dental clinic of the Department selected under subsection (c) for a period that is not less than the duration of the pilot program under section 4.

(b) MAXIMUM AMOUNT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may reimburse not more than—

(A) $100,000 for each dentist participating in the program under subsection (a);

(B) $25,000 for each dental hygienist participating in such program; and

(C) $40,000 for each credentialed doctor of medicine in dentistry serving as an oral surgeon and participating in such program.

(2) DUAL ELIGIBILITY.—The Secretary may reimburse an individual serving in multiple positions described in subparagraphs (A) through (C) of paragraph (1) not more than $140,000.

(c) SELECTION OF LOCATIONS.—The Secretary shall monitor demand among covered veterans for covered care and require participants in the program under subsection (a) to choose from dental clinics of the Department with the greatest need for dentists, dental hygienists, or oral surgeons, as the case may be, according to facility enrollment and patient demand.

SEC. 1096. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2024 such sums as may be necessary to carry out this subtitle.

(b) AVAILABILITY.—The amount authorized to be appropriated under subsection (a) shall be available for obligation for the eight-year period beginning on the date that is one year after the date of the enactment of this Act.

SA 727. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 823. PROHIBITION ON CONTRACTING WITH EMPLOYERS THAT VIOLATED THE NATIONAL LABOR RELATIONS ACT.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not enter into a contract with an employer if the National Labor Relations Board has made a finding that the employer has violated section 8(a) of the National Labor Relations Act (29 U.S.C. 158), including a regulation promulgated under such section, by committing an unfair labor practice under such section during the three-year period preceding the proposed date of award of the contract.

(b) EXCEPTIONS.—The Secretary of Defense may enter into a contract with an employer described in subsection (a) if—

(1) a finding described in such subsection with respect to the employer is through an order or judgment that has been reversed, vacated, or rescinded; or

(2) each labor organization representing employees of such employer who are affected by the finding described in such subsection for the purposes of collective bargaining certifies to the Secretary that the employer—

(A) is in compliance with any relevant collective bargaining agreements on the date on which such contract is awarded; or

(B) has bargained in good faith to reach collective bargaining agreements.

(c) DEFINITIONS.—In this section, the terms ''employer'', ''employee'', and ''labor organization'' have the meanings given such terms, respectively, in section 2 of the National Labor Relations Act (29 U.S.C. 152).

(d) APPLICABILITY.—This section and the requirements of this section shall apply to a contract entered into on or after October 1, 2023.

SA 728. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 359. COLLECTION OF INFORMATION RELATING TO FIREARMS AND AMMUNITION.

(a) IN GENERAL.—The Secretary of Defense may collect or record information about the lawful possession, ownership, carrying, or other use of a privately owned firearm or ammunition by members of the Armed Forces and civilian employees of the Department of Defense if such information is necessary for the purposes of injury and mortality prevention.

(b) CONFORMING AMENDMENTS.—Section 1062(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1030 note prec.) is amended, in the matter preceding paragraph (1)—

(1) by striking ''prohibit,'' and inserting ''prohibit or''; and

(2) by striking '', or collect or record any information relating to''.

SA 729. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. WAITING PERIOD AND NOTIFICATION REQUIREMENTS FOR FIREARMS PURCHASES ON MILITARY INSTALLATIONS.

(a) WAITING PERIODS.—Notwithstanding any other provision of law, the Secretary of Defense shall require—

(1) a 7-day waiting period before an individual may purchase a firearm sold on a military installation; and

(2) a 4-day waiting period before an individual may purchase ammunition sold on a military installation for a firearm purchased by the individual on a military installation.

(b) NOTIFICATIONS.—Notwithstanding any other provision of law, the Secretary shall require MWR retail facilities (as defined in section 1063(e) of title 10, United States Code) and any other firearms vendors on a military installation to notify the Provost Marshal (or equivalent) and military commander for the installation when a member of the Armed Forces, a family member of such a member, or a civilian employee of the Department purchases a firearm on the installation.

SA 730. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 359. RESTRICTION OF PRIVATELY OWNED FIREARMS ON PROPERTY OF DEPARTMENT OF DEFENSE.

The Secretary of Defense shall establish a policy for the Department of Defense that—

(1) prohibits the possession and storage of privately owned firearms in military barracks and dormitories; and

(2) prohibits the possession of privately owned firearms that are not related to the performance of official duties on property of the Department by anyone who does not live on property of the Department.

SA 731. Mr. MENENDEZ (for himself, Mr. CRUZ, Mr. PADILLA, and Mr. LUJÁN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10_____. SITE OF NATIONAL MUSEUM OF THE AMERICAN LATINO.

(a) AUTHORIZING SITE WITHIN RESERVE OF NATIONAL MALL.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations), including section 8908(c) of title 40, United States Code, the National Museum of the American Latino may be located within the Reserve (as that term is defined in section 8902(a) of title 40, United States Code).

(2) CONFORMING AMENDMENT.—Section 201(g)(4) of division T of the Consolidated Appropriations Act, 2021 (20 U.S.C. 80u(g)(4)), is amended by striking '', except that'' and all that follows through ''that title)''.

(b) USE OF SITE UNDER THE JURISDICTION OF ANOTHER FEDERAL AGENCY.—Section 201(g) of division T of the Consolidated Appropriations Act, 2021 (20 U.S.C. 80u(g)), is amended by striking paragraph (2) and inserting the following:

''(2) SITE UNDER THE JURISDICTION OF ANOTHER FEDERAL AGENCY.—

''(A) NOTIFICATION TO OTHER AGENCY OR ENTITY.—The Board of Regents shall not designate a site for the Museum that is under the administrative jurisdiction of another Federal agency or entity without first notifying the head of the Federal agency or entity.

''(B) NOTIFICATION TO COMMITTEES.—Once notified under subparagraph (A), the head of the Federal agency or entity shall promptly submit written notification to the Chair and ranking minority members of the Committee on Rules and Administration, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate, and the Committee on House Administration, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives, stating that the Federal agency or entity was notified by the Board of Regents that a site under its jurisdiction was designated and that a transfer will be initiated as soon as practicable.

''(C) TRANSFER.—As soon as practicable after the date on which the individuals described in subparagraph (B) receive the written notification described in that subparagraph, the head of the Federal agency or entity shall transfer to the Smithsonian Institution its administrative jurisdiction over the land or structure that has been designated as the site for the Museum.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as if included in the enactment of section 201 of division T of the Consolidated Appropriations Act, 2021 (20 U.S.C. 80u).

SA 732. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 359. REQUIREMENTS RELATING TO FIREARMS.

(a) FIREARM TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall establish minimum standards for firearm safety training for members of the

Armed Forces and civilian employees of the Department of Defense who acquire, possess, own, carry, or otherwise use a firearm, whether privately owned or as part of their work-related duties.

(2) ELEMENTS.—The minimum standards required under paragraph (1) shall include the following:

(A) Training on suicide prevention.

(B) Information about secure firearm storage methods, including safes, cable locks, trigger locks, and lock boxes.

(C) A requirement for demonstrated proficiency in the operation and use of a firearm.

(D) Training on the operation and use of firearm locking devices.

(3) TIMING.—An individual required to receive training under paragraph (1) shall be required to receive such training not less frequently than once every five years.

(4) PURCHASE OF FIREARM.—The Secretary shall provide the training required under paragraph (1) to an individual prior to the purchase on property of the Department by the individual of a firearm.

(5) AVAILABILITY OF TRAINING.—The Secretary shall make the training required under paragraph (1) available to any member of the Armed Forces, civilian employee of the Department, or dependent of any such member or employee who desires to complete such training.

(b) REGISTRATION OF FIREARMS.—The Secretary shall require any individual living on an installation of the Department in military housing, in accordance with Department of Defense Manual 5100.76 (relating to Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives), or successor manual—

(1) to register all privately owned firearms with the arming authority of the installation; and

(2) to securely store all privately owned firearms in a locked safe or with another locking device.

(c) STORAGE OF PRIVATELY OWNED FIREARMS AND AMMUNITION.—The Secretary shall require that any privately owned firearms and ammunition be stored separate from Federal Government arms and ammunition on property of the Department.

SA 733. Mr. PADILLA (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. CONDUCT OF WINTER SEASON RECONNAISSANCE OF ATMOSPHERIC RIVERS IN THE WESTERN UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) Every year, storms threaten lives and property and cause significant disruptions to travel and commerce.

(2) During the cool season from October through April, the western United States and other regions around the United States are significantly impacted by atmospheric rivers.

(3) For key regions across the western United States, 70 to 90 percent of days on which the National Weather Service issued either watches, warnings, or advisories for any hazard type were associated with landfalling atmospheric rivers.

(4) Atmospheric rivers are relatively long, narrow regions in the atmosphere, below 10,000 feet, that behave like rivers of water vapor pushed along by strong winds. Outside the tropics, atmospheric rivers are responsible for more than 90 percent of the horizontal movement of water vapor. Atmospheric rivers shift locations following large-scale weather patterns, carrying an amount of water vapor on average equivalent to roughly 15 to 25 times the average flow of water at the mouth of the Mississippi River.

(5) Precipitation and flooding in the western United States from high-impact storms are largely controlled by characteristics of land-falling atmospheric rivers, accounting for up to 50 percent of annual precipitation and more than 90 percent of major flood events.

(6) Conducting atmospheric river reconnaissance during the winter season in the United States significantly enhances storm observations and improves forecasts of storm landfall and intensity.

(7) The National Winter Season Operations Plan, the goal of which is to improve the accuracy and timeliness of severe winter season storm forecasting and warning services provided by the National Oceanic and Atmospheric Administration, the Air Force, and the Navy, coordinates Federal efforts to provide enhanced weather observations of extreme winter season storms that impact the United States and calls for atmospheric river reconnaissance to be conducted annually off the West Coast of the United States.

(8) The National Winter Season Operations Plan coordinates requirements for winter season reconnaissance observations provided by the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command and the Aircraft Operations Center of the National Oceanic and Atmospheric Administration.

(9) The 2021 report of the Science Advisory Board of the National Oceanic and Atmospheric Administration entitled, ''Priorities for Weather Research'' recommended that the Federal Government, ''Leverage and expand atmospheric river (AR) observations to improve flood and drought prediction and to enable forecast-informed reservoir operations. Water and emergency managers often cope with too much or too little water and require better information on storms that produce extreme precipitation. However, precipitation prediction skill has not improved substantially in the last 20 years. The multi-agency, OSTP-led Earth System Prediction Roadmap (2020) identified expanded research, observations and communication needed to better anticipate and mitigate water cycle extremes and their cascading impacts, including atmospheric river type storms.''.

(b) CONDUCT OF RECONNAISSANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command and the National Oceanic and Atmospheric Administration shall provide aircraft, personnel, and equipment necessary to meet the mission requirements for winter season atmospheric river reconnaissance in the western United States annually from November 1 through March 31.

(2) ACTIVITIES.—In carrying out paragraph (1), the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall—

(A) improve the accuracy and timeliness of atmospheric river forecasts and warning services in the western United States;

(B) collect data in sensitive oceanic regions where conventional, upper-air observations are lacking and satellites are unable to effectively resolve the position and vertical structure of an atmospheric river and of other nearby essential atmospheric structures offshore;

(C) support water management decisions and flood forecasting through the execution of targeted airborne dropsonde and buoy observations over the eastern, central, and western north Pacific Ocean to improve forecasts of the landfall and impacts of atmospheric rivers for civil authorities and military decision makers;

(D) participate in the research and operations partnership that guides flight planning and uses research methods to improve and expand the capabilities and effectiveness of atmospheric river reconnaissance over time; and

(E) undertake such other additional activities as the 53rd Weather Reconnaissance Squadron considers appropriate to further the atmospheric river reconnaissance mission.

(c) REPORTS.—

(1) AIR FORCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the appropriate committees of Congress a comprehensive report on the resources necessary for the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command to continue to support, through December 31, 2035—

(i) the National Hurricane Operations Plan;

(ii) the National Winter Season Operations Plan; and

(iii) any other operational requirements relating to weather reconnaissance, to include annual support from November 1 through March 31 for atmospheric river reconnaissance in the western United States.

(B) APPROPRIATE COMMITTEES OF CONGRESS.—In this paragraph, the term ''appropriate committees of Congress'' means—

(i) the Committee on Armed Services of the Senate;

(ii) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(iii) the Committee on Armed Services of the House of Representatives; and

(iv) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) COMMERCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a comprehensive report on the resources necessary for the National Oceanic and Atmospheric Administration to continue to support, through December 31, 2035—

(A) the National Hurricane Operations Plan;

(B) the National Winter Season Operations Plan; and

(C) any other operational requirements relating to weather reconnaissance, to include annual support from November 1 through March 31 for atmospheric river reconnaissance in the western United States.

SA 734. Mr. PADILLA submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2882. COMPLETION OF TRANSFER OF PROPERTY OF THE ARMY IN OAKLAND, CALIFORNIA, TO THE EAST BAY REGIONAL PARK DISTRICT AND STRATEGY FOR CLEANUP.

(a) COMPLETION OF TRANSFER.—The Secretary of the Army shall complete the final property transfer of the 14 acre upland portion of the former installation of the Army in Oakland, California, to the East Bay Regional Park District.

(b) STRATEGY FOR CLEANUP.—The Secretary of the Army shall establish a strategy that outlines a plan for the toxic and hazardous waste cleanup at the former installation of the Army in Oakland, California, including the portion specified in subsection (a), to ensure the property complies with Federal and State standards.

SA 735. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REPORT ON BREASTFEEDING ACCOMMODATIONS OVERSEAS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that includes—

(1) a detailed report on the Department of State's efforts to equip 100 percent of United States embassies and consulates with dedicated lactation spaces, other than bathrooms, that are shielded from view and free from intrusion from coworkers and the public for use by employees, including the expected demand for such space as well as the status of such rooms when there is no demand for such space; and

(2) a description of costs and other resources needed to provide such spaces.

SA 736. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BREASTFEEDING ACCOMMODATION COVERAGE FOR CERTAIN CONGRESSIONAL EMPLOYEES.

Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(1) by striking ''and section 12(c)'' and inserting ''section 12(c), and section 18D''; and

(2) by inserting '', 218d'' after ''212(c)''.

SA 737. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10_____. PROHIBITION ON EXPORTS OF LIQUEFIED NATURAL GAS TO CHINA.

Effective on the date of enactment of this Act, no person or entity shall—

(1) export liquefied natural gas to the People's Republic of China from a facility that is not operational as of the date of enactment of this Act; or

(2) increase the annual total volume of exported liquefied natural gas to the People's Republic of China from a facility that is in operation as of the date of enactment of this Act above the annual total volume that facility exported in calendar year 2022.

SA 738. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10_____. PROHIBITION ON EXPORTS OF LIQUEFIED NATURAL GAS.

Effective on the date of enactment of this Act, no person or entity shall—

(1) export liquefied natural gas from a facility that is not operational as of the date of enactment of this Act; or

(2) increase the annual total volume of exported liquefied natural gas from a facility that is in operation as of the date of enactment of this Act above the annual total volume that facility exported in calendar year 2022.

SA 739. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1282. USE OF UNITED STATES-ORIGIN DEFENSE ARTICLES IN YEMEN.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Defense, shall develop specific guidance for investigating any indications that United States-origin defense articles have been used in Yemen by the Saudi-led coalition in substantial violation of relevant agreements with countries participating in the coalition, including for unauthorized purposes.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on—

(A) the guidance developed pursuant to subsection (a); and

(B) all current information on each of the certification elements required by section 1290 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2081).

(2) FORM.—The report required by this subsection shall be submitted in unclassified form, but may include a classified annex if necessary.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

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

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

SA 740. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. EXTENSION OF EXPORT PROHIBITION ON MUNITIONS ITEMS TO THE HONG KONG POLICE FORCE.

Section 3 of the Act entitled ''An Act to prohibit the commercial export of covered munitions items to the Hong Kong Police Force'', approved November 27, 2019 (Public Law 116–77; 133 Stat. 1173), is amended by striking ''shall expire on December 31, 2024'' and inserting ''shall expire on the date on which the President certifies to the appropriate congressional committees that—

''(1) the Secretary of State has, on or after the date of the enactment of this paragraph, certified under section 205 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.) that Hong Kong warrants treatment under United States law in the same manner as United States laws were applied to Hong Kong before July 1, 1997;

''(2) the Hong Kong Police have not engaged in gross violations of human rights during the 1-year period ending on the date of such certification; and

''(3) there has been an independent examination of human rights concerns related to the crowd control tactics of the Hong Kong Police and the Government of the Hong Kong Special Administrative Region has adequately addressed those concerns.''.

SA 741. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1518 and insert the following:

SEC. 1518. PROHIBITION WITH RESPECT TO ESTABLISHMENT OF NUCLEAR-ARMED SEA-LAUNCHED CRUISE MISSILE CAPABILITY.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for the Department

of Defense may be obligated or expended to establish a program for the development of a nuclear-armed, sea-launched cruise missile capability.

SA 742. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. STUDY ON AVOIDING INADVERTENT NUCLEAR WAR WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on avoiding inadvertent nuclear war with the People's Republic of China.

(2) ELEMENTS.—The study required by paragraph (1) shall, at a minimum—

(A) provide a detailed description of the current composition of the nuclear forces of the People's Republic of China, including the quantity of nuclear warheads and nuclear-capable delivery systems, as well as anticipated changes in its nuclear force structure through fiscal year 2030;

(B) assess the nuclear doctrine of the People's Republic of China; and

(C) identify potential pathways to inadvertent escalation to nuclear war.

(b) REPORT TO DEPARTMENT OF DEFENSE.—Not later than 240 days after the date of the enactment of this Act, the federally funded research and development center that conducted the study under subsection (a) shall submit to the Secretary a report containing the results of the study.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress the report submitted to the Secretary under subsection (b), without making any changes.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services of the House of Representatives, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

SA 743. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROGRAM FOR RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall establish a program to assess the viability of using low-enriched uranium in naval nuclear propulsion reactors, including such reactors located on aircraft carriers and submarines, that meet the requirements of the Navy.

(b) ACTIVITIES.—In carrying out the program under subsection (a), the Administrator shall carry out activities to develop an advanced naval nuclear fuel system based on low-enriched uranium, including activities relating to—

(1) down-blending of high-enriched uranium into low-enriched uranium;

(2) manufacturing of candidate advanced low-enriched uranium fuels;

(3) irradiation tests and post-irradiation examination of these fuels;

(4) modification or procurement of equipment and infrastructure relating to such activities; and

(5) designing naval propulsion reactors that incorporate candidate advanced low enriched uranium fuels.

(c) SUBMISSION OF PLAN.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a plan outlining the activities the Administrator will carry out under the program established under subsection (a), including the funding requirements associated with developing a low-enriched uranium fuel.

(d) REPORT ON PERFORMANCE IMPACT OF LOW-ENRICHED URANIUM REACTOR CORE SIZE.—Not later than December 15, 2023, the Administrator, in consultation with the Secretary of the Navy, shall prepare and submit to the congressional defense committees a report assessing the feasibility and performance impact of a Virginia-Class replacement nuclear powered attack submarine that retains the anticipated hull diameter and power plant design, but leaves sufficient space for a low-enriched uranium-fueled reactor with a life of the ship core, possibly with an increased module length. The report shall assess the impact on vessel performance of the increased core size over the range of potential low-enriched uranium fuel packing densities discussed in the November 2016 JASON report JSR–16–Task–013, and compare this with the performance impact of recent adjustments of vessel lengths such as that from the Virginia Payload Module.

(e) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated by this title for the National Nuclear Security Administration, as specified in the corresponding funding table in division D, for Defense Nuclear Nonproliferation, Defense Nuclear Nonproliferation R&D, Nuclear Fuels Development is hereby increased by $20,000,000 for the purpose of LEU Research and Development for Naval Pressurized Water Reactors.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated by this title for the National Nuclear Security Administration, as specified in the corresponding funding table in division D, for Defense Nuclear Nonproliferation is hereby reduced—

(A) by $10,000,000 for the amount for nuclear smuggling detection and deterrence; and

(B) by $10,000,000 for the amount for nuclear detonation detection.

SA 744. Mr. MERKLEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. PROMOTING A RESOLUTION TO THE TIBET-CHINA CONFLICT.

(a) SHORT TITLE.—This section may be cited as the ''Promoting a Resolution to the Tibet-China Conflict Act''.

(b) FINDINGS.—Congress finds the following:

(1) It has been the longstanding policy of the United States to encourage meaningful and direct dialogue between People's Republic of China authorities and the Dalai Lama or his representatives, without preconditions, to seek a settlement that resolves differences.

(2) Ten rounds of dialogue held between 2002 and 2010 between the People's Republic of China authorities and the 14th Dalai Lama's representatives failed to produce a settlement that resolved differences, and the two sides have not met since January 2010.

(3) An obstacle to further dialogue is that the Government of the People's Republic of China continues to impose conditions on His Holiness the Dalai Lama for a resumption of dialogue, including a demand that he say that Tibet has been part of China since ancient times, which the Dalai Lama has refused to do because it is false.

(4) United States Government statements that the United States considers Tibet a part of the People's Republic of China have reflected the reality on the ground that the Government of the People's Republic of China has exerted effective control over Tibet.

(5) The United States Government has never taken the position that Tibet was a part of China since ancient times or that the means by which the Government of the People's Republic of China came to exert effective control over Tibet was consistent with international law or included the free or meaningful consent of the Tibetan people.

(6) United States Government documents dated January 9, 1919, June 1, 1944, June 17, 1949, April 4, 1951, December 3, 1951, March 23, 1961, and February 14, 1963, listed Tibet as an entity separate and distinct from China.

(7) Article 1 of the International Covenant on Civil and Political Rights and Article 1 of the International Covenant on Economic, Social and Cultural Rights provide that ''All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.''.

(8) Under international law, including United Nations General Assembly Resolution 2625, the right to self-determination is the right of a people to determine its own destiny and the exercise of this right can result in a variety of outcomes ranging from independence, federation, protection, some form of autonomy, or full integration within a state.

(9) United Nations General Assembly Resolution 1723, adopted on December 20, 1961, called for the ''cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination''.

(10) In a December 30, 1950, note to the Governments of the United Kingdom and India, the Secretary of State wrote that ''The United States, which was one of the early supporters of the principle of self-determination of peoples, believes that the Tibetan people has the same inherent right as any other to have the determining voice in its political destiny. It is believed further that, should developments warrant, consideration could be given to recognition of Tibet as an independent State.''.

(11) In a June 2, 1951, telegram to the United States Embassy in New Delhi, the State Department wrote that Tibet should not ''be compelled by duress [to] accept [the] violation [of] its autonomy'' and that the Tibetan people should ''enjoy certain rights [of] self-determination, commensurate with [the] autonomy Tibet has maintained since [the] Chinese revolution.''.

(12) Secretary of State Antony Blinken, in a May 26, 2022, speech entitled ''The Administration's Approach to the People's Republic of China'', said that the rules-based international order's ''founding documents include the UN Charter and the Universal Declaration of Human Rights, which enshrined concepts like self-determination, sovereignty, the peaceful settlement of disputes. These are not Western constructs. They are reflections of the world's shared aspirations.''.

(13) The Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note), in directing the United States Government ''to promote the human rights and distinct religious, cultural, linguistic, and historical identity of the Tibetan people'', acknowledges that the Tibetan people possess a distinct religious, cultural, linguistic, and historical identity.

(14) Department of State reports on human rights and religious freedom have consistently documented repression by the People's Republic of China authorities against Tibetans as well as acts of defiance and resistance by Tibetan people against the People's Republic of China policies.

(15) Section 355 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 105 Stat. 713) stated that it is the sense of Congress that—

(A) ''Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, is an occupied country under the established principles of international law'';

(B) ''Tibet's true representatives are the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people'';

(C) ''Tibet has maintained throughout its history a distinctive and sovereign national, cultural, and religious identity separate from that of China and, except during periods of illegal Chinese occupation, has maintained a separate and sovereign political and territorial identity'';

(D) ''historical evidence of this separate identity may be found in Chinese archival documents and traditional dynastic histories, in United States recognition of Tibetan neutrality during World War II, and in the fact that a number of countries including the United States, Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, and Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese government'';

(E) from''1949–1950, China launched an armed invasion of Tibet in contravention of international law'';

(F) ''it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another''; and

(G) ''numerous United States declarations since the Chinese invasion have recognized Tibet's right to self-determination and the illegality of China's occupation of Tibet''.

(16) The joint explanatory statement to accompany division K of the Consolidated Appropriations Act for Fiscal Year 2023 (Public Law 117–328) states that ''Funds appropriated by the Act shall not be used to produce or disseminate documents, maps, or other materials that recognize or identify Tibet, including the Tibet Autonomous Region and other Tibetan autonomous counties and prefectures, as part of the People's Republic of China until the Secretary of State reports to the appropriate congressional committees that the Government of the People's Republic of China has reached a final negotiated agreement on Tibet with the Dalai Lama or his representatives or with democratically elected leaders of the Tibetan people.''.

(c) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the Tibetan people are a people entitled to the right of self-determination under international law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and that their ability to exercise this right is precluded by the current policies of the People's Republic of China; and

(2) the conflict between Tibet and the People's Republic of China is unresolved, and that the legal status of Tibet remains to be determined in accordance with international law.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) claims made by officials of the People's Republic of China and the Chinese Communist Party that Tibet has been a part of China since ancient times are historically false;

(2) the Government of the People's Republic of China has failed to meet the expectations of the United States to engage in meaningful dialogue with the Dalai Lama or his representatives toward a peaceful settlement of the unresolved conflict between Tibet and the People's Republic of China; and

(3) United States public diplomacy efforts should counter disinformation about Tibet from the Government of the People's Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions including that of the Dalai Lama.

(e) MODIFICATIONS TO THE TIBETAN POLICY ACT OF 2002.—

(1) TIBET NEGOTIATIONS.—Section 613(b) of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) efforts to counter disinformation about Tibet from the Government of the People's Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions including that of the Dalai Lama.''.

(2) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—Section 621(d) of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) work to ensure that United States Government statements and documents counter, as appropriate, disinformation about Tibet from the Government of the People's Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions including that of the Dalai Lama;''.

(3) GEOGRAPHIC DEFINITION OF TIBET.—The Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended by adding at the end the following:

''SEC. 622. GEOGRAPHIC DEFINITION OF TIBET.

''In this Act and in implementing policies relating to the Tibetan people under other provisions of law, the term 'Tibet', unless otherwise specified, means—

''(1) the Tibet Autonomous Region; and

''(2) the Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces.''.

(f) AVAILABILITY OF AMOUNTS TO COUNTER DISINFORMATION ABOUT TIBET.—Amounts authorized to be appropriated or otherwise made available to carry out section 201(c) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 2292 et seq.) are authorized to be made available to counter disinformation about Tibet from the Government of the People's Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions, including that of the Dalai Lama.

SA 745. Mr. MERKLEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1282. REPORT ON PARTNER FORCES UTILIZING UNITED STATES SECURITY ASSISTANCE IDENTIFIED AS USING HUNGER AS A WEAPON OF WAR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States recognizes the link between armed conflict and conflict-induced food insecurity;

(2) Congress recognizes and condemns the role of nefarious security actors, including state and non-state armed groups, who have utilized hunger as a weapon of war, including through the unanimous adoption of House of Representatives Resolution 922 and Senate Resolution 669 relating to ''[c]ondemning the use of hunger as a weapon of war and recognizing the effect of conflict on global food security and famine'';

(3) United Nations Security Council Resolution 2417 articulates principles that should serve as important framework for holding perpetrators that use hunger as a weapon of war accountable; and

(4) the United States should use the diplomatic and humanitarian tools at our disposal to not only fight global hunger, mitigate the spread of conflict, and promote critical, lifesaving assistance, but also hold perpetrators using hunger as a weapon of war to account.

(b) DEFINITIONS.—In this section:

(1) HUNGER AS A WEAPON OF WAR.—The term ''hunger as a weapon of war'' means—

(A) intentional starvation of civilians;

(B) intentional and reckless destruction, removal, looting, or rendering useless objects necessary for food production and distribution, such as farmland, markets, mills,

food processing and storage facilities, food stuffs, crops, livestock, agricultural assets, waterways, water systems, drinking water facilities and supplies, and irrigation networks;

(C) undue denial of humanitarian access and deprivation of objects indispensable to people's survival, such as food supplies and nutrition resources; and

(D) willful interruption of market systems for populations in need, including through the prevention of travel and manipulation of currency exchange.

(2) SECURITY ASSISTANCE.—The term ''security assistance'' means assistance meeting the definition of ''security assistance'' under section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the United States Agency for International Development, and the Secretary of Defense shall submit a report to the appropriate congressional committees regarding—

(1) United States-funded security assistance and cooperation; and

(2) whether the governments and entities receiving such assistance have or are currently using hunger as a weapon of war.

(d) ELEMENTS.—The report required under subsection (c) shall—

(1) identify countries receiving United States-funded security assistance or participating in security programs and activities, including in coordination with the Department of Defense, that are currently experiencing famine-like conditions as a result of conflict;

(2) describe the actors and actions taken by such actors in the countries identified pursuant to paragraph (1) who are utilizing hunger as a weapon of war; and

(3) describe any current or existing plans to continue providing United States-funded security assistance to recipient countries.

(e) FORM.—The report required under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

SA 746. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. REPORTING ON TRANSNATIONAL REPRESSION IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended by adding at the end the following:

''(13) Wherever applicable, a description of the nature and extent of acts of transnational repression that occurred during the preceding year, including identification of—

''(A) incidents in which a government harassed, intimidated, or killed individuals outside of their internationally recognized borders and the patterns of such repression among repeat offenders;

''(B) countries in which such transnational repression occurs and the roles of the governments of such countries in enabling, preventing, mitigating, and responding to such acts;

''(C) the tactics used by the governments of countries identified pursuant to subparagraph (A), including the actions identified and any new techniques observed;

''(D) in the case of digital surveillance and harassment, the type of technology or platform, including social media, smart city technology, health tracking systems, general surveillance technology, and data access, transfer, and storage procedures, used by the governments of countries identified pursuant to subparagraph (A) for such actions; and

''(E) groups and types of individuals targeted by acts of transnational repression in each country in which such acts occur.''.

SA 747. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. ENDING TRADING AND HOLDINGS IN CONGRESSIONAL STOCKS.

(a) SHORT TITLE.—This section may be cited as the ''Ending Trading and Holdings In Congressional Stocks (ETHICS) Act''.

(b) PLACEMENT OF CERTAIN ASSETS OF MEMBERS OF CONGRESS AND THEIR SPOUSES AND DEPENDENT CHILDREN IN QUALIFIED BLIND TRUSTS.—

(1) IN GENERAL.—Chapter 131 of title 5, United States Code, is amended by adding at the end the following:

''Subchapter IV—Certain Assets of Members of Congress and Their Spouses and Dependent Children

''§ 13161. Definitions

''In this title:

''(1) COMMODITY.—The term 'commodity' has the meaning given the term in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(2) COVERED INVESTMENT.—

''(A) IN GENERAL.—The term 'covered investment' means—

''(i) an investment in—

''(I) a security;

''(II) a commodity; or

''(III) a future;

''(ii) any economic interest comparable to an interest described in clause (i) that is acquired through synthetic means, such as the use of a derivative, including an option, warrant, or other, similar means; or

''(iii) any interest described in clause (i) or (ii) that is held directly, or in which an individual has an indirect, beneficial, or economic interest, through—

''(I) an investment fund or holding company;

''(II) a trust (other than a qualified blind trust);

''(III) an employee benefit plan; or

''(IV) a deferred compensation plan, including a carried interest or other agreement tied to the performance of an investment, other than a fixed cash payment.

''(B) EXCLUSIONS.—The term 'covered investment' does not include—

''(i) a diversified mutual fund (including any holdings of such a fund);

''(ii) a diversified exchange-traded fund (including any holdings of such a fund);

''(iii) a United States Treasury bill, note, or bond;

''(iv) compensation from the primary occupation of the spouse of a Member of Congress, or any security that is issued or paid by an operating business that is the primary employer of such a spouse that is issued or paid to such a spouse;

''(v) holding and acquiring any security that is issued or paid as compensation from corporate board service by the spouse of a Member of Congress, including the dividend reinvestment in the same security received from the corporate board service by the spouse of a Member of Congress;

''(vi) any covered investment that is traded by the spouse of a Member of Congress in the course of performing the primary occupation of such a spouse, provided the investment is not owned by a covered person;

''(vii) any investment fund held in a Federal, State, or local government employee retirement plan;

''(viii) a tax-free State or municipal bond;

''(ix) an interest in a small business concern, if the supervising ethics office determines that the small business concern does not present a conflict of interest, and, in the case of an investment in a family farm or ranch that qualifies as an interest in a small business concern, a future or commodity directly related to the farming activities and products of the farm or ranch;

''(x) holding investment-grade corporate bonds, provided that the corporate bonds are held by an individual who is a covered person on the date of enactment of the Ending Trading and Holdings In Congressional Stocks (ETHICS) Act;

''(xi) any share of Settlement Common Stock issued under section 7(g)(1)(A) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(g)(1)(A)); or

''(xii) any share of Settlement Common Stock, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(3) COVERED PERSON.—The term 'covered person' means—

''(A) a Member of Congress; and

''(B) a spouse or dependent child of a Member of Congress.

''(4) CUSTODY.—The term 'custody' has the meaning given the term in section 275.206(4)–2(d) of title 17, Code of Federal Regulations (as in effect on the date of enactment of the Ending Trading and Holdings In Congressional Stocks (ETHICS) Act or a successor regulation).

''(5) DEPENDENT CHILD.—The term 'dependent child' means, with respect to any Member of Congress any individual who is—

''(A) under the age of 19; and

''(B) a dependent of the Member of Congress within the meaning of section 152 of the Internal Revenue Code of 1986.

''(6) DIVERSIFIED.—The term 'diversified', with respect to a fund, trust, or plan, means that the fund, trust, or plan does not have a stated policy of concentrating its investments in any industry, business, or single country other than the United States.

''(7) FUTURE.—The term 'future' means—

''(A) a security future (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); and

''(B) any other contract for the sale of a commodity for future delivery.

''(8) ILLIQUID INVESTMENT.—The term 'illiquid investment' means an interest in a private fund, as defined in section 202(a)(29) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2).

''(9) INITIAL PROPERTY.—The term 'initial property' means an asset or financial interest transferred to a qualified blind trust by, or on behalf of, an interested party or a relative of an interested party, regardless of whether the asset or financial interest is transferred to the qualified blind trust on or after the date of establishment of the qualified blind trust.

''(10) INTERESTED PARTY.—The term 'interested party' has the meaning given the term in section 13104(f)(3)(E).

''(11) MEMBER OF CONGRESS; SUPERVISING ETHICS OFFICE.—The terms 'Member of Congress' and 'supervising ethics office' have the meaning given those terms in section 13101.

''(12) QUALIFIED BLIND TRUST.—The term 'qualified blind trust' means a qualified blind trust (as defined in section 13104(f)(3)) that has been approved in writing by the applicable supervising ethics office under section 13104(f)(3)(D).

''(13) SECURITY.—The term 'security' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(14) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632).

''§ 13162. Trading covered investments

''(a) BAN ON TRADING.—Except as provided in subsections (b) and (c)—

''(1) effective on the date of enactment of the Ending Trading and Holdings In Congressional Stocks (ETHICS) Act, a Member of Congress shall not purchase any covered investment;

''(2) effective on the date that is 90 days after the date of enactment of the Ending Trading and Holdings In Congressional Stocks (ETHICS) Act, a Member of Congress shall not sell any covered investment, except as provided in section 13163(a)(2); and

''(3) on and after the effective date described in section 13163(k), a covered person that is a spouse or dependent child of a Member of Congress shall not purchase any covered investment or sell any covered investment, except as provided in section 13163(a)(2).

''(b) OPTIONAL DIVESTMENT WINDOW.—Notwithstanding subsection (a)—

''(1) a Member of Congress who is sworn as a Member of Congress on or before the date of enactment of the Ending Trading and Holdings In Congressional Stocks (ETHICS) Act may sell a covered investment within 90 days of the date of enactment of such act, provided that the Member of Congress may not sell any covered investment at any time outside of that period while the Member of Congress serves the term for which the Member of Congress was elected or is reelected or appointed as a Member of Congress except as provided in section 13163(a)(2); and

''(2) a Member of Congress who is sworn as a Member of Congress after the date of enactment of the Ending Trading and Holdings In Congressional Stocks (ETHICS) Act may sell a covered investment within 90 days of commencing the term of service as a Member of Congress, provided that the Member of Congress may not sell any covered investment at any time outside of that period while the Member of Congress serves the term for which the Member of Congress was elected or is reelected or appointed as a Member of Congress except as provided in section 13163(a)(2).

''(c) EXCEPTION.—Notwithstanding subsection (a), a covered person may divest a covered investment as directed by the relevant supervising ethics office pursuant to this Act.

''(d) JOINT COVERED INVESTMENT.—Any covered investment reported to the supervising ethics office as jointly owned by a Member of Congress and the spouse of the Member of Congress shall be deemed to be a covered investment of the Member of Congress for purposes of this section.

''§ 13163. Addressing owned covered investments

''(a) MEMBERS OF CONGRESS.—

''(1) CERTIFICATION.—Not later than 60 days after the applicable effective date described in subsection (j), a Member of Congress shall submit to the supervising ethics office a certification, which the supervising ethics office shall publish online that certifies that—

''(A) each covered investment owned by, or in the custody of, the Member of Congress, or a spouse or dependent child of the Member of Congress, will, by the applicable deadline under paragraph (2), be—

''(i) divested, as described in paragraph (2)(B); or

''(ii) placed in a qualified blind trust, including through the establishment of a qualified blind trust for that purpose, if necessary, as described in paragraph (2)(A); and

''(B) no spouse or dependent child of the Member of Congress owns, or has custody of, covered investments with a cumulative amount equal to more than $10,000, in accordance with paragraph (6).

''(2) DIVESTITURE OR PLACEMENT IN QUALIFIED BLIND TRUST.—

''(A) REQUIREMENT.—Subject to paragraphs (3) and (6) and subsection (b)(2), not later than 120 days after the applicable effective date described in subsection (j), a Member of Congress shall divest, or place in a qualified blind trust (including by establishing a qualified blind trust for that purpose, if necessary), each covered investment owned or in the custody of—

''(i) the Member of Congress; or

''(ii) a spouse or dependent child of the Member of Congress.

''(B) DIVESTITURE.—A covered person shall divest any covered investment owned by or in the custody of the covered person that is not placed in a qualified blind trust not later than the date described in subparagraph (A), subject to any extension granted under paragraph (3).

''(C) QUALIFIED BLIND TRUSTS.—

''(i) MANDATORY SALE OF INITIAL PROPERTY IN QUALIFIED BLIND TRUST.—

''(I) IN GENERAL.—Subject to clause (ii), if a covered person places, or has placed before the applicable effective date described in subsection (j), 1 or more covered investments in a qualified blind trust, the trustee of the qualified blind trust shall divest any such covered investment not later than the date specified in subclause (II).

''(II) DEADLINE.—The date specified in this subclause is—

''(aa) with respect to a covered investment placed in a qualified blind trust before the applicable effective date described in subsection (j), 120 days after such applicable effective date; and

''(bb) with respect to a covered investment placed in a qualified blind trust on or after the applicable effective date described in subsection (j), 120 days after the date of creation of the qualified blind trust, as dated by the executed qualified blind trust agreement.

''(III) NOTICE OF COMPLIANCE.—

''(aa) IN GENERAL.—Subject to item (bb), upon completion of the divestiture of all initial property pursuant to subclause (I)—

''(AA) the trustee of a qualified blind trust shall submit to the supervising ethics office and each beneficiary of the trust a written notice stating that all initial property of the qualified blind trust has been divested; and

''(BB) the supervising ethics office shall publish the notice described in subitem (AA) on the website of the supervising ethics office.

''(bb) CONTENTS.—Each notice described in item (aa)(AA)—

''(AA) shall only identify the initial property generally by referring to the complete list of assets described in section 13104(f)(5)(A)(ii); and

''(BB) may not contain any other information relating to any holding of the qualified blind trust or the timing of any divestiture.

''(ii) EXTENSION OF MANDATORY SALE OF INITIAL PROPERTY.—

''(I) REQUEST.—A covered person may apply to the supervising ethics office for an extension of the period described in clause (i)(I) if the size or complexity of the covered investments in the qualified blind trust warrant such extension.

''(II) DURATION.—An extension granted under subclause (I) shall not exceed 90 days.

''(D) ILLIQUID INVESTMENTS.—

''(i) SALE.—Not later than 90 days after the date on which a covered person is contractually permitted to sell an illiquid investment, the covered person shall divest the illiquid investment.

''(ii) PROHIBITION.—A covered person may not place an illiquid investment in any qualified blind trust under subparagraph (A).

''(E) TRUSTEES.—A trustee of a qualified blind trust—

''(i) shall be required to be a financial institution, as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); and

''(ii) except for a financial institution, may not be—

''(I) an attorney;

''(II) a certified public accountant;

''(III) a broker, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or

''(IV) an investment advisor.

''(3) EXTENSION OF ASSETS BEING PLACED IN QUALIFIED BLIND TRUSTS.—If a covered person is unable to place a covered investment in a qualified blind trust by the date described in paragraph (2)(A), the applicable Member of Congress may request, and the supervising ethics office may grant, 1 or more reasonable extensions, subject to the conditions that—

''(A) the total period of time covered by all extensions granted for the covered investment shall not exceed 150 days; and

''(B) the period covered by a single extension shall be not longer than 45 days.

''(4) COMMUNICATIONS REGARDING EXISTING QUALIFIED BLIND TRUSTS.—

''(A) IN GENERAL.—Any direct or indirect communication relating to a qualified blind trust in existence on the applicable effective date described in subsection (j) between a trustee of the qualified blind trust and an interested party shall be permissible for purposes of this title if the communication—

''(i)(I) is made—

''(aa) in writing; and

''(bb) not later than 60 days after that effective date;

''(II) is filed with the applicable supervising ethics office by the person initiating the communication not less than 5 days before the date of the communication;

''(III) relates to a direction or request to the trustee—

''(aa) to sell all initial property placed in the qualified blind trust by any interested party; or

''(bb) to convert all of an asset in the qualified blind trust into an investment other than a covered investment; and

''(ii) is otherwise permitted under section 13104(f)(3)(C)(vi).

''(5) COMMUNICATIONS BETWEEN COVERED PERSONS AND TRUSTEES RELATING TO ALL QUALIFIED BLIND TRUSTS.—

''(A) NOTIFICATION.—A trustee of a qualified blind trust shall not notify a covered person if—

''(i) the value of the initial property of the qualified blind trust is less than $1,000; or

''(ii) the trustee divests any property of the qualified blind trust, other than the initial property required to be divested pursuant to paragraph (2).

''(B) COMMUNICATION.—

''(i) IN GENERAL.—Any communication between a covered person and the trustee of the relevant qualified blind trust—

''(I) shall be in writing; and

''(II) submitted and approved in advance of the communication by the supervising ethics office.

''(ii) PROHIBITION.—A communication described in clause (i) may not include any information relating to the manner in which funds of the qualified blind trust are invested, including any information relating to—

''(I) any company in which the funds are invested; or

''(II) any sector in which the funds are invested.

''(6) EXCEPTION FOR DEPENDENTS.—A covered person who is a dependent child of a Member of Congress may have a legal guardian hold or trade on behalf of the dependent child 1 or more covered investments provided that the value of the covered investments in total does not exceed $10,000.

''(b) ACQUISITIONS DURING SERVICE.—

''(1) IN GENERAL.—Subject to paragraph (2), and any applicable rules issued pursuant to subsection (h)(3), effective beginning on the date of enactment of the Ending Trading and Holdings In Congressional Stocks (ETHICS) Act, no covered person may acquire any covered investment.

''(2) INHERITANCES.—

''(A) IN GENERAL.—Subject to subparagraph (B), a covered person who inherits a covered investment shall come into compliance as required under subsection (a) by not later than 120 days after the date on which the covered investment is inherited.

''(B) EXTENSIONS.—If a covered person is unable to meet the requirements of subparagraph (A), the applicable Member of Congress may request, and the supervising ethics office may grant, 1 or more reasonable extensions, subject to the conditions that—

''(i) the total period of time covered by all extensions granted for the covered investment shall not exceed 150 days; and

''(ii) the period covered by a single extension shall be not longer than 45 days.

''(c) FAMILY TRUSTS.—

''(1) IN GENERAL.—A supervising ethics office may grant an exemption for a family trust only if—

''(A) no covered person—

''(i) is a grantor of the family trust;

''(ii) contributed any asset to the family trust; or

''(iii) has any authority over a trustee of the family trust, including the authority to appoint, replace, or direct the actions of such a trustee; and

''(B) the grantor of the family trust is or was a family member of the covered person.

''(2) REQUESTS.—A covered person seeking an exemption under paragraph (1) shall submit to the applicable supervising ethics office a request for the exemption, in writing, certifying that the conditions described in that paragraph are met.

''(3) PUBLICATION.—A supervising ethics office shall publish on the public website of the supervising ethics office—

''(A) a copy of each request submitted under paragraph (2); and

''(B) the written response of the supervising ethics office to each request described in subparagraph (A).

''(d) MINGLING OF ASSETS.—A spouse or dependent child of a Member of Congress may place a covered investment in a qualified blind trust established by the Member of Congress under subsection (a)(2)(A)(i).

''(e) SEPARATION FROM SERVICE AND COOLING-OFF PERIOD REQUIRED FOR CONTROL.—During the period beginning on the date on which an individual becomes a Member of Congress and ending on the date that is 90 days after the date on which the individual ceases to serve as a Member of Congress, the Member of Congress, and any spouse or dependent child of the Member of Congress, may not—

''(1) dissolve any qualified blind trust in which a covered investment has been placed pursuant to subsection (a)(2); or

''(2) except as provided in this section, otherwise control a covered investment, including purchasing new covered investments.

''(f) REPORTING REQUIREMENTS.—

''(1) SUPERVISING ETHICS OFFICES.—Each supervising ethics office shall make available on the public website of the supervising ethics office—

''(A) a copy of—

''(i) each certification submitted to the supervising ethics office under subsection (a)(1);

''(ii) each qualified blind trust agreement of each covered person;

''(iii) each notice and other documentation submitted to the supervising ethics office under this section; and

''(iv) each notice, ruling, and other documentation issued or received by the supervising ethics office under subsection (c);

''(B) a schedule of all assets placed in a qualified blind trust by each covered person and interested party; and

''(C) a description of each extension granted, and each civil penalty imposed, pursuant to this section.

''(2) TRUSTEES.—Each trustee of a qualified blind trust established by a covered person shall submit to the covered person and the applicable supervising ethics office a written notice in any case in which the trustee learns that an interested party has obtained knowledge of any trust property other than the initial property of the qualified blind trust.

''(3) MEMBER OF CONGRESS.—Each Member of Congress who is a beneficiary of a qualified blind trust shall submit to the applicable supervising ethics office—

''(A) a copy of the executed qualified blind trust agreement by not later than 30 days after the date of execution;

''(B) a list of each asset and each financial interest transferred to the qualified blind trust by an interested party by not later than 30 days after the date of the transfer;

''(C) a copy of each notice submitted to the Member of Congress under paragraph (2) by not later than 30 days after the date of receipt;

''(D) a written notice that an interested party has obtained knowledge of any holding of the qualified blind trust by not later than the date that is 30 days after the date on which the Member of Congress discovered that the knowledge had been obtained; and

''(E) a written notice of dissolution of the qualified blind trust by not later than 30 days after the date of dissolution.

''(4) FEDERAL BENEFITS.—

''(A) COVERED PAYMENT.—In this paragraph, the term 'covered payment'—

''(i) means a payment of money or any other item of value made, or promised to be made, by the Federal Government;

''(ii) includes—

''(I) a loan agreement, contract, or grant made, or promised to be made, by the Federal Government, including such an agreement, contract, or grant relating to agricultural activity; and

''(II) such other types of payment of money or items of value as the supervising ethics office may establish, by guidance; and

''(iii) does not include—

''(I) any salary or compensation for service performed as, or reimbursement of personal outlay by, an officer or employee of the Federal Government; or

''(II) any tax refund (including a refundable tax credit).

''(B) REPORTING REQUIREMENT.—Not later than 30 days after the date of receipt of a notice of any application for, or receipt of, a covered payment by a covered person (including any business owned and controlled by the covered person), but in no case later than 45 days after the date on which the covered payment is made or promised to be made, the covered person shall submit to the applicable supervising ethics office a report describing the covered payment.

''(g) ENFORCEMENT.—

''(1) DIVESTITURE OR PLACEMENT IN QUALIFIED BLIND TRUST.—

''(A) IN GENERAL.—The applicable supervising ethics office shall provide a written notice (including notice of the potential for civil penalties under subparagraph (B)) to any Member of Congress if the Member of Congress, or spouse or dependent child of the Member of Congress—

''(i) fails to submit a certification under subsection (a)(1) by the date on which the certification is required to be submitted;

''(ii) fails to divest or place in a qualified blind trust a covered investment owned by, or in the custody of the covered person, in accordance with subsection (a)(2), subject to any extension under subsection (a)(3); or

''(iii) acquires an interest in a covered investment in violation of this section.

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—In the event of continuing noncompliance after issuance of the notice described in subparagraph (A), the supervising ethics office shall impose a civil penalty, in the amount described in clause (ii), on a Member of Congress to whom a notice is provided under clause (i) or (ii) of subparagraph (A)—

''(I) on the date that is 30 days after the date of provision of the notice; and

''(II) during the period in which such noncompliance continues, not less frequently than once every 30 days thereafter.

''(ii) AMOUNT.—The amount of each civil penalty imposed on a Member of Congress pursuant to clause (i) shall be equal to the greater of—

''(I) the monthly equivalent of the annual rate of pay payable to the Member of Congress; and

''(II) an amount equal to 10 percent of the value of each covered investment that was not divested or placed into a qualified blind trust in violation of this section during the period covered by the penalty.

''(2) COMMUNICATIONS.—The Attorney General of the United States shall file a civil action seeking to impose a civil penalty on any covered person or trustee of a qualified blind trust who violates subsection (a)(4), or otherwise discloses the contents of a qualified blind trust to any unauthorized individual, equal to the greater of—

''(A) $10,000 per each communication; or

''(B) 1 percent of the value of the qualified blind trust on the date of the violation.

''(h) DUTIES OF SUPERVISING ETHICS OFFICES.—Each supervising ethics office in the legislative branch shall—

''(1) impose and collect civil penalties in accordance with subsection (g);

''(2) establish such procedures and standard forms as the supervising ethics office determines to be appropriate to implement this section;

''(3) issue such rules and guidelines as the supervising ethics office determines to be appropriate for the implementation and application of this title; and

''(4) publish on a website all documents and communications described in this subsection.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a covered person from owning or trading—

''(1) a diversified mutual fund; or

''(2) a publicly traded, diversified exchange traded fund.

''(j) EFFECTIVE DATE.—This section shall apply to each covered person beginning on the date on which the covered person (or with respect to a covered person that is a spouse or dependent child of a Member of Congress, the date on which that Member of Congress) commences the first new term of service as a Member of Congress on or after January 31, 2023.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 131 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—CERTAIN ASSETS OF MEMBERS OF CONGRESS AND THEIR SPOUSES AND DEPENDENT CHILDREN

''13161. Definitions.
''13162. Trading covered investments
''13163. Addressing owned covered investments''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TITLE 5.—Title 5, United States Code, is amended—

(i) in section 13103(f)—

(I) in paragraph (9), by striking ''as defined in section 13101 of this title'';

(II) in paragraph (10), by striking ''as defined in section 13101 of this title'';

(III) in paragraph (11), by striking ''as defined in section 13101 of this title''; and

(IV) in paragraph (12), by striking ''as defined in section 13101 of this title''; and

(ii) in section 13122(f)(2)(B)—

(I) by striking ''Subject to clause (iv) of this subparagraph, before'' each place it appears and inserting ''Before''; and

(II) by striking clause (iv).

(B) LOBBYING DISCLOSURE ACT OF 1995.—Section 3(4)(D) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by striking ''legislative branch employee serving in a position described under section 13101(13) of title 5, United States Code'' and inserting ''officer or employee of Congress (as defined in section 13101 of title 5, United States Code)''.

(C) SECURITIES EXCHANGE ACT OF 1934.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1) is amended—

(i) in subsection (g)(2)(B)(ii), by striking ''section 13101(11)'' and inserting ''section 13101''; and

(ii) in subsection (h)(2)—

(I) in subparagraph (B), by striking ''in section 13101(9)'' and inserting ''under section 13101''; and

(II) in subparagraph (C), by striking ''section 13101(10)'' and inserting ''in section 13101''.

(c) PENALTY FOR STOCK ACT NONCOMPLIANCE.—

(1) FINES FOR FAILURE TO REPORT.—The STOCK Act (Public Law 112–105; 126 Stat. 291) is amended by adding at the end the following:

''SEC. 20. FINES FOR FAILURE TO REPORT.

''(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), a reporting individual shall be assessed a fine, pursuant to regulations issued by the applicable supervising ethics office (including the Administrative Office of the United States Courts, as applicable), of $500 in each case in which the reporting individual fails to file a transaction report required under this Act or an amendment made by this Act.

''(b) DEPOSIT IN TREASURY.—The fines paid under this section shall be deposited in the miscellaneous receipts of the Treasury.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date on which the reporting individual who is a Member of Congress commences the first new term of service as a Member of Congress on or after January 31, 2023.

(3) RULES, REGULATIONS, GUIDANCE, AND DOCUMENTS.—Not later than 1 year after the date of enactment of this Act, each supervising ethics office (as defined in section 13101 of title 5, United States Code) (including the Administrative Office of the United States Courts, as applicable) shall amend the rules, regulations, guidance, documents, papers, and other records of the supervising ethics office in accordance with the amendment made by this subsection.

(d) ELECTRONIC FILING AND ONLINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS.—

(1) MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.—Section 8(b)(1) of the STOCK Act (5 U.S.C. 13107 note) is amended—

(A) in the matter preceding subparagraph (A), by inserting '', pursuant to subchapter I of chapter 131 of part IV of title 5, United States Code, through databases maintained on the official websites of the House of Representatives and the Senate'' after ''enable''; and

(B) by striking subparagraph (B) and the undesignated matter following that subparagraph and inserting the following:

''(B) public access—

''(i) to each—

''(I) financial disclosure report filed by a Member of Congress or a candidate for Congress;

''(II) transaction disclosure report filed by a Member of Congress or a candidate for Congress pursuant to subsection (l) of that section; and

''(III) notice of extension, amendment, or blind trust, with respect to a report described in subclause (I) or (II), pursuant to subchapter I of chapter 131 of part IV of title 5, United States Code; and

''(ii) in a manner that—

''(I) allows the public to search, sort, and download data contained in the reports described in subclause (I) or (II) of clause (i) by criteria required to be reported, including by filer name, asset, transaction type, ticker symbol, notification date, amount of transaction, and date of transaction;

''(II) allows access through an application programming interface; and

''(III) is fully compliant with—

''(aa) section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

''(bb) the most recent Web Content Accessibility Guidelines (or successor guidelines).''.

(2) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 18 months after the date of enactment of this Act.

(d) SEVERABILITY.—If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act and of the amendments made by this Act, and the application of the remaining provisions of this Act and amendments to any person or circumstance, shall not be affected.

SA 748. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. ARTIFICIAL INTELLIGENCE BUG BOUNTY PROGRAMS.

(a) PROGRAM FOR FOUNDATIONAL ARTIFICIAL INTELLIGENCE PRODUCTS BEING INCORPORATED BY DEPARTMENT OF DEFENSE.—

(1) DEVELOPMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Chief Data and Artificial Intelligence Officer of the Department of Defense shall develop a bug bounty program for foundational artificial intelligence products being incorporated by the Department of Defense.

(2) COLLABORATION.—In developing the program required by paragraph (1), the Chief may collaborate with the heads of other government agencies that have expertise in cybersecurity and artificial intelligence.

(3) IMPLEMENTATION AUTHORIZED.—The Chief may carry out the program developed pursuant to subsection (a).

(4) CONTRACTS.—The Secretary of Defense shall ensure that whenever the Department of Defense enters into any contract, the contract allows for participation in the bug bounty program developed pursuant to paragraph (1).

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

(A) the use of any foundational artificial intelligence product; or

(B) the implementation of the program developed pursuant to paragraph (1) in order for the Department to incorporate a foundational artificial intelligence product.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Chief shall provide the congressional defense committees a briefing on—

(1) the development and implementation of bug bounty programs the Chief considers relevant to the matters covered by this section; and

(2) long-term plans of the Chief with respect to such bug bounty programs.

SA 749. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 15____. INTEGRATION OF IDDS–A INTO INTEGRATED BATTLE COMMAND SYSTEM OF THE ARMY.

(a) INTEGRATION REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall fully integrate at least two IDDS–A batteries into the Integrated Battle Command System of the Army.

(b) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the integration carried out pursuant to subsection (a).

SA 750. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2863. LAND CONVEYANCE, ARMY AND NAVY GENERAL HOSPITAL, HOT SPRINGS NATIONAL PARK, HOT SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary of the Army may convey to the State of Arkansas by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the covered property if, not later than five years after the date of the enactment of this Act—

(1) the Governor of Arkansas submits to the Secretary of the Army a request for such conveyance; and

(2) the Secretary of the Army, in consultation with the Administrator of the General Services Administration, determines such conveyance is appropriate notwithstanding the requirements under section 3 of the Act of September 12, 1959 (Public Law 86–323).

(b) DESIGNATION.—The Secretary of Defense, acting through the Director of the Office of Local Defense Community Cooperation, shall designate the State of Arkansas as the local redevelopment authority with respect to the covered property.

(c) GRANT AUTHORITY.—The Secretary of Defense, acting through the Director of the Office of Local Defense Community Cooperation, may make a grant (including a supplemental grant) or enter into a cooperative agreement to assist the local redevelopment authority designated under subsection (b) in planning community adjustments and economic diversification, including site caretaker services, security services, and fire protection services, required under the conveyance under subsection (a).

(d) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the congressional defense committees a briefing that includes—

(1) with respect to the conveyance under subsection (a), a summary of the coordination among affected stakeholders including—

(A) the Director of the Office of Local Defense Community Cooperation;

(B) the Administrator of the General Services Administration;

(C) the Director of the National Park Service;

(D) the Governor of Arkansas;

(E) the Mayor of Hot Springs, Arkansas; and

(F) the Secretary of the Navy;

(2) a summary of—

(A) any environmental investigations conducted at the covered property as of the date of the enactment of this Act;

(B) the response actions required under any such environmental investigation;

(C) an estimate of the cost to each such response action; and

(D) an identification of potentially responsible parties, if any, for any hazardous substance identified under an environmental investigation described in subparagraph (A);

(3) an estimate of the total cost to—

(A) stabilize each structure on the covered property; and

(B) demolish each such structure; and

(4) an assessment of necessary steps for the covered property to be eligible for a grant under the Arkansas Brownfields Program and recommendations with respect to such steps.

(e) COVERED PROPERTY DEFINED.—In this section, the term ''covered property'' means the approximately twenty-one acres, more or less, of land located at Hot Springs National Park, Arkansas, which comprise facilities previously occupied by the Army and Navy General Hospital conveyed by quitclaim deed to the State of Arkansas pursuant to the Act of September 12, 1959.

SA 751. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADJUDICATION OF ONGOING ASSIGNMENT REVIEWS FOR DEPARTMENT OF STATE PERSONNEL.

(a) TIME LIMIT.—The Department of State shall establish a reasonable time limit for the Department to complete an assignment review and establish a deadline by which it must inform personnel of a decision related to such a review.

(b) APPEALS.—For any personnel the Department determines are ineligible to serve in an assignment due to an assignment restriction or assignment review, a Security Appeal Panel shall convene not later than 120 days of an appeal being filed.

(c) ENTRY-LEVEL BIDDING PROCESS.—The Department shall include a description of the assignment review process and critical human intelligence threat posts in a briefing to new officers as part of their entry-level bidding process.

(d) POINT OF CONTACT.—The Department shall designate point of contacts in the Bureau of Diplomatic Security and Bureau of Global Talent Management to answer employee and Career Development Officer questions about assignment restrictions, assignment reviews, and preclusions.

SA 752. Mrs. BRITT (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ Require DOD to submit a report to the Committee on Armed Services of the Senate and the House of Representatives, no later than March 31, 2024, that includes the following:

1) A summary of relevant Federal and State Laws, as well as DOD policies governing the provision of mental healthcare services via telehealth to servicemembers and their dependents;

2) An explanation of any challenges experienced by servicemembers and their dependents in receiving continuing care from a provider when assigned to a new State or location outside of the United States;

3) An assessment of the value of receiving continuing care from the same mental healthcare provider for various mental health care conditions;

4) A description of how the Department of Defense accommodates servicemembers who would benefit from receiving continuing care from a specific mental healthcare provider; and

5) Any other matters the Secretary considers relevant.

SA 753. Mr. CASSIDY (for himself, Mr. SCHATZ, Mr. TILLIS, Mr. LUJAN, Mr. WYDEN, Mr. BOOKER, and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—REFORMING DISASTER RECOVERY ACT

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Reforming Disaster Recovery Act''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) following a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the subset of communities that are most impacted and distressed as a result of the disaster face critical social, economic, and environmental obstacles to recovery, including insufficient public and private resources to address disaster-related housing and community development needs for lower income households and distressed communities;

(2) unmet disaster recovery needs, including housing assistance needs, can be especially widespread among persons with extremely low-, low-, and moderate-incomes;

(3) economic, social, and housing hardships that affect communities before disasters are exacerbated during crises and can delay and complicate long-term recovery, especially after catastrophic major disasters;

(4) States, units of local government, and Indian Tribes within the most impacted and distressed areas resulting from major disasters benefit from flexibility to design programs that meet local needs, but face inadequate financial, technical, and staffing capacity to plan and carry out sustained recovery, restoration, and mitigation activities;

(5) the speed and effectiveness considerations of long-term recovery from catastrophic major disasters is improved by predictable investments that support disaster relief, long-term recovery, restoration of housing and infrastructure, and economic revitalization, primarily for the benefit of low- and moderate-income persons;

(6) undertaking activities that mitigate the effects of future natural disasters and extreme weather and increase the stock of affordable housing, including affordable rental housing, as part of long-term recovery can significantly reduce future fiscal and social costs, especially within high-risk areas, and can help to address outstanding housing and community development needs by creating jobs and providing other economic and social benefits within communities that further promote recovery and resilience; and

(7) the general welfare and security of the United States and the health and living standards of its people require targeted resources to support State and local governments in carrying out their responsibilities in disaster recovery and mitigation through interim and long-term housing and community development activities that primarily benefit low- and moderate-income persons.

SEC. 6003. DEFINITIONS.

In this division:

(1) DEPARTMENT.—The term ''Department'' means the Department of Housing and Urban Development.

(2) FUND.—The term ''Fund'' means the Long-Term Disaster Recovery Fund established under section 6005.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 6004. DUTIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) IN GENERAL.—The offices and officers of the Department shall be responsible for—

(1) leading and coordinating the disaster-related responsibilities of the Department under the National Response Framework, the National Disaster Recovery Framework, and the National Mitigation Framework;

(2) coordinating and administering programs, policies, and activities of the Department related to disaster relief, long-term recovery, resiliency, and mitigation, including disaster recovery assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(3) supporting disaster-impacted communities as those communities specifically assess, plan for, and address the housing stock and housing needs in the transition from emergency shelters and interim housing to permanent housing of those displaced, especially among vulnerable populations and extremely low-, low-, and moderate-income households;

(4) collaborating with the Federal Emergency Management Agency and the Small Business Administration and across the Department to align disaster-related regulations and policies, including incorporation of consensus-based codes and standards and insurance purchase requirements, and ensuring coordination and reducing duplication among other Federal disaster recovery programs;

(5) promoting best practices in mitigation and land use planning, including consideration of traditional, natural, and nature-based infrastructure alternatives;

(6) coordinating technical assistance, including mitigation, resiliency, and recovery training and information on all relevant legal and regulatory requirements, to entities that receive disaster recovery assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) that demonstrate capacity constraints; and

(7) supporting State, Tribal, and local governments in developing, coordinating, and maintaining their capacity for disaster resilience and recovery and developing pre-disaster recovery and hazard mitigation plans, in coordination with the Federal Emergency Management Agency and other Federal agencies.

(b) ESTABLISHMENT OF THE OFFICE OF DISASTER MANAGEMENT AND RESILIENCY.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following:

''(i) OFFICE OF DISASTER MANAGEMENT AND RESILIENCY.—

''(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Disaster Management and Resiliency.

''(2) DUTIES.—The Office of Disaster Management and Resiliency shall—

''(A) be responsible for oversight and coordination of all departmental disaster preparedness and response responsibilities; and

''(B) coordinate with the Federal Emergency Management Agency, the Small Business Administration, and the Office of Community Planning and Development and other offices of the Department in supporting recovery and resilience activities to provide a comprehensive approach in working with communities.''.

SEC. 6005. LONG-TERM DISASTER RECOVERY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the Long-Term Disaster Recovery Fund.

(b) DEPOSITS, TRANSFERS, AND CREDIT.—

(1) IN GENERAL.—The Fund shall consist of amounts appropriated, transferred, and credited to the Fund.

(2) TRANSFERS.—The following may be transferred to the Fund:

(A) Amounts made available through section 106(c)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(c)(4)) as a result of actions taken under section 104(e), 111, or 123(j) of such Act.

(B) Any unobligated balances available until expended remaining or subsequently recaptured from amounts appropriated for any disaster and related purposes under the heading ''Community Development Fund'' in any Act prior to the establishment of the Fund.

(3) USE OF TRANSFERRED AMOUNTS.—Amounts transferred to the Fund shall be used for the eligible uses described in subsection (c).

(c) ELIGIBLE USES OF FUND.—

(1) IN GENERAL.—Amounts in the Fund shall be available—

(A) to provide assistance in the form of grants under section 123 of the Housing and Community Development Act of 1974, as added by section 6006; and

(B) for activities of the Department that support the provision of such assistance, including necessary salaries and expenses, information technology, capacity building and technical assistance (including assistance related to pre-disaster planning), and readiness and other pre-disaster planning activities that are not readily attributable to a single major disaster.

(2) SET ASIDE.—Of each amount appropriated for or transferred to the Fund, 2 percent shall be made available for activities described in paragraph (1)(B), which shall be in addition to other amounts made available for those activities.

(3) TRANSFER OF FUNDS.—Amounts made available for use in accordance with paragraph (2)—

(A) may be transferred to the account under the heading for ''Program Offices—Community Planning and Development'', or any successor account, for the Department to carry out activities described in paragraph (1)(B); and

(B) may be used for the activities described in paragraph (1)(B) and for the administrative costs of administering any funds appropriated to the Department under the heading ''Community Planning and Development—Community Development Fund'' for any major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in any Act before the establishment of the Fund.

(d) INTERCHANGEABILITY OF PRIOR ADMINISTRATIVE AMOUNTS.—Any amounts appropriated in any Act prior to the establishment of the Fund and transferred to the account under the heading ''Program Offices Salaries and Expenses—Community Planning and Development'', or any predecessor account, for the Department for the costs of administering funds appropriated to the Department under the heading ''Community Planning and Development—Community Development Fund'' for any major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) shall be available for the costs of administering any such funds provided by any prior or future Act, notwithstanding the purposes for which those amounts were appropriated and in addition to any amount provided for the same purposes in other appropriations Acts.

(e) AVAILABILITY OF AMOUNTS.—Amounts appropriated, transferred, and credited to the Fund shall remain available until expended.

(f) FORMULA ALLOCATION.—Use of amounts in the Fund for grants shall be made by formula allocation in accordance with the requirements of section 123(a) of the Housing and Community Development Act of 1974, as added by section 6006.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to respond to current or future major disasters declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179) for grants under section 123 of the Housing and Community Development Act of 1974, as added by section 6006.

SEC. 6006. ESTABLISHMENT OF CDBG DISASTER RECOVERY PROGRAM.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(1) in section 102(a) (42 U.S.C. 5302(a))—

(A) in paragraph (20)—

(i) by redesignating subparagraph (B) as subparagraph (C);

(ii) in subparagraph (C), as so redesignated, by inserting ''or (B)'' after ''subparagraph (A)''; and

(iii) by inserting after subparagraph (A) the following:

''(B) The term 'persons of extremely low income' means families and individuals whose income levels do not exceed household income levels determined by the Secretary under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)(C)), except that the Secretary may provide alternative definitions for the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.''; and

(B) by adding at the end the following:

''(25) The term 'major disaster' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).'';

(2) in section 106(c)(4) (42 U.S.C. 5306(c)(4))—

(A) in subparagraph (A)—

(i) by striking ''declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act'';

(ii) inserting ''States for use in nonentitlement areas and to'' before ''metropolitan cities''; and

(iii) inserting ''major'' after ''affected by the'';

(B) in subparagraph (C)—

(i) by striking ''metropolitan city or'' and inserting ''State, metropolitan city, or'';

(ii) by striking ''city or county'' and inserting ''State, city, or county''; and

(iii) by inserting ''major'' before ''disaster'';

(C) in subparagraph (D), by striking ''metropolitan cities and'' and inserting ''States, metropolitan cities, and'';

(D) in subparagraph (F)—

(i) by striking ''metropolitan city or'' and inserting ''State, metropolitan city, or''; and

(ii) by inserting ''major'' before ''disaster''; and

(E) in subparagraph (G), by striking ''metropolitan city or'' and inserting ''State, metropolitan city, or'';

(3) in section 122 (42 U.S.C. 5321), by striking ''disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act'' and inserting ''major disaster''; and

(4) by adding at the end the following:

"SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM.

''(a) AUTHORIZATION, FORMULA, AND ALLOCATION.—

''(1) AUTHORIZATION.—The Secretary is authorized to make community development block grant disaster recovery grants from the Long-Term Disaster Recovery Fund established under section 5 of the Reforming Disaster Recovery Act (hereinafter referred to as the 'Fund') for necessary expenses for activities authorized under subsection (f)(1) related to disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a catastrophic major disaster.

''(2) GRANT AWARDS.—Grants shall be awarded under this section to States, units of general local government, and Indian tribes based on capacity and the concentration of damage, as determined by the Secretary, to support the efficient and effective administration of funds.

''(3) SECTION 106 ALLOCATIONS.—Grants under this section shall not be considered relevant to the formula allocations made pursuant to section 106.

''(4) FEDERAL REGISTER NOTICE.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Secretary shall issue a notice in the Federal Register containing the latest formula allocation methodologies used to determine the total estimate of unmet needs related to housing, economic revitalization, and infrastructure in the most impacted and distressed areas resulting from a catastrophic major disaster.

''(B) PUBLIC COMMENT.—If the Secretary has not already requested public comment on the formula described in the notice required by subparagraph (A), the Secretary shall solicit public comments on—

''(i) the methodologies described in subparagraph (A) and seek alternative methods for formula allocation within a similar total amount of funding;

''(ii) the impact of formula methodologies on rural areas and Tribal areas;

''(iii) adjustments to improve targeting to the most serious needs;

''(iv) objective criteria for grantee capacity and concentration of damage to inform grantee determinations and minimum allocation thresholds; and

''(v) research and data to inform an additional amount to be provided for mitigation depending on type of disaster, which shall be not more than 30 percent of the total estimate of unmet needs.

''(5) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall, by regulation, establish a formula to allocate assistance from the Fund to the most impacted and distressed areas resulting from a catastrophic major disaster.

''(B) FORMULA REQUIREMENTS.—The formula established under subparagraph (A) shall—

''(i) set forth criteria to determine that a major disaster is catastrophic, which criteria shall consider the presence of a high concentration of damaged housing or businesses that individual, State, Tribal, and local resources could not reasonably be expected to address without additional Federal assistance or other nationally encompassing data that the Secretary determines are adequate to assess relative impact and distress across geographic areas;

''(ii) include a methodology for identifying most impacted and distressed areas, which shall consider unmet serious needs related to housing, economic revitalization, and infrastructure;

''(iii) include an allocation calculation that considers the unmet serious needs resulting from the catastrophic major disaster and an additional amount up to 30 percent for activities to reduce risks of loss resulting from other natural disasters in the most impacted and distressed area, primarily for the benefit of low- and moderate-income persons, with particular focus on activities that reduce repetitive loss of property and critical infrastructure; and

''(iv) establish objective criteria for periodic review and updates to the formula to reflect changes in available science and data.

''(C) MINIMUM ALLOCATION THRESHOLD.—The Secretary shall, by regulation, establish a minimum allocation threshold.

''(D) INTERIM ALLOCATION.—Until such time that the Secretary issues final regulations under this paragraph, the Secretary shall—

''(i) allocate assistance from the Fund using the formula allocation methodology published in accordance with paragraph (4); and

''(ii) include an additional amount for mitigation equal to 15 percent of the total estimate of unmet need.

''(6) ALLOCATION OF FUNDS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) except as provided in clause (ii), not later than 90 days after the President declares a major disaster, use best available data to determine whether the major disaster is catastrophic and qualifies for assistance under the formula described in paragraph (4) or (5), unless data is insufficient to make this determination; and

''(ii) if the best available data is insufficient to make the determination required under clause (i) within the 90-day period described in that clause, the Secretary shall determine whether the major disaster qualifies when sufficient data becomes available, but in no case shall the Secretary make the determination later than 120 days after the declaration of the major disaster.

''(B) ANNOUNCEMENT OF ALLOCATION.—If amounts are available in the Fund at the time the Secretary determines that the major disaster is catastrophic and qualifies for assistance under the formula described in paragraph (4) or (5), the Secretary shall immediately announce an allocation for a grant under this section.

''(C) ADDITIONAL AMOUNTS.—If additional amounts are appropriated to the Fund after amounts are allocated under subparagraph (B), the Secretary shall announce an allocation or additional allocation (if a prior allocation under subparagraph (B) was less than the formula calculation) within 15 days of any such appropriation.

''(7) PRELIMINARY FUNDING.—

''(A) IN GENERAL.—To speed recovery, the Secretary is authorized to allocate and award preliminary grants from the Fund before making a determination under paragraph (6)(A) if the Secretary projects, based on a preliminary assessment of impact and distress, that a major disaster is catastrophic and would likely qualify for funding under the formula described in paragraph (4) or (5).

''(B) AMOUNT.—

''(i) MAXIMUM.—The Secretary may award preliminary funding under subparagraph (A) in an amount that is not more than $5,000,000.

''(ii) SLIDING SCALE.—The Secretary shall, by regulation, establish a sliding scale for preliminary funding awarded under subparagraph (A) based on the size of the preliminary assessment of impact and distress.

''(C) USE OF FUNDS.—The uses of preliminary funding awarded under subparagraph (A) shall be limited to eligible activities that—

''(i) in the determination of the Secretary, will support faster recovery, improve the ability of the grantee to assess unmet recovery needs, plan for the prevention of improper payments, and reduce fraud, waste, and abuse; and

''(ii) may include evaluating the interim housing, permanent housing, and supportive service needs of the disaster impacted community, with special attention to vulnerable populations, such as homeless and low- to moderate-income households, to inform the grantee action plan required under subsection (c).

''(D) CONSIDERATION OF FUNDING.—Preliminary funding awarded under subparagraph (A)—

''(i) is not subject to the certification requirements of subsection (h)(1); and

''(ii) shall not be considered when calculating the amount of the grant used for administrative costs, technical assistance, and planning activities that are subject to the requirements under subsection (f)(2).

''(E) WAIVER.—To expedite the use of preliminary funding for activities described in this paragraph, the Secretary may waive or specify alternative requirements to the requirements of this section in accordance with subsection (i).

''(F) AMENDED AWARD.—

''(i) IN GENERAL.—An award for preliminary funding under subparagraph (A) may be amended to add any subsequent amount awarded because of a determination by the Secretary that a major disaster is catastrophic and qualifies for assistance under the formula.

''(ii) APPLICABILITY.—Notwithstanding subparagraph (D), amounts provided by an amendment under clause (i) are subject to the requirements under subsections (f)(1) and (h)(1) and other requirements on grant funds under this section.

''(G) TECHNICAL ASSISTANCE.—Concurrent with the allocation of any preliminary funding awarded under this paragraph, the Secretary shall assign or provide technical assistance to the recipient of the grant.

''(b) INTERCHANGEABILITY.—

''(1) IN GENERAL.—The Secretary is authorized to approve the use of grants under this section to be used interchangeably and without limitation for the same activities in the most impacted and distressed areas resulting from a declaration of another catastrophic major disaster that qualifies for assistance under the formula established under paragraph (4) or (5) of subsection (a) or a major disaster for which the Secretary allocated funds made available under the heading 'Community Development Fund' in any Act prior to the establishment of the Fund.

''(2) REQUIREMENTS.—The Secretary shall establish requirements to expedite the use of grants under this section for the purpose described in paragraph (1).

''(3) EMERGENCY DESIGNATION.—Amounts repurposed pursuant to this subsection that were previously designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated by Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress) and legislation establishing fiscal year 2024 budget enforcement in the House of Representatives.

''(c) GRANTEE PLANS.—

''(1) REQUIREMENT.—Not later than 90 days after the date on which the Secretary announces a grant allocation under this section, unless an extension is granted by the Secretary, the grantee shall submit to the Secretary a plan for approval describing—

''(A) the activities the grantee will carry out with the grant under this section;

''(B) the criteria of the grantee for awarding assistance and selecting activities;

''(C) how the use of the grant under this section will address disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas;

''(D) how the use of the grant funds for mitigation is consistent with hazard mitigation plans submitted to the Federal Emergency Management Agency under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165);

''(E) the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;

''(F) how the use of grant funds will repair and replace existing housing stock for vulnerable populations, including low- to moderate-income households;

''(G) how the grantee will address the priorities described in paragraph (5);

''(H) how uses of funds are proportional to unmet needs, as required under paragraph (6);

''(I) for State grantees that plan to distribute grant amounts to units of general local government, a description of the method of distribution; and

''(J) such other information as may be determined by the Secretary in regulation.

''(2) PUBLIC CONSULTATION.—To permit public examination and appraisal of the plan described in paragraph (1), to enhance the public accountability of grantee, and to facilitate coordination of activities with different levels of government, when developing the plan or substantial amendments proposed to the plan required under paragraph (1), a grantee shall—

''(A) publish the plan before adoption;

''(B) provide citizens, affected units of general local government, and other interested parties with reasonable notice of, and opportunity to comment on, the plan, with a public comment period of not less than 14 days;

''(C) consider comments received before submission to the Secretary;

''(D) follow a citizen participation plan for disaster assistance adopted by the grantee that, at a minimum, provides for participation of residents of the most impacted and distressed area affected by the major disaster that resulted in the grant under this section and other considerations established by the Secretary; and

''(E) undertake any consultation with interested parties as may be determined by the Secretary in regulation.

''(3) APPROVAL.—The Secretary shall—

''(A) by regulation, specify criteria for the approval, partial approval, or disapproval of a plan submitted under paragraph (1), including approval of substantial amendments to the plan;

''(B) review a plan submitted under paragraph (1) upon receipt of the plan;

''(C) allow a grantee to revise and resubmit a plan or substantial amendment to a plan under paragraph (1) that the Secretary disapproves;

''(D) by regulation, specify criteria for when the grantee shall be required to provide the required revisions to a disapproved plan or substantial amendment under paragraph (1) for public comment prior to resubmission of the plan or substantial amendment to the Secretary; and

''(E) approve, partially approve, or disapprove a plan or substantial amendment under paragraph (1) not later than 60 days after the date on which the plan or substantial amendment is received by the Secretary.

''(4) LOW- AND MODERATE-INCOME OVERALL BENEFIT.—

''(A) USE OF FUNDS.—Not less than 70 percent of a grant made under this section shall be used for activities that benefit persons of low and moderate income unless the Secretary—

''(i) specifically finds that—

''(I) there is compelling need to reduce the percentage for the grant; and

''(II) the housing needs of low- and moderate-income persons have been addressed; and

''(ii) issues a waiver and alternative requirement specific to the grant pursuant to subsection (i) to lower the percentage.

''(B) REGULATIONS.—The Secretary shall, by regulation, establish protocols consistent with the findings of section 6002 of the Reforming Disaster Recovery Act to prioritize the use of funds by a grantee under this section to meet the needs of low- and moderate-income persons and businesses serving primarily persons of low and moderate income.

''(5) PRIORITIZATION.—The grantee shall prioritize activities that—

''(A) assist persons with extremely low-, low-, and moderate-incomes and other vulnerable populations to better recover from and withstand future disasters, emphasizing those with the most severe needs;

''(B) address affordable housing, including affordable rental housing, needs arising from a disaster, or those needs present prior to a disaster;

''(C) prolong the life of housing and infrastructure;

''(D) use cost-effective means of preventing harm to people and property and incorporate protective features, redundancies, and energy savings; and

''(E) other measures that will assure the continuation of critical services during future disasters.

''(6) PROPORTIONAL ALLOCATION.—

''(A) IN GENERAL.—A grantee under this section shall allocate grant funds proportional to unmet needs between housing activities, economic revitalization, and infrastructure, unless the Secretary—

''(i) specifically finds that—

''(I) there is a compelling need for a disproportional allocation among those unmet needs; and

''(II) the disproportional allocation described in subclause (I) is not inconsistent with the requirements under paragraph (4); and

''(ii) issues a waiver and alternative requirement pursuant to subsection (i) to allow for the disproportional allocation described in clause (i)(I).

''(B) HOUSING ACTIVITIES.—With respect to housing activities described in subparagraph (A)(i), grantees should address proportional needs between homeowners and renters, including low-income households in public housing and Federally subsidized housing.

''(7) DISASTER RISK MITIGATION.—

''(A) DEFINITION.—In this paragraph, the term 'hazard-prone areas'—

''(i) means areas identified by the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, at risk from natural hazards that threaten property damage or health, safety, and welfare, such as floods, wildfires (including Wildland-Urban Interface areas), earthquakes, lava inundation, tornados, and high winds; and

''(ii) includes areas having special flood hazards as identified under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.) or the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

''(B) HAZARD-PRONE AREAS.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish minimum construction standards, insurance purchase requirements, and other requirements for the use of grant funds in hazard-prone areas.

''(C) SPECIAL FLOOD HAZARDS.—

''(i) IN GENERAL.—For the areas described in subparagraph (A)(ii), the insurance purchase requirements established under subparagraph (B) shall meet or exceed the requirements under section 102(a) of the Flood Disaster Protection Act of 1973(42 U.S.C. 4012a(a)).

''(ii) TREATMENT AS FINANCIAL ASSISTANCE.—All grants under this section shall be treated as financial assistance for purposes of section 3(a)(3) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)(3)).

''(D) CONSIDERATION OF FUTURE RISKS.—The Secretary may consider future risks to protecting property and health, safety, and general welfare, and the likelihood of those risks, when making the determination of or modification to hazard-prone areas under this paragraph.

''(8) RELOCATION.—

''(A) IN GENERAL.—The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to activities assisted under this section to the extent determined by the Secretary in regulation, or as provided in waivers or alternative requirements authorized in accordance with subsection (i).

''(B) POLICY.—Each grantee under this section shall establish a relocation assistance policy that—

''(i) minimizes displacement and describes the benefits available to persons displaced as a direct result of acquisition, rehabilitation, or demolition in connection with an activity that is assisted by a grant under this section; and

''(ii) includes any appeal rights or other requirements that the Secretary establishes by regulation.

''(d) CERTIFICATIONS.—Any grant under this section shall be made only if the grantee certifies to the satisfaction of the Secretary that—

''(1) the grantee is in full compliance with the requirements under subsection (c)(2);

''(2) for grants other than grants to Indian tribes, the grant will be conducted and administered in conformity with the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Fair Housing Act (42 U.S.C. 3601 et seq.);

''(3) the projected use of funds has been developed so as to give maximum feasible priority to activities that will benefit extremely low-, low-, and moderate-income families and activities described in subsection (c)(5), and may also include activities that are designed to aid in the prevention or elimination of slum and blight to support disaster recovery, meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs, and alleviate future threats to human populations, critical natural resources, and property that an analysis of hazards shows are likely to result from natural disasters in the future;

''(4) the grant funds shall principally benefit persons of low and moderate income as described in subsection (c)(4);

''(5) for grants other than grants to Indian Tribes, within 24 months of receiving a grant or at the time of its 3 or 5-year update, whichever is sooner, the grantee will review and make modifications to its non-disaster housing and community development plans and strategies required by subsections (c) and (m) of section 104 to reflect the disaster recovery needs identified by the grantee and consistency with the plan under subsection (c)(1);

''(6) the grantee will not attempt to recover any capital costs of public improvements assisted in whole or part under this section by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless—

''(A) funds received under this section are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this chapter; or

''(B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that the grantee lacks sufficient funds received under this section to comply with the requirements of subparagraph (A);

''(7) the grantee will comply with the other provisions of this title that apply to assistance under this section and with other applicable laws;

''(8) the grantee will follow a relocation assistance policy that includes any minimum requirements identified by the Secretary; and

''(9) the grantee will adhere to construction standards, insurance purchase requirements, and other requirements for development in hazard-prone areas described in subsection (c)(7).

''(e) PERFORMANCE REVIEWS AND REPORTING.—

''(1) IN GENERAL.—The Secretary shall, on not less frequently than an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether a grantee under this section has—

''(A) carried out activities using grant funds in a timely manner;

''(B) met the performance targets established by paragraph (2);

''(C) carried out activities using grant funds in accordance with the requirements of this section, the other provisions of this title that apply to assistance under this section, and other applicable laws; and

''(D) a continuing capacity to carry out activities in a timely manner.

''(2) PERFORMANCE TARGETS.—The Secretary shall develop and make publicly available critical performance targets for review, which shall include spending thresholds for each year from the date on which funds are obligated by the Secretary to the grantee until such time all funds have been expended.

''(3) FAILURE TO MEET TARGETS.—

''(A) SUSPENSION.—If a grantee under this section fails to meet 1 or more critical performance targets under paragraph (2), the Secretary may temporarily suspend the grant.

''(B) PERFORMANCE IMPROVEMENT PLAN.—If the Secretary suspends a grant under subparagraph (A), the Secretary shall provide to the grantee a performance improvement plan with the specific requirements needed to lift the suspension within a defined time period.

''(C) REPORT.—If a grantee fails to meet the spending thresholds established under paragraph (2), the grantee shall submit to the Secretary, the appropriate committees of Congress, and each member of Congress who represents a district or State of the grantee a written report identifying technical capacity, funding, or other Federal or State impediments affecting the ability of the grantee to meet the spending thresholds.

''(4) COLLECTION OF INFORMATION AND REPORTING.—

''(A) REQUIREMENT TO REPORT.—A grantee under this section shall provide to the Secretary such information as the Secretary may determine necessary for adequate oversight of the grant program under this section.

''(B) PUBLIC AVAILABILITY.—Subject to subparagraph (D), the Secretary shall make information submitted under subparagraph (A) available to the public and to the Inspector General for the Department of Housing and Urban Development, disaggregated by activity, income, geography, and all classes of individuals protected under section 109 and the Fair Housing Act.

''(C) SUMMARY STATUS REPORTS.—To increase transparency and accountability of the grant program under this section the Secretary shall, on not less frequently than an annual basis, post on a public facing dashboard summary status reports for all active grants under this section that includes—

''(i) the status of funds by activity;

''(ii) the percentages of funds allocated and expended to benefit low- and moderate-income communities;

''(iii) performance targets, spending thresholds, and accomplishments; and

''(iv) other information the Secretary determines to be relevant for transparency.

''(D) CONSIDERATIONS.—In carrying out this paragraph, the Secretary—

''(i) shall take such actions as may be necessary to ensure that personally identifiable information regarding applicants for assistance provided from funds made available under this section is not made publicly available; and

''(ii) may make full and unredacted information available to academic institutions for the purpose of researching into the equitable distribution of recovery funds and adherence to civil rights protections.

''(f) ELIGIBLE ACTIVITIES.—

''(1) IN GENERAL.—Activities assisted under this section—

''(A) may include activities permitted under section 105 or other activities permitted by the Secretary by waiver or alternative requirement pursuant to subsection (i); and

''(B) shall be related to disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas resulting from the major disaster for which the grant was awarded.

''(2) PROHIBITION.—Grant funds under this section may not be used for costs reimbursable by, or for which funds have been made available by, the Federal Emergency Management Agency, or the United States Army Corps of Engineers.

''(3) ADMINISTRATIVE COSTS, TECHNICAL ASSISTANCE AND PLANNING.—

''(A) IN GENERAL.—The Secretary shall establish in regulation the maximum grant amounts a grantee may use for administrative costs, technical assistance and planning activities, taking into consideration size of grant, complexity of recovery, and other factors as determined by the Secretary, but not to exceed 10 percent for administration and 20 percent in total.

''(B) AVAILABILITY.—Amounts available for administrative costs for a grant under this section shall be available for eligible administrative costs of the grantee for any grant made under this section, without regard to a particular disaster.

''(4) PROGRAM INCOME.—Notwithstanding any other provision of law, any grantee under this section may retain program income that is realized from grants made by the Secretary under this section if the grantee agrees that the grantee will utilize the program income in accordance with the requirements for grants under this section, except that the Secretary may—

''(A) by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with this paragraph creates an unreasonable administrative burden on the grantee; or

''(B) permit the grantee to transfer remaining program income to the other grants of the grantee under this title upon closeout of the grant.

''(5) PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.—

''(A) IN GENERAL.—Grants under this section may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs.

''(B) APPLICABILITY.—The prohibition under subparagraph (A) shall not apply to a business that was operating in the disaster-declared labor market area before the incident date of the applicable disaster and has since moved, in whole or in part, from the affected area to another State or to a labor market area within the same State to continue business.

''(6) REQUIREMENTS.—Grants under this section are subject to the requirements of this section, the other provisions of this title that apply to assistance under this section, and other applicable laws, unless modified by waivers or alternative requirements in accordance with subsection (i).

''(g) ENVIRONMENTAL REVIEW.—

''(1) ADOPTION.—A recipient of funds provided under this section that uses the funds to supplement Federal assistance provided under section 203, 402, 403, 404, 406, 407, 408(c)(4), 428, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5173, 5174(c)(4), 5189f, 5192) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and that adoption shall satisfy the responsibilities of the recipient with respect to the environmental review, approval, or permit under section 104(g)(1).

''(2) APPROVAL OF RELEASE OF FUNDS.—Notwithstanding section 104(g)(2), the Secretary or a State may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project to be assisted under this section if the recipient has adopted an environmental review, approval, or permit under paragraph (1) or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) UNITS OF GENERAL LOCAL GOVERNMENT.—The provisions of section 104(g)(4) shall apply to assistance under this section that a State distributes to a unit of general local government.

''(h) FINANCIAL CONTROLS AND PROCEDURES.—

''(1) IN GENERAL.—The Secretary shall develop requirements and procedures to demonstrate that a grantee under this section—

''(A) has adequate financial controls and procurement processes;

''(B) has adequate procedures to detect and prevent fraud, waste, abuse and duplication of benefit; and

''(C) maintains a comprehensive and publicly accessible website.

''(2) CERTIFICATION.—Before making a grant under this section, the Secretary shall certify that the grantee has in place proficient processes and procedures to comply with the requirements developed under paragraph (1), as determined by the Secretary.

''(3) COMPLIANCE BEFORE ALLOCATION.—The Secretary may permit a State, unit of general local government, or Indian tribe to

demonstrate compliance with the requirements for adequate financial controls developed under paragraph (1) before a disaster occurs and before receiving an allocation for a grant under this section.

''(4) DUPLICATION OF BENEFITS.—

''(A) IN GENERAL.—Funds made available under this section shall be used in accordance with section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254), and such rules as may be prescribed under such section 312.

''(B) PENALTIES.—In any case in which the use of grant funds under this section results in a prohibited duplication of benefits, the grantee shall—

''(i) apply an amount equal to the identified duplication to any allowable costs of the award consistent with actual, immediate cash requirement;

''(ii) remit any excess amounts to the Secretary to be credited to the obligated, undisbursed balance of the grant consistent with requirements on Federal payments applicable to such grantee; and

''(iii) if excess amounts under clause (ii) are identified after the period of performance or after the closeout of the award, remit such amounts to the Secretary to be credited to the Fund.

''(C) FAILURE TO COMPLY.—Any grantee provided funds under this section or from prior Appropriations Acts under the heading 'Community Development Fund' for purposes related to major disasters that fails to comply with section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) or fails to satisfy penalties to resolve a duplication of benefits shall be subject to remedies for noncompliance under section 111, unless the Secretary publishes a determination in the Federal Register that it is not in the best interest of the Federal Government to pursue remedial actions.

''(i) WAIVERS.—

''(1) IN GENERAL.—In administering grants under this section, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the grantee of those funds (except for requirements related to fair housing, nondiscrimination, labor standards, the environment, and the requirements of this section that do not expressly authorize modifications by waiver or alternative requirement), if the Secretary makes a public finding that good cause exists for the waiver or alternative requirement and the waiver or alternative requirement would not be inconsistent with the findings in section 6002 of the Reforming Disaster Recovery Act.

''(2) EFFECTIVE DATE.—A waiver or alternative requirement described in paragraph (1) shall not take effect before the date that is 5 days after the date of publication of the waiver or alternative requirement on the website of the Department of Housing and Urban Development or the effective date for any regulation published in the Federal Register.

''(3) PUBLIC NOTIFICATION.—The Secretary shall notify the public of all waivers or alternative requirements described in paragraph (1) in accordance with the requirements of section 7(q)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)(3)).

''(j) UNUSED AMOUNTS.—

''(1) DEADLINE TO USE AMOUNTS.—A grantee under this section shall use an amount equal to the grant within 6 years beginning on the date on which the Secretary obligates the amounts to the grantee, as such period may be extended under paragraph (4).

''(2) RECAPTURE.—The Secretary shall recapture and credit to the Fund any amount that is unused by a grantee under this section upon the earlier of—

''(A) the date on which the grantee notifies the Secretary that the grantee has completed all activities identified in the disaster grantee's plan under subsection (c); or

''(B) the expiration of the 6-year period described in paragraph (1), as such period may be extended under paragraph (4).

''(3) RETENTION OF FUNDS.—Notwithstanding paragraph (1), the Secretary may allow a grantee under this section to retain—

''(A) amounts needed to close out grants; and

''(B) up to 10 percent of the remaining funds to support maintenance of the minimal capacity to launch a new program in the event of a future disaster and to support predisaster long-term recovery and mitigation planning.

''(4) EXTENSION OF PERIOD FOR USE OF FUNDS.—The Secretary may extend the 6-year period described in paragraph (1) by not more than 4 years, or not more than 6 years for mitigation activities, if—

''(A) the grantee submits to the Secretary—

''(i) written documentation of the exigent circumstances impacting the ability of the grantee to expend funds that could not be anticipated; or

''(ii) a justification that such request is necessary due to the nature and complexity of the program and projects; and

''(B) the Secretary submits a written justification for the extension to the Committees on Appropriations of Senate and the House of Representatives that specifies the period of that extension.''.

SEC. 6007. REGULATIONS.

(a) PROPOSED RULES.—Following consultation with the Federal Emergency Management Agency, the Small Business Administration, and other Federal agencies, not later than 6 months after the date of enactment of this Act, the Secretary shall issue proposed rules to carry out this division and the amendments made by this division and shall provide a 90-day period for submission of public comments on those proposed rules.

(b) FINAL RULES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue final regulations to carry out section 123 of the Housing and Community Development Act of 1974, as added by section 6006.

SEC. 6008. COORDINATION OF DISASTER RECOVERY ASSISTANCE, BENEFITS, AND DATA WITH OTHER FEDERAL AGENCIES.

(a) COORDINATION OF DISASTER RECOVERY ASSISTANCE.—In order to ensure a comprehensive approach to Federal disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a catastrophic major disaster, the Secretary shall coordinate with the Federal Emergency Management Agency, to the greatest extent practicable, in the implementation of assistance authorized under section 123 of the Housing and Community Development Act of 1974, as added by section 6006.

(b) DATA SHARING AGREEMENTS.—To support the coordination of data to prevent duplication of benefits with other Federal disaster recovery programs while also expediting recovery and reducing burden on disaster survivors, the Department shall establish data sharing agreements that safeguard privacy with relevant Federal agencies to ensure disaster benefits effectively and efficiently reach intended beneficiaries, while using effective means of preventing harm to people and property.

(c) DATA TRANSFER FROM FEMA AND SBA TO HUD.—As permitted and deemed necessary for efficient program execution, and consistent with a computer matching agreement entered into under subsection (f)(1), the Administrator of the Federal Emergency Management Agency and the Administrator of the Small Business Administration shall provide data on disaster applicants to the Department, including, when necessary, personally identifiable information, disaster recovery needs, and resources determined eligible for, and amounts expended, to the Secretary for all major disasters declared by the President pursuant to section 401 of Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for the purpose of providing additional assistance to disaster survivors and prevent duplication of benefits.

(d) DATA TRANSFERS FROM HUD TO HUD GRANTEES.—The Secretary is authorized to provide to grantees under section 123 of the Housing and Community Development Act of 1974, as added by section 6006, offices of the Department, technical assistance providers, and lenders information that in the determination of the Secretary is reasonably available and appropriate to inform the provision of assistance after a major disaster, including information provided to the Secretary by the Administrator of the Federal Emergency Management Agency, the Administrator of the Small Business Administration, or other Federal agencies.

(e) DATA TRANSFERS FROM HUD GRANTEES TO HUD, FEMA, AND SBA.—

(1) REPORTING.—Grantees under section 123 of the Housing and Community Development Act of 1974, as added by section 6006, shall report information requested by the Secretary on households, businesses, and other entities assisted and the type of assistance provided.

(2) SHARING INFORMATION.—The Secretary shall share information collected under paragraph (1) with the Federal Emergency Management Agency, the Small Business Administration, and other Federal agencies to support the planning and delivery of disaster recovery and mitigation assistance and other related purposes.

(f) PRIVACY PROTECTION.—The Secretary may make and receive data transfers authorized under this section, including the use and retention of that data for computer matching programs, to inform the provision of assistance, assess disaster recovery needs, and prevent the duplication of benefits and other waste, fraud, and abuse, provided that—

(1) the Secretary enters an information sharing agreement or a computer matching agreement, when required by section 522a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), with the Administrator of the Federal Emergency Management Agency, the Administrator of the Small Business Administration, or other Federal agencies covering the transfer of data;

(2) the Secretary publishes intent to disclose data in the Federal Register;

(3) notwithstanding paragraphs (1) and (2), section 552a of title 5, United States Code, or any other law, the Secretary is authorized to share data with an entity identified in subsection (d), and the entity is authorized to use the data as described in this section, if the Secretary enters a data sharing agreement with the entity before sharing or receiving any information under transfers authorized by this section, which data sharing agreement shall—

(A) in the determination of the Secretary, include measures adequate to safeguard the privacy and personally identifiable information of individuals; and

(B) include provisions that describe how the personally identifiable information of an individual will be adequately safeguarded and protected, which requires consultation with the Secretary and the head of each Federal agency the data of which is being shared subject to the agreement.

SA 754. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. EXTENSION OF ACTIVE DUTY TERM FOR ATTENDING PHYSICIAN AT UNITED STATES CAPITOL.

The present incumbent Attending Physician at the United States Capitol shall be continued on active duty until 10 years after the date of the enactment of this Act.

SA 755. Mr. BROWN (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. RAPID RESPONSE TO EMERGENT TECHNOLOGY ADVANCEMENTS OR THREATS.

(a) AUTHORITIES.—Upon approval by the Secretary of Defense of a determination described in subsection (b), the Secretary of a military department may use the rapid acquisition and funding authorities established pursuant to section 3601 of title 10, United States Code, to initiate new start development activities, up to a preliminary design review level of maturity, in order to—

(1) leverage an emergent technological advancement of value to the national defense; or

(2) provide a rapid response to an emerging threat.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary of a military department submitted in writing to the Secretary of Defense that provides the following:

(1) There is a compelling national security need to immediately initiate development activity up to a preliminary design review level of maturity, in order to leverage an emergent technological advancement or provide a rapid response to an emerging threat.

(2) The effort cannot be delayed until the next submission of the budget of the President (under section 1105(a) of title 31, United States Code) without harming the national defense.

(3) Funding is identified for the effort in the current fiscal year.

(c) ADDITIONAL PROCEDURES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the procedures for the rapid acquisition and deployment of capabilities needed in response to urgent operational needs prescribed pursuant to such section 3601 to carry out this section.

(2) REQUIREMENTS TO BE INCLUDED.—The procedures amended under paragraph (1) shall include the following requirements:

(A) FUNDING.—(i) Subject to clause (ii), in any fiscal year in which a determination described in subsection (b) is made, the Secretary of the military department making the determination may initiate the activities authorized under subsection (a) using any funds available to the Secretary for procurement or research, development, test, and evaluation for such fiscal year.

(ii) The total cost of all developmental activities within the Department of Defense, funded under this section, may not exceed $300,000,000 for any fiscal year.

(B) WAIVER AUTHORITY.—(i) Subject to clause (ii), the Secretary of the military department making a determination under subsection (b) may issue a waiver under subsection (d) of such section 3601.

(ii) Chapter 221 of title 10, United States Code, may not be waived pursuant to clause (i).

(C) TRANSITION.—Any acquisition initiated under subsection (a) shall transition to an acquisition pathway after completion and approval of a preliminary design review or its functional equivalent.

(d) CONGRESSIONAL NOTIFICATION.—Within 15 days after the Secretary of Defense approves a determination described in subsection (b), the Secretary of the military department making the determination shall provide written notification of such determination to the congressional defense committees following the procedures for notification in subsections (c)(4)(D) and (c)(4)(F) of such section 3601. A notice under this subsection shall be sufficient to fulfill any requirement to provide notification to Congress for a new start program.

SA 756. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 15___. USE OF FUNDS FOR UPGRADES TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'S NEIL A. ARMSTRONG TEST FACILITY.

Of the amounts authorized to be appropriated for fiscal year 2024 for the Department of Defense by this Act [for research, development, test, and evaluation, and available for _____ as specified in the table in section 4201], $50,000,000 shall be made available for upgrades to the space testing facilities at the National Aeronautics and Space Administration's Neil A. Armstrong Test Facility necessary to allow the Department to access and fully use the Neil A. Armstrong Test Facility's world-class space, aeronautics, and hypersonic test facilities.

SA 757. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2882. MODIFICATION OF AUTHORITY FOR INTERGOVERNMENTAL SUPPORT AGREEMENTS.

Section 2679 of title 10, United States Code is amended—

(1) in subsection (a)(2)(A) by inserting before the semicolon the following: '', except as authorized under subsection (f)'';

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) EXTENSION OF TERM.—(1) Subject to paragraphs (2) and (3), the Secretary concerned may enter into an intergovernmental support agreement under subsection (a)(1) with a term greater than ten years but not to exceed 20 years.

''(2) Not more than five intergovernmental support agreements may be entered into under this subsection for each military department during a fiscal year.

''(3) Scoring by the Congressional Budget Office associated with an intergovernmental support agreement entered into under this subsection shall be limited to first year payment plus termination liability, if any, utilizing the requirement that—

''(A) obligations of the United States to make payments under the agreement in any fiscal year is subject to appropriations being provided for that fiscal year; and

''(B) any commitment made under the authority of this subsection does not constitute an obligation of the United States.''.

SA 758. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SENSE OF CONGRESS ON MAINTAINING INPATIENT MILITARY MEDICAL TREATMENT FACILITIES.

It is the sense of the Congress that—

(1) inpatient military medical treatment facilities are critical components of the military health system and are necessary to develop and maintain a medically ready military that can be deployed on short notice on an operational mission;

(2) inpatient military medical treatment facilities are required to develop and retain the skilled medical personnel who provide the properly trained subspecialities needed to care for members of the Armed Forces in wartime and during deployments;

(3) the Secretary of each military department should support a sufficient number of inpatient medical treatment facilities of the size and diversity of specialties necessary to ensure military readiness; and

(4) the Director of the Defense Health Agency and the Secretary of each military department, particularly the Secretary of the Air Force, should aggressively pursue creative options, including increased partnership with the Secretary of Veterans Affairs, to maintain economical efficiency for inpatient military medical treatment facilities.

SA 759. Mr. BROWN (for himself, Mr. BOOKER, Mr. WARNOCK, and Mr. KAINE)

submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. IMPORTANCE OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 2024 by section 201 is hereby increased by $20,000,000, with the amount of the increase to be available for Research, Development, Test, and Evaluation, Defense-wide, Basic Research, for Historically Black Colleges and Universities/Minority Institutions (PE 0601228D8Z), as specified in the funding table in section 4201.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2024 by section 301 is hereby reduced by $20,000,000, with the amount of the reduction to be derived from Operation and Maintenance, Defense-wide, Administration and Service-wide Activities, for the Office of the Secretary of Defense (line 490), as specified in the funding table in section 4301.

SA 760. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1299L. USE OF FOREIGN MILITARY SALES ADMINISTRATIVE FUNDS FOR CONSTRUCTION OF CERTAIN FACILITIES.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in section 21(e)(1) ((22 U.S.C. 2762(e)(1)), by amending subparagraph (A) to read as follows:

''(A) administrative services and construction, calculated on an average percentage basis to recover the full estimated costs (excluding a pro rata share of fixed base operations costs, but including construction of facilities for activities in the administration of sales made under this chapter) of administration of sales made under this Act to all purchasers of such articles and services as specified in subsections (b), (c), and (d) of section 43 of this Act;''; and

(2) in section 43(a) (22 U.S.C. 2792(a)), by inserting ''(including the costs of construction of facilities in the United States, or a territory of the United States, used for activities in the administration of sales under chapter 2)'' after ''administrative expenses''.

SA 761. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, insert the following:

SEC. 836. SENSE OF CONGRESS RELATING TO RUBBER SUPPLY.

It is the sense of Congress that—

(1) the Department of Defense should take all appropriate action to lessen the dependence of the Armed Forces on adversarial nations for the procurement of strategic and critical materials, and that one such material in short supply according to the most recent report from Defense Logistics Agency Strategic Material is natural rubber, undermining our national security and jeopardizing the military's ability to rely on a stable source of natural rubber for tire manufacturing and production of other goods; and

(2) the Secretary of Defense should take all appropriate action, pursuant with the authority provided by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.) to engage in activities that may include stockpiling, but shall also include research and development aspects for increasing the domestic supply of natural rubber.

SA 762. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 16___. CONGRESSIONAL NOTIFICATION OF DEPARTMENT OF DEFENSE CYBERSECURITY WORKFORCE MONITORING.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing that includes a description of the plans of the Department to comply with Department of Defense Directive 8140.03 (relating to cyberspace workforce qualifications and management).

SA 763. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. VETERANS AFFAIRS HISTORY OFFICE AND DEPARTMENT OF VETERANS AFFAIRS HISTORY PROGRAM.

(a) VETERANS AFFAIRS HISTORY OFFICE.—

(1) ESTABLISHMENT.—There is established within the Department of Veterans Affairs a Veterans Affairs History Office (in this section the ''History Office'') comprising a Veterans Affairs History Program and a Veterans Affairs History Center, as the principal Department-wide management office for centralized historical initiatives of the Department.

(2) MISSION.—The mission of the History Office is to establish an overarching program to collect, preserve, and provide access to relevant historical records, artifacts, and cultural resources of the Department (including those of predecessor agencies) and to document and tell a comprehensive story of the Department and its predecessor organizations' service to veterans to the people of the United States, and shall include activities enumerated in Department of Veterans Affairs Directive 7777, dated February 9, 2021.

(3) CHIEF HISTORIAN AND STAFF.—The History Office shall be led by the Chief Historian of the Department of Veterans Affairs (''Chief Historian'') who may be assisted by such professional and administrative staff as the Secretary of Veterans Affairs considers necessary to meet the mission set forth in paragraph (2).

(4) AUTHORITY.—The History Office may carry out the following operations, including through the use of cooperative agreements, donations, and other such arrangements available under authorities of the Department:

(A) Assist with planning appropriate history-related events leading up to the centennial of the Department in 2030 (''Centennial'').

(B) Carry out public activities, including print and web-based publications and exhibits, that increase awareness of the role and contributions of the Department in providing benefits, care, memorial affairs, and others services to supporting veterans.

(C) Construct, renovate, repair, operate, preserve, and maintain new or existing Department facilities used for preservation, restoration, and public access to Department historic materials (archives and artifacts), and for facilities intended for the purpose of education relating to history of support of veterans through the Department and its predecessor entities and for training on the preservation of these historic materials and facilities.

(D) Maintain facilities for access to, and storage of, historic materials (artifacts and archives), compliant with recognized specifications for such facilities.

(E) Conduct education and training on preservation of historical materials, archival management, digitization, restoration, historical research, and related subjects to assist the Department.

(F) Accept donations of historic properties associated with veterans or the history of the Department and its predecessor entities.

(G) Such other operations as the Secretary designates as necessary and appropriate.

(b) REPORTS.—

(1) LONG-RANGE PLANNING.—Not later than March 1, 2024, the Secretary of Veterans Affairs shall submit to Congress a report on current and proposed activities of the History Program established pursuant to paragraph (1) of subsection (a) leading up to the centennial described in paragraph (4)(A) of such subsection.

(2) CONTENTS.—The report submitted pursuant to paragraph (1) shall include plans for the following:

(A) Additional staffing and a budget.

(B) Organization charts pertaining to the current staff and location of the Veterans Affairs History Office within the Department of Veterans Affairs.

(C) Any relevant construction, preservation, and renovation activities of facilities, including those used to store or display historic materials.

(D) Public activities to mark the centennial described in paragraph (1).

(E) Such recommendations for legislative or administrative action as the Secretary may have with respect to the History Program and the centennial described in paragraph (1).

(3) ANNUAL REPORTS.—Subsequent to submittal of the report pursuant to paragraph (1), the Chief Historian of the Department of Veterans Affairs shall, not less frequently than once each year through 2030, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Veterans Affairs History Office.

SA 764. Mr. BROWN (for himself and Ms. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 727. PILOT PROGRAM ON ACTIVITIES UNDER THE PRE-SEPARATION TRANSITION PROCESS OF MEMBERS OF THE ARMED FORCES FOR A REDUCTION IN SUICIDE AMONG VETERANS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a pilot program to assess the feasibility and advisability of providing the module described in subsection (b) and services under subsection (c) as part of the pre-separation transition process for members of the Armed Forces as a means of reducing the incidence of suicide among veterans.

(b) MODULE.—

(1) IN GENERAL.—The module described in this subsection shall include the following:

(A) An in-person meeting between a cohort of members of the Armed Forces participating in the pilot program and a social worker or nurse in which the social worker or nurse—

(i) educates the cohort on resources for and specific potential risks confronting such members after discharge or release from the Armed Forces, including—

(I) loss of community or a support system;

(II) isolation from family, friends, or society;

(III) identity crisis in the transition from military to civilian life;

(IV) vulnerability viewed as a weakness;

(V) need for empathy;

(VI) self-medication and addiction;

(VII) importance of sleep and exercise;

(VIII) homelessness; and

(IX) risk factors contributing to attempts of suicide and deaths by suicide;

(ii) educates the cohort on—

(I) the signs and symptoms of suicide risk and physical, psychological, or neurological issues, such as post-traumatic stress disorder, traumatic brain injury, chronic pain, sleep disorders, substance use disorders, adverse childhood experiences, depression, bipolar disorder, and socio-ecological concerns, such as homelessness, unemployment, and relationship strain;

(II) the potential risks for members of the Armed Forces from such issues after discharge or release from the Armed Forces; and

(III) the resources and treatment options available to such members for such issues through the Department of Veterans Affairs, the Department of Defense, and non-profit organizations;

(iii) educates the cohort about the resources available to victims of military sexual trauma through the Department of Veterans Affairs; and

(iv) educates the cohort about the manner in which members might experience challenges during the transition from military to civilian life, and the resources available to them through the Department of Veterans Affairs, the Department of Defense, and other organizations.

(B) The provision to each member of the cohort of contact information for a counseling or other appropriate facility of the Department of Veterans Affairs in the locality in which such member intends to reside after discharge or release.

(C) The submittal by each member of the cohort to the Department of Veterans Affairs (including both the Veterans Health Administration and the Veterans Benefits Administration) of their medical records in connection with service in the Armed Forces, whether or not such members intend to file a claim with the Department for benefits with respect to any service-connected disability.

(2) COMPOSITION OF COHORT.—Each cohort participating in the module described in this subsection shall be comprised of not fewer than 50 individuals.

(c) SERVICES.—In carrying out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall provide to each individual participating in the pilot program the following services:

(1) During the transition process and prior to discharge or release from the Armed Forces, a one-on-one meeting with a social worker or nurse of the Department of Veterans Affairs who will—

(A) conduct an assessment of the individual regarding eligibility to receive health care or counseling services from the Department of Veterans Affairs;

(B) for those eligible, or likely to be eligible, to receive health care or counseling services from the Department of Veterans Affairs—

(i) identify and provide contact information for an appropriate facility of the Department of Veterans Affairs in the locality in which such individual intends to reside after discharge or release;

(ii) facilitate registration or enrollment in the system of patient enrollment of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code, if applicable;

(iii) educate the individual about care, benefits, and services available to the individual through the Veterans Health Administration; and

(iv) coordinate health care based on the health care needs of the individual, if applicable, to include establishing an initial appointment, at the election of the individual, to occur not later than 90 days after the date of discharge or release of the member from the Armed Forces.

(2) For each individual determined ineligible for care and services from the Department of Veterans Affairs during the transition process, the Secretary of Defense shall conduct an assessment of the individual to determine the needs of the individual and appropriate follow-up, which shall be identified and documented in the appropriate records of the Department of Defense.

(3) During the appointment scheduled pursuant to paragraph (1)(B)(iv), the Secretary of Veterans Affairs shall conduct an assessment of the individual to determine the needs of the individual and appropriate follow-up, which shall be identified and documented in the appropriate records of the Department of Veterans Affairs.

(d) LOCATIONS.—

(1) MODULE AND MEETING.—The module under subsection (b) and the one-on-one meeting under subsection (c)(1) shall be carried out at not fewer than 10 locations of the Department of Defense that serve not fewer than 300 members of the Armed Forces annually that are jointly selected by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of the pilot program.

(2) ASSESSMENT AND APPOINTMENT.—The assessment under subsection (c)(2) and the appointment under subsection (c)(3) may occur at any location determined appropriate by the Secretary of Defense or the Secretary of Veterans Affairs, as the case may be.

(3) MEMBERS SERVED.—The locations selected under paragraph (1) shall, to the extent practicable, be locations that, whether individually or in aggregate, serve all the Armed Forces and both the regular and reserve components of the Armed Forces.

(e) SELECTION AND COMMENCEMENT.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly select the locations of the pilot program under subsection (d)(1) and commence carrying out activities under the pilot program by not later than September 30, 2024.

(f) DURATION.—The duration of the pilot program shall be three years.

(g) REPORTS.—

(1) IN GENERAL.—Not later than one year after the commencement of the pilot program, and annually thereafter during the duration of the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the activities under the pilot program.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) The demographic information of the members and former members of the Armed Forces who participated in the pilot program during the one-year period ending on the date of such report.

(B) A description of the activities under the pilot program during such period.

(C) An assessment of the benefits of the activities under the pilot program during such period to members and former members of the Armed Forces.

(D) An assessment of whether the activities under the pilot program as of the date of such report have met the targeted outcomes of the pilot program among members and former members who participated in the pilot program within one year of discharge or release from the Armed Forces.

(E) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate regarding the feasibility and advisability of expansion of the pilot program, extension of the pilot program, or both.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SA 765. Mr. BROWN (for himself, Mr. GRASSLEY, and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PREVENTING FIRST RESPONDER SECONDARY EXPOSURE TO FENTANYL.

Section 3021(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701(a)) is amended—

(1) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) Providing training and resources for first responders on the use of containment devices to prevent secondary exposure to fentanyl and other potentially lethal substances, and purchasing such containment devices for use by first responders.''.

SA 766. Mr. BROWN (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—POWER Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Providing Officers With Electronic Resources Act'' or the ''POWER Act''.

SEC. 1092. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) chemical screening devices enhance the ability of law enforcement agencies to identify unknown chemical substances seized or otherwise encountered by law enforcement officers; and

(2) equipping law enforcement agencies with technology that can more efficiently identify substances, such as heroin, fentanyl, methamphetamine, and other narcotics, will ensure that law enforcement agencies can—

(A) investigate cases more quickly and safely;

(B) better deploy resources and strategies to prevent illegal substances from entering and harming communities throughout the United States; and

(C) share spectral data with other law enforcement agencies and State and local fusion centers.

(b) PURPOSE.—The purpose of this subtitle is to provide grants to State, local, territorial, and Tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to—

(1) enhance law enforcement efficiency; and

(2) protect law enforcement officers.

SEC. 1093. DEFINITIONS.

In this subtitle:

(1) APPLICANT.—The term ''applicant'' means a law enforcement agency that applies for a grant under section 1094.

(2) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General, acting through the Director of the Office of Community Oriented Policing Services.

(3) CHEMICAL SCREENING DEVICE.—The term ''chemical screening device'' means an infrared spectrophotometer, mass spectrometer, nuclear magnetic resonance spectrometer, Raman spectrophotometer, ion mobility spectrometer, or any other scientific instrumentation that is able to collect data that can be interpreted to determine the presence and identity of a covered substance.

(4) CHIEF LAW ENFORCEMENT OFFICER.—The term ''chief law enforcement officer'' has the meaning given the term in section 922(s) of title 18, United States Code.

(5) COVERED SUBSTANCE.—The term ''covered substance'' means—

(A) fentanyl;

(B) any other synthetic opioid; and

(C) any other narcotic or psychoactive substance.

(6) GRANT FUNDS.—The term ''grant funds'' means funds from a grant awarded under section 1094.

(7) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(8) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means an agency of a State, unit of local government, or Indian Tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(9) PERSONNEL.—The term ''personnel''—

(A) means employees of a law enforcement agency; and

(B) includes scientists and law enforcement officers.

(10) RECIPIENT.—The term ''recipient'' means an applicant that receives a grant under section 1094.

(11) STATE.—The term ''State'' has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

SEC. 1094. GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General may award grants to applicants to—

(1) purchase a chemical screening device; and

(2) train personnel to use, and interpret data collected by, a chemical screening device.

(b) APPLICATIONS.—

(1) IN GENERAL.—The chief law enforcement officer of an applicant shall submit to the Attorney General an application that—

(A) shall include—

(i) a statement describing the need for a chemical screening device in the jurisdiction of the applicant; and

(ii) a certification—

(I) of the number of chemical screening devices the applicant owns or possesses;

(II) that not less than 1 employee of the applicant will be trained to—

(aa) use any chemical screening device purchased using grant funds; and

(bb) interpret data collected by any chemical screening device purchased using grant funds; and

(III) that the applicant will make any chemical screening device purchased using grant funds reasonably available to test a covered substance seized by a law enforcement agency near the jurisdiction of the applicant; and

(B) in addition to the information required under subparagraph (A), may, at the option of the applicant, include—

(i) information relating to—

(I) the process used by the applicant to identify a covered substance seized by the applicant, including—

(aa) the approximate average amount of time required for the applicant to identify a covered substance; and

(bb) as of the date of the application, the number of cases in which the applicant is awaiting identification of a covered substance;

(II) any documented case of a law enforcement officer, first responder, or treating medical personnel in the jurisdiction of the applicant who has suffered an accidental drug overdose caused by exposure to a covered substance while in the line of duty;

(III) any chemical screening device the applicant will purchase using grant funds, including the estimated cost of the chemical screening device; and

(IV) any estimated costs relating to training personnel of the applicant to use a chemical screening device purchased using grant funds; and

(ii) data relating to—

(I) the approximate amount of covered substances seized by the applicant during the 2-year period ending on the date of the application, categorized by the type of covered substance seized; and

(II) the approximate number of covered substance overdoses in the jurisdiction of the applicant that the applicant investigated or responded to during the 2-year period ending on the date of the application, categorized by fatal and nonfatal overdoses.

(2) JOINT APPLICATIONS.—

(A) IN GENERAL.—Two or more law enforcement agencies, including law enforcement agencies located in different States, that have jurisdiction over areas that are geographically contiguous may submit a joint application for a grant under this section that includes—

(i) for each law enforcement agency—

(I) all information required under paragraph (1)(A); and

(II) any optional information described in paragraph (1)(B) that each law enforcement agency chooses to include;

(ii) a plan for the sharing of any chemical screening devices purchased or training provided using grant funds; and

(iii) a certification that not less than 1 employee of each law enforcement agency will be trained to—

(I) use any chemical screening device purchased using grant funds; and

(II) interpret data collected by any chemical screening device purchased using grant funds.

(B) SUBMISSION.—Law enforcement agencies submitting a joint application under subparagraph (A) shall—

(i) be considered as 1 applicant; and

(ii) select the chief law enforcement officer of 1 of the law enforcement agencies to submit the joint application.

(c) RESTRICTIONS.—

(1) SUPPLEMENTAL FUNDS.—Grant funds shall be used to supplement, and not supplant, State, local, and Tribal funds made available to any applicant for any of the purposes described in subsection (a).

(2) ADMINISTRATIVE COSTS.—Not more than 3 percent of any grant awarded under this section may be used for administrative costs.

(d) REPORTS AND RECORDS.—

(1) REPORTS.—For each year during which grant funds are used, the recipient shall submit to the Attorney General a report containing—

(A) a summary of any activity carried out using grant funds;

(B) an assessment of whether each activity described in subparagraph (A) is meeting the need described in subsection (b)(1)(A)(i) that the applicant identified in the application submitted under subsection (b); and

(C) any other information relevant to the purpose of this subtitle that the Attorney General may determine appropriate.

(2) RECORDS.—For the purpose of an audit by the Attorney General of the receipt and use of grant funds, a recipient shall—

(A) keep—

(i) any record relating to the receipt and use of grant funds; and

(ii) any other record as the Attorney General may require; and

(B) make the records described in subparagraph (A) available to the Attorney General upon request by the Attorney General.

SEC. 1095. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General $20,000,000 for fiscal year 2023 to carry out section 1094.

SA 767. Mr. ROMNEY (for himself, Mr. VAN HOLLEN, Mr. SULLIVAN, Mr. CORNYN, Mr. SCOTT of South Carolina, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. ENDING CHINA'S DEVELOPING NATION STATUS.

(a) SHORT TITLE.—This section may be cited as the ''Ending China's Developing Nation Status Act''.

(b) FINDING; STATEMENT OF POLICY.—

(1) FINDING.—Congress finds that the People's Republic of China is still classified as a developing nation under multiple treaties and international organization structures, even though China has grown to be the second largest economy in the world.

(2) STATEMENT OF POLICY.—It is the policy of the United States—

(A) to oppose the labeling or treatment of the People's Republic of China as a developing nation in current and future treaty negotiations and in each international organization of which the United States and the People's Republic of China are both current members;

(B) to pursue the labeling or treatment of the People's Republic of China as a developed nation in each international organization of which the United States and the People's Republic of China are both current members; and

(C) to work with allies and partners of the United States to implement the policies described in paragraphs (1) and (2).

(c) DEFINITIONS.—In this section:

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

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

(B) the Committee on Finance of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Ways and Means of the House of Representatives.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(d) REPORT ON DEVELOPMENT STATUS IN CURRENT TREATY NEGOTIATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

(1) identifies all current treaty negotiations in which—

(A) the proposed treaty would provide for different treatment or standards for enforcement of the treaty based on respective development status of the states that are party to the treaty; and

(B) the People's Republic of China is actively participating in the negotiations, or it is reasonably foreseeable that the People's Republic of China would seek to become a party to the treaty; and

(2) for each treaty negotiation identified pursuant to paragraph (1), describes how the treaty under negotiation would provide different treatment or standards for enforcement of the treaty based on development status of the states parties.

(e) REPORT ON DEVELOPMENT STATUS IN EXISTING ORGANIZATIONS AND TREATIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

(1) identifies all international organizations or treaties, of which the United States is a member, that provide different treatment or standards for enforcement based on the respective development status of the member states or states parties;

(2) describes the mechanisms for changing the country designation for each relevant treaty or organization; and

(3) for each of the organizations or treaties identified pursuant to paragraph (1)—

(A) includes a list of countries that—

(i) are labeled as developing nations or receive the benefits of a developing nation under the terms of the organization or treaty; and

(ii) meet the World Bank classification for upper middle income or high-income countries; and

(B) describes how the organization or treaty provides different treatment or standards for enforcement based on development status of the member states or states parties.

(f) MECHANISMS FOR CHANGING DEVELOPMENT STATUS.—

(1) IN GENERAL.—In any international organization of which the United States and the People's Republic of China are both current members, the Secretary, in consultation with allies and partners of the United States, shall pursue—

(A) changing the status of the People's Republic of China from developing nation to developed nation if a mechanism exists in such organization to make such status change; or

(B) proposing the development of a mechanism described in paragraph (1) to change the status of the People's Republic of China in such organization from developing nation to developed nation.

(2) WAIVER.—The President may waive the application of subparagraph (A) or (B) of paragraph (1) with respect to any international organization if the President notifies the appropriate committees of Congress that such a waiver is in the national interests of the United States.

SA 768. Mr. BRAUN (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 8___. MODIFICATIONS TO RIGHTS IN TECHNICAL DATA.

Section 3771(b) of title 10, United States Code, is amended—

(1) in paragraph (3)(C), by inserting ''for which the United States shall have government purpose rights, unless the Government and the contractor negotiate different license rights'' after ''component)''; and

(2) in paragraph (4)(A)—

(A) in clause (ii), by striking ''; or'' and inserting a semicolon;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause (iii):

''(iii) is a release, disclosure, or use of detailed manufacturing or process data—

''(I) that is necessary for operation, maintenance, installation, or training and shall be used only for operation, maintenance, installation, or training purposes under conditions of a declared war, contingency operations; or

''(II) for which the head of an agency determines that the original supplier of such data will be unable to satisfy program schedule or delivery requirements; or''.

SA 769. Mr. HEINRICH (for himself, Mr. SCHUMER, Mr. YOUNG, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. ANNUAL REVIEW OF STATUS OF IMPLEMENTATION PLAN FOR DIGITAL ENGINEERING CAREER TRACKS.

(a) ANNUAL REVIEW AND REPORT REQUIRED.—Not less frequently than once each year until December 31, 2029, the Secretary of Defense shall—

(1) conduct an internal review of the status of the implementation of the plan submitted pursuant to section 230(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. note prec. 501); and

(2) submit to the congressional defense committees—

(A) a summary of the status described in paragraph (1);

(B) a report on the findings of the Secretary with respect to the most recent review conducted pursuant to such paragraph; and

(C) a plan for how the Department of Defense will plan for digital engineering personnel needs in the coming years.

(b) CONSIDERATION.—The review conducted pursuant to subsection (a)(1) shall include consideration of the rapid rate of technological change in data science and machine learning.

SA 770. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 633. EXPANSION OF PILOT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES FOR IN-HOME CHILD CARE.

Section 589(b)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 1791 note) is amended—

(1) by striking the period at the end and inserting '', and in the following locations:'';

(2) by adding at the end the following new subparagraphs:

''(A) Fort Drum, New York.

''(B) Holloman Air Force Base, New Mexico.

''(C) Naval Air Station Lemoore, California.

''(D) Marine Corps Air Ground Combat Center, Twentynine Palms, California.''.

SA 771. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 359. REPORT ON WATER UTILITY SYSTEMS OF THE DEPARTMENT OF DEFENSE.

Not later than January 15, 2025, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following:

(1) A list of all water utilities owned by the Department of Defense on or providing water to military installations, including an identification of the following information:

(A) The year of original installation of major components for the water utility system, including water treatment facilities, pump stations, and water storage tanks.

(B) The average age of water utility system piping.

(C) The last major recapitalization of the water utility system, including a brief description of the infrastructure that was recapitalized.

(D) All instances of non-compliance with any applicable Federal, State, or local law or regulation to which the water utility system is required to comply within the five-year period preceding the date of the report, including information on any prior or current consent orders or equivalent compliance agreements with any regulatory agency.

(2) For each military department, the total rate of water utility system recapitalization, represented as an annual percentage replacement value of all system assets.

(3) For each military department, a description of the annual inspection requirements for water utility systems, and the percentage of such systems inspected annually.

(4) For each military department, the number of unplanned water utility system outages and the duration of those outages during the one-year period preceding the date of the report, including a listing of installations at which those outages occurred.

(5) The methodology by which each military department develops its business case to retain ownership of a water utility system or to pursue privatization of such system.

SA 772. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 359. CONSIDERATION OF SUPPORT SERVICES AT REMOTE OR ISOLATED INSTALLATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in collaboration with the Secretary of each military department and the Commandant of the Marine Corps, shall—

(1) develop a policy for designating installations of the Department of Defense in the United States as remote or isolated that includes a process for considering health care, housing, and other support services for members of the Armed Forces and their dependents; and

(2) systematically assess the risk associated with not having needed support services for members of the Armed Forces and their dependents stationed in remote or isolated areas and develop strategies to provide such services.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation of the requirements under subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements under subsection (a).

SA 773. Ms. STABENOW (for herself, Mr. GRASSLEY, Mr. TESTER, and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. MODIFICATION OF THE DEFENSE PRODUCTION ACT OF 1950 TO ADDRESS FOOD INSECURITY.

(a) CONSIDERATION OF FOOD INSECURITY IN DETERMINATIONS OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. 4565(f)) is amended—

(1) in paragraph (10), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (11) as paragraph (12); and

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

''(11) the potential effects of the proposed or pending transaction on the security of the food and agriculture systems of the United States, including any effects on the availability of, access to, or safety and quality of food; and''.

(b) INCLUSION OF SECRETARIES OF AGRICULTURE AND HEALTH AND HUMAN SERVICES ON THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—Section 721(k)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(2)) is amended—

(1) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (J), (K), and (L), respectively; and

(2) by inserting after subparagraph (G) the following:

''(H) The Secretary of Agriculture.

''(I) The Secretary of Health and Human Services.''.

SA 774. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31____. DEFINITION OF NUCLEAR FACILITY.

(a) IN GENERAL.—Section 638(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16014(a)(1)) is amended by striking ''means any nuclear facility'' and all that follows through the period at the end and inserting the following: ''means a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to reactors operating on October 19, 2016, including improvements such as—

''(A) additional inherent safety features;

''(B) lower waste yields;

''(C) improved fuel and material performance;

''(D) increased tolerance to loss of fuel cooling;

''(E) enhanced reliability or improved resilience;

''(F) increased proliferation resistance;

''(G) increased thermal efficiency;

''(H) reduced consumption of cooling water and other environmental impacts;

''(I) the ability to integrate into electric applications and nonelectric applications;

''(J) modular sizes to allow for deployment that corresponds with the demand for electricity or process heat; and

''(K) operational flexibility to respond to changes in demand for electricity or process heat and to complement integration with intermittent renewable energy or energy storage.''.

SA 775. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12____. US-ASEAN CENTER.

(a) DEFINED TERM.—In this section, the term ''ASEAN'' means the Association of Southeast Asian Nations.

(b) ESTABLISHMENT.—The Secretary is authorized to enter into a public-private partnership for the purposes of establishing a US-ASEAN Center in the United States to support United States economic and cultural engagement with Southeast Asia.

(c) FUNCTIONS.—Notwithstanding any other provision of law, the US-ASEAN Center established pursuant to subsection (b) may—

(1) provide grants for research to support and elevate the importance of the US-ASEAN partnership;

(2) facilitate activities to strengthen US-ASEAN trade and investment;

(3) expand economic and technological relationships between ASEAN countries and the United States into new areas of cooperation;

(4) provide training to United States citizens and citizens of ASEAN countries that improve people-to-people ties;

(5) develop educational programs to increase awareness for the United States and

ASEAN countries on the importance of relations between the United States and ASEAN countries; and

(6) carry out other activities the Secretary considers necessary to strengthen ties between the United States and ASEAN countries and achieve the objectives of the US-ASEAN Center.

SA 776. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION OF REQUIREMENT FOR PRIOR NOTIFICATION OF SHIPMENTS OF DEFENSE ARTICLES.

Section 36(i) of the Arms Export Control Act (22 U.S.C. 2776(i)) is amended to read as follows:

''(i) PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—Thirty days prior to the first and last shipment relating to a sale of defense articles subject to the requirements of subsection (b), the President shall provide notification of such pending shipment, in unclassified form, with a separate, classified annex as necessary, to the Chairperson and Ranking Member of—

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

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

SA 777. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2023

SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Department of State Authorization Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 6002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of State.

TITLE LXI—DIPLOMATIC SECURITY AND CONSULAR AFFAIRS

SEC. 6101. PASSPORT FEE EXPENDITURE AUTHORITY EXTENSION.

(a) WESTERN HEMISPHERE TRAVEL INITIATIVE FEE.—To make permanent the Western Hemisphere Travel Initiative fee, section 1(b) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(1)) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraphs (2) and (3).

(b) PASSPORT FEES.—Section 1(b) of the Passport Act of June 4, 1920, as amended by subsection (a), shall be applied through fiscal year 2028 by striking ''such costs'' and inserting ''the costs of providing consular services''.

(c) MODERNIZATION OF PASSPORT PROCESSING.—A portion of the expanded expenditure authorities provided in subsections (a) and (b) shall be used—

(1) to modernize consular systems, with an emphasis on passport and citizenship services; and

(2) towards a feasibility study on how the Department could provide urgent, in-person passport services to significant populations with the longest travel times to existing passport agencies, including the possibility of building new passport agencies.

SEC. 6102. SPECIAL HIRING AUTHORITY FOR PASSPORT SERVICES.

During the 3-year period beginning on the date of the enactment of this Act, the Secretary of State, without regard to the provisions under sections 3309 through 3318 of title 5, United States Code, may directly appoint candidates to positions in the competitive service (as defined in section 2102 of such title) at the Department in the Passport and Visa Examining Series 0967.

SEC. 6103. QUARTERLY REPORT ON PASSPORT WAIT TIMES.

Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter for the following 3 years, the Secretary shall submit a report to the appropriate congressional committees that describes—

(1) the current estimated wait times for passport processing;

(2) the steps that have been taken by the Department to reduce wait times to a reasonable time;

(3) efforts to improve the rollout of the online passport renewal processing program, including how much of passport revenues the Department is spending on consular systems modernization;

(4) the demand for urgent passport services by major metropolitan area;

(5) the steps that have been taken by the Department to reduce and meet the demand for urgent passport services, particularly in areas that are greater than 5 hours driving time from the nearest passport agency; and

(6) how the Department details its staff and resources to passport services programs.

SEC. 6104. PASSPORT TRAVEL ADVISORIES.

Not later than 180 days after the date of the enactment of this Act, the Department shall make prominently available in United States regular passports, on the first three pages of the passport, the following information:

(1) A prominent, clear advisory for all travelers to check travel.state.gov for updated travel warnings and advisories.

(2) A prominent, clear notice urging all travelers to register with the Department prior to overseas travel.

(3) A prominent, clear advisory—

(A) noting that many countries deny entry to travelers during the last 6 months of their passport validity period; and

(B) urging all travelers to renew their passport not later than 1 year prior to its expiration.

SEC. 6105. STRATEGY TO ENSURE ACCESS TO PASSPORT SERVICES FOR ALL AMERICANS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for ensuring reasonable access to passport services for all Americans, which shall include—

(1) a detailed strategy describing how the Department could—

(A) by not later than 1 year after submission of the strategy, reduce passport processing times to an acceptable average for renewals and for expedited service; and

(B) by not later than 2 years after the submission of the strategy, provide United States residents living in a significant population center more than a 5-hour drive from a passport agency with urgent, in-person passport services, including the possibility of building new passport agencies; and

(2) a description of the specific resources required to implement the strategy.

SEC. 6106. STRENGTHENING THE NATIONAL PASSPORT INFORMATION CENTER.

(a) SENSE OF CONGRESS.—It is the sense of Congress that passport wait times since 2021 have been unacceptably long and have created frustration among those seeking to obtain or renew passports.

(b) ONLINE CHAT FEATURE.—The Department should develop an online tool with the capability for customers to correspond with customer service representatives regarding questions and updates pertaining to their application for a passport or for the renewal of a passport.

(c) GAO REPORT.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a review of NPIC operations, which shall include an analysis of the extent to which NPIC—

(1) responds to constituent inquiries by telephone, including how long constituents are kept on hold and their ability to be placed in a queue;

(2) provides personalized customer service;

(3) maintains its telecommunications infrastructure to ensure it effectively handles call volumes; and

(4) other relevant issues the Comptroller General deems appropriate.

SEC. 6107. STRENGTHENING PASSPORT CUSTOMER VISIBILITY AND TRANSPARENCY.

(a) ONLINE STATUS TOOL.—Not later than 2 years after the date of the enactment of this Act, the Department should modernize the online passport application status tool to include, to the greatest extent possible, step by step updates on the status of their application, including with respect to the following stages:

(1) Submitted for processing.

(2) In process at a lockbox facility.

(3) Awaiting adjudication.

(4) In process of adjudication.

(5) Adjudicated with a result of approval or denial.

(6) Materials shipped.

(b) ADDITIONAL INFORMATION.—The tool pursuant to subsection (a) should include a display that informs each passport applicant of—

(1) the date on which his or her passport application was received; and

(2) the estimated wait time remaining in the passport application process.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of State for Consular Affairs shall submit a report to the appropriate congressional committees that outlines a plan for coordinated comprehensive public outreach to increase public awareness and understanding of—

(1) the online status tool required under subsection (a);

(2) passport travel advisories required under section 6104; and

(3) passport wait times.

SEC. 6108. ANNUAL OFFICE OF AUTHENTICATIONS REPORT.

(a) REPORT.—The Assistant Secretary of State for Consular Affairs shall submit an annual report for 5 years to the appropriated congressional committees that describes—

(1) the number of incoming authentication requests, broken down by month and type of request, to show seasonal fluctuations in demand;

(2) the average time taken by the Office of Authentications of the Department of State to authenticate documents, broken down by month to show seasonal fluctuations in wait times;

(3) how the Department of State details staff to the Office of Authentications; and

(4) the impact that hiring additional, permanent, dedicated staff for the Office of Authentications would have on the processing times referred to in paragraph (2).

(b) AUTHORIZATION.—The Secretary of State is authorized to hire additional, permanent, dedicated staff for the Office of Authentications.

SEC. 6109. ANNUAL SPECIAL IMMIGRANT VISA REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter for 5 years, the Assistant Secretary of State for Consular Affairs shall submit to the appropriate congressional committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that identifies —

(1) the number of approved applications awaiting visas authorized under section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) (commonly known as EB–4 visas) for special immigrants described in section 101(a)(27)(D) of such Act (8 U.S.C. 1101(a)(27)(D)) who are employed by the United States Government, broken down by country;

(2) an estimate of—

(A) the number of special immigrant visas authorized under such section 101(a)(27)(D) that will be issued during the current fiscal year; and

(B) the number of special immigrant visa applicants who will not be granted such a visa during the current fiscal year;

(3) the estimated period between the date on which a qualified applicant for such a special immigrant visa submits a completed application for such a visa and the date on which such applicant would be issued such a visa; and

(4) the specific high-risk populations, broken down by country, who will face increased hardship due to Department of State delays in processing special immigrant visa applications under such section 101(a)(27)(D).

SEC. 6110. INCREASED ACCOUNTABILITY IN ASSIGNMENT RESTRICTIONS AND REVIEWS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the use of policies to restrict personnel from serving in certain assignments may undermine the Department's ability to deploy relevant cultural and linguistic skills at diplomatic posts abroad if not applied judiciously; and

(2) the Department should continuously evaluate all processes relating to assignment restrictions, assignment title reviews, and preclusions at the Department.

(b) NOTIFICATION OF STATUS.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary shall—

(1) provide a status update for all Department personnel who, prior to such date of enactment, were subject to a prior assignment restriction, assignment review, or preclusion for whom a review or decision related to assignment is pending; and

(2) on an ongoing basis, provide a status update for any Department personnel who has been the subject of a pending assignment restriction or pending assignment review for more than 30 days.

(c) NOTIFICATION CONTENT.—The notification required under subsection (b) shall inform relevant personnel, as of the date of the notification—

(1) whether any prior assignment restriction has been lifted;

(2) if their assignment status is subject to ongoing review, and an estimated date for completion; and

(3) if they are subject to any other restrictions on their ability to serve at posts abroad.

(d) ADJUDICATION OF ONGOING ASSIGNMENT REVIEWS.—

(1) TIME LIMIT.—The Department shall establish a reasonable time limit for the Department to complete an assignment review and establish a deadline by which it must inform personnel of a decision related to such a review.

(2) APPEALS.—For any personnel the Department determines are ineligible to serve in an assignment due to an assignment restriction or assignment review, a Security Appeal Panel shall convene not later than 120 days of an appeal being filed.

(3) ENTRY-LEVEL BIDDING PROCESS.—The Department shall include a description of the assignment review process and critical human intelligence threat posts in a briefing to new officers as part of their entry-level bidding process.

(4) POINT OF CONTACT.—The Department shall designate point of contacts in the Bureau of Diplomatic Security and Bureau of Global Talent Management to answer employee and Career Development Officer questions about assignment restrictions, assignment reviews, and preclusions.

(e) SECURITY REVIEW PANEL.—Not later than 90 days after the date of the enactment of this Act, the Security Appeal Panel shall be comprised of—

(1) the head of an office responsible for human resources or discrimination who reports directly to the Secretary;

(2) the Principal Deputy Assistant Secretary for the Bureau of Global Talent Management;

(3) the Principal Deputy Assistant Secretary for the Bureau of Intelligence and Research;

(4) an Assistant Secretary or Deputy, or equivalent, from a third bureau as designated by the Under Secretary for Management;

(5) a representative from the geographic bureau to which the restriction applies; and

(6) a representative from the Office of the Legal Adviser and a representative from the Bureau of Diplomatic Security, who shall serve as non-voting advisors.

(f) APPEAL RIGHTS.—Section 414(a) of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by striking the first two sentences and inserting ''The Secretary shall establish and maintain a right and process for employees to appeal a decision related to an assignment, based on a restriction, review, or preclusion. Such right and process shall ensure that any such employee shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance.''.

(g) FAM UPDATE.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend all relevant provisions of the Foreign Service Manual, and any associated or related policies of the Department, to comply with this section.

SEC. 6111. SUITABILITY REVIEWS FOR FOREIGN SERVICE INSTITUTE INSTRUCTORS.

The Secretary shall ensure that all instructors at the Foreign Service Institute, including direct hires and contractors, who provide language instruction are—

(1) subject to suitability reviews and background investigations; and

(2) subject to continuous vetting or reinvestigations to the extend consistent with Department and Executive policy for other Department personnel.

SEC. 6112. DIPLOMATIC SECURITY FELLOWSHIP PROGRAMS.

(a) IN GENERAL.—Section 47 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2719) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) DIPLOMATIC SECURITY FELLOWSHIP PROGRAMS.—

''(1) ESTABLISHMENT.—The Secretary of State, working through the Assistant Secretary for Diplomatic Security, shall establish Diplomatic Security fellowship programs to provide grants to United States nationals pursuing undergraduate studies who commit to pursuing a career as a special agent, security engineering officer, or in the civil service in the Bureau of Diplomatic Security.

''(2) RULEMAKING.—The Secretary shall promulgate regulations for the administration of Diplomatic Security fellowship programs that set forth—

''(A) the eligibility requirements for receiving a grant under this subsection;

''(B) the process by which eligible applicants may request such a grant;

''(C) the maximum amount of such a grant; and

''(D) the educational progress to which all grant recipients are obligated.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for each of fiscal years 2024 through 2028 to carry out this section.

SEC. 6113. VICTIMS RESOURCE ADVOCACY PROGRAM.

(a) INVESTIGATION AUTHORITY.—The Secretary is authorized to investigate violations of chapter 77 of title 18, United States Code.

(b) FUNDING FOR HUMAN TRAFFICKING VICTIMS AND DEPENDENTS.—The Secretary is authorized to fund costs, including through the Diplomatic Security Service, Victims' Resource Advocacy Program, to support basic care and resource needs for victims of trafficking in persons and their dependents, who are involved in matters under Diplomatic Security Service investigation.

SEC. 6114. AUTHORITY FOR SPECIAL AGENTS TO INVESTIGATE TRAFFICKING IN PERSONS VIOLATIONS.

Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

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

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) violations of chapter 77 of title 18, United States Code; or''.

TITLE LXII—PERSONNEL MATTERS

Subtitle A—Hiring, Promotion, and Development

SEC. 6201. ADJUSTMENT TO PROMOTION PRECEPTS.

Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003(b)) is amended—

(1) by redesignating paragraph (2), (3), and (4) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) experience serving at an international organization, multilateral institution, or engaging in multinational negotiations;

''(3) willingness to serve in hardship posts overseas or across geographically distinct regions;

''(4) experience advancing policies or developing expertise that enhance the United States' competitiveness with regard to critical and emerging technologies;

''(5) willingness to participate in appropriate and relevant professional development opportunities offered by the Foreign Service Institute or other educational institutions associated with the Department;

''(6) willingness to enable and encourage subordinates at various levels to avail themselves of appropriate and relevant professional development opportunities offered by the Foreign Service Institute or other educational institutions associated with the Department;''.

SEC. 6202. HIRING AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department should possess hiring authorities to enable recruitment of individuals representative of the nation with special skills needed to address 21st century diplomacy challenges; and

(2) the Secretary shall conduct a survey of hiring authorities held by the Department to identify—

(A) hiring authorities already authorized by Congress;

(B) others authorities granted through Presidential decree or executive order; and

(C) any authorities needed to enable recruitment of individuals with the special skills described in paragraph (1).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes a description of all existing hiring authorities and legislative proposals on any new needed authorities.

(c) SPECIAL HIRING AUTHORITY.—For an initial period of not more than 3 years after the date of the enactment of this Act, the Secretary may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service at the Department, as defined in section 2102 of that title, in the following occupational series: 1560 Data Science, 2210 Information Technology Management, and 0201 Human Resources Management.

SEC. 6203. EXTENDING PATHS TO SERVICE FOR PAID STUDENT INTERNS.

For up to 2 years following the end of a compensated internship at the Department or the United States Agency for International Development, the Department or USAID may offer employment to up to 25 such interns and appoint them directly to positions in the competitive service, as defined in section 2102 of title 5, United States Code, without regard to the provisions of sections 3309 through 3318 of such title.

SEC. 6204. LATERAL ENTRY PROGRAM.

(a) IN GENERAL.—Section 404 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323; 130 Stat. 1928) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''3-year'' and inserting ''5-year'';

(B) in paragraph (5), by striking ''; and'';

(C) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following new paragraphs:

''(7) does not include the use of Foreign Service-Limited or other noncareer Foreign Service hiring authorities; and

''(8) includes not fewer than 30 participants for each year of the pilot program.''; and

(2) by adding at the end the following new subsection:

''(e) CERTIFICATION.—If the Secretary does not commence the lateral entry program within 180 days after the date of the enactment of this subsection, the Secretary shall submit a report to the appropriate congressional committees—

''(1) certifying that progress is being made on implementation of the pilot program and describing such progress, including the date on which applicants will be able to apply;

''(2) estimating the date by which the pilot program will be fully implemented;

''(3) outlining how the Department will use the Lateral Entry Program to fill needed skill sets in key areas such as cyberspace, emerging technologies, economic statecraft, multilateral diplomacy, and data and other sciences.''.

SEC. 6205. MID-CAREER MENTORING PROGRAM.

(a) AUTHORIZATION.—The Secretary, in collaboration with the Director of the Foreign Service Institute, is authorized to establish a Mid-Career Mentoring Program (referred to in this section as the ''Program'') for employees who have demonstrated outstanding service and leadership.

(b) SELECTION.—

(1) NOMINATIONS.—The head of each bureau shall semiannually nominate participants for the Program from a pool of applicants in the positions described in paragraph (2)(B), including from posts both domestically and abroad.

(2) SUBMISSION OF SLATE OF NOMINEES TO SECRETARY.—The Director of the Foreign Service Institute, in consultation with the Director General of the Foreign Service, shall semiannually—

(A) vet the nominees most recently nominated pursuant to paragraph (1); and

(B) submit to the Secretary a slate of applicants to participate in the Program, who shall consist of at least—

(i) 10 Foreign Service Officers and specialists classified at the FS-03 or FS-04 level of the Foreign Service Salary Schedule;

(ii) 10 Civil Service employees classified at GS-12 or GS-13 of the General Schedule; and

(iii) 5 Foreign Service Officers from the United States Agency for International Development.

(3) FINAL SELECTION.—The Secretary shall select the applicants who will be invited to participate in the Program from the slate received pursuant to paragraph (2)(B) and extend such an invitation to each selected applicant.

(4) MERIT PRINCIPLES.—Section 105 of the Foreign Service Act of 1980 (22 U.S.C. 3905) shall apply to nominations, submissions to the Secretary, and selections for the Program under this section.

(c) PROGRAM SESSIONS.—

(1) FREQUENCY; DURATION.—All of the participants who accept invitations extended pursuant to subsection (b)(3) shall meet 3 to 4 times per year for training sessions with high-level leaders of the Department and USAID, including private group meetings with the Secretary and the Administrator of the United States Agency for International Development.

(2) THEMES.—Each session referred to in paragraph (1) shall focus on specific themes developed jointly by the Foreign Service Institute and the Executive Secretariat focused on substantive policy issues and leadership practices.

(d) MENTORING PROGRAM.—The Secretary and the Administrator each shall establish a mentoring and coaching program that pairs a senior leader of the Department or USAID with each of the program participants who complete the Program during the 1-year period immediately following their participation in the Program.

(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for three years, the Secretary shall submit a report to the appropriate congressional committees that describes the activities of the Program during the most recent year and includes disaggregated demographic data on participants in the Program.

SEC. 6206. REPORT ON THE FOREIGN SERVICE INSTITUTE'S LANGUAGE PROGRAM .

Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) the average pass and fail rates for language programs at the Foreign Service Institute disaggregated by language during the 5-year period immediately preceding the date of the enactment of this Act;

(2) the number of language instructors at the Foreign Service Institute, and a comparison of the instructor/student ratio in the language programs at the Foreign Service Institute disaggregated by language;

(3) salaries for language instructors disaggregated by language, and a comparison to salaries for instructors teaching languages in comparable employment;

(4) recruitment and retention plans for language instructors, disaggregated by language where necessary and practicable; and

(5) any plans to increase pass rates for languages with high failure rates.

SEC. 6207. CONSIDERATION OF CAREER CIVIL SERVANTS AS CHIEFS OF MISSIONS.

Section 304(b) of the Foreign Service Act of 1980 (22 U.S.C. 3944) is amended—

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

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

''(2) The Secretary shall also furnish to the President, on an annual basis and to assist the President in selecting qualified candidates for appointments or assignments as chief of mission, the names of between 5 and 10 career civil servants serving at the Department of State or the United States Agency for International Development who are qualified to serve as chiefs of mission, together with pertinent information about such individuals.''.

SEC. 6208. CIVIL SERVICE ROTATIONAL PROGRAM.

(a) ESTABLISHMENT OF PILOT ROTATIONAL PROGRAM FOR CIVIL SERVICE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a program to provide qualified civil servants serving at the Department an opportunity to serve at a United States embassy, including identifying criteria and an application process for such program.

(b) PROGRAM.—The program established under this section shall—

(1) provide at least 20 career civil servants the opportunity to serve for 2 to 3 years at a United States embassy to gain additional skills and experience;

(2) offer such civil servants the opportunity to serve in a political or economic section at a United States embassy; and

(3) include clear and transparent criteria for eligibility and selection, which shall include a minimum of 5 years of service at the Department.

(c) SUBSEQUENT POSITION AND PROMOTION.—Following a rotation at a United States embassy pursuant to the program established by this section, participants in the program must be afforded, at minimum, a position equivalent in seniority, compensation, and responsibility to the position occupied prior serving in the program. Successful completion of a rotation at a United States embassy shall be considered favorably with regard to applications for promotion in civil service jobs at the Department.

(d) IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall identify not less than 20 positions in United States embassies for the program established under this section and offered at least 20 civil servants the opportunity to serve in a rotation at a United States embassy pursuant to this section.

SEC. 6209. REPORTING REQUIREMENT ON CHIEFS OF MISSION.

Not later than 30 days following the end of each calendar quarter, the Secretary shall submit to the appropriate congressional committees—

(1) a list of every chief of mission or United States representative overseas with the rank of Ambassador who, during the prior quarter, was outside a country of assignment for more than 14 cumulative days for purposes other than official travel or temporary duty orders; and

(2) the number of days each such chief of mission or United States representative overseas with the rank of Ambassador was outside a country of assignment during the previous quarter for purposes other than official travel or temporary duty orders.

SEC. 6210. REPORT ON CHIEFS OF MISSION AND DEPUTY CHIEFS OF MISSION.

Not later than April 1, 2024, and annually thereafter for the next 4 years, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) the Foreign Service cone of each current chief of mission and deputy chief of mission (or whoever is acting in the capacity of chief or deputy chief if neither is present) for each United States embassy at which there is a Foreign Service office filling either of those positions; and

(2) aggregated data for all chiefs of mission and deputy chiefs of mission described in paragraph (1), disaggregated by cone.

SEC. 6211. PROTECTION OF RETIREMENT ANNUITY FOR REEMPLOYMENT BY DEPARTMENT.

(a) NO TERMINATION OR REDUCTION OF RETIREMENT ANNUITY OR PAY FOR REEMPLOYMENT.—Notwithstanding section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064), if a covered annuitant becomes employed by the Department—

(1) the payment of any retirement annuity, retired pay, or retainer pay otherwise payable to the covered annuitant shall not terminate; and

(2) the amount of the retirement annuity, retired pay, or retainer pay otherwise payable to the covered annuitant shall not be reduced.

(b) COVERED ANNUITANT DEFINED.—In this section, the term ''covered annuitant'' means any individual who is receiving a retirement annuity under—

(1) the Foreign Service Retirement and Disability System under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); or

(2) the Foreign Service Pension System under subchapter II of such chapter (22 U.S.C. 4071 et seq.).

SEC. 6212. ENHANCED VETTING FOR SENIOR DIPLOMATIC POSTS.

(a) COMPREHENSIVE POLICY ON VETTING AND TRANSPARENCY.—Not later than one year after the date of the enactment of this Act, the Secretary shall develop a consistent and enhanced vetting process to ensure that individuals with substantiated claims of discrimination, harassment, or bullying are not considered for assignments to senior positions.

(b) ELEMENTS OF COMPREHENSIVE VETTING POLICY.—Following the conclusion of any investigation into an allegation of discrimination, harassment, or bullying, the Office of Civil Rights, Bureau of Global Talent Management, and other offices with responsibilities related to the investigation reporting directly to the Secretary shall jointly or individually submit a written summary of any findings of any substantiated allegations, along with a summary of findings to the Committee responsible for assignments to senior positions prior to such Committee rendering a recommendation for assignment.

(c) RESPONSE.—The Secretary shall develop a process for candidates to respond to any allegations that are substantiated and presented to the Committee responsible for assignments to senior positions.

(d) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary shall submit to the Department workforce and the appropriate congressional committees a report on the number of candidates confirmed for senior diplomatic posts against whom there were found to have been substantiated allegations.

(e) SENIOR POSITIONS DEFINED.—In this section, the term ''senior positions'' means Chief of Mission, Deputy Assistant Secretary, Deputy Chief of Mission, and Principal Officer (i.e. Consuls General) positions.

SEC. 6213. EFFORTS TO IMPROVE RETENTION AND PREVENT RETALIATION.

(a) STREAMLINED REPORTING.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish a single point of initial reporting for allegations of discrimination, bullying, and harassment that provides an initial review of the allegations and, if necessary, the ability to file multiple claims based on a single complaint.

(b) ENSURING IMPLEMENTATION OF CORRECTIVE ACTION AND MANAGEMENT RECOMMENDATIONS.—The Secretary shall ensure follow up with each complainant who makes an allegation of discrimination, harassment, or bullying pursuant to subsection (a) and the head of the respective bureau not later than 180 days after the conclusion of any investigation where an allegation is substantiated, and again one year after the conclusion of any such investigation, to ensure that any recommendations for corrective action related to the complainant have been acted on where appropriate. If such recommendations have not be implemented, a written statement shall be provided to the head of the bureau and complainant and affected employees explaining why the recommendations have not been implemented.

(c) CLIMATE SURVEYS OF EMPLOYEES OF THE DEPARTMENT.—

(1) REQUIRED BIENNIAL SURVEYS.—Not later than 180 days after the date of the enactment of this Act and every 2 years thereafter, the Secretary shall conduct a Department-wide survey of all Department personnel regarding harassment, discrimination, bullying, and related retaliation that includes workforce perspectives on the accessibility and effectiveness of the Bureau of Global Talent Management and Office of Civil Rights in the efforts and processes to address these issues.

(2) REQUIRED ANNUAL SURVEYS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall conduct an annual employee satisfaction survey to assess the level of job satisfaction, work environment, and overall employee experience within the Department.

(B) OPEN-ENDED RESPONSES.—The survey required under subparagraph (A) shall include options for open-ended responses.

(C) SURVEY QUESTIONS.—The survey shall include questions regarding—

(i) work-life balance;

(ii) compensation and benefits;

(iii) career development opportunities;

(iv) the performance evaluation and promotion process, including fairness and transparency;

(v) communication channels and effectiveness;

(vi) leadership and management;

(vii) organizational culture;

(viii) awareness and effectiveness of complaint measures;

(ix) accessibility and accommodations;

(x) availability of transportation to and from a work station;

(xi) information technology infrastructure functionality and accessibility;

(xii) the employee's understanding of the Department's structure, mission, and goals;

(xiii) alignment and relevance of work to the Department's mission; and

(xiv) sense of empowerment to affect positive change.

(3) REQUIRED EXIT SURVEYS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and implement a standardized, confidential exit survey process that includes anonymous feedback and exit interviews with employees who voluntarily separate from the Department, whether through resignation, retirement, or other means.

(B) SCOPE.—The exit surveys conducted pursuant to subparagraph (A)shall—

(i) be designed to gather insights and feedback from departing employees regarding—

(I) their reasons for leaving, including caretaking responsibilities, career limitations for partner or spouse, and discrimination, harassment, bullying, or retaliation;

(II) their overall experience with the Department; and

(III) any suggestions for improvement; and

(ii) include questions related to—

(I) the employee's reasons for leaving;

(II) job satisfaction;

(III) work environment;

(IV) professional growth opportunities;

(V) leadership effectiveness;

(VI) suggestions for enhancing the Department's performance; and

(VII) if applicable, the name and industry of the employee's future employer.

(C) COMPILATION OF RESULTS.—The Secretary shall compile and analyze the anonymized exit survey data collected pursuant to this paragraph to identify trends, common themes, and areas needing improvement within the Department.

(4) PILOT SURVEYS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a Department-wide survey for Locally Employed Staff regarding retention, training, promotion, and other matters, including harassment, discrimination, bullying, and related retaliation, that includes workforce perspectives on the accessibility and effectiveness of complaint measures.

(5) REPORT.—Not later than 60 days after the conclusion of each survey conducted pursuant to this subsection, the Secretary shall make the key findings available to the Department workforce and shall submit them to the appropriate congressional committees.

(d) RETALIATION PREVENTION EFFORTS.—

(1) EMPLOYEE EVALUATION.—

(A) IN GENERAL.—If there is a pending investigation of discrimination, bullying, or harassment against a superior who is responsible for rating or reviewing the complainant employee, the complainant shall be reviewed by the superior's supervisor.

(B) EFFECTIVE DATE.—This paragraph shall take effect 90 days after the date of the enactment of this Act.

(2) RETALIATION PREVENTION GUIDANCE.—Any Department employee against whom an allegation of discrimination, bullying, or harassment has been made shall receive written guidance (a ''retaliation hold'') on the types of actions that can be considered retaliation against the complainant employee. The employee's immediate supervisor shall also receive the retaliation hold guidance.

SEC. 6214. NATIONAL ADVERTISING CAMPAIGN.

Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a strategy to the appropriate congressional committees that assesses the potential benefits and costs of a national advertising campaign to improve the recruitment in the Civil Service and the Foreign Service by raising public awareness of the important accomplishments of the Department.

SEC. 6215. EXPANSION OF DIPLOMATS IN RESIDENCE PROGRAMS.

Not later than two years after the date of the enactment of this Act—

(1) the Secretary shall increase the number of diplomats in the Diplomats in Residence Program from 17 to at least 20; and

(2) the Administrator of the United States Agency for International Development shall increase the number of development diplomats in the Diplomats in Residence Program from 1 to at least 3.

Subtitle B—Pay, Benefits, and Workforce Matters

SEC. 6221. EDUCATION ALLOWANCE.

(a) IN GENERAL.—Chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

''SEC. 908. EDUCATION ALLOWANCE.

''A Department employee who is on leave to perform service in the uniformed services (as defined in section 4303(13) of title 38, United States Code) may receive an education allowance if the employee would, if not for such service, be eligible to receive the education allowance.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 (22 U.S.C. 3901 note) is amended by inserting after the item relating to section 907 the following:

''Sec. 908. Education allowance''.

SEC. 6222. PER DIEM ALLOWANCE FOR NEWLY HIRED MEMBERS OF THE FOREIGN SERVICE.

(a) PER DIEM ALLOWANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any newly hired Foreign Service employee who is in initial orientation training, or any other training expected to last less than 6 months before transferring to the employee's first assignment, in the Washington, D.C., area shall, for the duration of such training, receive a per diem allowance at the levels prescribed under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION ON LODGING EXPENSES.—A newly hired Foreign Service employee may not receive any lodging expenses under the applicable per diem allowance pursuant to paragraph (1) if that employee—

(A) has a permanent residence in the Washington, D.C., area (not including Government-supplied housing during such orientation training or other training); and

(B) does not vacate such residence during such orientation training or other training.

(b) DEFINITIONS.—In this section—

(1) the term ''per diem allowance'' has the meaning given that term under section 5701 of title 5, United States Code; and

(2) the term ''Washington, D.C., area'' means the geographic area within a 50 mile radius of the Washington Monument.

SEC. 6223. IMPROVING MENTAL HEALTH SERVICES FOR FOREIGN AND CIVIL SERVANTS.

(a) ADDITIONAL PERSONNEL TO ADDRESS MENTAL HEALTH.—

(1) IN GENERAL.—The Secretary shall seek to increase the number of personnel within the Bureau of Medical Services to address mental health needs for both foreign and civil servants.

(2) EMPLOYMENT TARGETS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall seek to employ not fewer than 15 additional personnel in the Bureau of Medical Services, compared to the number of personnel employed as of the date of the enactment of this Act.

(b) STUDY.—The Secretary shall conduct a study on the accessibility of mental health care providers and services available to Department personnel, including an assessment of—

(1) the accessibility of mental health care providers at diplomatic posts and in the United States;

(2) the accessibility of inpatient services for mental health care for Department personnel;

(3) steps that may be taken to improve such accessibility;

(4) the impact of the COVID–19 pandemic on the mental health of Department personnel, particularly those who served abroad between March 1, 2020, and December 31, 2022, and Locally Employed Staff, where information is available;

(5) recommended steps to improve the manner in which the Department advertises mental health services to the workforce; and

(6) additional authorities and resources needed to better meet the mental health needs of Department personnel.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to appropriate congressional committees a report containing the findings of the study under subsection (b).

SEC. 6224. EMERGENCY BACK-UP CARE.

(a) IN GENERAL.—The Secretary and the Administrator for the United States Agency for International Development are authorized to provide for unanticipated non-medical care, including childcare, eldercare, and essential services directly related to caring for an acute injury or illness, for USAID and Department employees and their family members, including through the provision of such non-medical services, referrals to care providers, and reimbursement of reasonable expenses for such services.

(b) LIMITATION.—Services provided pursuant to this section shall not exceed $2,000,000 per fiscal year.

SEC. 6225. AUTHORITY TO PROVIDE SERVICES TO NON-CHIEF OF MISSION PERSONNEL.

Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (g), by striking ''abroad for employees and eligible family members'' and inserting ''under this section''; and

(2) by adding at the end the following new subsection:

''(a) PHYSICAL AND MENTAL HEALTH CARE SERVICES IN SPECIAL CIRCUMSTANCES.—

''(1) IN GENERAL.—The Secretary is authorized to direct health care providers employed under subsection (c) of this section to furnish physical and mental health care services to an individual otherwise ineligible for services under this section if necessary to preserve life or limb or if intended to facilitate an overseas evacuation, recovery, or return. Such services may be provided incidental to the following activities:

''(A) Activities undertaken abroad pursuant to section 3 and section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670, 2671).

''(B) Recovery of hostages or of wrongfully or unlawfully detained individuals abroad, including pursuant to section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741).

''(C) Secretarial dispatches to international disaster sites deployed pursuant to section 207 of the Aviation Security Improvement Act of 1990 (22 U.S.C. 5506).

''(D) Deployments undertaken pursuant to section 606(a)(6)(A)(iii) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(6)(A)(iii)).

''(2) PRIORITIZATION OF OTHER FUNCTIONS.—The Secretary shall prioritize the allocation of Department resources to the health care program described in subsections (a) through (g) above the functions described in paragraph (1).

''(3) REGULATIONS.—The Secretary should prescribe applicable regulations to implement this section, taking into account the prioritization in paragraph (2) and the activities described in paragraph (1).

''(4) REIMBURSABLE BASIS.—Services rendered under this subsection shall be provided on a reimbursable basis to the extent practicable.''.

SEC. 6226. EXCEPTION FOR GOVERNMENT-FINANCED AIR TRANSPORTATION.

(a) REDUCING HARDSHIP FOR TRANSPORTATION OF DOMESTIC ANIMALS.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (c) of section 40118 of title 49, United States Code, the Department is authorized to pay for the transportation by a foreign air carrier of Department personnel and any in-cabin or accompanying checked baggage or cargo if—

(A) no air carrier holding a certificate under section 41102 of such title is willing and able to transport up to 3 domestic animals accompanying such Federal personnel; and

(B) the transportation is from a place—

(i) outside the United States to a place in the United States;

(ii) in the United States to a place outside the United States; or

(iii) outside the United States to another place outside the United States.

(2) LIMITATION.—An amount paid pursuant to paragraph (1) for transportation by a foreign carrier may not be greater than the amount that would otherwise have been paid had the transportation been on an air carrier holding a certificate under section 41102 had that carrier been willing and able to provide such transportation. If the amount that would otherwise have been paid to such an air carrier is less than the cost of transportation on the applicable foreign carrier, the Department personnel may pay the difference of such amount.

(3) DOMESTIC ANIMAL DEFINED.—In this subsection, the term ''domestic animal'' means a dog or a cat.

SEC. 6227. ENHANCED AUTHORITIES TO PROTECT LOCALLY EMPLOYED STAFF DURING EMERGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) locally employed staff provide essential contributions at United States diplomatic and consular posts around the world, including by providing—

(A) security to United States government personnel serving in the country;

(B) advice, expertise, and other services for the promotion of political, economic, public affairs, commercial, security, and other interests of critical importance to the United States;

(C) a wide range of logistical and administrative support to every office in each mission working to advance United States interests around the world, including services and support vital to the upkeep and maintenance of United States missions;

(D) consular services to support the welfare and well-being of United States citizens and to provide for the expeditious processing of visa applications;

(E) institutional memory on a wide range of embassy engagements on bilateral issues; and

(F) enduring connections to host country contacts, both inside and outside the host government, including within media, civil society, the business community, academia, the armed forces, and elsewhere; and

(2) locally employed staff make important contributions that should warrant the United States Government to give due consideration for their security and safety when diplomatic missions face emergency situations.

(b) AUTHORIZATION TO PROVIDE EMERGENCY SUPPORT.—In emergency situations, in addition to other authorities that may be available in emergencies or other exigent circumstances, the Secretary is authorized to use funds made available to the Department to provide support to ensure the safety and security of locally employed staff and their immediate family members, including for—

(1) providing transport or relocating locally employed staff and their immediate family members to a safe and secure environment;

(2) providing short-term housing or lodging for up to six months for locally employed staff and their immediate family members;

(3) procuring or providing other essential items and services to support the safety and security of locally employed staff and their immediate family members.

(c) TEMPORARY HOUSING.—To ensure the safety and security of locally employed staff and their immediate family members consistent with this section, Chiefs of Missions are authorized to allow locally employed staff and their immediate family members to reside temporarily in the residences of United States direct hire employees, either in the host country or other countries, provided that such stays are offered voluntarily by United States direct hire employees.

(d) FOREIGN AFFAIRS MANUAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall amend the Foreign Affairs Manual to reflect the authorizations and requirements of this section.

(e) EMERGENCY SITUATION DEFINED.—In this section, the term ''emergency situation'' means armed conflict, civil unrest, natural disaster, or other types of instability that pose a threat to the safety and security of locally employed staff, particularly when and if a United States diplomatic or consular post must suspend operations.

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing prior actions the Department has taken with regard to locally employed staff and their immediate family members following suspensions or closures of United States diplomatic posts over the prior 10 years, including Kyiv, Kabul, Minsk, Khartoum, and Juba.

(2) ELEMENTS.—The report required under paragraph (1) shall—

(A) describe any actions the Department took to assist locally employed staff and their immediate family members;

(B) identify any obstacles that made providing support or assistance to locally employed staff and their immediate family members difficult;

(C) examine lessons learned and propose recommendations to better protect the safety and security of locally employed staff and their family members, including any additional authorities that may be required; and

(D) provide an analysis of and offer recommendations on any other steps that could improve efforts to protect the safety and security of locally employed staff and their immediate family members.

SEC. 6228. INTERNET AT HARDSHIP POSTS.

Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) in subsection (l), by striking ''; and'' and inserting a semicolon;

(2) in subsection (m) by striking the period at the end and by inserting ''; and''; and

(3) by adding at the end the following new subsection:

''(n) pay expenses to provide internet services in residences owned or leased by the United States Government in foreign countries for the use of Department personnel where Department personnel receive a post hardship differential equivalent to 30 percent or more above basic compensation.''.

SEC. 6229. COMPETITIVE LOCAL COMPENSATION PLAN.

(a) ESTABLISHMENT AND IMPLEMENTATION OF PREVAILING WAGE RATES GOAL.—Section 401(a) of the Department of State Authorities Act, fiscal year 2017 (22 U.S.C. 3968a(a)) is amended in the matter preceding paragraph (1), by striking ''periodically'' and inserting ''every 3 years''.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) compensation (including position classification) plans for locally employed staff based upon prevailing wage rates and compensation practices for corresponding types of positions in the locality of employment; and

(2) an assessment of the feasibility and impact of changing the prevailing wage rate goal for positions in the local compensation plan from the 50th percentile to the 75th percentile.

SEC. 6230. SUPPORTING TANDEM COUPLES IN THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) challenges finding and maintaining spousal employment and family dissatisfaction are one of the leading reasons employees cite for leaving the Department;

(2) tandem Foreign Service personnel represent important members of the Foreign Service community, who act as force multipliers for our diplomacy;

(3) the Department can and should do more to keep tandem couples posted together and consider family member employment needs when assigning tandem officers; and

(4) common sense steps providing more flexibility in the assignments process would improve outcomes for tandem officers without disadvantaging other Foreign Service officers.

(b) DEFINITIONS.—In this section:

(1) FAMILY TOGETHERNESS.—The term ''family togetherness'' means facilitating the placement of Foreign Service personnel at the same United States diplomatic post when both spouses are members of a tandem couple of Foreign Service personnel.

(2) TANDEM FOREIGN SERVICE PERSONNEL; TANDEM.—The terms ''tandem Foreign Service personnel'' and ''tandem'' mean a member of a couple of which one spouse is a career or career candidate employee of the Foreign Service and the other spouse is a career or career candidate employee of the Foreign Service or an employee of one of the agencies authorized to use the Foreign Service Personnel System under section 202 of the Foreign Service Act of 1980 (22 U.S.C. 3922).

(c) FAMILY TOGETHERNESS IN ASSIGNMENTS.—Not later than 90 days after the date of enactment of this Act, the Department shall amend and update its policies to further promote the principle of family togetherness in the Foreign Service, which shall include the following:

(1) ENTRY-LEVEL FOREIGN SERVICE PERSONNEL.—The Secretary shall adopt policies and procedures to facilitate the assignment of entry-level tandem Foreign Service personnel on directed assignments to the same diplomatic post or country as their tandem spouse if they request to be assigned to the same post or country. The Secretary shall also provide a written justification to the requesting personnel explaining any denial of a request that would result in a tandem couple not serving together at the same post or country.

(2) TENURED FOREIGN SERVICE PERSONNEL.—The Secretary shall add family togetherness to the criteria when making a needs of the Service determination, as defined by the Foreign Affairs Manual, for the placement of tenured tandem Foreign Service personnel at United States diplomatic posts.

(3) UPDATES TO ANTINEPOTISM POLICY.—The Secretary shall update antinepotism policies so that nepotism rules only apply when an employee and a relative are placed into positions wherein they jointly and exclusively control government resources, property, or money or establish government policy.

(4) TEMPORARY SUPERVISION OF TANDEM SPOUSE.—The Secretary shall update policies to allow for a tandem spouse to temporarily

supervise another tandem spouse for up to 90 days in a calendar year, including at a United States diplomatic mission.

(d) REPORT.—Not later than 90 days after the date of enactment of this Act, and annually thereafter for two years, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) the number of Foreign Service tandem couples currently serving;

(2) the number of Foreign Service tandems currently serving in separate locations, or, to the extent possible, are on leave without pay (LWOP); and

(3) an estimate of the cost savings that would result if all Foreign Service tandem couples were placed at a single post.

SEC. 6231. ACCESSIBILITY AT DIPLOMATIC MISSIONS.

Not later than 180 days after the date of the enactment of this Act, the Department shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that includes—

(1) a list of the overseas United States diplomatic missions that, as of the date of the enactment of this Act, are not readily accessible to and usable by individuals with disabilities;

(2) any efforts in progress to make such missions readily accessible to and usable by individuals with disabilities; and

(3) an estimate of the cost to make all such missions readily accessible to and usable by individuals with disabilities.

SEC. 6232. REPORT ON BREASTFEEDING ACCOMMODATIONS OVERSEAS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) a detailed report on the Department's efforts to equip 100 percent of United States embassies and consulates with dedicated lactation spaces, other than bathrooms, that are shielded from view and free from intrusion from coworkers and the public for use by employees, including the expected demand for such space as well as the status of such rooms when there is no demand for such space; and

(2) a description of costs and other resources needed to provide such spaces.

SEC. 6233. DETERMINING THE EFFECTIVENESS OF KNOWLEDGE TRANSFERS BETWEEN FOREIGN SERVICE OFFICERS.

The Secretary shall assess the effectiveness of knowledge transfers between Foreign Service officers who are departing from overseas positions and Foreign Service Officers who are arriving at such positions, and make recommendations for approving such knowledge transfers, as appropriate, by—

(1) not later than 90 days after the date of the enactment of this Act, conducting a written survey of a representative sample of Foreign Service Officers working in overseas assignments that analyzes the effectiveness of existing mechanisms to facilitate transitions, including training, mentorship, information technology, knowledge management, relationship building, the role of locally employed staff, and organizational culture; and

(2) not later than 120 days after the date of the enactment of this Act, submitting to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a summary and analysis of results of the survey conducted pursuant to paragraph (1) that—

(A) identifies best practices and areas for improvement;

(B) describes the Department's methodology for determining which Foreign Service Officers should receive familiarization trips before arriving at a new post;

(C) includes recommendations regarding future actions the Department should take to maximize effective knowledge transfer between Foreign Service Officers;

(D) identifies any steps taken, or intended to be taken, to implement such recommendations, including any additional resources or authorities necessary to implement such recommendations; and

(E) provides recommendations to Congress for legislative action to advance the priority described in subparagraph (C).

SEC. 6234. EDUCATION ALLOWANCE FOR DEPENDENTS OF DEPARTMENT OF STATE EMPLOYEES LOCATED IN UNITED STATES TERRITORIES.

(a) IN GENERAL.—An individual employed by the Department at a location described in subsection (b) shall be eligible for a cost-of-living allowance for the education of the dependents of such employee in an amount that does not exceed the educational allowance authorized by the Secretary of Defense for such location.

(b) LOCATION DESCRIBED.—A location is described in this subsection if—

(1) such location is in a territory of the United States; and

(2) the Secretary of Defense has determined that schools available in such location are unable to adequately provide for the education of—

(A) dependents of members of the Armed Forces; or

(B) dependents of employees of the Department of Defense.

TITLE LXIII—INFORMATION SECURITY AND CYBER DIPLOMACY

SEC. 6301. DATA-INFORMED DIPLOMACY.

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

(1) In a rapidly evolving and digitally interconnected global landscape, access to and maintenance of reliable, readily available data is key to informed decisionmaking and diplomacy and therefore should be considered a strategic asset.

(2) In order to achieve its mission in the 21st century, the Department must adapt to these trends by maintaining and providing timely access to high-quality data at the time and place needed, while simultaneously cultivating a data-savvy workforce.

(3) Leveraging data science and data analytics has the potential to improve the performance of the Department's workforce by providing otherwise unknown insights into program deficiencies, shortcomings, or other gaps in analysis.

(4) While innovative technologies such as artificial intelligence and machine learning have the potential to empower the Department to analyze and act upon data at scale, systematized, sustainable data management and information synthesis remain a core competency necessary for data-driven decisionmaking.

(5) The goals set out by the Department's Enterprise Data Council (EDC) as the areas of most critical need for the Department, including Cultivating a Data Culture, Accelerating Decisions through Analytics, Establishing Mission-Driven Data Management, and Enhancing Enterprise Data Governance, are laudable and will remain critical as the Department develops into a data-driven agency.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department should prioritize the recruitment and retainment of top data science talent in support of its data-informed diplomacy efforts as well as its broader modernization agenda; and

(2) the Department should strengthen data fluency among its workforce, promote data collaboration across and within its bureaus, and enhance its enterprise data oversight.

SEC. 6302. ESTABLISHMENT AND EXPANSION OF THE BUREAU CHIEF DATA OFFICER PROGRAM.

(a) BUREAU CHIEF DATA OFFICER PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as the ''Bureau Chief Data Officer Program'' (referred to in this section as the ''Program''), overseen by the Department's Chief Data Officer. The Bureau Chief Data Officers hired under this program shall report to the Department's Chief Data Officer.

(2) GOALS.—The goals of the Program shall include the following:

(A) Cultivating a data culture by promoting data fluency and data collaboration across the Department.

(B) Promoting increased data analytics use in critical decisionmaking areas.

(C) Promoting data integration and standardization.

(D) Increasing efficiencies across the Department by incentivizing acquisition of enterprise data solutions and subscription data services to be shared across bureaus and offices and within bureaus.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an implementation plan that outlines strategies for—

(1) advancing the goals described in subsection (a)(2);

(2) hiring Bureau Chief Data Officers at the GS-14 or GS-15 grade or a similar rank;

(3) assigning at least one Bureau Chief Data Officer to—

(A) each regional bureau of the Department;

(B) the Bureau of International Organization Affairs;

(C) the Office of the Chief Economist;

(D) the Office of the Science and Technology Advisor;

(E) the Bureau of Cyber and Digital Policy;

(F) the Bureau of Diplomatic Security;

(G) the Bureau for Global Talent Management; and

(H) the Bureau of Consular Affairs; and

(4) allocation of necessary resources to sustain the Program.

(c) ASSIGNMENT.—In implementing the Bureau Chief Data Officer Program, Bureaus may not dual-hat currently employed personnel as Bureau Chief Data Officers.

(d) ANNUAL REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 3 years, the Secretary shall submit a report to the appropriate congressional committees regarding the status of the implementation plan required under subsection (b).

SEC. 6303. TASK FORCE TO ADDRESS ARTIFICIAL INTELLIGENCE-ENABLED INFLUENCE OPERATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the rapid development of publicly available, affordable generative artificial intelligence (AI) technology, including the use of large language models (LLM) to fuel natural language processing applications, has the potential to fundamentally alter the nature of disinformation and propaganda campaigns by enabling finely tailored, auto-generated disinformation swiftly, in any language, at scale, and at low-costs;

(2) academia and private industry, including social media platforms, play a critical role in establishing safeguards for powerful, publicly available tools for producing AI-

generated content, and it is in the United States national security interest to ensure that these technologies are not misused by foreign malign actors to enhance influence operations abroad;

(3) the ability to identify, track, and label original text, audio, and visual content is becoming increasingly vital to United States national interests as sophisticated AI-generated content creation becomes increasingly available to the public at low costs;

(4) coalitions such as the Content Authenticity Initiative (CAI) and the Coalition for Content Provenance and Authority (C2PA) play important roles in establishing open industry standards for content authenticity and digital content provenance, which will become increasingly vulnerable to manipulation and distortion through AI-powered tools; and

(5) the Department, as the lead agency for United States public diplomacy, should work within the interagency process to develop a common approach to United States international engagement on issues related to AI-enabled disinformation.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to share knowledge with allies and partners of instances when foreign state actors have leveraged generative AI to augment disinformation campaigns or propaganda;

(2) to work with private industry and academia to mitigate the risks associated with public research on generative AI technologies; and

(3) to support efforts in developing digital content provenance detection techniques and technologies in line with United States national security interests.

(c) ESTABLISHMENT OF COUNTERING AI-ENABLED DISINFORMATION TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish within the Department a Countering AI-Enabled Disinformation Task Force (referred to in this section as the ''Task Force'') to—

(A) identify potential responses to the growing threat of AI-enabled disinformation and its use by foreign state actors to augment influence operations and disinformation campaigns;

(B) work closely with private industry and academia to identify and coordinate efforts in developing digital content provenance detection techniques and technologies;

(C) develop the Department's internal coordination across regional and functional bureaus on the issue of AI-enabled disinformation;

(D) develop a unified approach to international coordination on—

(i) establishing standards around digital content provenance techniques and technologies, specifically as it relates to countering AI-enabled disinformation campaign; and

(ii) assessing the potential for establishing frameworks around the proliferation of tools that facilitate AI-enabled disinformation; and

(E) identify any additional tools or resources necessary to enhance the Department's ability to—

(i) detect AI-enabled foreign disinformation and propaganda;

(ii) rapidly produce original counter-messaging to address AI-enabled disinformation campaigns;

(iii) expand digital literacy programming abroad to include education on how media consumers in recipient countries can identify and inoculate themselves from synthetically produced media; and

(iv) coordinate and collaborate with other governments, international organizations, civil society, the private sector, and others, as necessary.

(2) MEMBERSHIP.—The Task Force shall be comprised of a representative from relevant offices, as determined by the Secretary, including—

(A) the Bureau of Cyberspace and Digital Policy;

(B) the Under Secretary for Public Diplomacy and Public Affairs;

(C) the Global Engagement Center;

(D) the Office of the Science and Technology Advisor to the Secretary;

(E) the Bureau of Oceans and International Environmental and Scientific Affairs;

(F) the Bureau for Intelligence and Research;

(G) the Center for Analytics of the Office of Management Strategy and Solutions;

(H) the Foreign Service Institute School of Applied Information Technology; and

(I) any others the Secretary determines appropriate.

(d) TASK FORCE REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the establishment and progress of the Task Force's work, including in pursuit of the objectives described in subsection(c)(1).

(e) DEFINITIONS.—In this section:

(1) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given that term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4001 note).

(2) DIGITAL CONTENT PROVENANCE.—The term ''digital content provenance'' means the verifiable chronology of the origin and history of a piece of digital content, such as an image, video, audio recording, or electronic document.

SEC. 6304. ESTABLISHMENT OF THE CHIEF ARTIFICIAL INTELLIGENCE OFFICER OF THE DEPARTMENT OF STATE.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(n) CHIEF ARTIFICIAL INTELLIGENCE OFFICER.—

''(1) IN GENERAL.—There shall be within the Department of State a Chief Artificial Intelligence Officer, which may be dual-hatted as the Department's Chief Data Officer, who shall be a member of the Senior Executive Service.

''(2) DUTIES DESCRIBED.—The principal duties and responsibilities of the Chief Artificial Intelligence Officer shall be—

''(A) to evaluate, oversee, and, if appropriate, facilitate the responsible adoption of artificial intelligence (AI) and machine learning applications to help inform decisions by policymakers and to support programs and management operations of the Department of State; and

''(B) to act as the principal advisor to the Secretary of State on the ethical use of AI and advanced analytics in conducting data-informed diplomacy.

''(3) QUALIFICATIONS.—The Chief Artificial Intelligence Officer should be an individual with demonstrated skill and competency in—

''(A) the use and application of data analytics, AI, and machine learning; and

''(B) transformational leadership and organizational change management, particularly within large, complex organizations.

''(4) PARTNER WITH THE CHIEF INFORMATION OFFICER ON SCALING ARTIFICIAL INTELLIGENCE USE CASES.—To ensure alignment between the Chief Artificial Intelligence Officer and the Chief Information Officer, the Chief Information Officer will consult with the Chief Artificial Intelligence Officer on best practices for rolling out and scaling AI capabilities across the Bureau of Information and Resource Management's broader portfolio of software applications.

''(5) ARTIFICIAL INTELLIGENCE DEFINED.—In this subsection, the term 'artificial intelligence' has the meaning given the term in section 238(g) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4001 note).''.

SEC. 6305. STRENGTHENING THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF STATE.

(a) IN GENERAL.—The Chief Information Officer of the Department shall be consulted on all decisions to approve or disapprove, significant new unclassified information technology expenditures, including software, of the Department, including expenditures related to information technology acquired, managed, and maintained by other bureaus and offices within the Department, in order to—

(1) encourage the use of enterprise software and information technology solutions where such solutions exist or can be developed in a timeframe and manner consistent with maintaining and enhancing the continuity and improvement of Department operations;

(2) increase the bargaining power of the Department in acquiring information technology solutions across the Department;

(3) reduce the number of redundant Authorities to Operate (ATO), which, instead of using one ATO-approved platform across bureaus, requires multiple ATOs for software use cases across different bureaus;

(4) enhance the efficiency, reduce redundancy, and increase interoperability of the use of information technology across the enterprise of the Department;

(5) enhance training and alignment of information technology personnel with the skills required to maintain systems across the Department;

(6) reduce costs related to the maintenance of, or effectuate the retirement of, legacy systems;

(7) ensure the development and maintenance of security protocols regarding the use of information technology solutions and software across the Department; and

(8) improve end-user training on the operation of information technology solutions and to enhance end-user cybersecurity practices.

(b) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department shall develop, in consultation with relevant bureaus and offices as appropriate, a strategy and a 5-year implementation plan to advance the objectives described in subsection (a).

(2) CONSULTATION.—No later than one year after the date of the enactment of this Act, the Chief Information Officer shall submit the strategy required by this subsection to the appropriate congressional committees and shall consult with the appropriate congressional committees, not less than on an annual basis for 5 years, regarding the progress related to the implementation plan required by this subjection.

(c) IMPROVEMENT PLAN FOR THE BUREAU FOR INFORMATION RESOURCES MANAGEMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer shall develop policies and protocols to improve the customer service orientation, quality and timely delivery of information technology solutions, and training and support for bureau and office-level information technology officers.

(2) SURVEY.—Not later than one year after the date of the enactment of this Act, and

annually thereafter for five years, the Chief Information Officer shall undertake a client satisfaction survey of bureau information technology officers to obtain feedback on metrics related to—

(A) customer service orientation of the Bureau of Information Resources Management;

(B) quality and timelines of capabilities delivered;

(C) maintenance and upkeep of information technology solutions;

(D) training and support for senior bureau and office-level information technology officers; and

(E) other matters which the Chief Information Officer, in consultation with client bureaus and offices, determine appropriate.

(3) SUBMISSION OF FINDINGS.—Not later than 60 days after completing each survey required under paragraph (2), the Chief Information Officer shall submit a summary of the findings to the appropriate congressional committees.

(d) SIGNIFICANT EXPENDITURE DEFINED.—For purposes of this section, the term ''significant expenditure'' means any cumulative expenditure in excess of $250,000 total in a single fiscal year for a new unclassified software or information technology capability.

SEC. 6306. SENSE OF CONGRESS ON STRENGTHENING ENTERPRISE GOVERNANCE.

It is the sense of Congress that in order to modernize the Department, enterprise-wide governance regarding budget and finance, information technology, and the creation, analysis, and use of data across the Department is necessary to better align resources to strategy, including evaluating trade-offs, and to enhance efficiency and security in using data and technology as tools to inform and evaluate the conduct of United States foreign policy.

SEC. 6307. DIGITAL CONNECTIVITY AND CYBERSECURITY PARTNERSHIP.

(a) DIGITAL CONNECTIVITY AND CYBERSECURITY PARTNERSHIP.—The Secretary is authorized to establish a program, which may be known as the ''Digital Connectivity and Cybersecurity Partnership'', to help foreign countries—

(1) expand and increase secure internet access and digital infrastructure in emerging markets, including demand for and availability of high-quality information and communications technology (ICT) equipment, software, and services;

(2) protect technological assets, including data;

(3) adopt policies and regulatory positions that foster and encourage open, interoperable, reliable, and secure internet, the free flow of data, multi-stakeholder models of internet governance, and pro-competitive and secure ICT policies and regulations;

(4) access United States exports of ICT goods and services;

(5) expand interoperability and promote the diversification of ICT goods and supply chain services to be less reliant on PRC imports;

(6) promote best practices and common standards for a national approach to cybersecurity; and

(7) advance other priorities consistent with paragraphs (1) through (6), as determined by the Secretary.

(b) USE OF FUNDS.—Funds made available to carry out this section, including unexpended funds from fiscal years 2018 through 2022, may be used to strengthen civilian cybersecurity and information and communications technology capacity, including participation of foreign law enforcement and military personnel in non-military activities, notwithstanding any other provision of law, provided that such support is essential to enabling civilian and law enforcement of cybersecurity and information and communication technology related activities in their respective countries.

(c) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an implementation plan for the coming year to advance the goals identified in subsection (a).

(d) CONSULTATION.—In developing and operationalizing the implementation plan required under subsection (c), the Secretary shall consult with—

(1) the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives;

(2) United States industry leaders;

(3) other relevant technology experts, including the Open Technology Fund;

(4) representatives from relevant United States Government agencies; and

(5) representatives from like-minded allies and partners.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for each of fiscal years 2024 through 2028 to carry out this section. Such funds, including funds authorized to be appropriated under the heading ''Economic Support Fund'', may be made available, notwithstanding any other provision of law to strengthen civilian cybersecurity and information and communications technology capacity, including for participation of foreign law enforcement and military personnel in non-military activities, and for contributions. Such funds shall remain available until expended.

SEC. 6308. ESTABLISHMENT OF A CYBERSPACE, DIGITAL CONNECTIVITY, AND RELATED TECHNOLOGIES (CDT) FUND.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following new chapter:

''CHAPTER 10—CYBERSPACE, DIGITAL CONNECTIVITY, AND RELATED TECHNOLOGIES (CDT) FUND

''SEC. 591. FINDINGS.

''Congress makes the following findings:

''(1) Increasingly digitized and interconnected social, political, and economic systems have introduced new vulnerabilities for malicious actors to exploit, which threatens economic and national security.

''(2) The rapid development, deployment, and integration of information and communication technologies into all aspects of modern life bring mounting risks of accidents and malicious activity involving such technologies, and their potential consequences.

''(3) Because information and communication technologies are globally manufactured, traded, and networked, the economic and national security of the United State depends greatly on cybersecurity practices of other actors, including other countries.

''(4) United States assistance to countries and international organizations to bolster civilian capacity to address national cybersecurity and deterrence in cyberspace can help—

''(A) reduce vulnerability in the information and communication technologies ecosystem; and

''(B) advance national and economic security objectives.

''SEC. 592. AUTHORIZATION OF ASSISTANCE AND FUNDING FOR CYBERSPACE, DIGITAL CONNECTIVITY, AND RELATED TECHNOLOGIES (CDT) CAPACITY BUILDING ACTIVITIES.

''(a) AUTHORIZATION.—The Secretary of State is authorized to provide assistance to foreign governments and organizations, including national, regional, and international institutions, on such terms and conditions as the Secretary may determine, in order to—

''(1) advance a secure and stable cyberspace;

''(2) protect and expand trusted digital ecosystems and connectivity;

''(3) build the cybersecurity capacity of partner countries and organizations; and

''(4) ensure that the development of standards and the deployment and use of technology supports and reinforces human rights and democratic values, including through the Digital Connectivity and Cybersecurity Partnership.

''(b) SCOPE OF USES.—Assistance under this section may include programs to—

''(1) advance the adoption and deployment of secure and trustworthy information and communications technology (ICT) infrastructure and services, including efforts to grow global markets for secure ICT goods and services and promote a more diverse and resilient ICT supply chain;

''(2) provide technical and capacity building assistance to—

''(A) promote policy and regulatory frameworks that create an enabling environment for digital connectivity and a vibrant digital economy;

''(B) ensure technologies, including related new and emerging technologies, are developed, deployed, and used in ways that support and reinforce democratic values and human rights;

''(C) promote innovation and competition; and

''(D) support digital governance with the development of rights-respecting international norms and standards;

''(3) help countries prepare for, defend against, and respond to malicious cyber activities, including through—

''(A) the adoption of cybersecurity best practices;

''(B) the development of national strategies to enhance cybersecurity;

''(C) the deployment of cybersecurity tools and services to increase the security, strength, and resilience of networks and infrastructure;

''(D) support for the development of cybersecurity watch, warning, response, and recovery capabilities, including through the development of cybersecurity incident response teams;

''(E) support for collaboration with the Cybersecurity and Infrastructure Security Agency (CISA) and other relevant Federal agencies to enhance cybersecurity;

''(F) programs to strengthen allied and partner governments' capacity to detect, investigate, deter, and prosecute cybercrimes;

''(G) programs to provide information and resources to diplomats engaging in discussions and negotiations around international law and capacity building measures related to cybersecurity;

''(H) capacity building for cybersecurity partners, including law enforcement and military entities as described in subsection (f);

''(I) programs that enhance the ability of relevant stakeholders to act collectively against shared cybersecurity threats;

''(J) the advancement of programs in support of the Framework of Responsible State Behavior in Cyberspace; and

''(K) the fortification of deterrence instruments in cyberspace; and

''(4) such other purpose and functions as the Secretary of State may designate.

''(c) RESPONSIBILITY FOR POLICY DECISIONS AND JUSTIFICATION.—The Secretary of State shall be responsible for policy decisions regarding programs under this chapter, with respect to—

''(1) whether there will be cybersecurity and digital capacity building programs for a

foreign country or entity operating in that country;

''(2) the amount of funds for each foreign country or entity; and

''(3) the scope and nature of such uses of funding.

''(d) DETAILED JUSTIFICATION FOR USES AND PURPOSES OF FUNDS.—The Secretary of State shall provide, on an annual basis, a detailed justification for the uses and purposes of the amounts provided under this chapter, including information concerning—

''(1) the amounts and kinds of grants;

''(2) the amounts and kinds of budgetary support provided, if any; and

''(3) the amounts and kinds of project assistance provided for what purpose and with such amounts.

''(e) ASSISTANCE AND FUNDING UNDER OTHER AUTHORITIES.—The authority granted under this section to provide assistance or funding for countries and organizations does not preclude the use of funds provided to carry out other authorities also available for such purpose.

''(f) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out this chapter may be used, notwithstanding any other provision of law, to strengthen civilian cybersecurity and information and communications technology capacity, including participation of foreign law enforcement and military personnel in non-military activities, provided that such support is essential to enabling civilian and law enforcement of cybersecurity and information and communication technology related activities in their respective countries.

''(g) NOTIFICATION REQUIREMENTS.—Funds made available under this section shall be obligated in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

''SEC. 593. REVIEW OF EMERGENCY ASSISTANCE CAPACITY.

''(a) IN GENERAL.—The Secretary of State, in consultation as appropriate with other relevant Federal departments and agencies is authorized to conduct a review that—

''(1) analyzes the United States Government's capacity to promptly and effectively deliver emergency support to countries experiencing major cybersecurity and ICT incidents;

''(2) identifies relevant factors constraining the support referred to in paragraph (1); and

''(3) develops a strategy to improve coordination among relevant Federal agencies and to resolve such constraints.

''(b) REPORT.—Not later than one year after the date of the enactment of this chapter, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that contains the results of the review conducted pursuant to subsection (a).

''SEC. 594. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated $150,000,000 during the 5-year period beginning on October 1, 2023, to carry out the purposes of this chapter.''.

SEC. 6309. CYBER PROTECTION SUPPORT FOR PERSONNEL OF THE DEPARTMENT OF STATE IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) DEFINITIONS.—In this section:

(1) AT-RISK PERSONNEL.—The term ''at-risk personnel'' means personnel of the Department—

(A) whom the Secretary determines to be highly vulnerable to cyber attacks and hostile information collection activities because of their positions in the Department; and

(B) whose personal technology devices or personal accounts are highly vulnerable to cyber attacks and hostile information collection activities.

(2) PERSONAL ACCOUNTS.—The term ''personal accounts'' means accounts for online and telecommunications services, including telephone, residential internet access, email, text and multimedia messaging, cloud computing, social media, health care, and financial services, used by personnel of the Department outside of the scope of their employment with the Department.

(3) PERSONAL TECHNOLOGY DEVICES.—The term ''personal technology devices'' means technology devices used by personnel of the Department outside of the scope of their employment with the Department, including networks to which such devices connect.

(b) REQUIREMENT TO PROVIDE CYBER PROTECTION SUPPORT.—The Secretary, in consultation with the Director of National Intelligence—

(1) shall offer cyber protection support for the personal technology devices and personal accounts of at-risk personnel; and

(2) may provide the support described in paragraph (1) to any Department personnel who request such support.

(c) NATURE OF CYBER PROTECTION SUPPORT.—Subject to the availability of resources, the cyber protection support provided to personnel pursuant to subsection (b) may include training, advice, assistance, and other services relating to protection against cyber attacks and hostile information collection activities.

(d) PRIVACY PROTECTIONS FOR PERSONAL DEVICES.—The Department is prohibited from accessing or retrieving any information from any personal technology device or personal account of Department employees receiving cyber protection support described by this section unless—

(1) access or information retrieval is necessary for carrying out the cyber protection support specified in this section; and

(2) the Department has received explicit consent from the employee to access a personal technology device or personal account prior to each time such device or account is accessed.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to encourage Department personnel to use personal technology devices for official business; or

(2) to authorize cyber protection support for senior Department personnel using personal devices, networks, and personal accounts in an official capacity.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees regarding the provision of cyber protection support pursuant to subsection (b), which shall include—

(1) a description of the methodology used to make the determination under subsection (a)(1); and

(2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support pursuant to subsection (b).

TITLE LXIV—ORGANIZATION AND OPERATIONS

SEC. 6401. PERSONAL SERVICES CONTRACTORS.

(a) EXIGENT CIRCUMSTANCES AND CRISIS RESPONSE.—To assist the Department in addressing and responding to exigent circumstances and urgent crises abroad, the Department is authorized to employ, domestically and abroad, a limited number of personal services contractors in order to meet exigent needs, subject to the requirements of this section.

(b) AUTHORITY.—The authority to employ personal services contractors is in addition to any existing authorities to enter into personal services contracts and authority provided in the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117–43).

(c) EMPLOYING AND ALLOCATION OF PERSONNEL.—To meet the needs described in subsection (a) and subject to the requirements in subsection (d), the Department may—

(1) enter into contracts to employ a total of up to 100 personal services contractors at any given time for each of fiscal years 2024, 2025, and 2026; and

(2) allocate up to 20 personal services contractors to a given bureau, without regard to the sources of funding such office relies on to compensate individuals.

(d) LIMITATION.—Employment authorized by this section shall not exceed two calendar years.

(e) NOTIFICATION AND REPORTING TO CONGRESS.—

(1) NOTIFICATION.—Not later than 15 days after the use of authority under this section, the Secretary shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of the number of personal services contractors being employed, the expected length of employment, the relevant bureau, the purpose for using personal services contractors, and the justification, including the exigent circumstances requiring such use.

(2) ANNUAL REPORTING.—Not later than 60 days after the end of each fiscal year, the Department shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing the number of personal services contractors employed pursuant to this section for the prior fiscal year, the length of employment, the relevant bureau by which they were employed pursuant to this section, the purpose for using personal services contractors, disaggregated demographic data of such contractors, and the justification for the employment, including the exigent circumstances.

SEC. 6402. HARD-TO-FILL POSTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the number of hard-to-fill vacancies at United States diplomatic missions is far too high, particularly in Sub-Saharan Africa;

(2) these vacancies—

(A) adversely impact the Department's execution of regional strategies;

(B) hinder the ability of the United States to effectively compete with strategic competitors, such as the People's Republic of China and the Russian Federation; and

(C) present a clear national security risk to the United States; and

(3) if the Department is unable to incentivize officers to accept hard-to-fill positions, the Department should consider directed assignments, particularly for posts in Africa, and other means to more effectively advance the national interests of the United States.

(b) REPORT ON DEVELOPMENT OF INCENTIVES FOR HARD-TO-FILL POSTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on efforts to develop new incentives for hard-to-fill positions at United States diplomatic missions. The report shall include a description of the incentives developed to date and proposals to try to more effectively fill hard-to-fill posts.

(c) STUDY ON FEASIBILITY OF ALLOWING NON-CONSULAR FOREIGN SERVICE OFFICERS GIVEN DIRECTED CONSULAR POSTS TO VOLUNTEER FOR HARD-TO-FILL POSTS IN UNDERSTAFFED REGIONS.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a study on—

(i) the number of Foreign Service positions vacant for six months or longer at overseas posts, including for consular, political, and economic positions, over the last five years, broken down by region, and a comparison of the proportion of vacancies between regions; and

(ii) the feasibility of allowing first-tour Foreign Service generalists in non-Consular cones, directed for a consular tour, to volunteer for reassignment at hard-to-fill posts in understaffed regions.

(B) MATTERS TO BE CONSIDERED.—The study conducted under subparagraph (A) shall consider whether allowing first-tour Foreign Service generalists to volunteer as described in such subparagraph would address current vacancies and what impact the new mechanism would have on consular operations.

(2) REPORT.—Not later than 60 days after completing the study required under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report containing the findings of the study.

SEC. 6403. ENHANCED OVERSIGHT OF THE OFFICE OF CIVIL RIGHTS.

(a) REPORT WITH RECOMMENDATIONS AND MANAGEMENT STRUCTURE.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report with any recommendations for the long-term structure and management of the Office of Civil Rights (OCR), including—

(1) an assessment of the strengths and weaknesses of OCR's investigative processes and procedures;

(2) any changes made within OCR to its investigative processes to improve the integrity and thoroughness of its investigations; and

(3) any recommendations to improve the management structure, investigative process, and oversight of the Office.

SEC. 6404. CRISIS RESPONSE OPERATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall institute the following changes and ensure that the following elements have been integrated into the ongoing crisis response management and response by the Crisis Management and Strategy Office:

(1) The Department's crisis response planning and operations shall conduct, maintain, and update on a regular basis contingency plans for posts and regions experiencing or vulnerable to conflict or emergency conditions, including armed conflict, national disasters, significant political or military upheaval, and emergency evacuations.

(2) The Department's crisis response efforts shall be led by an individual with significant experience responding to prior crises, who shall be so designated by the Secretary.

(3) The Department's crisis response efforts shall provide at least quarterly updates to the Secretary and other relevant senior officials, including a plan and schedule to develop contingency planning for identified posts and regions consistent with paragraph (1).

(4) The decision to develop contingency planning for any particular post or region shall be made independent of any regional bureau.

(5) The crisis response team shall develop and maintain best practices for evacuations, closures, and emergency conditions.

(b) UPDATE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for the next five years, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an update outlining the steps taken to implement this section, along with any other recommendations to improve the Department's crisis management and response operations.

(2) CONTENTS.—Each update submitted pursuant to paragraph (1) should include—

(A) a list of the posts whose contingency plans, including any noncombatant evacuation contingencies, has been reviewed and updated as appropriate during the preceding 180 days; and

(B) an assessment of the Secretary's confidence that each post—

(i) has continuously reached out to United States persons in country to maintain and update contact information for as many such persons as practicable; and

(ii) is prepared to communicate with such persons in an emergency or crisis situation.

(3) FORM.—Each update submitted pursuant to paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6405. SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States must increase its diplomatic activity and presence in the Pacific, particularly among Pacific Island nations; and

(2) the Special Envoy to the Pacific Islands Forum—

(A) should advance the United States partnership with Pacific Island Forum nations and with the organization itself on key issues of importance to the Pacific region; and

(B) should coordinate policies across the Pacific region with like-minded democracies.

(b) APPOINTMENT OF SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 6304, is further amended by adding at the end the following new subsection:

''(o) SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.—

''(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a qualified individual to serve as Special Envoy to the Pacific Islands Forum (referred to in this section as the 'Special Envoy').

''(2) CONSIDERATIONS.—

''(A) SELECTION.—The Special Envoy shall be—

''(i) a United States Ambassador to a country that is a member of the Pacific Islands Forum; or

''(ii) a qualified individual who is not described in clause (i).

''(B) LIMITATIONS.—If the President appoints an Ambassador to a country that is a member of the Pacific Islands Forum to serve concurrently as the Special Envoy to the Pacific Islands Forum, such Ambassador—

''(i) may not begin service as the Special Envoy until he or she has been confirmed by the Senate for an ambassadorship to a country that is a member of the Pacific Islands Forum; and

''(ii) shall not receive additional compensation for his or her service as Special Envoy.

''(3) DUTIES.—The Special Envoy shall—

''(A) represent the United States in its role as dialogue partner to the Pacific Islands Forum; and

''(B) carry out such other duties as the President or the Secretary of State may prescribe.''.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that describes how the Department will increase its ability to recruit and retain highly-qualified ambassadors, special envoys, and other senior personnel in posts in Pacific island countries as the Department expands its diplomatic footprint throughout the region.

SEC. 6406. SPECIAL ENVOY FOR BELARUS.

(a) SPECIAL ENVOY.—The President shall appoint a Special Envoy for Belarus within the Department (referred to in this section as the ''Special Envoy''). The Special Envoy should be a person of recognized distinction in the field of European security, geopolitics, democracy and human rights, and may be a career Foreign Service officer.

(b) CENTRAL OBJECTIVE.—The central objective of the Special Envoy is to coordinate and promote efforts—

(1) to improve respect for the fundamental human rights of the people of Belarus;

(2) to sustain focus on the national security implications of Belarus's political and military alignment for the United States; and

(3) to respond to the political, economic, and security impacts of events in Belarus upon neighboring countries and the wider region.

(c) DUTIES AND RESPONSIBILITIES.—The Special Envoy shall—

(1) engage in discussions with Belarusian officials regarding human rights, political, economic and security issues in Belarus;

(2) support international efforts to promote human rights and political freedoms in Belarus, including coordination and dialogue between the United States and the United Nations, the Organization for Security and Cooperation in Europe, the European Union, Belarus, and the other countries in Eastern Europe;

(3) consult with nongovernmental organizations that have attempted to address human rights and political and economic instability in Belarus;

(4) make recommendations regarding the funding of activities promoting human rights, democracy, the rule of law, and the development of a market economy in Belarus;

(5) review strategies for improving protection of human rights in Belarus, including technical training and exchange programs;

(6) develop an action plan for holding to account the perpetrators of the human rights violations documented in the United Nations High Commissioner for Human Rights report on the situation of human rights in Belarus in the run-up to the 2020 presidential election and its aftermath (Human Rights Council Resolution 49/36);

(7) engage with member countries of the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe and the European Union with respect to the implications of Belarus's political and security alignment for transatlantic security; and

(8) work within the Department and among partnering countries to sustain focus on the political situation in Belarus.

(d) ROLE.—The position of Special Envoy—

(1) shall be a full-time position;

(2) may not be combined with any other position within the Department;

(3) shall only exist as long as United States diplomatic operations in Belarus at United States Embassy Minsk have been suspended; and

(4) shall oversee the operations and personnel of the Belarus Affairs Unit.

(e) REPORT ON ACTIVITIES.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary, in consultation with the Special Envoy, shall submit a

report to the appropriate congressional committees that describes the activities undertaken pursuant to subsection (c) during the reporting period.

(f) SUNSET.—The position of Special Envoy for Belarus Affairs and the authorities provided by this section shall terminate 5 years after the date of the enactment of this Act.

SEC. 6407. OVERSEAS PLACEMENT OF SPECIAL APPOINTMENT POSITIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on current special appointment positions at United States diplomatic missions that do not exercise significant authority, and all positions under schedule B or schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, at United States diplomatic missions. The report shall include the title and responsibilities of each position, the expected duration of the position, the name of the individual currently appointed to the position, and the hiring authority utilized to fill the position.

SEC. 6408. ESTABLISHMENT OF OFFICE OF THE SPECIAL REPRESENTATIVE FOR CITY AND STATE DIPLOMACY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 6405, is further amended by adding at the end the following new subsection:

''(p) OFFICE OF THE SPECIAL REPRESENTATIVE FOR CITY AND STATE DIPLOMACY.—

''(1) IN GENERAL.—There is established within the Office of Global Partnerships of the Department of State an Office of the Special Representative for City and State Diplomacy (in this subsection referred to as the 'Office').

''(2) HEAD.—The head of the Office shall be the Special Representative for City and State Diplomacy, who shall be responsible for developing strategies to advise and enhance subnational diplomacy throughout the United States.

''(3) DUTIES.—

''(A) PRINCIPAL DUTY.—The principal duty of the Special Representative shall be providing the overall strategic guidance of Department of State support for subnational engagements by State and municipal governments with foreign governments. The Special Representative shall be the principal adviser to the Secretary of State on subnational engagements, the principal official on such matters within the senior management of the Department of State, and lead coordinator on such matters for other relevant Federal agencies.

''(B) ADDITIONAL DUTIES.—The additional duties of the Special Representative shall include the following:

''(i) Providing strategic guidance for overall Department of State policy and programs in support of subnational engagements by State and municipal governments with foreign governments, including with respect to the following:

''(I) Identifying policy, program, and funding discrepancies among relevant Federal agencies regarding subnational diplomacy engagement.

''(II) Advising on efforts to better align the Department of State and other Federal agencies in support of such engagements.

''(ii) Identifying areas of alignment between United States foreign policy and State and municipal goals.

''(iii) Facilitating tools for State and municipal officials to communicate with the United States public regarding the breadth of international engagement by subnational actors and the impact of diplomacy across the United States.

''(iv) Facilitating linkages and networks among State and municipal governments and between State and municipal governments and their foreign counterparts.

''(v) Under the direction of the Secretary, negotiating agreements and memoranda of understanding with foreign governments related to subnational engagements and priorities.

''(vi) Supporting United States economic interests through subnational engagements, in consultation and coordination with the Department of Commerce, the Department of the Treasury, and the Office of the United States Trade Representative.

''(4) COORDINATION.—With respect to matters involving trade promotion and inward investment facilitation, the Office shall coordinate with and support the International Trade Administration of the Department of Commerce as the lead Federal agency for trade promotion and facilitation of business investment in the United States.

''(5) DETAILEES.—

''(A) IN GENERAL.—The Secretary of State, with respect to employees of the Department of State, is authorized to detail a member of the civil service or Foreign Service to State and municipal governments on a reimbursable or nonreimbursable basis. Such details shall be for a period not to exceed two years, and shall be without interruption or loss of status or privilege.

''(B) RESPONSIBILITIES.—Detailees under subparagraph (A) should carry out the following responsibilities:

''(i) Supporting the mission and objectives of the host subnational government office.

''(ii) Advising State and municipal government officials regarding questions of global affairs, foreign policy, cooperative agreements, and public diplomacy.

''(iii) Coordinating activities relating to State and municipal government subnational engagements with the Department of State, including the Office, Department leadership, and regional and functional bureaus of the Department, as appropriate.

''(iv) Engaging Federal agencies regarding security, public health, trade promotion, and other programs executed at the State or municipal government level.

''(v) Any other duties requested by State and municipal governments and approved by the Office.

''(C) ADDITIONAL PERSONNEL SUPPORT FOR SUBNATIONAL ENGAGEMENT.—For the purposes of this subsection, the Secretary of State—

''(i) is authorized to employ individuals by contract;

''(ii) is encouraged to make use of the rehired annuitants authority under section 3323 of title 5, United States Code, particularly for annuitants who are already residing across the United States who may have the skills and experience to support subnational governments; and

''(iii) is encouraged to make use of authorities under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) to temporarily assign State and local government officials to the Department of State or overseas missions to increase their international experience and add their perspectives on United States priorities to the Department.

''(6) REPORT AND BRIEFING.—

''(A) REPORT.—Not later than one year after the date of the enactment of this subsection, the Special Representative shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report that includes information relating to the following:

''(i) The staffing plan (including permanent and temporary staff) for the Office and a justification for the location of the Office within the Department of State's organizational structure.

''(ii) The funding level provided to the Office for the Office, together with a justification relating to such level.

''(iii) The rank and title granted to the Special Representative, together with a justification relating to such decision and an analysis of whether the rank and title is required to fulfill the duties of the Office.

''(iv) A strategic plan for the Office, including relating to—

''(I) supporting subnational engagements to improve United States foreign policy effectiveness;

''(II) enhancing the awareness, understanding, and involvement of United States citizens in the foreign policy process; and

''(III) better engaging with foreign subnational governments to strengthen diplomacy.

''(v) Any other matters as determined relevant by the Special Representative.

''(B) BRIEFINGS.—Not later than 30 days after the submission of the report required under subparagraph (A) and annually thereafter, the Special Representative shall brief the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives on the work of the Office and any changes made to the organizational structure or funding of the Office.

''(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as precluding—

''(A) the Office from being elevated to a bureau within the Department of State; or

''(B) the Special Representative from being elevated to an Assistant Secretary, if such an Assistant Secretary position does not increase the number of Assistant Secretary positions at the Department above the number authorized under subsection (c)(1).

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

''(A) MUNICIPAL.—The term 'municipal' means, with respect to the government of a municipality in the United States, a municipality with a population of not fewer than 100,000 people.

''(B) STATE.—The term 'State' means the 50 States, the District of Columbia, and any territory or possession of the United States.

''(C) SUBNATIONAL ENGAGEMENT.—The term 'subnational engagement' means formal meetings or events between elected officials of State or municipal governments and their foreign counterparts.''.

TITLE LXV—ECONOMIC DIPLOMACY

SEC. 6501. DUTIES OF OFFICERS PERFORMING ECONOMIC FUNCTIONS.

(a) IN GENERAL.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

''SEC. 506. DUTIES OF OFFICERS PERFORMING ECONOMIC FUNCTIONS.

''(a) DEFINED TERM.—In this section, the term 'United States person' means—

''(1) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

''(2) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

''(b) IN GENERAL.—The Secretary is authorized to direct the officers performing economic functions of the Foreign Service as appropriate to carry out the full spectrum of economic statecraft and commercial diplomacy work that advances United States foreign policy priorities in the host country or domestic posting to which they are assigned, including—

''(1) to negotiate economic and other related agreements with foreign governments and international organizations;

''(2) to inform the Department, and when appropriate, the Washington, D.C., headquarters offices of Federal agencies, with respect to the positions of foreign governments and international organizations in negotiations on such matters as economic, energy, environment, science and health;

''(3) to advance—

''(A) the routine implementation and maintenance of economic, environment, science, and health agreements; and

''(B) other initiatives in the countries to which such officers are assigned related to improving economic or commercial relations for the benefit of United States persons, including businesses;

''(4) to identify, help design and execute, and advance, in consultation with other Federal agencies, United States policies, programs, and initiatives, including capacity-building efforts, to advance policies of foreign governments that improve local economic governance, market-based business environments, and market access, increase trade and investment opportunities, or provide a more level playing field for United States persons, including with respect to—

''(A) improving revenue collection;

''(B) streamlining customs processes and improving customs transparency and efficiency;

''(C) improving regulatory management;

''(D) improving procurement processes, including facilitating transparency in tendering, bidding, and contact negotiation;

''(E) advancing intellectual property protections;

''(F) eliminating anticompetitive subsidies and improving the transparency of remaining subsidies;

''(G) improving budget management and oversight; and

''(H) strengthening management of important economic sectors;

''(5) to prioritize active support of economic and commercial goals of the United States, and as appropriate, United States persons abroad, in conjunction with the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721);

''(6) to provide United States persons with information on all United States Government support with respect to international economic matters;

''(7) to receive feedback from United States persons with respect to support described in paragraphs (5) and (6), and report that feedback to the chief of mission and to the headquarters of the Department;

''(8) to consult closely and regularly with the private sector in accordance with section 709 of the Championing American Business through Diplomacy Act of 2019 (22 U.S.C. 9905);

''(9) to identify and execute opportunities for the United States to counter policies, initiatives, or activities by authoritarian governments or enterprises affiliated with such governments that are anticompetitive or undermine the sovereignty or prosperity of the United States or a partner country;

''(10) to identify and execute opportunities for the United States in new and emerging areas of trade and investment, such as digital trade, critical minerals extraction, refining, and processing, energy, and innovation;

''(11) to monitor the development and implementation of bilateral and multilateral economic and other related agreements and provide recommendations to the Secretary and the heads of other relevant Federal agencies with respect to United States actions and initiatives relating to those agreements;

''(12) to maintain complete and accurate records of the performance measurements of the Department for economic and commercial diplomacy activities, as directed by the chief of mission and other senior officials of the Department;

''(13) to report on issues and developments related to economic, commercial, trade, investment, energy, environment, science, and health matters with direct relevance to United States economic and national security interests, especially when accurate, reliable, timely, and cost-effective information is unavailable from non-United States Government sources; and

''(14) to coordinate all activities, as necessary and appropriate, with counterparts in other agencies.

''(c) REGULATORY UPDATES.—The Secretary shall update guidance in the Foreign Affairs Manual and other regulations and guidance as necessary to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Foreign Service Act of 1980 is amended by inserting after the item relating to section 505 the following:

''Sec. 506. Duties of economic officers.''.

SEC. 6502. REPORT ON RECRUITMENT, RETENTION, AND PROMOTION OF FOREIGN SERVICE ECONOMIC OFFICERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees regarding the recruitment, retention, and promotion of economic officers in the Foreign Service.

(b) ELEMENTS.—The report required under subsection (b) shall include—

(1) an overview of the key challenges the Department faces in—

(A) recruiting individuals to serve as economic officers in the Foreign Service; and

(B) retaining individuals serving as economic officers in the Foreign Service, particularly at the level of GS–14 of the General Schedule and higher;

(2) an overview of the key challenges in recruiting and retaining qualified individuals to serve in economic positions in the Civil Service;

(3) a comparison of promotion rates for economic officers in the Foreign Service relative to other officers in the Foreign Service;

(4) a summary of the educational history and training of current economic officers in the Foreign Service and Civil Service officers serving in economic positions;

(5) the identification, disaggregated by region, of hard-to-fill posts and proposed incentives to improve staffing of economic officers in the Foreign Service at such posts;

(6) a summary and analysis of the factors that lead to the promotion of—

(A) economic officers in the Foreign Service; and

(B) individuals serving in economic positions in the Civil Service; and

(7) a summary and analysis of current Department-funded or run training opportunities and externally-funded programs, including the Secretary's Leadership Seminar at Harvard Business School, for—

(A) economic officers in the Foreign Service; and

(B) individuals serving in economic positions in the Civil Service.

SEC. 6503. MANDATE TO REVISE DEPARTMENT OF STATE METRICS FOR SUCCESSFUL ECONOMIC AND COMMERCIAL DIPLOMACY.

(a) MANDATE TO REVISE DEPARTMENT OF STATE PERFORMANCE MEASURES FOR ECONOMIC AND COMMERCIAL DIPLOMACY.—The Secretary shall, as part of the Department's next regularly scheduled review on metrics and performance measures, include revisions of Department performance measures for economic and commercial diplomacy, by identifying outcome-oriented, and not process-oriented, performance metrics, including metrics that—

(1) measure how Department efforts advanced specific economic and commercial objectives and led to successes for the United States or other private sector actors overseas; and

(2) focus on customer satisfaction with Department services and assistance.

(b) PLAN FOR ENSURING COMPLETE DATA FOR PERFORMANCE MEASURES.—As part of the review required under subsection (a), the Secretary shall include a plan for ensuring that—

(1) the Department, both at its main headquarters and at domestic and overseas posts, maintains and fully updates data on performance measures; and

(2) Department leadership and the appropriate congressional committees can evaluate the extent to which the Department is advancing United States economic and commercial interests abroad through meeting performance targets.

(c) REPORT ON PRIVATE SECTOR SURVEYS.—The Secretary shall prepare a report that lists and describes all the methods through which the Department conducts surveys of the private sector to measure private sector satisfaction with assistance and services provided by the Department to advance private sector economic and commercial goals in foreign markets.

(d) REPORT.—Not later than 90 days after conducting the review pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees—

(1) the revised performance metrics required under subsection (a); and

(2) the report required under subsection (c).

SEC. 6504. CHIEF OF MISSION ECONOMIC RESPONSIBILITIES.

Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended by adding at the end the following:

''(e) EMBASSY ECONOMIC TEAM.—

''(1) COORDINATION AND SUPERVISION.—Each chief of mission shall coordinate and supervise the implementation of all United States economic policy interests within the host country in which the diplomatic mission is located, among all United States Government departments and agencies present in such country.

''(2) ACCOUNTABILITY.—The chief of mission is responsible for the performance of the diplomatic mission in advancing United States economic policy interests within the host country.

''(3) MISSION ECONOMIC TEAM.—The chief of mission shall designate appropriate embassy staff to form a mission economic team that—

''(A) monitors notable economic, commercial, and investment-related developments in the host country; and

''(B) develops plans and strategies for advancing United States economic and commercial interests in the host country, including—

''(i) tracking legislative, regulatory, judicial, and policy developments that could affect United States economic, commercial, and investment interests;

''(ii) advocating for best practices with respect to policy and regulatory developments;

''(iii) conducting regular analyses of market systems, trends, prospects, and opportunities for value-addition, including risk assessments and constraints analyses of key sectors and of United States strategic competitiveness, and other reporting on commercial opportunities and investment climate; and

''(iv) providing recommendations for responding to developments that may adversely affect United States economic and commercial interests.''.

SEC. 6505. DIRECTION TO EMBASSY DEAL TEAMS.

(a) PURPOSES.—The purposes of deal teams at United States embassies and consulates are—

(1) to promote a private sector-led approach—

(A) to advance economic growth and job creation that is tailored, as appropriate, to specific economic sectors; and

(B) to advance strategic partnerships;

(2) to prioritize efforts—

(A) to identify commercial and investment opportunities;

(B) to advocate for improvements in the business and investment climate;

(C) to engage and consult with private sector partners; and

(D) to report on the activities described in subparagraphs (A) through (C), in accordance with the applicable requirements under sections 706 and 707 of the Championing American Business Through Diplomacy Act of 2019 (22 U.S.C. 9902 and 9903);

(3)(A)(i) to identify trade and investment opportunities for United States companies in foreign markets; or

(ii) to assist with existing trade and investment opportunities already identified by United States companies; and

(B) to deploy United States Government economic and other tools to help such United States companies to secure their objectives;

(4) to identify and facilitate opportunities for entities in a host country to increase exports to, or investment in, the United States in order to grow two-way trade and investment;

(5) to modernize, streamline, and improve access to resources and services designed to promote increased trade and investment opportunities;

(6) to identify and secure United States or allied government support of strategic projects, such as ports, railways, energy production and distribution, critical minerals development, telecommunications networks, and other critical infrastructure projects vulnerable to predatory investment by an authoritarian country or entity in such country where support or investment serves an important United States interest;

(7) to coordinate across the Unites States Government to ensure the appropriate and most effective use of United States Government tools to support United States economic, commercial, and investment objectives; and

(8) to coordinate with the multi-agency DC Central Deal Team, established in February 2020, on the matters described in paragraphs (1) through (7) and other relevant matters.

(b) CLARIFICATION.—A deal team may be composed of the personnel comprising the mission economic team formed pursuant to section 207(e)(3) of the Foreign Service Act of 1980, as added by section 504.

(c) RESTRICTIONS.—A deal team may not provide support for, or assist a United States person with a transaction involving, a government, or an entity owned or controlled by a government, if the Secretary determines that such government—

(1) has repeatedly provided support for acts of international terrorism, as described in—

(A) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (subtitle B of title XVII of Public Law 115–232);

(B) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(D) any other relevant provision of law; or

(2) has engaged in an activity that would trigger a restriction under section 116(a) or 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a) and 2304(a)(2)) or any other relevant provision of law.

(d) FURTHER RESTRICTIONS.—

(1) PROHIBITION ON SUPPORT OF SANCTIONED PERSONS.—Deal teams may not carry out activities prohibited under United States sanctions laws or regulations, including dealings with persons on the list of specially designated persons and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, except to the extent otherwise authorized by the Secretary of the Treasury or the Secretary.

(2) PROHIBITION ON SUPPORT OF ACTIVITIES SUBJECT TO SANCTIONS.—Any person receiving support from a deal team must be in compliance with all United States sanctions laws and regulations as a condition for receiving such assistance.

(e) CHIEF OF MISSION AUTHORITY AND ACCOUNTABILITY.—The chief of mission to a foreign country—

(1) is the designated leader of a deal team in such country; and

(2) shall be held accountable for the performance and effectiveness of United States deal teams in such country.

(f) GUIDANCE CABLE.—The Department shall send out regular guidance on Deal Team efforts by an All Diplomatic and Consular Posts (referred to in this section as ''ALDAC'') that—

(1) describes the role of deal teams; and

(2) includes relevant and up-to-date information to enhance the effectiveness of deal teams in a country.

(g) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—In preparing the cable required under subsection (f), the Secretary shall protect from disclosure any proprietary information of a United States person marked as business confidential information unless the person submitting such information—

(A) had notice, at the time of submission, that such information would be released by; or

(B) subsequently consents to the release of such information.

(2) TREATMENT AS TRADE SECRETS.—Proprietary information obtained by the United States Government from a United States person pursuant to the activities of deal teams shall be—

(A) considered to be trade secrets and commercial or financial information (as such terms are used under section 552b(c)(4) of title 5, United States Code); and

(B) exempt from disclosure without the express approval of the person.

(h) SUNSET.—The requirements under subsections (f) through (h) shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 6506. ESTABLISHMENT OF A "DEAL TEAM OF THE YEAR" AWARD.

(a) ESTABLISHMENT.—The Secretary shall establish a new award, to be known as the ''Deal Team of the Year Award'', and annually present the award to a deal team at one United States mission in each region to recognize outstanding achievements in supporting a United States company or companies pursuing commercial deals abroad or in identifying new deal prospects for United States companies.

(b) AWARD CONTENT.—

(1) DEPARTMENT OF STATE.—Each member of a deal team receiving an award pursuant to subsection (a) shall receive a certificate that is signed by the Secretary and—

(A) in the case of a member of the Foreign Service, is included in the next employee evaluation report; or

(B) in the case of a Civil Service employee, is included in the next annual performance review.

(2) OTHER FEDERAL AGENCIES.—If an award is presented pursuant to subsection (a) to a Federal Government employee who is not employed by the Department, the employing agency may determine whether to provide such employee any recognition or benefits in addition to the recognition or benefits provided by the Department.

(c) ELIGIBILITY.—Any interagency economics team at a United States overseas mission under chief of mission authority that assists United States companies with identifying, navigating, and securing trade and investment opportunities in a foreign country or that facilitates beneficial foreign investment into the United States is eligible for an award under this section.

(d) REPORT.—Not later than the last day of the fiscal year in which awards are presented pursuant to subsection (a), the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) each mission receiving a Deal Team of the Year Award.

(2) the names and agencies of each awardee within the recipient deal teams; and

(3) a detailed description of the reason such deal teams received such award.

TITLE LXVI—PUBLIC DIPLOMACY

SEC. 6601. PUBLIC DIPLOMACY OUTREACH.

(a) COORDINATION OF RESOURCES.—The Administrator of the United States Agency for International Development and the Secretary shall direct public affairs sections at United States embassies and USAID Mission Program Officers at USAID missions to coordinate, enhance and prioritize resources for public diplomacy and awareness campaigns around United States diplomatic and development efforts, including through—

(1) the utilization of new media technology for maximum public engagement; and

(2) enact coordinated comprehensive community outreach to increase public awareness and understanding and appreciation of United States diplomatic and development efforts.

(b) DEVELOPMENT OUTREACH AND COORDINATION OFFICERS.—USAID should prioritize hiring of additional Development Outreach and Coordination officers in USAID missions to support the purposes of subsection (a).

(c) BEST PRACTICES.—The Secretary and the Administrator of USAID shall identify 10 countries in which Embassies and USAID missions have successfully executed efforts, including monitoring and evaluation of such efforts, described in (a) and develop best practices to be turned into Department and USAID guidance.

SEC. 6602. MODIFICATION ON USE OF FUNDS FOR RADIO FREE EUROPE/RADIO LIBERTY.

In section 308(h) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)) is amended—

(1) by striking subparagraphs (1), (3), and (5); and

(2) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively.

SEC. 6603. INTERNATIONAL BROADCASTING.

(a) VOICE OF AMERICA.—Section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) is amended by adding at the end the following:

''(d) VOICE OF AMERICA OPERATIONS AND STRUCTURE.—

''(1) OPERATIONS.—The Director of the Voice of America (VOA)—

''(A) shall direct and supervise the operations of VOA, including making all major decisions relating its staffing; and

''(B) may utilize any authorities made available to the United States Agency for Global Media or to its Chief Executive Officer under this Act or under any other Act to carry out its operations in an effective manner.

''(2) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of VOA shall submit a plan to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to ensure that the personnel structure of VOA is sufficient to effectively carry out the principles described in subsection (c).''.

(b) APPOINTMENT OF CHIEF EXECUTIVE OFFICER.—Section 304 of such Act (22 U.S.C. 6203) is amended—

(1) in subsection (a), by striking ''as an entity described in section 104 of title 5, United States Code'' and inserting ''under the direction of the International Broadcasting Advisory Board''; and

(2) in subsection (b)(1), by striking the second sentence and inserting the following: ''Notwithstanding any other provision of law, when a vacancy arises, until such time as a Chief Executive Officer, to whom sections 3345 through 3349b of title 5, United States Code, shall not apply, is appointed and confirmed by the Senate, an acting Chief Executive Officer shall be appointed by the International Broadcasting Advisory Board and shall continue to serve and exercise the authorities and powers under this title as the sole means of filling such vacancy, for the duration of the vacancy. In the absence of a quorum on the International Broadcasting Advisory Board, the first principal deputy of the United States Agency for Global Media shall serve as acting Chief Executive Officer.''.

(c) CHIEF EXECUTIVE OFFICER AUTHORITIES.—Section 305(a)(1) of such Act (22 U.S.C. 6204(a)(1)) is amended by striking ''To supervise all'' and inserting ''To oversee, coordinate, and provide strategic direction for''.

(d) INTERNATIONAL BROADCASTING ADVISORY BOARD.—Section 306(a) of such Act (22 U.S.C. 6205(a)) is amended by striking ''advise the Chief Executive Officer of'' and inserting ''oversee and advise the Chief Executive Officer and''.

(e) RADIO FREE AFRICA; RADIO FREE AMERICAS.—Not later than 180 days after the date of the enactment of this Act, the Chief Executive Officer of the United States Agency for Global Media shall submit a report to 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 that details the financial and other resources that would be required to establish and operate 2 nonprofit organizations, modeled after Radio Free Europe/Radio Liberty and Radio Free Asia, for the purposes of providing accurate, uncensored, and reliable news and information to—

(1) the region of Africa, with respect to Radio Free Africa; and

(2) the region of Latin America and the Caribbean, with respect to Radio Free Americas.

SEC. 6604. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

''SEC. 115. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

''(a) ESTABLISHMENT.—There is established the John Lewis Civil Rights Fellowship Program (referred to in this section as the 'Fellowship Program') within the J. William Fulbright Educational Exchange Program.

''(b) PURPOSES.—The purposes of the Fellowship Program are—

''(1) to honor the legacy of Representative John Lewis by promoting a greater understanding of the history and tenets of nonviolent civil rights movements; and

''(2) to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.

''(c) ADMINISTRATION.—The Bureau of Educational and Cultural Affairs (referred to in this section as the 'Bureau') shall administer the Fellowship Program in accordance with policy guidelines established by the Board, in consultation with the binational Fulbright Commissions and United States Embassies.

''(d) SELECTION OF FELLOWS.—

''(1) IN GENERAL.—The Board shall annually select qualified individuals to participate in the Fellowship Program. The Bureau may determine the number of fellows selected each year, which, whenever feasible, shall be not fewer than 25.

''(2) OUTREACH.—

''(A) IN GENERAL.—To the extent practicable, the Bureau shall conduct outreach at institutions, including—

''(i) minority serving institutions, including historically Black colleges and universities; and

''(ii) other appropriate institutions, as determined by the Bureau.

''(B) DEFINITIONS.—In this paragraph:

''(i) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(ii) MINORITY SERVING INSTITUTION.—The term 'minority-serving institution' means an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

''(e) FELLOWSHIP ORIENTATION.—Annually, the Bureau shall organize and administer a fellowship orientation, which shall—

''(1) be held in Washington, D.C., or at another location selected by the Bureau; and

''(2) include programming to honor the legacy of Representative John Lewis.

''(f) STRUCTURE.—

''(1) WORK PLAN.—To carry out the purposes described in subsection (b)—

''(A) each fellow selected pursuant to subsection (d) shall arrange an internship or research placement—

''(i) with a nongovernmental organization, academic institution, or other organization approved by the Bureau; and

''(ii) in a country with an operational Fulbright U.S. Student Program; and

''(B) the Bureau shall, for each fellow, approve a work plan that identifies the target objectives for the fellow, including specific duties and responsibilities relating to those objectives.

''(2) CONFERENCES; PRESENTATIONS.—Each fellow shall—

''(A) attend a fellowship orientation organized and administered by the Bureau under subsection (e);

''(B) not later than the date that is 1 year after the end of the fellowship period, attend a fellowship summit organized and administered by the Bureau, which—

''(i) whenever feasible, shall be held in Atlanta, Georgia, or another location of importance to the civil rights movement in the United States; and

''(ii) may coincide with other events facilitated by the Bureau; and

''(C) at such summit, give a presentation on lessons learned during the period of fellowship.

''(3) FELLOWSHIP PERIOD.—Each fellowship under this section shall continue for a period determined by the Bureau, which, whenever feasible, shall be not fewer than 10 months.

''(g) FELLOWSHIP AWARD.—The Bureau shall provide each fellow under this section with an allowance that is equal to the amount needed for—

''(1) the reasonable costs of the fellow during the fellowship period; and

''(2) travel and lodging expenses related to attending the orientation and summit required under subsection (e)(2).

''(h) ANNUAL REPORT.—Not later than 1 year after the date of the completion of the Fellowship Program by the initial cohort of fellows selected under subsection (d), and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation of the Fellowship Program, including—

''(1) a description of the demographics of the cohort of fellows who completed a fellowship during the preceding 1-year period;

''(2) a description of internship and research placements, and research projects selected by such cohort, under the Fellowship Program, including feedback from—

''(A) such cohort on implementation of the Fellowship Program; and

''(B) the Secretary on lessons learned; and

''(3) an analysis of trends relating to the diversity of each cohort of fellows and the topics of projects completed since the establishment of the Fellowship Program.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(10) the John Lewis Civil Rights Fellowship Program established under section 115, which provides funding for international internships and research placements for early- to mid-career individuals from the United States to study nonviolent civil rights movements in self-arranged placements with universities or nongovernmental organizations in foreign countries.''.

SEC. 6605. DOMESTIC ENGAGEMENT AND PUBLIC AFFAIRS.

(a) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a strategy to explain to the American people the value of the work of the Department and United States foreign policy to advancing the national security of the United States. The strategy shall include—

(1) tools to inform the American people about the non-partisan importance of United States diplomacy and foreign relations and to utilize public diplomacy to meet the United States' national security priorities;

(2) efforts to reach the widest possible audience of Americans, including those who historically have not had exposure to United States foreign policy efforts and priorities;

(3) additional staffing and resource needs including—

(A) domestic positions within the Bureau of Global Public Affairs to focus on engagement with the American people as outlined in paragraph (1);

(B) positions within the Bureau of Educational and Cultural Affairs to enhance program and reach the widest possible audience;

(C) increasing the number of fellowship and detail programs that place Foreign Service

and civil service employees outside the Department for a limited time, including Pearson Fellows, Reta Joe Lewis Local Diplomats, Brookings Fellows, and Georgetown Fellows; and

(D) recommendations for increasing participation in the Hometown Diplomats program and evaluating this program as well as other opportunities for Department officers to engage with American audiences while traveling within the United States.

SEC. 6606. EXTENSION OF GLOBAL ENGAGEMENT CENTER.

Section 1287(j) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended by striking ''on the date that is 8 years after the date of the enactment of this Act'' and inserting ''on September 30, 2033''.

SEC. 6607. PAPERWORK REDUCTION ACT.

Section 5603(d) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended by adding at the end the following new paragraph:

''(4) United States Information and Educational Exchange Act of 1948 (Public Law 80–402).''.

SEC. 6608. MODERNIZATION AND ENHANCEMENT STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy to the appropriate congressional committees for—

(1) modernizing and increasing the operational and programming capacity of American Spaces and American Corners throughout the world, including by leveraging public-private partnerships;

(2) providing salaries to locally employed staff of American Spaces and American Corners; and

(3) providing opportunities for United States businesses and nongovernmental organizations to better utilize American Spaces.

TITLE LXVII—OTHER MATTERS

SEC. 6701. EXPANDING THE USE OF DDTC LICENSING FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) by striking ''100 percent of the registration fees collected by the Office of Trade Controls of the Department of State'' and inserting ''100 percent of the defense trade control registration fees collected by the Department of State'';

(2) by inserting ''management, licensing, compliance, and policy activities in the defense trade controls function, including'' after ''expenses incurred for'';

(3) in paragraph (1), by striking ''contract personnel to assist in'';

(4) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(5) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

''(4) the facilitation of defense trade policy development and implementation, review of commodity jurisdiction determinations, public outreach to industry and foreign parties, and analysis of scientific and technological developments as they relate to the exercise of defense trade control authorities; and

''(5) contract personnel to assist in such activities.''.

SEC. 6702. PROHIBITION ON ENTRY OF OFFICIALS OF FOREIGN GOVERNMENTS INVOLVED IN SIGNIFICANT CORRUPTION OR GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) INELIGIBILITY.—

(1) IN GENERAL.—Officials of foreign governments, and their immediate family members, about whom the Secretary has credible information have been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights, including the wrongful detention of locally employed staff of a United States diplomatic mission or a United States citizen or national, shall be ineligible for entry into the United States.

(2) ADDITIONAL SANCTIONS.—Concurrent with the application of paragraph (1), the Secretary shall, as appropriate, refer the matter to the Office of Foreign Assets Control of the Department of the Treasury to determine whether to apply sanctions authorities in accordance with United States law to block the transfer of property and interests in property, and all financial transactions, in the United States involving any person described in such paragraph.

(3) DESIGNATION.—The Secretary shall also publicly or privately designate or identify the officials of foreign governments about whom the Secretary has such credible information, and their immediate family members, without regard to whether the individual has applied for a visa.

(b) EXCEPTIONS.—

(1) SPECIFIC PURPOSES.—Individuals shall not be ineligible for entry into the United States pursuant to subsection (a) if such entry would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement.

(2) RULE OF CONSTRUCTION REGARDING INTERNATIONAL OBLIGATIONS.—Nothing in subsection (a) shall be construed to derogate from United States obligations under applicable international agreements.

(c) WAIVER.—The Secretary may waive the application of subsection (a) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances that caused the individual to be ineligible have changed sufficiently.

(d) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report, including a classified annex if necessary, that includes—

(A) a description of information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to subsection (a)(1) as well as the individuals who the Secretary designated or identified pursuant to subsection (a)(3), or who would be ineligible but for the application of subsection (b); and

(B) a list of any waivers provided under subsection (c), together with a justification for each waiver.

(2) FORM AND PUBLICATION.—

(A) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public on a publicly accessible internet website of the Department the unclassified portion of each report required under paragraph (1).

(e) CLARIFICATION.—For purposes of subsections (a) and (d), the records of the Department and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

SEC. 6703. PROTECTION OF CULTURAL HERITAGE DURING CRISES.

Notwithstanding the limitations specified in section 304(c) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603(c)) and without regard to whether a country is a State Party to the Convention (as defined in sections 302 of such Act (19 U.S.C. 2601)), the Secretary may exercise the authority under section 304 of such Act (19 U.S.C. 2603) to impose import restrictions set forth in section 307 of such Act (19 U.S.C. 2606) if the Secretary determines that—

(1) imposition of such restrictions is in the national interest of the United States; and

(2) an emergency condition (as defined in section 304 of such Act (19 U.S.C. 2603)) applies.

SEC. 6704. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 64. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

''(a) ACTIVITIES.—

''(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide, by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services and related events, including organizing programs and conference activities, creating, designing, and installing exhibits, and conducting museum shop services and food services in the public exhibition and related physical and virtual space utilized by the National Museum of American Diplomacy.

''(2) RECOVERY OF COSTS.—The Secretary of State is authorized to recover any revenues generated under the authority of paragraph (1) for visitor and educational outreach services and related events referred to in such paragraph, including fees for use of facilities at the National Museum for American Diplomacy. Any such revenues may be retained as a recovery of the costs of operating the museum, credited to any Department of State appropriation, and shall remain available until expended.

''(b) DISPOSITION OF DOCUMENTS, ARTIFACTS, AND OTHER ARTICLES.—

''(1) PROPERTY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display by the National Museum of American Diplomacy shall be considered to be the property of the United States Government and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE, TRADE, OR TRANSFER.—Whenever the Secretary of State makes a determination described in paragraph (3) with respect to a document, artifact, or other article under paragraph (1), taking into account considerations such as the museum's collections management policy and best professional museum practices, the Secretary may sell at fair market value, trade, or transfer such document, artifact, or other article without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the mission of the National Museum of American Diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the Museum.

''(3) DETERMINATIONS PRIOR TO SALE, TRADE, OR TRANSFER.—The determination described in this paragraph with respect to a document, artifact, or other article under paragraph (1) is a determination that—

''(A) the document, artifact, or other article no longer serves to further the purposes

of the National Museum of American Diplomacy as set forth in the collections management policy of the Museum;

''(B) the sale, trade, or transfer of the document, artifact, or other article would serve to maintain the standards of the collection of the Museum; or

''(C) the sale, trade, or transfer of the document, artifact, or other article would be in the best interests of the United States.

''(4) LOANS.—In addition to the authorization under paragraph (2) relating to the sale, trade, or transfer of documents, artifacts, or other articles under paragraph (1), the Secretary of State may loan the documents, artifacts, or other articles, when not needed for use or display by the National Museum of American Diplomacy, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''.

SEC. 6705. EXTRATERRITORIAL OFFENSES COMMITTED BY UNITED STATES NATIONALS SERVING WITH INTERNATIONAL ORGANIZATIONS.

(a) JURISDICTION.—Whoever, while a United States national or lawful permanent resident serving with the United Nations, its specialized agencies, or other international organization the Secretary has designated for purposes of this section and published in the Federal Register, or while accompanying such an individual, engages in conduct, or conspires or attempts to engage in conduct, outside the United States that would constitute an offense punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to United States jurisdiction in order to be tried for that offense.

(b) DEFINITIONS.—In this section:

(1) ACCOMPANYING SUCH INDIVIDUAL.—The term ''accompanying such individual'' means—

(A) being a dependent, or family member of a United States national or lawful permanent resident serving with the United Nations, its specialized agencies, or other international organization designated under subsection (a);

(B) residing with such United States national or lawful permanent resident serving with the United Nations, its specialized agencies, or other international organization designated under subsection (a); and

(C) not being a national of or ordinarily resident in the country where the offense is committed.

(2) SERVING WITH THE UNITED NATIONS, ITS SPECIALIZED AGENCIES, OR OTHER INTERNATIONAL ORGANIZATION AS THE SECRETARY OF STATE MAY DESIGNATE.—The term ''serving with the United Nations, its specialized agencies, or other international organization as the Secretary of State may designate'' under subsection (a) means—

(A) being a United States national or lawful permanent resident employed as an employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), an expert on mission, or an unpaid intern or volunteer of the United Nations, including any of its funds, programs or subsidiary bodies, or any of the United Nations specialized agencies, or of any international organization designated under subsection (a)(1); and

(B) being present or residing outside the United States in connection with such employment.

(3) UNITED STATES NATIONAL.—The term ''United States national'' has the meaning given the term ''national of the United States'' in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit or affect the application of extraterritorial jurisdiction related to any other Federal law.

SEC. 6706. EXTENSION OF CERTAIN PRIVILEGES AND IMMUNITIES TO THE INTERNATIONAL ENERGY FORUM.

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

''SEC. 20. Under such terms and conditions as the President shall determine, the President is authorized to extend the provisions of this subchapter to the International Energy Forum Secretariat in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.''.

SEC. 6707. EXTENSION OF CERTAIN PRIVILEGES AND IMMUNITIES TO THE CONSEIL EUROPÉEN POUR LA RECHERCHE NUCLÉAIRE (CERN; THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH).

The International Organizations Immunities Act (22 U.S.C. 288 et seq.), as amended by section 6706, is further amended by adding at the end the following new section:

''SEC. 21. Under such terms and conditions as the President shall determine, the President is authorized to extend the provisions of this title to the European Organization for Nuclear Research (CERN) in the same manner, to the same extent, and subject to the same conditions, as it may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.''.

SEC. 6708. INTERNSHIPS OF UNITED STATES NATIONALS AT INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The Secretary of State is authorized to bolster efforts to increase the number of United States citizens representative of the American people occupying positions in the United Nations system, agencies, and commissions, and in other international organizations, including by awarding grants to educational institutions and students.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that identifies—

(1) the number of United States citizens who are involved in internship programs at international organizations;

(2) the distribution of the individuals described in paragraph (1) among various international organizations; and

(3) grants, programs, and other activities that are being utilized to recruit and fund United States citizens to participate in internship programs at international organizations.

(c) ELIGIBILITY.—An individual referred to in subsection (a) is an individual who—

(1) is enrolled at or received their degree within two years from—

(A) an institution of higher education; or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State; and

(2) is a citizen of the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,500,000 for the Department of State for fiscal year 2024 to carry out the grant program authorized under subsection (a).

SEC. 6709. TRAINING FOR INTERNATIONAL ORGANIZATIONS.

(a) TRAINING PROGRAMS.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end of the following new subsection:

''(e) TRAINING IN MULTILATERAL DIPLOMACY.—

''(1) IN GENERAL.—The Secretary, in consultation with other senior officials as appropriate, shall establish training courses on—

''(A) the conduct of diplomacy at international organizations and other multilateral institutions; and

''(B) broad-based multilateral negotiations of international instruments.

''(2) REQUIRED TRAINING.—Members of the Service, including appropriate chiefs of mission and other officers who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in other positions that have as their primary responsibility formulation of policy related to such organizations and institutions, or participation in negotiations of international instruments, shall receive specialized training in the areas described in paragraph (1) prior to the beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.''.

(b) TRAINING FOR DEPARTMENT EMPLOYEES.—The Secretary of State shall ensure that employees of the Department of State who are assigned to positions described in paragraph (2) of subsection (e) of section 708 of the Foreign Service Act of 1980 (as added by subsection (a) of this section), including members of the civil service or general service, or who are seconded to international organizations for a period of at least one year, receive training described in such subsection and participate in other such courses as the Secretary may recommend to build or augment identifiable skills that would be useful for such Department officials representing United States interests at these institutions and organizations.

SEC. 6710. MODIFICATION TO TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

Section 112b of title 1, United States Code, as most recently amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3476), is further amended—

(1) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively; and

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

''(h)(1) If the Secretary is aware or has reason to believe that the requirements of subsection (a), (b), or (c) have not been fulfilled with respect to an international agreement or qualifying non-binding instrument, the Secretary shall—

''(A) immediately bring the matter to the attention of the office or agency responsible for the agreement or qualifying non-binding instrument; and

''(B) request the office or agency to provide within 7 days the text or other information necessary to fulfill the requirements of the relevant subsection.

''(2) Upon receiving the text or other information requested pursuant to paragraph (1), the Secretary shall—

''(A) fulfill the requirements of subsection (a), (b), or (c), as the case may be, with respect to the agreement or qualifying non-binding instrument concerned—

''(i) by including such text or other information in the next submission required by subsection (a)(1);

''(ii) by providing such information 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 before provision of the submission described in clause (i); or

''(iii) in relation to subsection (b), by making the text of the agreement or qualifying non-binding instrument and the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to the agreement or instrument available to the public on the website of the Department of State within 15 days of receiving the text or other information requested pursuant to paragraph (1); and

''(B) provide 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, either in the next submission required by subsection (a)(1) or before such submission, a written statement explaining the reason for the delay in fulfilling the requirements of subsection (a), (b), or (c), as the case may be.''.

SEC. 6711. STRATEGY FOR THE EFFICIENT PROCESSING OF ALL AFGHAN SPECIAL IMMIGRANT VISA APPLICATIONS AND APPEALS.

Section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''In this section'' and inserting ''Except as otherwise explicitly provided, in this section''; and

(2) in subsection (b), by adding at the end the following:

''(16) DEPARTMENT OF STATE STRATEGY FOR EFFICIENT PROCESSING OF APPLICATIONS AND APPEALS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the head of any other relevant Federal agency, the appropriate committees of Congress, and civil society organizations (including legal advocates), shall develop a strategy to address applications pending at all steps of the special immigrant visa process under this section.

''(B) ELEMENTS.—The strategy required by subparagraph (A) shall include the following:

''(i) A review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process under this section.

''(ii) An analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this Act during the several years after the date of the enactment of this paragraph.

''(iii) A plan for collecting and disaggregating data on—

''(I) individuals who have applied for special immigrant visas under this section; and

''(II) individuals who have been issued visas under this section.

''(iv) An assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas under this section in appropriate circumstances and consistent with applicable laws.

''(v) An assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

''(C) FORM.—The strategy required by subparagraph (A) shall be submitted in unclassified form but may include an classified annex.

''(D) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Armed Services of the Senate; and

''(ii) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.''.

SEC. 6712. REPORT ON PARTNER FORCES UTILIZING UNITED STATES SECURITY ASSISTANCE IDENTIFIED AS USING HUNGER AS A WEAPON OF WAR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States recognizes the link between armed conflict and conflict-induced food insecurity;

(2) Congress recognizes and condemns the role of nefarious security actors, including state and non-state armed groups, who have utilized hunger as a weapon of war, including through the unanimous adoption of House of Representatives Resolution 922 and Senate Resolution 669 relating to ''[c]ondemning the use of hunger as a weapon of war and recognizing the effect of conflict on global food security and famine'';

(3) United Nations Security Council Resolution 2417 articulates principles that should serve as an important framework for holding perpetrators that use hunger as a weapon of war accountable; and

(4) the United States should use the diplomatic and humanitarian tools at our disposal to not only fight global hunger, mitigate the spread of conflict, and promote critical, lifesaving assistance, but also hold perpetrators using hunger as a weapon of war to account.

(b) DEFINITIONS.—In this paragraph:

(1) HUNGER AS A WEAPON OF WAR.—The term ''hunger as a weapon of war'' means—

(A) intentional starvation of civilians;

(B) intentional and reckless destruction, removal, looting, or rendering useless objects necessary for food production and distribution, such as farmland, markets, mills, food processing and storage facilities, food stuffs, crops, livestock, agricultural assets, waterways, water systems, drinking water facilities and supplies, and irrigation networks;

(C) undue denial of humanitarian access and deprivation of objects indispensable to people's survival, such as food supplies and nutrition resources; and

(D) willful interruption of market systems for populations in need, including through the prevention of travel and manipulation of currency exchange.

(2) SECURITY ASSISTANCE.—The term ''security assistance'' means assistance meeting the definition of ''security assistance'' under section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the United States Agency for International Development, and the Secretary of Defense shall submit a report to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives regarding—

(1) United States-funded security assistance and cooperation; and

(2) whether the governments and entities receiving such assistance have or are currently using hunger as a weapon of war.

(d) ELEMENTS.—The report required under subsection (c) shall—

(1) identify countries receiving United States-funded security assistance or participating in security programs and activities, including in coordination with the Department of Defense, that are currently experiencing famine-like conditions as a result of conflict;

(2) describe the actors and actions taken by such actors in the countries identified pursuant to paragraph (1) who are utilizing hunger as a weapon of war; and

(3) describe any current or existing plans to continue providing United States-funded security assistance to recipient countries.

(e) FORM.—The report required under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6713. INFRASTRUCTURE PROJECTS AND INVESTMENTS BY THE UNITED STATES AND PEOPLE'S REPUBLIC OF CHINA.

Not later than 1 year after the date of the enactment of this Act, the Secretary, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees regarding the opportunities and costs of infrastructure projects in Middle East, African, and Latin American and Caribbean countries, which shall—

(1) describe the nature and total funding of United States infrastructure investments and construction in Middle East, African, and Latin American and Caribbean countries, and that of United States allies and partners in the same regions;

(2) describe the nature and total funding of infrastructure investments and construction by the People's Republic of China in Middle East, African, and Latin American and Caribbean countries;

(3) assess the national security threats posed by the infrastructure investment gap between the People's Republic of China and the United States and United States allies and partners, including—

(A) infrastructure, such as ports;

(B) access to critical and strategic minerals;

(C) digital and telecommunication infrastructure;

(D) threats to supply chains; and

(E) general favorability towards the People's Republic of China and the United States and United States' allies and partners among Middle East, African, and Latin American and Caribbean countries;

(4) assess the opportunities and challenges for companies based in the United States to invest in infrastructure projects in Middle East, African, and Latin American and Caribbean countries;

(5) describe options for the United States Government to undertake to increase support for United States businesses engaged in large-scale infrastructure projects in Middle East, African, and Latin American and Caribbean countries; and

(6) identify regional infrastructure priorities, ranked according to United States national interests, in Middle East, African, and Latin American and Caribbean countries.

SEC. 6714. SPECIAL ENVOYS.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a review of all special envoy positions to determine—

(1) which special envoy positions are needed to accomplish the mission of the Department;

(2) which special envoy positions could be absorbed into the Department's existing bureau structure;

(3) which special envoy positions were established by an Act of Congress; and

(4) which special envoy positions were created by the Executive Branch without explicit congressional approval.

(b) REPORT.—Not later than 60 days after the completion of the review required under subsection (a), the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) a list of every special envoy position in the Department;

(2) a detailed justification of the need for each special envoy, if warranted;

(3) a list of the special envoy positions that could be absorbed into the Department's existing bureau structure without compromising the mission of the Department;

(4) a list of the special envoy positions that were created by an Act of Congress; and

(5) a list of the special envoy positions that are not expressly authorized by statute.

SEC. 6715. US-ASEAN CENTER.

(a) DEFINED TERM.—In this section, the term ''ASEAN'' means the Association of Southeast Asian Nations.

(b) ESTABLISHMENT.—The Secretary is authorized to enter into a public-private partnership for the purposes of establishing a US-ASEAN Center in the United States to support United States economic and cultural engagement with Southeast Asia.

(c) FUNCTIONS.—Notwithstanding any other provision of law, the US-ASEAN Center established pursuant to subsection (b) may—

(1) provide grants for research to support and elevate the importance of the US-ASEAN partnership;

(2) facilitate activities to strengthen US-ASEAN trade and investment;

(3) expand economic and technological relationships between ASEAN countries and the United States into new areas of cooperation;

(4) provide training to United States citizens and citizens of ASEAN countries that improve people-to-people ties;

(5) develop educational programs to increase awareness for the United States and ASEAN countries on the importance of relations between the United States and ASEAN countries; and

(6) carry out other activities the Secretary considers necessary to strengthen ties between the United States and ASEAN countries and achieve the objectives of the US-ASEAN Center.

SEC. 6716. REPORT ON VETTING OF STUDENTS FROM NATIONAL DEFENSE UNIVERSITIES AND OTHER ACADEMIC INSTITUTIONS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the screening process of foreign nationals entering the United States from the People's Republic of China who attend or have attended—

(A) a top tier university administered by the Ministry of Industry and Information Technology of the People's Republic of China; or

(B) an academic institution of the People's Republic of China identified on the list required by section 1286(c)(8) of the John S. McCain National Defense Authorization Act of 2019 (Public Law 115–232; 10 U.S.C. 2358 note);

(2) an assessment of any vulnerabilities in the screening process, and recommendations for legal, regulatory, or other changes or steps to address such vulnerabilities; and

(3) the number of visas approved and denied by the Department, to the extent possible, for students from the People's Republic of China in science, technology, engineering, and mathematics fields, including the number of such students who are pursuing an advanced degree or repeating a degree in such fields over the last five years.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SEC. 6717. BRIEFINGS ON THE UNITED STATES-EUROPEAN UNION TRADE AND TECHNOLOGY COUNCIL.

It is the sense of Congress that the United States-European Union Trade and Technology Council is an important forum for the United States and in the European Union to engage on transatlantic trade, investment, and engagement on matters related to critical and emerging technology and that the Department should provide regular updates to the appropriate congressional committees on the deliverables and policy initiatives announced at United States-European Union Trade and Technology Council ministerials

SEC. 6718. CONGRESSIONAL OVERSIGHT, QUARTERLY REVIEW, AND AUTHORITY RELATING TO CONCURRENCE PROVIDED BY CHIEFS OF MISSION FOR SUPPORT OF CERTAIN GOVERNMENT OPERATIONS.

(a) NOTIFICATION REQUIRED.—Not later than 30 days after the date on which a chief of mission concurs with providing United States Government support to entities or individuals engaged in facilitating or supporting United States Government military- or security-related operations within the area of responsibility of the chief of mission, the Secretary shall notify the appropriate congressional committees of such concurrence.

(b) SEMIANNUAL REVIEW, DETERMINATION, AND BRIEFING REQUIRED.—Not less frequently than semiannually, the Secretary, in order to ensure that the support described in subsection (a) continues to align with United States foreign policy objectives and the objectives of the Department, shall—

(1) conduct a review of any concurrence described in subsection (a) that is in effect;

(2) determine, based on such review, whether to revoke any such concurrence pending further study and review; and

(3) brief the appropriate congressional committees regarding the results of such review.

(c) REVOCATION OF CONCURRENCE.—If the Secretary determines, pursuant to a review conducted under subsection (b), that any concurrence described in subsection (a) should be revoked, the Secretary may revoke such concurrence.

(d) ANNUAL REPORT REQUIRED.—Not later than January 31 of each year, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) a description of any support described in subsection (a) that was provided with the concurrence of a chief of mission during the calendar year preceding the calendar year in which the report is submitted; and

(2) an analysis of the effects of such support on diplomatic lines of effort, including with respect to—

(A) nonproliferation, anti-terrorism, demining, and related programs and associated anti-terrorism assistance programs;

(B) international narcotics control and law enforcement programs; and

(C) foreign military sales, foreign military financing, and associated training programs.

SEC. 6719. MODIFICATION AND REPEAL OF REPORTS.

(a) COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—

(1) IN GENERAL.—The Secretary shall examine the production of the 2023 and subsequent annual Country Reports on Human Rights Practices by the Assistant Secretary for Democracy, Human Rights, and Labor as required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d), 2304(b)) to maximize—

(A) cost and personnel efficiencies;

(B) the potential use of data and analytic tools and visualization; and

(C) advancement of the modernization agenda for the Department announced by the Secretary on October 27, 2021.

(2) TRANSNATIONAL REPRESSION AMENDMENTS TO ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended by adding at the end the following new paragraph:

''(13) Wherever applicable, a description of the nature and extent of acts of transnational repression that occurred during the preceding year, including identification of—

''(A) incidents in which a government harassed, intimidated, or killed individuals outside of their internationally recognized borders and the patterns of such repression among repeat offenders;

''(B) countries in which such transnational repression occurs and the role of the governments of such countries in enabling, preventing, mitigating, and responding to such acts;

''(C) the tactics used by the governments of countries identified pursuant to subparagraph (A), including the actions identified and any new techniques observed;

''(D) in the case of digital surveillance and harassment, the type of technology or platform, including social media, smart city technology, health tracking systems, general surveillance technology, and data access, transfer, and storage procedures, used by the governments of countries identified pursuant to subparagraph (A) for such actions; and

''(E) groups and types of individuals targeted by acts of transnational repression in each country in which such acts occur.''.

(b) ELIMINATION OF OBSOLETE REPORTS.—

(1) ANNUAL REPORTS RELATING TO FUNDING MECHANISMS FOR TELECOMMUNICATIONS SECURITY AND SEMICONDUCTORS.—Division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(A) in section 9202(a)(2) (47 U.S.C. 906(a)(2))—

(i) by striking subparagraph (C); and

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

(B) in section 9905 (15 U.S.C. 4655)—

(i) by striking subsection (c); and

(ii) by redesignating subsection (d) as subsection (c).

(2) REPORTS RELATING TO FOREIGN ASSISTANCE TO COUNTER RUSSIAN INFLUENCE AND MEDIA ORGANIZATIONS CONTROLLED BY RUSSIA.—The Countering Russian Influence in Europe and Eurasia Act of 2017 (title II of Public Law 115–44) is amended—

(A) in section 254(e)—

(i) in paragraph (1)—

(I) by striking ''IN GENERAL.—'';

(II) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving such paragraphs 2 ems to the left; and

(ii) by striking paragraph (2); and

(B) by striking section 255.

(3) ANNUAL REPORT ON PROMOTING THE RULE OF LAW IN THE RUSSIAN FEDERATION.—Section 202 of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112–208) is amended by striking subsection (a).

(4) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—Section 2121 of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007 (title XXI of Public Law 110–53) is amended by striking subsection (c).

(5) ANNUAL REPORTS ON UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE MEETINGS.—Section 702 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n note) is repealed.

SEC. 6720. MODIFICATION OF BUILD ACT OF 2018 TO PRIORITIZE PROJECTS THAT ADVANCE NATIONAL SECURITY.

Section 1412 of the Build Act of 2018 (22 U.S.C. 9612) is amended by adding at the end the following subsection:

''(d) PRIORITIZATION OF NATIONAL SECURITY INTERESTS.—The Corporation shall prioritize the provision of support under title II in projects that advance core national security interests of the United States with respect to the People's Republic of China.''.

SEC. 6721. PERMITTING FOR INTERNATIONAL BRIDGES.

The International Bridge Act of 1972 (33 U.S.C. 535 et seq.) is amended by inserting after section 5 the following:

''SEC. 6. PERMITTING FOR INTERNATIONAL BRIDGES.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE APPLICANT.—The term 'eligible applicant' means an entity that has submitted an application for a Presidential permit during the period beginning on December 1, 2020, and ending on December 31, 2024, for any of the following:

''(A) 1 or more international bridges in Webb County, Texas.

''(B) An international bridge in Cameron County, Texas.

''(C) An international bridge in Maverick County, Texas.

''(2) PRESIDENTIAL PERMIT.—

''(A) IN GENERAL.—The term 'Presidential permit' means—

''(i) an approval by the President to construct, maintain, and operate an international bridge under section 4; or

''(ii) an approval by the President to construct, maintain, and operate an international bridge pursuant to a process described in Executive Order 13867 (84 Fed. Reg. 15491; relating to Issuance of Permits With Respect to Facilities and Land Transportation Crossings at the International Boundaries of the United States) (or any successor Executive Order).

''(B) INCLUSION.—The term 'Presidential permit' includes an amendment to an approval described in clause (i) or (ii) of subparagraph (A).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of State.

''(b) APPLICATION.—An eligible applicant for a Presidential permit to construct, maintain, and operate an international bridge shall submit an application for the permit to the Secretary.

''(c) RECOMMENDATION.—

''(1) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives an application under subsection (b), the Secretary shall make a recommendation to the President—

''(A) to grant the Presidential permit; or

''(B) to deny the Presidential permit.

''(2) CONSIDERATION.—The sole basis for a recommendation under paragraph (1) shall be whether the international bridge is in the foreign policy interests of the United States.

''(d) PRESIDENTIAL ACTION.—

''(1) IN GENERAL.—The President shall grant or deny the Presidential permit for an application under subsection (b) by not later than 60 days after the earlier of—

''(A) the date on which the Secretary makes a recommendation under subsection (c)(1); and

''(B) the date on which the Secretary is required to make a recommendation under subsection (c)(1).

''(2) NO ACTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the President does not grant or deny the Presidential permit for an application under subsection (b) by the deadline described in paragraph (1), the Presidential permit shall be considered to have been granted as of that deadline.

''(B) REQUIREMENT.—As a condition on a Presidential permit considered to be granted under subparagraph (A), the eligible applicant shall complete all applicable environmental documents required pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.).

''(e) DOCUMENT REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary shall not require an eligible applicant for a Presidential permit—

''(1) to include in the application under subsection (b) environmental documents prepared pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.); or

''(2) to have completed any environmental review under Public Law 91–190 (42 U.S.C. 4321 et seq.) prior to the President granting a Presidential permit under subsection (d).

''(f) RULES OF CONSTRUCTION.—Nothing in this section—

''(1) prohibits the President from granting a Presidential permit conditioned on the eligible applicant completing all environmental documents pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.);

''(2) prohibits the Secretary from requesting a list of all permits and approvals from Federal, State, and local agencies that the eligible applicant believes are required in connection with the international bridge, or a brief description of how those permits and approvals will be acquired; or

''(3) exempts an eligible applicant from the requirement to complete all environmental documents pursuant to Public Law 91–190 (42 U.S.C. 4321 et seq.) prior to construction of an international bridge.''.

TITLE LXVIII—COMBATING GLOBAL CORRUPTION

SEC. 6801. SHORT TITLE.

This title may be cited as the ''Combating Global Corruption Act''.

SEC. 6802. DEFINITIONS.

In this title:

(1) CORRUPT ACTOR.—The term ''corrupt actor'' means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) CORRUPTION.—The term ''corruption'' means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(3) SIGNIFICANT CORRUPTION.—The term ''significant corruption'' means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

SEC. 6803. PUBLICATION OF TIERED RANKING LIST.

(a) IN GENERAL.—The Secretary of State shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(b) TIER 1 COUNTRIES.—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 804.

(c) TIER 2 COUNTRIES.—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 804, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) TIER 3 COUNTRIES.—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is making de minimis or no efforts to comply with the minimum standards set forth in section 6804.

SEC. 6804. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.

(a) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to address corruption, including through prevention.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat

corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELEVANT INTERNATIONAL COMMITMENTS.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country's compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, done at Caracas March 29, 1996.

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of Economic Co-operation and Development, done at Paris December 21, 1997 (commonly referred to as the ''Anti-Bribery Convention'').

(3) The United Nations Convention against Transnational Organized Crime, done at New York November 15, 2000.

(4) The United Nations Convention against Corruption, done at New York October 31, 2003.

(5) Such other treaties, agreements, and international standards as the Secretary of State considers appropriate.

SEC. 6805. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note)—

(1) in all countries identified as tier 3 countries under section 6803(d); or

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) REPORT REQUIRED.—Not later than 180 days after publishing the list required by section 6803(a) and annually thereafter, the Secretary of State shall submit to the committees specified in subsection (e) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons that have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) BRIEFING IN LIEU OF REPORT.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by subsection (b)(4)) provide a briefing to the committees specified in subsection (e) instead of submitting a written report required under subsection (b), if doing so would better serve existing United States anti-corruption efforts or the national interests of the Untied States.

(e) TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

SEC. 6806. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 803, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

(B) to develop and implement corruption risk assessment tools and mitigation strategies.

(c) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

TITLE IX—AUKUS MATTERS

SEC. 6901. DEFINITIONS.

In this title:

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

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

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

(2) AUKUS PARTNERSHIP.—

(A) IN GENERAL.—The term ''AUKUS partnership'' means the enhanced trilateral security partnership between Australia, the United Kingdom, and the United States announced in September 2021.

(B) PILLARS.—The AUKUS partnership includes the following two pillars:

(i) Pillar One is focused on developing a pathway for Australia to acquire conventionally armed, nuclear-powered submarines.

(ii) Pillar Two is focused on enhancing trilateral collaboration on advanced defense capabilities, including hypersonic and counter hypersonic capabilities, quantum technologies, undersea technologies, and artificial intelligence.

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means subchapter M of chapter I of title 22, Code of Federal Regulations (or successor regulations).

Subtitle A—Outlining the AUKUS Partnership

SEC. 6911. STATEMENT OF POLICY ON THE AUKUS PARTNERSHIP.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the AUKUS partnership is integral to United States national security, increasing United States and allied capability in the undersea domain of the Indo-Pacific, and developing cutting edge military capabilities;

(2) the transfer of conventionally armed, nuclear-powered submarines to Australia will position the United States and its allies to maintain peace and security in the Indo-Pacific;

(3) the transfer of conventionally armed, nuclear-powered submarines to Australia will be safely implemented with the highest nonproliferation standards in alignment with—

(A) safeguards established by the International Atomic Energy Agency; and

(B) the Additional Protocol to the Agreement between Australia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Vienna September 23, 1997;

(4) the United States will enter into a mutual defense agreement with Australia, modeled on the 1958 bilateral mutual defense agreement with the United Kingdom, for the sole purpose of facilitating the transfer of naval nuclear propulsion technology to Australia;

(5) working with the United Kingdom and Australia to develop and provide joint advanced military capabilities to promote security and stability in the Indo-Pacific will have tangible impacts on United States military effectiveness across the world;

(6) in order to better facilitate cooperation under Pillar 2 of the AUKUS partnership, it is imperative that every effort be made to streamline United States export controls consistent with necessary and reciprocal security safeguards on United States technology at least comparable to those of the United States;

(7) the trade authorization mechanism for the AUKUS partnership administered by the Department is a critical first step in reimagining the United States export control system to carry out the AUKUS partnership and expedite technology sharing and defense trade among the United States, Australia, and the United Kingdom; and

(8) the vast majority of United States defense trade with Australia is conducted through the Foreign Military Sales (FMS) process, the preponderance of defense trade with the United Kingdom is conducted through Direct Commercial Sales (DCS), and efforts to streamline United States export controls should focus on both Foreign Military Sales and Direct Commercial Sales.

SEC. 6912. SENIOR ADVISOR FOR THE AUKUS PARTNERSHIP AT THE DEPARTMENT OF STATE.

(a) IN GENERAL.—There shall be a Senior Advisor for the AUKUS partnership at the Department, who—

(1) shall report directly to the Secretary; and

(2) may not hold another position in the Department concurrently while holding the position of Senior Advisor for the AUKUS partnership.

(b) DUTIES.—The Senior Advisor shall—

(1) be responsible for coordinating efforts related to the AUKUS partnership across the Department, including the bureaus engaged in nonproliferation, defense trade, security assistance, and diplomatic relations in the Indo-Pacific;

(2) serve as the lead within the Department for implementation of the AUKUS partnership in interagency processes, consulting with counterparts in the Department of Defense, the Department of Commerce, the Department of Energy, the Office of Naval Reactors, and any other relevant agencies;

(3) lead diplomatic efforts related to the AUKUS partnership with other governments to explain how the partnership will enhance security and stability in the Indo-Pacific; and

(4) consult regularly with the appropriate congressional committees, and keep such committees fully and currently informed, on issues related to the AUKUS partnership, including in relation to the AUKUS Pillar 1 objective of supporting Australia's acquisition of conventionally armed, nuclear-powered submarines and the Pillar 2 objective of jointly developing advanced military capabilities to support security and stability in the Indo-Pacific, as affirmed by the President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Australia on April 5, 2022.

(c) PERSONNEL TO SUPPORT THE SENIOR ADVISOR.—The Secretary shall ensure that the Senior Advisor is adequately staffed, including through encouraging details, or assignment of employees of the Department, with expertise related to the implementation of the AUKUS partnership, including staff with expertise in—

(1) nuclear policy, including nonproliferation;

(2) defense trade and security cooperation, including security assistance; and

(3) relations with respect to political-military issues in the Indo-Pacific and Europe.

(d) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and not later than 90 days after a Senior Advisor assumes such position, the Secretary shall notify the appropriate congressional committees of the number of full-time equivalent positions, relevant expertise, and duties of any employees of the Department or detailees supporting the Senior Advisor.

(e) SUNSET.—

(1) IN GENERAL.—The position of the Senior Advisor for the AUKUS partnership shall terminate on the date that is 8 years after the date of the enactment of this Act.

(2) RENEWAL.—The Secretary may renew the position of the Senior Advisor for the AUKUS partnership for 1 additional period of 4 years, following notification to the appropriate congressional committees of the renewal.

Subtitle B—Authorization for Submarine Transfers, Support, and Infrastructure Improvement Activities

SEC. 6921. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES.

(a) AUTHORIZATION TO TRANSFER SUBMARINES.—

(1) IN GENERAL.—Subject to paragraphs (3), (4), and (11), the President may, under section 21 of the Arms Export Control Act (22 U.S.C. 2761)—

(A) transfer not more than two Virginia class submarines from the inventory of the United States Navy to the Government of Australia on a sale basis; and

(B) transfer not more than one additional Virginia class submarine to the Government of Australia on a sale basis.

(2) REQUIREMENTS NOT APPLICABLE.—A sale carried out under paragraph (1)(B) shall not be subject to the requirements of—

(A) section 36 of the Arms Export Control Act (22 U.S.C. 2776); or

(B) section 8677 of title 10, United States Code.

(3) CERTIFICATION; BRIEFING.—

(A) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided by paragraph (1) not earlier than 60 days after the date on which the President certifies to the appropriate congressional committees that any submarine transferred under such authority shall be used to support the joint security interests and military operations of the United States and Australia.

(B) WAIVER OF CHIEF OF NAVAL OPERATIONS CERTIFICATION.—The requirement for the Chief of Naval Operations to make a certification under section 8678 of title 10, United States Code, shall not apply to a transfer under paragraph (1).

(C) BRIEFING.—Not later than 90 days before the sale of any submarine under paragraph (1), the Secretary of the Navy shall provide to the appropriate congressional committees a briefing on—

(i) the impacts of such sale to the readiness of the submarine fleet of the United States, including with respect to maintenance timelines, deployment-to-dwell ratios, training, exercise participation, and the ability to meet combatant commander requirements;

(ii) the impacts of such sale to the submarine industrial base of the United States, including with respect to projected maintenance requirements, acquisition timelines for spare and replacement parts, and future procurement of Virginia class submarines for the submarine fleet of the United States; and

(iii) other relevant topics as determined by the Secretary of the Navy.

(4) REQUIRED MUTUAL DEFENSE AGREEMENT.—Before any transfer occurs under subsection (a), the United States and Australia shall have a mutual defense agreement in place, which shall—

(A) provide a clear legal framework for the sole purpose of Australia's acquisition of conventionally armed, nuclear-powered submarines; and

(B) meet the highest nonproliferation standards for the exchange of nuclear materials, technology, equipment, and information between the United States and Australia.

(5) SUBSEQUENT SALES.—A sale of a Virginia class submarine that occurs after the sales described in paragraph (1) may occur only if such sale is explicitly authorized in legislation enacted after the date of the enactment of this Act.

(6) COSTS OF TRANSFER.—Any expense incurred by the United States in connection with a transfer under paragraph (1) shall be charged to the Government of Australia.

(7) CREDITING OF RECEIPTS.—Notwithstanding any provision of law pertaining to the crediting of amounts received from a sale under section 21 of the Arms Export Control Act (22 U.S.C. 2761), any funds received by the United States pursuant to a transfer under paragraph (1) shall—

(A) be credited, at the discretion of the President, to—

(i) the fund or account used in incurring the original obligation for the acquisition of submarines transferred under paragraph (1);

(ii) an appropriate fund or account available for the purposes for which the expenditures for the original acquisition of submarines transferred under paragraph (1) were made; or

(iii) any other fund or account available for the purpose specified in paragraph (8)(B); and

(B) remain available for obligation until expended.

(8) USE OF FUNDS.—Subject to paragraphs (9) and (10), the President may use funds received pursuant to a transfer under paragraph (1)—

(A) for the acquisition of submarines to replace the submarines transferred to the Government of Australia; or

(B) for improvements to the submarine industrial base of the United States.

(9) PLAN FOR USE OF FUNDS.—Before any use of any funds received pursuant to a transfer under paragraph (1), the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing how such funds will be used, including specific amounts and purposes.

(10) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—Not later than 30 days after the date of any transfer under paragraph (1), and upon any transfer or depositing of funds received pursuant to such a transfer, the President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) the amount of funds received pursuant to the transfer; and

(ii) the specific account or fund into which the funds described in clause (i) are deposited.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds received pursuant to transfers under paragraph (1) have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes an accounting of how funds received pursuant to transfers under paragraph (1) were used in the fiscal year preceding the fiscal year in which the report is submitted.

(11) APPLICABILITY OF EXISTING LAW TO TRANSFER OF SPECIAL NUCLEAR MATERIAL AND UTILIZATION FACILITIES FOR MILITARY APPLICATIONS.—

(A) IN GENERAL.—With respect to any special nuclear material for use in utilization facilities or any portion of a submarine transferred under paragraph (1) constituting utilization facilities for military applications under section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121), transfer of such material or such facilities shall occur only in accordance with such section 91.

(B) USE OF FUNDS.—The President may use proceeds from a transfer described in subparagraph (A) for the acquisition of submarine naval nuclear propulsion plants and nuclear fuel to replace propulsion plants and fuel transferred to the Government of Australia.

(b) REPAIR AND REFURBISHMENT OF AUKUS SUBMARINES.—Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) REPAIR AND REFURBISHMENT OF CERTAIN SUBMARINES.—

''(1) SHIPYARD.—Notwithstanding any other provision of this section, the President shall—

''(A) determine the appropriate shipyard in the United States, Australia, or the United Kingdom to perform any repair or refurbishment of a United States submarine involved in submarine security activities between the United States, Australia, and the United Kingdom; and

''(B) in making a determination under subparagraph (A) with respect whether a shipyard is appropriate, consider the significance of the shipyard to strategically important areas of operations.

''(2) PERSONNEL.—Repair or refurbishment described in paragraph (1)(A) may be carried out by personnel of the United States, the United Kingdom, or Australia in accordance with the international arrangements governing the submarine security activities described in such paragraph.''.

SEC. 6922. ACCEPTANCE OF CONTRIBUTIONS FOR AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES; AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.

(a) ACCEPTANCE AUTHORITY.—The President may accept from the Government of Australia contributions of money made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities between Australia, the United Kingdom, and the United States (AUKUS).

(b) ESTABLISHMENT OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a special account to be known as the ''AUKUS Submarine Security Activities Account''.

(2) CREDITING OF CONTRIBUTIONS OF MONEY.—Contributions of money accepted by the President under subsection (a) shall be credited to the AUKUS Submarine Security Activities Account.

(3) AVAILABILITY.—Amounts credited to the AUKUS Submarine Security Activities Account shall remain available until expended.

(c) USE OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the President may use funds in the AUKUS Submarine Security Activities Account—

(A) for any purpose authorized by law that the President determines would support submarine security activities between Australia, the United Kingdom, and the United States;

(B) to carry out a military construction project related to the AUKUS partnership that is not otherwise authorized by law;

(C) to develop and increase the submarine industrial base workforce by investing in recruiting, training, and retaining key specialized labor at public and private shipyards; or

(D) to upgrade facilities, equipment, and infrastructure needed to repair and maintain submarines at public and private shipyards .

(2) PLAN FOR USE OF FUNDS.—Before any use of any funds in the AUKUS Submarine Security Activities Account, the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing—

(A) the amount of funds in the AUKUS Submarine Security Activities Account; and

(B) how such funds will be used, including specific amounts and purposes.

(d) TRANSFERS OF FUNDS.—

(1) IN GENERAL.—In carrying out subsection (c) and subject to paragraphs (2) and (5), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Defense or any other appropriate agency.

(2) DEPARTMENT OF ENERGY.—In carrying out subsection (c), and in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Energy to carry out activities related to submarine security activities between Australia, the United Kingdom, and the United States.

(3) AVAILABILITY FOR OBLIGATION.—Funds transferred under this subsection shall be available for obligation for the same time period and for the same purpose as the account or fund to which transferred.

(4) TRANSFER BACK TO ACCOUNT.—Upon a determination by the President that all or part of the funds transferred from the AUKUS Submarine Security Activities Account are not necessary for the purposes for which such funds were transferred, and subject to paragraph (5), all or such part of such funds shall be transferred back to the AUKUS Submarine Security Activities Account.

(5) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—The President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) before the transfer of any funds under this subsection—

(I) the amount of funds to be transferred; and

(II) the planned or anticipated purpose of such funds; and

(ii) before the obligation of any funds transferred under this subsection—

(I) the amount of funds to be obligated; and

(II) the purpose of the obligation.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds transferred under this subsection have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes a detailed accounting of—

(i) the amount of funds transferred under this subsection during the fiscal year preceding the fiscal year in which the report is submitted; and

(ii) the purposes for which such funds were used.

(e) INVESTMENT OF MONEY.—

(1) AUTHORIZED INVESTMENTS.—The President may invest money in the AUKUS Submarine Security Activities Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

(2) INTEREST AND OTHER INCOME.—Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the AUKUS Submarine Security Activities Account.

(f) RELATIONSHIP TO OTHER LAWS.—The authority to accept or transfer funds under this section is in addition to any other authority to accept or transfer funds.

SEC. 6923. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY TRAINING.

(a) IN GENERAL.—The President may transfer or export directly to private individuals in Australia defense services that may be transferred to the Government of Australia under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to support the development of the submarine industrial base of Australia necessary for submarine security activities between Australia, the United Kingdom, and the United States, including if such individuals are not officers, employees, or agents of the Government of Australia.

(b) SECURITY CONTROLS.—

(1) IN GENERAL.—Any defense service transferred or exported under subsection (a) shall be subject to appropriate security controls to ensure that any sensitive information conveyed by such transfer or export is protected from disclosure to persons unauthorized by the United States to receive such information.

(2) CERTIFICATION.—Not later than 30 days before the first transfer or export of a defense service under subsection (a), and annually thereafter, the President shall certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the controls described in paragraph (1) will protect the information described in such paragraph for the defense services so transferred or exported.

(c) APPLICATION OF REQUIREMENTS FOR RETRANSFER AND REEXPORT.—Any person who receives any defense service transferred or exported under subsection (a) may retransfer or reexport such service to other persons only in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

Subtitle C—Streamlining and Protecting Transfers of United States Military Technology From Compromise

SEC. 6931. PRIORITY FOR AUSTRALIA AND THE UNITED KINGDOM IN FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

(a) IN GENERAL.—The President shall institute policies and procedures for letters of request from Australia and the United Kingdom to transfer defense articles and services under section 21 of the Arms Export Control Act (22 U.S.C. 2761) related to the AUKUS partnership to receive expedited consideration and processing relative to all other letters of request other than from Taiwan and Ukraine.

(b) TECHNOLOGY TRANSFER POLICY FOR AUSTRALIA, CANADA, AND THE UNITED KINGDOM.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Defense, shall create an anticipatory release policy for the transfer of technologies described in paragraph (2) to Australia, the United Kingdom, and Canada through Foreign Military Sales and Direct Commercial Sales that are not covered by an exemption under the International Traffic in Arms Regulations.

(2) CAPABILITIES DESCRIBED.—The capabilities described in this paragraph are—

(A) Pillar One-related technologies associated with submarine and associated combat systems; and

(B) Pillar Two-related technologies, including hypersonic missiles, cyber capabilities, artificial intelligence, quantum technologies, undersea capabilities, and other advanced technologies.

(3) EXPEDITED DECISION-MAKING.—Review of a transfer under the policy established under paragraph (1) shall be subject to an expedited decision-making process.

(c) INTERAGENCY POLICY AND GUIDANCE.—The Secretary and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to requests for Foreign Military Sales and Direct Commercial Sales, including by incorporating the anticipatory release provisions of this section.

SEC. 6932. IDENTIFICATION AND PRE-CLEARANCE OF PLATFORMS, TECHNOLOGIES, AND EQUIPMENT FOR SALE TO AUSTRALIA AND THE UNITED KINGDOM THROUGH FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

Not later than 90 days after the date of the enactment of this Act, and on a biennial basis thereafter for 8 years, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a list of advanced military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Australia, the United Kingdom and Canada through the Foreign Military Sales and Direct Commercial Sales programs without regard to whether a letter of request or license to purchase such platforms, technologies, or equipment has been received from any of such country. Each list may include items that are not related to the AUKUS partnership but may not include items that are not covered by an exemption under the International Traffic in Arms Regulations.

SEC. 6933. EXPORT CONTROL EXEMPTIONS AND STANDARDS.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(l) AUKUS DEFENSE TRADE COOPERATION.—

''(1) EXEMPTION FROM LICENSING AND APPROVAL REQUIREMENTS.—Subject to paragraph (2) and notwithstanding any other provision of this section, the Secretary of State may exempt from the licensing or other approval requirements of this section exports and transfers (including reexports, retransfers, temporary imports, and brokering activities) of defense articles and defense services between or among the United States, the United Kingdom, and Australia that—

''(A) are not excluded by those countries;

''(B) are not referred to in subsection(j)(1)(C)(ii); and

''(C) involve only persons or entities that are approved by—

''(i) the Secretary of State; and

''(ii) the Ministry of Defense, the Ministry of Foreign Affairs, or other similar authority within those countries.

''(2) LIMITATION.—The authority provided in subparagraph (1) shall not apply to any activity, including exports, transfers, reexports, retransfers, temporary imports, or brokering, of United States defense articles and defense services involving any country or a person or entity of any country other than the United States, the United Kingdom, and Australia.''.

(b) REQUIRED STANDARDS OF EXPORT CONTROLS.—The Secretary may only exercise the authority under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, with respect to the United Kingdom or Australia 30 days after the Secretary submits to the appropriate congressional committees an unclassified certification and detailed unclassified assessment (which may include a classified annex) that the country concerned has implemented standards for a system of export controls that satisfies the elements of section 38(j)(2) of the Arms Export Control Act (22 U.S.C. 2778(j)(2)) for United States-origin defense articles and defense services, and for controlling the provision of military training, that are comparable to those standards administered by the United States in effect on the date of the enactment of this Act.

(c) CERTAIN REQUIREMENTS NOT APPLICABLE.—

(1) IN GENERAL.—Paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) shall not apply to any export or transfer that is the subject of an exemption under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section.

(2) QUARTERLY REPORTS.—The Secretary shall—

(A) require all exports and transfers that would be subject to the requirements of paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) but for the application of subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, to be reported to the Secretary; and

(B) submit such reports to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives on a quarterly basis.

(d) SUNSET.—Any exemption under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, shall terminate on the date that is 15 years after the date of the enactment of this Act. The Secretary of State may renew such exemption for 5 years upon a certification to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such exemption is in the vital national interest of the United States with a detailed justification for such certification.

(e) REPORTS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter until no exemptions under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, remain in effect, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the operation of exemptions issued under such subsection (l)(1), including whether any changes to such exemptions are likely to be made in the coming year.

(B) INITIAL REPORT.—The first report submitted under subparagraph (A) shall also include an assessment of key recommendations the United States Government has provided to the Governments of Australia and the United Kingdom to revise laws, regulations, and policies of such countries that are required to implement the AUKUS partnership.

(2) REPORT ON EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall report on the practical application of a possible ''fast track'' decision-making process for applications, classified or unclassified, to export defense articles and defense services to Australia, the United Kingdom, and Canada.

SEC. 6934. EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES TO AUSTRALIA, THE UNITED KINGDOM, AND CANADA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Defense, shall initiate a rulemaking to establish an expedited decision-making process, classified or unclassified, for applications to export to Australia, the United Kingdom, and Canada commercial, advanced-technology defense articles and defense services that are not covered by an exemption under the International Traffic in Arms Regulations.

(b) ELIGIBILITY.—To qualify for the expedited decision-making process described in subsection (a), an application shall be for an export of defense articles or defense services that will take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom and the United States and with governments or corporate entities from such countries.

(c) AVAILABILITY OF EXPEDITED PROCESS.—The expedited decision-making process described in subsection (a) shall be available for both classified and unclassified items, and the process must satisfy the following criteria to the extent practicable:

(1) Any licensing application to export defense articles and services that is related to a government to government AUKUS agreement must be approved, returned, or denied withing 30 days of submission.

(2) For all other licensing requests, any review shall be completed not later than 45 calendar days after the date of application.

SEC. 6935. UNITED STATES MUNITIONS LIST.

(a) EXEMPTION FOR THE GOVERNMENTS OF THE UNITED KINGDOM AND AUSTRALIA FROM CERTIFICATION AND CONGRESSIONAL NOTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN TRANSFERS.—Section 38(f)(3) of the Arms Export Control Act (22 U.S.C. 2778(f)(3)) is amended by inserting '', the United Kingdom, or Australia'' after ''Canada''.

(b) UNITED STATES MUNITIONS LIST PERIODIC REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through authority delegated by the President to carry out periodic reviews of items on the United States Munitions List under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) and in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Director of the Office of Management and Budget, shall carry out such reviews not less frequently than every 3 years.

(2) SCOPE.—The periodic reviews described in paragraph (1) shall focus on matters including—

(A) interagency resources to address current threats faced by the United States;

(B) the evolving technological and economic landscape;

(C) the widespread availability of certain technologies and items on the United States Munitions List; and

(D) risks of misuse of United States-origin defense articles.

(3) CONSULTATION.—The Department of State may consult with the Defense Trade Advisory Group (DTAG) and other interested parties in conducting the periodic review described in paragraph (1).

Subtitle D—Other AUKUS Matters

SEC. 6941. REPORTING RELATED TO THE AUKUS PARTNERSHIP.

(a) REPORT ON INSTRUMENTS.—

(1) IN GENERAL.—Not later than 30 days after the signature, conclusion, or other finalization of any non-binding instrument related to the AUKUS partnership, the President shall submit to the appropriate congressional committees the text of such instrument.

(2) NON-DUPLICATION OF EFFORTS; RULE OF CONSTRUCTION.—To the extent the text of a non-binding instrument is submitted to the appropriate congressional committees pursuant to subsection (a), such text does not need to be submitted to Congress pursuant to section 112b(a)(1)(A)(ii) of title 1, United States Code, as amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3476). Paragraph (1) shall not be construed to relieve the executive branch of any other requirement of section 112b of title 1, United States Code, as amended so amended, or any other provision of law.

(3) DEFINITIONS.—In this section:

(A) IN GENERAL.—The term ''text'', with respect to a 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 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 non-binding instrument.

(B) CONTEMPORANEOUSLY AND IN CONJUNCTION WITH.—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.

(b) REPORT ON AUKUS PARTNERSHIP.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Secretary, in coordination with the Secretary of Defense and other appropriate heads of agencies, shall submit to the appropriate congressional committees a report on the AUKUS partnership.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following elements:

(A) STRATEGY.—

(i) An identification of the defensive military capability gaps and capacity shortfalls that the AUKUS partnership seeks to offset.

(ii) An explanation of the total cost to the United States associated with Pillar One of the AUKUS partnership.

(iii) A detailed explanation of how enhanced access to the industrial base of Australia is contributing to strengthening the United States strategic position in Asia.

(iv) A detailed explanation of the military and strategic benefit provided by the improved access provided by naval bases of Australia.

(v) A detailed assessment of how Australia's sovereign conventionally armed nuclear attack submarines contribute to United States defense and deterrence objectives in the Indo-Pacific region.

(B) IMPLEMENT THE AUKUS PARTNERSHIP.—

(i) Progress made on achieving the Optimal Pathway established for Australia's development of conventionally armed, nuclear-powered submarines, including the following elements:

(I) A description of progress made by Australia, the United Kingdom, and the United States to conclude an Article 14 arrangement with the International Atomic Energy Agency.

(II) A description of the status of efforts of Australia, the United Kingdom, and the United States to build the supporting infrastructure to base conventionally armed, nuclear-powered attack submarines.

(III) Updates on the efforts by Australia, the United Kingdom, and the United States to train a workforce that can build, sustain, and operate conventionally armed, nuclear-powered attack submarines.

(IV) A description of progress in establishing submarine support facilities capable of hosting rotational forces in western Australia by 2027.

(V) A description of progress made in improving United States submarine production capabilities that will enable the United States to meet—

(aa) its objectives of providing up to five Virginia Class submarines to Australia by the early to mid-2030's; and

(bb) United States submarine production requirements.

(ii) Progress made on Pillar Two of the AUKUS partnership, including the following elements:

(I) An assessment of the efforts of Australia, the United Kingdom, and the United States to enhance collaboration across the following eight trilateral lines of effort:

(aa) Underseas capabilities.

(bb) Quantum technologies.

(cc) Artificial intelligence and autonomy.

(dd) Advanced cyber capabilities.

(ee) Hypersonic and counter-hypersonic capabilities.

(ff) Electronic warfare.

(gg) Innovation.

(hh) Information sharing.

(II) An assessment of any new lines of effort established.

SEC. 6942. REPORT ON DEFENSE COOPERATION AND EXPORT REGULATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Defense and the Secretary of Commerce, shall submit to the appropriate congressional committees a report on—

(1) defense cooperation and export regulations with respect to implementation of the AUKUS partnership; and

(2) what improvements to the implementation of the AUKUS partnership can be achieved using existing authorities.

SEC. 6943. REPORT ON PROTECTION OF SENSITIVE INFORMATION AND TECHNOLOGY.

Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report, which may be in classified form, that includes the following elements:

(1) An assessment of the current abilities of the United States, Australia, and the United Kingdom to protect the transfer of sensitive information and technology.

(2) An itemization of steps necessary for the United States, Australia, and the United Kingdom to improve their abilities to protect the transfer of sensitive information and technology.

SEC. 6944. REPORT ON THE UNITED STATES SUBMARINE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the United States submarine industrial base.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of which individual or office within the United States Government should provide certification of whether the transfer of future Virginia class submarines per the precepts of the AUKUS partnership impacts the readiness of the United States Navy.

(2) Recommendations for how the United States submarine industrial base should best invest its financial and workforce resources in support of the AUKUS partnership, including—

(A) how new members of an expanded submarine industrial base workforce would be best employed in current public and private shipyards;

(B) a description of foreign educational exchange and workforce development programs, either existing or that should be developed, that would facilitate the collaboration and training requirements necessary for the implementation of the AUKUS partnership;

(C) a description of potential barriers to workforce collaboration, including, if appropriate, an assessment of visa or other travel documentation requirements, both for United States citizens working in the other partner nations and for citizens of the United Kingdom and Australia working in the United States on projects related to the AUKUS partnership; and

(D) whether the expanded capacity required by the implementation of the AUKUS partnership warrants the development of an additional shipyard within the United States.

(3) A description of other topics relevant to the effective implementation of the AUKUS partnership, at the discretion of the President.

SEC. 6945. REPORT ON NAVY SUBMARINE REQUIREMENTS.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(1) the certification requirements for the Australian military and the future Australian civilian nuclear workforce to ensure stewardship of nuclear-powered submarines; and

(2) the impact of the implementation of the AUKUS partnership on the United States Navy's ability to meet its own submarine shipbuilding requirements.

SA 778. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2863. LAND CONVEYANCE, ARMY AND NAVY GENERAL HOSPITAL, HOT SPRINGS NATIONAL PARK, HOT SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary of the Army may convey to the State of Arkansas by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the covered property if, not later than five years after the date of the enactment of this Act—

(1) the Governor of Arkansas submits to the Secretary of the Army a request for such conveyance; and

(2) the Secretary of the Army, in consultation with the Administrator of the General Services Administration, determines such conveyance is appropriate notwithstanding the requirements under section 3 of the Act of September 12, 1959 (Public Law 86–323).

(b) DESIGNATION.—The Secretary of Defense, acting through the Director of the Office of Local Defense Community Cooperation, shall designate the State of Arkansas as the local redevelopment authority with respect to the covered property.

(c) GRANT AUTHORITY.—The Secretary of Defense, acting through the Director of the Office of Local Defense Community Cooperation, shall make a grant (including a supplemental grant) or enter into a cooperative agreement to assist the local redevelopment authority designated under subsection (b) in planning community adjustments and economic diversification, including site caretaker services, security services, and fire protection services, required under the conveyance under subsection (a).

(d) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this

Act, the Secretary of the Army shall provide to the congressional defense committees a briefing that includes—

(1) with respect to the conveyance under subsection (a), a summary of the coordination among affected stakeholders including—

(A) the Director of the Office of Local Defense Community Cooperation;

(B) the Administrator of the General Services Administration;

(C) the Director of the National Park Service;

(D) the Governor of Arkansas;

(E) the Mayor of Hot Springs, Arkansas; and

(F) the Secretary of the Navy;

(2) a summary of—

(A) any environmental investigations conducted at the covered property as of the date of the enactment of this Act;

(B) the response actions required under any such environmental investigation;

(C) an estimate of the cost to each such response action; and

(D) an identification of potentially responsible parties, if any, for any hazardous substance identified under an environmental investigation described in subparagraph (A);

(3) an estimate of the total cost to—

(A) stabilize each structure on the covered property; and

(B) demolish each such structure; and

(4) an assessment of necessary steps for the covered property to be eligible for a grant under the Arkansas Brownfields Program and recommendations with respect to such steps.

(e) COVERED PROPERTY DEFINED.—In this section, the term ''covered property'' means the approximately twenty-one acres, more or less, of land located at Hot Springs National Park, Arkansas, which comprise facilities previously occupied by the Army and Navy General Hospital conveyed by quitclaim deed to the State of Arkansas pursuant to the Act of September 12, 1959.

SA 779. Mr. MENENDEZ (for himself, Mr. KAINE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION G—AUKUS MATTERS

SEC. 7001. DEFINITIONS.

In this division:

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

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

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

(2) AUKUS PARTNERSHIP.—

(A) IN GENERAL.—The term ''AUKUS partnership'' means the enhanced trilateral security partnership between Australia, the United Kingdom, and the United States announced in September 2021.

(B) PILLARS.—The AUKUS partnership includes the following two pillars:

(i) Pillar One is focused on developing a pathway for Australia to acquire conventionally armed, nuclear-powered submarines.

(ii) Pillar Two is focused on enhancing trilateral collaboration on advanced defense capabilities, including hypersonic and counter hypersonic capabilities, quantum technologies, undersea technologies, and artificial intelligence.

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

(4) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means subchapter M of chapter I of title 22, Code of Federal Regulations (or successor regulations).

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

TITLE I—OUTLINING THE AUKUS PARTNERSHIP

SEC. 7011. STATEMENT OF POLICY ON THE AUKUS PARTNERSHIP.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the AUKUS partnership is integral to United States national security, increasing United States and allied capability in the undersea domain of the Indo-Pacific, and developing cutting edge military capabilities;

(2) the transfer of conventionally armed, nuclear-powered submarines to Australia will position the United States and its allies to maintain peace and security in the Indo-Pacific;

(3) the transfer of conventionally armed, nuclear-powered submarines to Australia will be safely implemented with the highest nonproliferation standards in alignment with—

(A) safeguards established by the International Atomic Energy Agency; and

(B) the Additional Protocol to the Agreement between Australia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Vienna September 23, 1997;

(4) the United States will enter into a mutual defense agreement with Australia, modeled on the 1958 bilateral mutual defense agreement with the United Kingdom, for the sole purpose of facilitating the transfer of naval nuclear propulsion technology to Australia;

(5) working with the United Kingdom and Australia to develop and provide joint advanced military capabilities to promote security and stability in the Indo-Pacific will have tangible impacts on United States military effectiveness across the world;

(6) in order to better facilitate cooperation under Pillar 2 of the AUKUS partnership, it is imperative that every effort be made to streamline United States export controls consistent with necessary and reciprocal security safeguards on United States technology at least comparable to those of the United States;

(7) the trade authorization mechanism for the AUKUS partnership administered by the Department is a critical first step in reimagining the United States export control system to carry out the AUKUS partnership and expedite technology sharing and defense trade among the United States, Australia, and the United Kingdom; and

(8) the AUKUS partnership will be most effective only after both Australia and the United Kingdom make necessary changes to align their standards for the protection of defense information and materials with those of the United States.

SEC. 7012. SENIOR ADVISOR FOR THE AUKUS PARTNERSHIP AT THE DEPARTMENT OF STATE.

(a) IN GENERAL.—There shall be a Senior Advisor for the AUKUS partnership at the Department, who—

(1) shall report directly to the Secretary; and

(2) may not hold another position in the Department concurrently while holding the position of Senior Advisor for the AUKUS partnership.

(b) DUTIES.—The Senior Advisor shall—

(1) be responsible for coordinating efforts related to the AUKUS partnership across the Department, including the bureaus engaged in nonproliferation, defense trade, security assistance, and diplomatic relations in the Indo-Pacific;

(2) serve as the lead within the Department for implementation of the AUKUS partnership in interagency processes, consulting with counterparts in the Department of Defense, the Department of Commerce, the Department of Energy, the Office of Naval Reactors, and any other relevant agencies;

(3) lead diplomatic efforts related to the AUKUS partnership with other governments to explain how the partnership will enhance security and stability in the Indo-Pacific; and

(4) consult regularly with the appropriate congressional committees, and keep such committees fully and currently informed, on issues related to the AUKUS partnership, including in relation to the AUKUS Pillar 1 objective of supporting Australia's acquisition of conventionally armed, nuclear-powered submarines and the Pillar 2 objective of jointly developing advanced military capabilities to support security and stability in the Indo-Pacific, as affirmed by the President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Australia on April 5, 2022.

(c) PERSONNEL TO SUPPORT THE SENIOR ADVISOR.—The Secretary shall ensure that the Senior Advisor is adequately staffed, including through encouraging details, or assignment of employees of the Department, with expertise related to the implementation of the AUKUS partnership, including staff with expertise in—

(1) nuclear policy, including nonproliferation;

(2) defense trade and security cooperation, including security assistance; and

(3) relations with respect to political-military issues in the Indo-Pacific and Europe.

(d) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and not later than 90 days after a Senior Advisor assumes such position, the Secretary shall notify the appropriate congressional committees of the number of full-time equivalent positions, relevant expertise, and duties of any employees of the Department or detailees supporting the Senior Advisor.

(e) SUNSET.—

(1) IN GENERAL.—The position of the Senior Advisor for the AUKUS partnership shall terminate on the date that is 8 years after the date of the enactment of this Act.

(2) RENEWAL.—The Secretary may renew the position of the Senior Advisor for the AUKUS partnership for 1 additional period of 4 years, following notification to the appropriate congressional committees of the renewal.

TITLE II—AUTHORIZATION FOR SUBMARINE TRANSFERS, SUPPORT, AND INFRASTRUCTURE IMPROVEMENT ACTIVITIES

SEC. 7021. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES.

(a) AUTHORIZATION TO TRANSFER SUBMARINES.—

(1) IN GENERAL.—Subject to paragraphs (3), (4), and (11), the President may, under section 21 of the Arms Export Control Act (22 U.S.C. 2761)—

(A) transfer not more than two Virginia class submarines from the inventory of the United States Navy to the Government of Australia on a sale basis; and

(B) transfer not more than one additional Virginia class submarine to the Government of Australia on a sale basis.

(2) REQUIREMENTS NOT APPLICABLE.—A sale carried out under paragraph (1)(B) shall not be subject to the requirements of—

(A) section 36 of the Arms Export Control Act (22 U.S.C. 2776); or

(B) section 8677 of title 10, United States Code.

(3) CERTIFICATION; BRIEFING.—

(A) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided by paragraph (1) not earlier than 60 days after the date on which the President certifies to the appropriate congressional committees that any submarine transferred under such authority shall be used to support the joint security interests and military operations of the United States and Australia.

(B) WAIVER OF CHIEF OF NAVAL OPERATIONS CERTIFICATION.—The requirement for the Chief of Naval Operations to make a certification under section 8678 of title 10, United States Code, shall not apply to a transfer under paragraph (1).

(C) BRIEFING.—Not later than 90 days before the sale of any submarine under paragraph (1), the Secretary of the Navy shall provide to the appropriate congressional committees a briefing on—

(i) the impacts of such sale to the readiness of the submarine fleet of the United States, including with respect to maintenance timelines, deployment-to-dwell ratios, training, exercise participation, and the ability to meet combatant commander requirements;

(ii) the impacts of such sale to the submarine industrial base of the United States, including with respect to projected maintenance requirements, acquisition timelines for spare and replacement parts, and future procurement of Virginia class submarines for the submarine fleet of the United States; and

(iii) other relevant topics as determined by the Secretary of the Navy.

(4) REQUIRED MUTUAL DEFENSE AGREEMENT.—Before any transfer occurs under subsection (a), the United States and Australia shall have a mutual defense agreement in place, which shall—

(A) provide a clear legal framework for the sole purpose of Australia's acquisition of conventionally armed, nuclear-powered submarines; and

(B) meet the highest nonproliferation standards for the exchange of nuclear materials, technology, equipment, and information between the United States and Australia.

(5) SUBSEQUENT SALES.—A sale of a Virginia class submarine that occurs after the sales described in paragraph (1) may occur only if such sale is explicitly authorized in legislation enacted after the date of the enactment of this Act.

(6) COSTS OF TRANSFER.—Any expense incurred by the United States in connection with a transfer under paragraph (1) shall be charged to the Government of Australia.

(7) CREDITING OF RECEIPTS.—Notwithstanding any provision of law pertaining to the crediting of amounts received from a sale under section 21 of the Arms Export Control Act (22 U.S.C. 2761), any funds received by the United States pursuant to a transfer under paragraph (1) shall—

(A) be credited, at the discretion of the President, to—

(i) the fund or account used in incurring the original obligation for the acquisition of submarines transferred under paragraph (1);

(ii) an appropriate fund or account available for the purposes for which the expenditures for the original acquisition of submarines transferred under paragraph (1) were made; or

(iii) any other fund or account available for the purpose specified in paragraph (8)(B); and

(B) remain available for obligation until expended.

(8) USE OF FUNDS.—Subject to paragraphs (9) and (10), the President may use funds received pursuant to a transfer under paragraph (1)—

(A) for the acquisition of submarines to replace the submarines transferred to the Government of Australia; or

(B) for improvements to the submarine industrial base of the United States.

(9) PLAN FOR USE OF FUNDS.—Before any use of any funds received pursuant to a transfer under paragraph (1), the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing how such funds will be used, including specific amounts and purposes.

(10) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—Not later than 30 days after the date of any transfer under paragraph (1), and upon any transfer or depositing of funds received pursuant to such a transfer, the President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) the amount of funds received pursuant to the transfer; and

(ii) the specific account or fund into which the funds described in clause (i) are deposited.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds received pursuant to transfers under paragraph (1) have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes an accounting of how funds received pursuant to transfers under paragraph (1) were used in the fiscal year preceding the fiscal year in which the report is submitted.

(11) APPLICABILITY OF EXISTING LAW TO TRANSFER OF SPECIAL NUCLEAR MATERIAL AND UTILIZATION FACILITIES FOR MILITARY APPLICATIONS.—

(A) IN GENERAL.—With respect to any special nuclear material for use in utilization facilities or any portion of a submarine transferred under paragraph (1) constituting utilization facilities for military applications under section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121), transfer of such material or such facilities shall occur only in accordance with such section 91.

(B) USE OF FUNDS.—The President may use proceeds from a transfer described in subparagraph (A) for the acquisition of submarine naval nuclear propulsion plants and nuclear fuel to replace propulsion plants and fuel transferred to the Government of Australia.

(b) REPAIR AND REFURBISHMENT OF AUKUS SUBMARINES.—Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) REPAIR AND REFURBISHMENT OF CERTAIN SUBMARINES.—

''(1) SHIPYARD.—Notwithstanding any other provision of this section, and subject to paragraph (2), the President shall determine the appropriate public or private shipyard in the United States, Australia, or the United Kingdom to perform any repair or refurbishment of a United States submarine involved in submarine security activities between the United States, Australia, and the United Kingdom.

''(2) CONDITIONS.—

''(A) IN GENERAL.—The President may determine under paragraph (1) that repair or refurbishment described in such paragraph may be performed in Australia or the United Kingdom only if—

''(i) such repair or refurbishment will facilitate the development of repair or refurbishment capabilities in the United Kingdom or Australia;

''(ii) such repair or refurbishment will be for a United States submarine that is assigned to a port outside of the United States; or

''(iii) the Secretary of Defense certifies to Congress that performing such repair or refurbishment at a shipyard in Australia or the United Kingdom is required due to an exigent threat to the national security interests of the United States.

''(B) CONSIDERATION.—In making a determination under subparagraph (A), the President shall consider any effects of such determination on the capacity and capability of shipyards in the United States.

''(C) BRIEFING REQUIRED.—Not later than 15 days after the date on which the Secretary of Defense makes a certification under subparagraph (A)(iii), the Secretary shall brief the congressional defense committees on—

''(i) the threat that requires the use of a shipyard in Australia or the United Kingdom; and

''(ii) opportunities to mitigate the future potential need to leverage foreign shipyards.

''(3) PERSONNEL.—Repair or refurbishment described in paragraph (1) may be carried out by personnel of the United States, the United Kingdom, or Australia in accordance with the international arrangements governing the submarine security activities described in such paragraph.''.

SEC. 7022. ACCEPTANCE OF CONTRIBUTIONS FOR AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES; AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.

(a) ACCEPTANCE AUTHORITY.—The President may accept from the Government of Australia contributions of money made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities between Australia, the United Kingdom, and the United States (AUKUS).

(b) ESTABLISHMENT OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a special account to be known as the ''AUKUS Submarine Security Activities Account''.

(2) CREDITING OF CONTRIBUTIONS OF MONEY.—Contributions of money accepted by the President under subsection (a) shall be credited to the AUKUS Submarine Security Activities Account.

(3) AVAILABILITY.—Amounts credited to the AUKUS Submarine Security Activities Account shall remain available until expended.

(c) USE OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the President may use funds in the AUKUS Submarine Security Activities Account—

(A) for any purpose authorized by law that the President determines would support submarine security activities between Australia, the United Kingdom, and the United States;

(B) to carry out a military construction project related to the AUKUS partnership that is not otherwise authorized by law;

(C) to develop and increase the submarine industrial base workforce by investing in recruiting, training, and retaining key specialized labor at public and private shipyards; or

(D) to upgrade facilities, equipment, and infrastructure needed to repair and maintain submarines at public and private shipyards.

(2) PLAN FOR USE OF FUNDS.—Before any use of any funds in the AUKUS Submarine Security Activities Account, the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing—

(A) the amount of funds in the AUKUS Submarine Security Activities Account; and

(B) how such funds will be used, including specific amounts and purposes.

(d) TRANSFERS OF FUNDS.—

(1) IN GENERAL.—In carrying out subsection (c) and subject to paragraphs (2) and (5), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Defense or any other appropriate agency.

(2) DEPARTMENT OF ENERGY.—In carrying out subsection (c), and in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Energy to carry out activities related to submarine security activities between Australia, the United Kingdom, and the United States.

(3) AVAILABILITY FOR OBLIGATION.—Funds transferred under this subsection shall be available for obligation for the same time period and for the same purpose as the account or fund to which transferred.

(4) TRANSFER BACK TO ACCOUNT.—Upon a determination by the President that all or part of the funds transferred from the AUKUS Submarine Security Activities Account are not necessary for the purposes for which such funds were transferred, and subject to paragraph (5), all or such part of such funds shall be transferred back to the AUKUS Submarine Security Activities Account.

(5) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—The President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) before the transfer of any funds under this subsection—

(I) the amount of funds to be transferred; and

(II) the planned or anticipated purpose of such funds; and

(ii) before the obligation of any funds transferred under this subsection—

(I) the amount of funds to be obligated; and

(II) the purpose of the obligation.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds transferred under this subsection have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes a detailed accounting of—

(i) the amount of funds transferred under this subsection during the fiscal year preceding the fiscal year in which the report is submitted; and

(ii) the purposes for which such funds were used.

(e) INVESTMENT OF MONEY.—

(1) AUTHORIZED INVESTMENTS.—The President may invest money in the AUKUS Submarine Security Activities Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

(2) INTEREST AND OTHER INCOME.—Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the AUKUS Submarine Security Activities Account.

(f) RELATIONSHIP TO OTHER LAWS.—The authority to accept or transfer funds under this section is in addition to any other authority to accept or transfer funds.

SEC. 7023. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY TRAINING.

(a) IN GENERAL.—The President may transfer or export directly to private individuals in Australia defense services that may be transferred to the Government of Australia under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to support the development of the submarine industrial base of Australia necessary for submarine security activities between Australia, the United Kingdom, and the United States, including if such individuals are not officers, employees, or agents of the Government of Australia.

(b) SECURITY CONTROLS.—

(1) IN GENERAL.—Any defense service transferred or exported under subsection (a) shall be subject to appropriate security controls to ensure that any sensitive information conveyed by such transfer or export is protected from disclosure to persons unauthorized by the United States to receive such information.

(2) CERTIFICATION.—Not later than 30 days before the first transfer or export of a defense service under subsection (a), and annually thereafter, the President shall certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the controls described in paragraph (1) will protect the information described in such paragraph for the defense services so transferred or exported.

(c) APPLICATION OF REQUIREMENTS FOR RETRANSFER AND REEXPORT.—Any person who receives any defense service transferred or exported under subsection (a) may retransfer or reexport such service to other persons only in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

TITLE III—STREAMLINING AND PROTECTING TRANSFERS OF UNITED STATES MILITARY TECHNOLOGY FROM COMPROMISE

SEC. 7031. PRIORITY FOR AUSTRALIA AND THE UNITED KINGDOM IN FOREIGN MILITARY SALES.

The President shall institute policies and procedures for letters of request from Australia and the United Kingdom to transfer defense articles and services under section 21 of the Arms Export Control Act (22 U.S.C. 2761) related to the AUKUS partnership to receive expedited consideration and processing relative to all other letters of request other than from Taiwan and Ukraine.

SEC. 7032. IDENTIFICATION AND PRE-CLEARANCE OF PLATFORMS, TECHNOLOGIES, AND EQUIPMENT FOR SALE TO AUSTRALIA AND THE UNITED KINGDOM THROUGH FOREIGN MILITARY SALES.

Not later than 180 days after the date of the enactment of this Act, and on a biennial basis thereafter for 8 years, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a list of advanced military platforms, technologies, and equipment that are pre-cleared and prioritized to the extent practicable for sale and release to Australia, the United Kingdom and Canada through the Foreign Military Sales program without regard to whether a letter of request to purchase such platforms, technologies, or equipment has been received from any of such country.

SEC. 7033. EXPORT CONTROL EXEMPTIONS AND STANDARDS.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(l) AUKUS DEFENSE TRADE COOPERATION.—

''(1) EXEMPTION FROM LICENSING AND APPROVAL REQUIREMENTS.—Subject to paragraph (2) and notwithstanding any other provision of this section, the Secretary of State may exempt from the licensing or other approval requirements of this section exports and transfers (including reexports, retransfers, temporary imports, and brokering activities) of defense articles and defense services between or among the United States, the United Kingdom, and Australia that—

''(A) are not excluded by those countries;

''(B) are not referred to in subsection(j)(1)(C)(ii); and

''(C) involve only persons or entities that are approved by—

''(i) the Secretary of State; and

''(ii) the Ministry of Defense, the Ministry of Foreign Affairs, or other similar authority within those countries.

''(2) LIMITATION.—The authority provided in subparagraph (1) shall not apply to any activity, including exports, transfers, reexports, retransfers, temporary imports, or brokering, of United States defense articles and defense services involving any country or a person or entity of any country other than the United States, the United Kingdom, and Australia.''.

(b) REQUIRED STANDARDS OF EXPORT CONTROLS.—The Secretary may only exercise the authority under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, with respect to the United Kingdom or Australia 30 days after the Secretary submits to the appropriate congressional committees an unclassified certification and detailed unclassified assessment (which may include a classified annex) that the country concerned has implemented standards for a system of export controls that satisfies the elements of section 38(j)(2) of the Arms Export Control Act (22 U.S.C. 2778(j)(2)) for United States-origin defense articles and defense services, and for controlling the provision of military training, that are comparable to those standards administered by the United States in effect on the date of the enactment of this Act.

(c) CERTAIN REQUIREMENTS NOT APPLICABLE.—

(1) IN GENERAL.—Paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) shall not apply to transfers (including transfers of United States Government sales or grants, or commercial exports authorized under this chapter) among the United States, the United Kingdom, or Australia described in paragraph (1).

(2) QUARTERLY REPORTS.—The Secretary shall—

(A) require all exports and transfers that would be subject to the requirements of paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) but for the application of subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, to be reported to the Secretary; and

(B) submit such reports to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives on a quarterly basis.

(d) SUNSET.—Any exemption under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, shall terminate on the date that is 15 years after the date of the enactment of this Act. The Secretary of State

may renew such exemption for 5 years upon a certification to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such exemption is in the vital national interest of the United States with a detailed justification for such certification.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter until no exemptions under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, remain in effect, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the operation of exemptions issued under such subsection (l)(1), including whether any changes to such exemptions are likely to be made in the coming year.

(2) INITIAL REPORT.—The first report submitted under subparagraph (A) shall also include an assessment of key recommendations the United States Government has provided to the Governments of Australia and the United Kingdom to revise laws, regulations, and policies of such countries that are required to implement the AUKUS partnership.

TITLE IV—OTHER AUKUS MATTERS

SEC. 7041. REPORTING RELATED TO THE AUKUS PARTNERSHIP.

(a) IN GENERAL.—Not later than 30 days after the signature, conclusion, or other finalization of any non-binding instrument related to the AUKUS partnership, the President shall submit to the appropriate congressional committees the text of such instrument.

(b) NON-DUPLICATION OF EFFORTS; RULE OF CONSTRUCTION.—To the extent the text of a non-binding instrument is submitted to the appropriate congressional committees pursuant to subsection (a), such text does not need to be submitted to Congress pursuant to section 112b(a)(1)(A)(ii) of title 1, United States Code, as amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3476). Paragraph (1) shall not be construed to relieve the executive branch of any other requirement of section 112b of title 1, United States Code, as amended so amended, or any other provision of law.

(c) DEFINITIONS.—In this section:

(1) IN GENERAL.—The term ''text'', with respect to a non-binding instrument, includes—

(A) 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 non-binding instrument; and

(B) 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 non-binding instrument.

(2) CONTEMPORANEOUSLY AND IN CONJUNCTION WITH.—As used in subparagraph (A), the term ''contemporaneously and in conjunction with''—

(A) shall be construed liberally; and

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

SA 780. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. EXTENSION OF NATIONAL QUANTUM INITIATIVE ACT.

The National Quantum Initiative Act (15 U.S.C. 8801 et seq.) is amended—

(1) in section 201(c) (15 U.S.C. 8831(c)), by striking ''2023'' and inserting ''2024'';

(2) in section 302 (15 U.S.C. 8842)—

(A) in subsection (e)(1), by striking ''5 years'' and inserting ''6 years''; and

(B) in subsection (f), by striking ''2023'' and inserting ''2024''; and

(3) in section 402 (15 U.S.C. 8852)—

(A) in subsection (e)(1), by striking ''5 years'' and inserting ''6 years''; and

(B) in subsection (f), by striking ''2023'' and inserting ''2024''.

SA 781. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. SLOAN CANYON NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

(a) DEFINITIONS.—In this section:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Sloan Canyon National Conservation Area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (acting through the Director of the Bureau of Land Management).

(b) BOUNDARY ADJUSTMENT.—

(1) MAP.—Section 603(4) of the Sloan Canyon National Conservation Area Act (16 U.S.C. 460qqq–1(4)) is amended by striking ''map entitled 'Southern Nevada Public Land Management Act' and dated October 1, 2002'' and inserting ''map entitled 'Proposed Sloan Canyon Expansion' and dated June 7, 2023''.

(2) ACREAGE.—Section 604(b) of the Sloan Canyon National Conservation Area Act (16 U.S.C. 460qqq–2(b)) is amended by striking ''48,438'' and inserting ''57,728''.

(c) RIGHT-OF-WAY.—Section 605 of the Sloan Canyon National Conservation Area Act (16 U.S.C. 460qqq–3) is amended by adding at the end the following:

''(h) HORIZON LATERAL PIPELINE RIGHT-OF-WAY.—

''(1) IN GENERAL.—Notwithstanding sections 202 and 503 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1712, 1763) and subject to valid existing rights, the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this subsection as the 'Secretary'), shall, not later than 1 year after the date of enactment of this subsection, grant to the Southern Nevada Water Authority (referred to in this subsection as the 'Authority'), not subject to the payment of rents or other charges, the temporary and permanent pipeline, powerline, facility, and access road rights-of-way depicted on the map for the purposes of—

''(A) performing geotechnical investigations within the rights-of-way; and

''(B) constructing and operating water transmission and related facilities.

''(2) EXCAVATION AND DISPOSAL.—

''(A) IN GENERAL.—The Authority may, without consideration, excavate and use or dispose of sand, gravel, minerals, or other materials necessary to fulfill the purpose of the rights-of-way granted under paragraph (1).

''(B) MEMORANDUM OF UNDERSTANDING.—Not later than 30 days after the date on which the rights-of-way are granted under paragraph (1), the Secretary and the Authority shall enter into a memorandum of understanding identifying Federal land on which the Authority may dispose of materials under subparagraph (A) to further the interests of the Bureau of Land Management.''.

(d) PRESERVATION OF TRANSPORTATION, UTILITY CORRIDORS, AND MANAGEMENT OF CONSERVATION AREA.—Nothing in this section (including an amendment made by this section)—

(1) includes in the expanded boundary of the Conservation Area under the amendments made by subsection (b) land within a designated utility transmission corridor or a transmission line right-of-way grant approved by the Secretary in a record of decision issued before the date of enactment of this Act;

(2) affects the existence, use, operation, maintenance, repair, construction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation improvement funding, removal, or replacement of any utility facility or appurtenant right-of-way within an existing designated transportation and utility corridor within the expanded boundary of the Conservation Area under the amendments made by subsection (b);

(3) precludes the Secretary from authorizing the establishment of a new utility facility right-of-way within an existing designated transportation and utility corridor within the expanded boundary of the Conservation Area under the amendments made by subsection (b)—

(A) in accordance with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) any other applicable law; and

(B) subject to such terms and conditions as the Secretary determines to be appropriate;

(4) prohibits access to, or the repair or replacement of, a transmission line within a right-of-way within the expanded boundary of the Conservation Area under the amendments made by subsection (b) that was issued before the date of enactment of this Act; or

(5) except as provided in the amendment made by subsection (c), modifies the management of the Conservation Area pursuant to section 605 of the Sloan Canyon National Conservation Area Act (16 U.S.C. 460qqq–3).

SEC. 10___. APEX PROJECT, NEVADA LAND TRANSFER AND AUTHORIZATION ACT OF 1989.

(a) DEFINITIONS.—Section 2(b) of the Apex Project, Nevada Land Transfer and Authorization Act of 1989 (Public Law 101–67; 103 Stat. 169)—

(1) in the matter preceding paragraph (1), by striking ''As used in this Act, the following terms shall have the following meanings—'' and inserting ''In this Act:'';

(2) in each of paragraphs (1), (2), (4), and (5), by inserting a paragraph heading, the text of which comprises the term defined in that paragraph;

(3) in paragraph (3), by inserting ''COUNTY; CLARK COUNTY.—'' before ''The term'';

(4) in paragraph (6)—

(A) by inserting ''FLPMA TERMS.—'' before ''All''; and

(B) by inserting ''(43 U.S.C. 1701 et seq.)'' before the period at the end;

(5) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (7), (6), (4), (5), (2), and (8), respectively;

(6) by inserting before paragraph (2) (as so redesignated) the following:

''(1) APEX INDUSTRIAL PARK OWNERS ASSOCIATION.—The term 'Apex Industrial Park Owners Association' has the meaning given the term in the charter document for the entity entitled 'Apex Industrial Park Owners Association', which was formed on April 9, 2001, and any successor documents to the charter document, as on file with the Nevada Secretary of State.''; and

(7) by inserting after paragraph (2) (as so redesignated) the following:

''(3) CITY.—The term 'City' means the city of North Las Vegas, Nevada.''.

(b) KERR-MCGEE SITE TRANSFER.—Section 3(b) of the Apex Project, Nevada Land Transfer and Authorization Act of 1989 (Public Law 101–67; 103 Stat. 170) is amended—

(1) in the first sentence—

(A) by striking ''Clark County for the connection'' and inserting ''Clark County, the City, and the Apex Industrial Park Owners Association, individually or jointly, as appropriate, for the connection'';

(B) by striking ''Kerr-McGee Site'' and inserting ''Kerr-McGee Site and other land conveyed in accordance with this Act''; and

(C) by inserting ''(or any successor map prepared by the Secretary)'' after ''May 1989''; and

(2) in the third sentence, by inserting '', the City, or the Apex Industrial Park Owners Association, individually or jointly, as appropriate,'' after ''Clark County''.

(c) AUTHORIZATION FOR ADDITIONAL TRANSFERS.—Section 4 of the Apex Project, Nevada Land Transfer and Authorization Act of 1989 (Public Law 101–67; 103 Stat. 171)—

(1) in subsection (c), by striking ''Pursuant'' and all that follows through ''Clark County'' and inserting ''During any period in which the requirements of section 6 are met, pursuant to applicable law, the Secretary shall grant to Clark County, the City, and the Apex Industrial Park Owners Association''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the last sentence and inserting ''The withdrawal made by this subsection shall continue in perpetuity for all land transferred in accordance with this Act.''; and

(B) by adding at the end the following:

''(3) MINERAL MATERIALS SALE.—In the case of the sale of mineral materials resulting from grading, land balancing, or other activities on the surface of a parcel within the Apex Site for which the United States retains an interest in the minerals—

''(A) it shall be considered impracticable to obtain competition for purposes of section 3602.31(a)(2) of title 43, Code of Federal Regulations (as in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2024); and

''(B) the sale shall be exempt from the quantity and term limitations imposed on noncompetitive sales under subpart 3602 of that title (as in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2024).''.

(d) ENVIRONMENTAL CONSIDERATIONS.—Section 6 of the Apex Project, Nevada Land Transfer and Authorization Act of 1989 (Public Law 101–67; 103 Stat. 173) is amended by adding at the end the following:

''(d) COMPLIANCE WITH ENVIRONMENTAL ASSESSMENTS.—Each transfer by the United States of land or interest in lands within the Apex Site or rights-of-way issued pursuant to this Act shall be conditioned on the compliance with applicable Federal land laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).''.

SA 782. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 15_____. INTEGRATION OF ARTIFICIAL INTELLIGENCE INTO AUTONOMOUS WEAPONS SYSTEMS.

(a) PROHIBITION ON USE OF FEDERAL FUNDS FOR NUCLEAR WEAPONS NOT SUBJECT TO MEANINGFUL HUMAN CONTROL.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year may be obligated or expended to develop, deploy, or launch a nuclear weapon, or to select or engage targets for a nuclear weapon, unless such weapon is subject to meaningful human control.

(b) REPORT ON THE INTEGRATION OF ARTIFICIAL INTELLIGENCE INTO NUCLEAR COMMAND, CONTROL, TARGET ACQUISITION, INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.—

(1) IN GENERAL.—Not more than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report detailing the use of artificial intelligence in the command, control, target acquisition, intelligence, surveillance and reconnaissance of nuclear weapon systems of the United States.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, with sufficient details, but may include a classified annex.

(c) DEFINITIONS.—In this section:

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

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

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

(2) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given the term ''artificial intelligence'' in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal year 2019 (10 U.S.C. 2358 note; Public Law 115–232).

(3) MEANINGFUL HUMAN CONTROL.—The term ''meaningful human control'' means, with respect to an nuclear weapon, human control of—

(A) the selection and engagement of targets; and

(B) the time, location, and manner of use.

SA 783. Mr. KELLY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. REAUTHORIZATION OF THE UDALL FOUNDATION TRUST FUND.

Section 13 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5609) is amended—

(1) in subsection (a), by striking ''2023'' and inserting ''2028'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2028''; and

(3) in subsection (c), by striking ''5-fiscal year period'' and all that follows through the period at the end and inserting ''5-fiscal year period beginning with fiscal year 2024.''.

SA 784. Mr. KELLY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. REAUTHORIZATION OF THE UDALL FOUNDATION TRUST FUND.

Section 13 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5609) is amended—

(1) in subsection (a), by striking ''2023'' and inserting ''2028'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2028''; and

(3) in subsection (c), by striking ''5-fiscal year period'' and all that follows through the period at the end and inserting ''5-fiscal year period beginning with fiscal year 2024.''.

SEC. 3. AUDIT OF THE FOUNDATION.

The Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.) is amended by inserting at the end the following:

''SEC. 14. AUDIT OF THE FOUNDATION.

''Not later than 4 years after the date of enactment of this section, the Inspector General of the Department of the Interior shall conduct an audit of the Morris K. Udall and Stewart L. Udall Foundation.''.

SA 785. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE ON TRANSFER OF CLUSTER MUNITIONS TO UKRAINE.

It is the sense of the Senate that—

(1) the President authorized the transfer of cluster munitions to Ukraine during a transitional period in light of a temporary shortfall of 155mm artillery shells; and

(2) Congress supports the President's plan to cease the transfer of cluster munitions once a sufficient supply of unitary 155mm artillery shells becomes available.

SA 786. Mr. MERKLEY (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1282. REPORT ON ISRAELI SETTLEMENT ACTIVITY IN OCCUPIED WEST BANK.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate committees of Congress a report that assesses the status of Israeli settlement activity in the occupied West Bank.

(b) ELEMENTS.—The report required under subsection (a) shall include the following with respect to Israeli settlement activity in the West Bank:

(1) The number of permits, tenders, and housing starts approved by the Government of Israel for settlement construction and the locations concerned.

(2) The number and locations of new outposts established without the approval of the Government of Israel.

(3) The number and locations of outposts established without the approval of the Government of Israel that were retroactively legalized by Israeli authorities.

(4) An analysis of new infrastructure approved or built in the West Bank and which populations it will benefit from its use.

(5) An assessment of the impact of settlements and outposts on—

(A) the freedom of movement, livelihoods, and quality of life of Palestinians; and

(B) the potential for establishing in the future a viable Palestinian state.

(6) The number and locations of demolitions of homes, schools, businesses, agricultural holdings, infrastructure, or other property owned by, or primarily serving, Palestinians.

(7) The number and locations of evictions of Palestinians from their places of residence.

(8) The number of building permits issued for Palestinians in East Jerusalem and the West Bank territory designated under the Oslo Accords as ''Area C'', as well as the number of building permits requested by Palestinians in those areas.

(9) A description of any changes made to Israel's administration of the occupied territory and an analysis of the compatibility of these changes with international law governing military occupation.

(10) The amount of money budgeted by Israeli authorities for settlements and the infrastructure that serves them.

(11) An analysis of the impact any change in the matters described in paragraphs (1) through (10) would have on—

(A) the potential for establishing a viable, contiguous Palestinian state alongside Israel;

(B) the diplomatic posture of the United States globally; and

(C) the national security of the United States.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 787. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—Transnational Repression

SECTION 12__1. SHORT TITLE.

This subtitle may be cited as the ''Transnational Repression Policy Act''.

SEC. 12__2. FINDINGS.

Congress finds the following:

(1) Transnational repression against individuals who live outside their countries of origin, prominent or vocal anti-regime figures, and persons who provide aid and support to dissidents—

(A) is a human rights violation that seeks to stifle dissent and enhance control over exile, activist, emigrant, and diaspora communities; and

(B) can take the form of—

(i) extrajudicial killings;

(ii) physical assaults and intimidation;

(iii) unlawful detentions;

(iv) unlawful renditions;

(v) unlawful deportations;

(vi) unexplained or enforced disappearances;

(vii) physical or online surveillance or stalking;

(viii) unwarranted passport cancellation or control over other identification documents;

(ix) INTERPOL abuse;

(x) intimidation by diplomatic personnel, government officials, or proxies;

(xi) unlawful asset freezes;

(xii) digital threats, such as cyberattacks, targeted surveillance and spyware, online harassment, and intimidation;

(xiii) coercion by proxy, such as harassment of, or threats or harm to, family and associates of such private individuals who remain in the country of origin; and

(xiv) slander and libel to discredit individuals.

(2) Governments perpetrating transnational repression often pressure host countries, especially—

(A) through threats to condition foreign assistance or other pressure campaigns on lawmakers in host countries, such as threats—

(i) to withdraw foreign students from their universities; and

(ii) to induce them to enact policies that repress emigrant and diaspora communities; and

(B) by offering financial and material assistance to host countries to harass and intimidate emigrant and diaspora communities.

(3) Transnational repression is a threat to individuals, democratic institutions, the exercise of rights and freedoms, and national security and sovereignty.

(4) Authoritarian governments increasingly rely on transnational repression as their consolidation of control at home pushes dissidents abroad.

(5) The spread of digital technologies provides new tools for censoring, surveilling, and targeting individuals deemed to be threats across international borders, especially dissidents pushed abroad who themselves rely on communications technology to amplify their messages, which can often lead to physical attacks and coercion by proxy.

(6) Many acts of transnational repression are undertaken through cooperation of, or cooperation with, authorities in the host country, most notably by taking advantage of other States' concerns about terrorism to accuse the targeted individual of terrorism or extremism.

(7) Authoritarian actors routinely attempt to deter and silence the voices of dissident and exile communities at international fora, as documented by the United Nations Assistant Secretary-General for Human Rights in the Secretary-General's annual report on reprisals to the United Nations Human Rights Council.

(8) The principle of non-refoulement, which is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984—

(A) forms an essential protection under international law; and

(B) prohibits countries from expelling or returning an individual to another country where the individual's life or freedom would be threatened on account of the individual's race, religion, nationality, membership in a particular social group, or political opinion, or due to substantial grounds for believing that the individual would be at risk of torture.

SEC. 12__3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to protect persons in the United States and United States persons outside of the United States from undue foreign harassment, intimidation, coercion, and surveillance in accordance with section 6 of the Arms Export Control Act (22 U.S.C. 2756);

(2) to pursue criminal prosecutions, as appropriate, and carry out other steps, such as facilitating mutual legal assistance and other forms of international cooperation with like-minded partners, in accordance with United States law, to hold foreign governments and individuals accountable when they stalk, publish false narratives online with the intent to unlawfully intimidate, harass, coerce, or assault people in the United States or United States persons outside of the United States or collect information while acting as a foreign agent in the United States without notifying United States authorities; and

(3) to prohibit the arrest or seizure of assets of any individual based solely on an INTERPOL Red Notice or Diffusion issued by another INTERPOL member country for such individual because such notices do not meet the requirements of the Fourth Amendment to the Constitution of the United States.

SEC. 12__4. AMENDMENTS TO ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended by adding at the end the following:

''(h) USE OF TRANSNATIONAL REPRESSION.—The country reports required under subsection (d) shall, as applicable—

''(1) describe incidents in which a government has harassed, intimidated, or killed individuals outside of their internationally recognized borders and document patterns of such repression among repeat offenders;

''(2) identify the countries in which such repression occurs and the roles of the host government in enabling, preventing, mitigating, and responding to such acts;

''(3) describe the tactics used by the countries identified pursuant to paragraph (2), including the actions identified in section 2(1) and any new techniques observed; and

''(4) in the case of digital surveillance and harassment, specify the type of technology or platform, including social media, smart

city technology, health tracking systems, general surveillance technology, and data access, transfer, and storage procedures, used by the countries for such actions.''.

SEC. 12__5. INTERAGENCY STRATEGY TO ADDRESS TRANSNATIONAL REPRESSION IN UNITED STATES AND ABROAD.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Federal departments and agencies, shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that contains a United States strategy to promote initiatives that will—

(1) enhance international awareness of transnational repression;

(2) address transnational repression, including through raising the costs of such activities for perpetrating governments and protecting targeted individuals and groups;

(3) conduct regular outreach (whether through government agencies or civil society organizations) with diaspora communities and other people who have been targeted by foreign governments regarding the transnational threats they face within the United States and around the world and the resources available to them without putting them at further risk; and

(4) develop policy and programmatic-related responses based on input from the communities and people referred to in paragraph (3) and regularly seek and consider credible information obtained by nongovernmental organizations working on issues of transnational repression.

(b) MATTERS TO BE INCLUDED.—

(1) DIPLOMACY.—The strategy required under subsection (a) shall include—

(A) a plan developed in consultation with like-minded partner governments, civil society, the business community, and other entities for advancing and promoting—

(i) the rule of law and human rights globally with respect to the use of surveillance technology and export licensing policy regarding such technology; and

(ii) safeguards to prevent the access, use, and storage of personal digital data by governments and technology companies for the purposes of transnational repression;

(B) public affairs, public diplomacy, and counter-messaging efforts, including through the use of the voice, vote, and influence of the United States at international bodies—

(i) to promote awareness;

(ii) to develop a common understanding; and

(iii) to draw critical attention to and oppose acts of transnational repression;

(C) a plan for establishing or strengthening regional and international coalitions—

(i) to monitor cases of transnational repression, including reprisals when human rights defenders and other activists face reprisals for engaging at multilateral organizations, such as the United Nations; and

(ii) to create or strengthen emergency alert mechanisms for key stakeholders within the international community that can engage in public or private diplomacy to address emergency cases of transnational repression, including cases involving individuals and their family members who are at serious risk of rendition, disappearance, unlawful deportation, refoulement, or other actions;

(D) an analysis of the advantages and disadvantages of working with partners and allies to push for the establishment of a special rapporteur for transnational repression at the United Nations; and

(E) a plan for engaging with diplomats and consular officials who abuse their positions by intimidating, threatening, attacking, or otherwise undermining the human rights and fundamental freedoms of exiles and members of diasporas in the United States.

(2) ASSISTANCE PROGRAMMING.—The strategy required under subsection (a) shall include—

(A) ways in which the United States Government has previously and will continue to provide support to civil society organizations in the United States and in countries in which transnational repression occurs—

(i) to improve the documentation, investigation, and research of cases, trends, and tactics of transnational repression, including—

(I) any potential for misusing security tools to target individual dissidents, activists, or journalists; and

(II) ramifications of transnational repression in undermining United States policy or assistance efforts to promote internationally recognized human rights and democracy overseas; and

(ii) to promote the transparency of the host country decision-making processes, including instances in which law enforcement actions against victims of transnational repression occurred because of INTERPOL red notices or extradition treaties; and

(B) a description of new or existing emergency assistance mechanisms, including the Fundamental Freedoms Fund and the Lifeline Embattled CSO Assistance Fund, to aid at-risk groups, communities, and individuals, and victims of transnational repression in the United States and in countries in which transnational repression occurs to address—

(i) physical security installation and support;

(ii) operational support of organizations providing assistance to at-risk groups, communities, and individuals;

(iii) psychosocial and psycho-emotional support;

(iv) medical assistance, subject to the limitations of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.);

(v) digital security installation and support;

(vi) support and training beyond basic digital hygiene training, including emergency response to cyberattacks and enhanced capacity to deter surveillance and monitoring by malicious actors;

(vii) relocation support;

(viii) legal advice and assistance; and

(ix) trainings to build on their existing capacities so they can continue their activism.

(3) LAW ENFORCEMENT IN THE UNITED STATES.—The strategy required under subsection (a) shall include—

(A) the consideration of updates to United States law to directly address certain tactics of transnational repression, including—

(i) the criminalization of the gathering of information about private individuals in diaspora and exile communities on behalf of a foreign power that is intending to harass, intimidate, or harm an individual in order to prevent their exercise of internationally recognized human rights; and

(ii) the expansion of the definition of foreign agents under the Foreign Registrations Act of 1938 (22 U.S.C. 611 et seq.) and section 951 of title 18, United States Code;

(B) ways in which the Federal Bureau of Investigation coordinates with the Department of State, the Department of Homeland Security, United States intelligence agencies, and domestic law enforcement agencies in partner countries in responding to transnational repression;

(C) full consideration of unintended negative impacts of such expanded legal authorities on the civil liberties of communities targeted by transnational repression, taking into account the views of such affected communities;

(D) the development of specific outreach strategies to connect law enforcement, other agencies, and local municipal officials with targeted diaspora communities to ensure that individuals who are vulnerable to transnational repression are aware of the Federal and local resources available to them without putting them at further risk; and

(E) examining and reviewing the steps taken to address the legality of foreign governments establishing overseas police stations to monitor members of the diaspora.

(c) ADDITIONAL MATTERS TO BE INCLUDED.—In addition to the matters set forth in subsection (b), the report required under subsection (a) shall include—

(1) to the extent practicable, a list of—

(A) the governments that perpetrate transnational repression most often and the host countries that such governments are targeting most often;

(B) the host governments that cooperate most often with the governments on transnational repression actions referred to in subparagraph (A);

(C) any individuals, whether United States citizens or foreign nationals, who are complicit in transnational repression as agents of a foreign government referred to in subparagraph (A) who are operating in the United States;

(D) refugees, asylum seekers, and populations that are most vulnerable to transnational repression in the United States and, to the extent possible, in foreign countries;

(E) entities that are exporting dual-use spyware technology to any of the governments referred to in subparagraph (A);

(F) entities that are buying and selling personally identifiable information that can be used to track and surveil potential victims; and

(G) entities that are exporting items on the Commerce Control List (as set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations) to any governments referred to in subparagraph (a) that can be misused for human rights abuses;

(2) an assessment of how data that is purchased by governments most often perpetrating transnational repression is utilized; and

(3) a description of any actions taken by the United States Government to address transnational repression under existing law, including—

(A) section 212(a)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(C));

(B) section 1263 of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note);

(C) the interim final rule issued by the Bureau of Industry and Security of the Department of Commerce relating to ''Information Security Controls: Cybersecurity Items'' (86 Fed. Reg. 58205; October 21, 2021; 87 Fed. Reg. 1670, effective March 7, 2022);

(D) section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94; 8 U.S.C. 1182 note);

(E) prosecutions and the statutory authority authorizing such prosecutions;

(F) establishing specific bureaucratic structures focused on transnational repression;

(G) which agencies are conducting outreach to victims of transnational repression and the form of such outreach;

(H) the challenges of intelligence agencies in identifying transnational repression threats and perpetrators; and

(I) United States technology companies that knowingly or unknowingly employ, or provide access to information to, foreign intelligence officers.

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

(e) UPDATES.—The Secretary of State shall provide the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with annual updates of the strategy required under subsection (a).

SEC. 12__6. TRAINING.

(a) DEPARTMENT OF STATE PERSONNEL.—

(1) IN GENERAL.—In order to provide United States diplomats and personnel stationed around the world with the level of understanding to recognize and combat transnational repression, the Secretary of State, in consultation with civil society and the business community, shall provide training to such members of the Foreign Service, including chiefs of mission, regarding transnational repression, including training on—

(A) how to identify different tactics of transnational repression in physical and nonphysical forms;

(B) which governments are known to employ transnational repression most frequently;

(C) which governments are most likely to cooperate with governments on transnational repression-related actions referred to in subparagraph (B); and

(D) tools of digital surveillance and other cyber tools used to carry out transnational repression activities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 2024 through 2027, to develop and implement the curriculum described in paragraph (1).

(b) UNITED STATES OFFICIALS RESPONSIBLE FOR DOMESTIC THREATS OF TRANSNATIONAL REPRESSION.—

(1) IN GENERAL.—In order to achieve an adequate level of understanding to recognize and combat transnational repression, the Attorney General, in consultation with the Secretary of Homeland Security, the Director of National Intelligence, civil society, and the business community, shall provide the training recipients referred to in paragraph (2) with training regarding transnational repression, including training on—

(A) how to identify different tactics of transnational repression in physical and nonphysical forms;

(B) which governments are known to employ transnational repression most frequently;

(C) which communities and locations in the United States are most vulnerable to transnational repression;

(D) tools of digital surveillance and other cyber tools used to carry out transnational repression activities;

(E) espionage and foreign agent laws; and

(F) how foreign governments may try to coopt the immigration system.

(2) TRAINING RECIPIENTS.—The training recipients referred to in this paragraph include, to the extent deemed appropriate and necessary by their respective agency heads in the case of any Federal employee—

(A) employees of—

(i) the Department of Homeland Security, including U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, and U.S. Immigration and Customs Enforcement;

(ii) the Department of Justice, including the Federal Bureau of Investigation; and

(iii) the Office of Refugee Resettlement of the Department of Health and Human Services;

(B) other Federal, State, and local law enforcement and municipal officials receiving instruction at the Federal Law Enforcement Training Center; and

(C) appropriate private sector and community partners of the Federal Bureau of Investigation.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 2024 through 2027, to develop and provide the curriculum and training described in paragraph (1).

SEC. 12__7. INTELLIGENCE GATHERING.

The intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003) shall devote significant resources—

(1) to prioritize, to the extent feasible, the identification of individuals, networks, and tools that are used for perpetrating transnational repression against communities in the United States on behalf of foreign governments;

(2) to share relevant and appropriate information with like-minded partners; and

(3) to effectively coordinate such efforts with the Federal Bureau of Investigation, the Department of Homeland Security, the Office of the Director of National Intelligence, and the Department of State.

SEC. 12__8. DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF JUSTICE INITIATIVES TO COMBAT TRANSNATIONAL REPRESSION IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Homeland Security and the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall—

(1) dedicate resources to ensure that a tip line for victims and witnesses of transnational repression—

(A) is staffed by people who are—

(i) equipped with cultural and linguistic ability to communicate effectively with diaspora and exile communities; and

(ii) knowledgeable of the tactics of transnational repression;

(B) is encrypted and, to the maximum extent practicable, protects the confidentiality of the identifying information of individuals who may call the tip line;

(2) not later than 270 days after the date of the enactment of this Act—

(A) identify existing Federal resources to assist and protect individuals and communities targeted by transnational repression in the United States; and

(B) in cooperation with the Secretary of Health and Human Services and the heads of other Federal agencies, publish such resources in a toolkit or guide;

(3) continue to conduct proactive outreach so that individuals in targeted communities—

(A) are aware of the tip line described in paragraph (1); and

(B) are informed about the types of incidents that should be reported to the Federal Bureau of Investigation;

(4) support data collection and analysis undertaken by Federal research and development centers regarding the needs of targeted communities in the United States, with the goal of identifying priority needs and developing solutions and assistance mechanisms, while recognizing that such mechanisms may differ depending on geographic location of targeted communities, language, and other factors;

(5) continue to issue advisories to, and engage regularly with, communities that are at particular risk of transnational repression, including specific diaspora communities—

(A) to explain what transnational repression is and clarify the threshold at which incidents of transnational repression constitute a crime; and

(B) to identify the resources available to individuals in targeted communities to facilitate their reporting of, and to protect them from, transnational repression, without placing such individuals at additional risk; and

(6) conduct annual trainings with caseworker staff in congressional offices regarding the tactics of transnational repression and the resources available to their constituents.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 2024 through 2027, for the research, development, outreach, and training activities described in subsection (a).

SEC. 12__9. IMPOSITION OF SANCTIONS RELATING TO TRANSNATIONAL REPRESSION.

(a) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN; LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—The terms ''admission'', ''admitted'', ''alien'', and ''lawfully admitted for permanent residence'' have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

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

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Financial Services of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(4) TRANSNATIONAL REPRESSION.—The term ''transnational repression'' means actions of a foreign government, or agents of a foreign government, involving the transgression of national borders through physical, digital, or analog means to intimidate, silence, coerce, harass, or harm members of diaspora and exile communities in order to prevent their exercise of internationally recognized human rights.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or the laws of any jurisdiction within the United States, including a foreign branch of such an entity; and

(C) any person who is physically present in the United States.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that, except as provided in paragraph (2), identifies each foreign person that the President determines has, on or after the date of the enactment of this Act, whether knowingly or unknowingly, directly engaged in transnational repression.

(2) EXCEPTION.—The report required under paragraph (1) shall not identify individuals if

such identification would interfere with law enforcement efforts.

(3) EXPLANATION.—If a foreign person identified in the report required under paragraph (1) is not subject to sanctions under subsection (c), the report shall explain, to the extent practicable, the reasons such sanctions were not imposed on such person.

(4) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) IMPOSITION OF SANCTIONS.—Except as provided in subsection (b)(3), the President shall impose 1 or more of the sanctions described in subsection (d) with respect to each foreign person identified in the report required under subsection (b)(1).

(d) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted to the President under section 203 through 207 of the International Emergency Economic Powers Act (50 U.S.C. 1702 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in the report required under subsection (b)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (b)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (b)(1) is subject to revocation of any visa or other entry documentation of the alien, regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall, in accordance with section 221(i) of the Immigration and Nationality Act, 8 U.S.C. 1201(i)—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(e) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of such section.

(f) SANCTIONS.—The President is authorized to impose sanctions as provided under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) against any foreign person who the President, based on credible evidence, determines is responsible for the rendition of journalists, activists, or other individuals to a country in which the person would be at risk of irreparable harm upon return, including extrajudicial killings, torture, or other gross violations of internationally recognized human rights.

(g) WAIVER.—

(1) IN GENERAL.—The President may waive the application of sanctions authorized under this section with respect to a foreign person if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interests of the United States.

(2) ANNUAL REPORT.—The President shall provide an annual report to Congress that—

(A) lists every waiver granted under paragraph (1); and

(B) provides a justification for each such waiver.

(h) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (d)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(i) SUNSET.—This section, and any sanctions imposed under this section, shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 788. Ms. KLOBUCHAR (for herself and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SMITHSONIAN MUSEUM SITES.

(a) COMMEMORATIVE WORKS ACT.—Notwithstanding any other provision of law or regulation (including section 8908(c) of title 40, United States Code, and division T of the Consolidated Appropriations Act, 2021 (Public law 116-260)) the Smithsonian American Women's History Museum and the National Museum of the American Latino may be located within the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) WRITTEN NOTIFICATION OF TRANSFER.—

(1) NOTIFICATION TO FEDERAL AGENCY OR ENTITY .—The Board of Regents shall not designate a site for the Smithsonian American Women's History Museum and the National Museum of the American Latino that is under the administrative jurisdiction of another Federal agency or entity without first notifying the head of the Federal agency or entity.

(2) NOTIFICATION TO CONGRESS.—Once notified under paragraph (1), the head of the Federal agency or entity shall promptly submit written notification to the Chair and ranking minority members of the Committee on Rules and Administration, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate, and the Committee on House Administration, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives, stating that the Federal agency or entity was notified by the Board of Regents that a site under its jurisdiction was designated and that a transfer will be initiated as soon as practicable.

(c) TRANSFER.—Notwithstanding any other provision of law, as soon as practicable after the date on which Congress receives the written notification described in subsection (b)(2), the head of the Federal agency or entity shall transfer to the Smithsonian Institution its administrative jurisdiction over the land or structure that has been designated as the site for the Museum.

SA 789. Ms. KLOBUCHAR (for herself and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SMITHSONIAN MUSEUM SITES.

(a) COMMEMORATIVE WORKS ACT.—Notwithstanding any other provision of law or regulation (including section 8908(c) of title 40, United States Code, and division T of the Consolidated Appropriations Act, 2021 (Public law 116-260)) the Smithsonian American Women's History Museum and the National Museum of the American Latino may be located within the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) WRITTEN NOTIFICATION OF TRANSFER.—

(1) NOTIFICATION TO FEDERAL AGENCY OR ENTITY .—The Board of Regents shall not designate a site for the Smithsonian American Women's History Museum and the National Museum of the American Latino that is under the administrative jurisdiction of another Federal agency or entity without first notifying the head of the Federal agency or entity.

(2) NOTIFICATION TO CONGRESS.—Once notified under paragraph (1), the head of the Federal agency or entity shall promptly submit written notification to the Chair and ranking minority members of the Committee on Rules and Administration, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate, and the Committee on House Administration, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives, stating that the Federal agency or entity was notified by the Board of Regents that a site under its jurisdiction was designated and that a transfer will be initiated as soon as practicable.

(c) TRANSFER.—Notwithstanding any other provision of law, as soon as practicable after

the date on which Congress receives the written notification described in subsection (b)(2), the head of the Federal agency or entity shall transfer to the Smithsonian Institution its administrative jurisdiction over the land or structure that has been designated as the site for the Museum.

SA 790. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. PROHIBITION ON COVERED AUTONOMOUS VEHICLES FROM CERTAIN COVERED NATIONS.

(a) PROHIBITION.—

(1) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30130. Prohibition on covered autonomous vehicles from certain covered nations

''(a) DEFINITIONS.—In this section:

''(1) COVERED AUTONOMOUS VEHICLE.—The term 'covered autonomous vehicle' means a motor vehicle equipped with a Level 4 or Level 5 automated driving system (as defined in the SAE International Recommended Practice numbered J3016 and dated April 2021 (or a successor standard adopted by the Secretary of Transportation)).

''(2) COVERED ENTITY.—The term 'covered entity' means a manufacturer or company included on the list developed under subsection (c)(1).

''(3) COVERED NATION.—The term 'covered nation' has the meaning given the term in section 4872(d) of title 10.

''(b) PROHIBITION.—A covered entity may not test, operate, manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States a covered autonomous vehicle.

''(c) LIST OF COVERED ENTITIES.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, and in accordance with paragraph (2), the Secretary of Transportation, in coordination with the Secretary of Commerce, the Attorney General, the Secretary of the Treasury, and the Secretary of Defense, shall develop a list of covered entities for purposes of this section.

''(2) REQUIREMENTS.—A manufacturer or company included on the list developed under paragraph (1) shall be a manufacturer or company—

''(A) that is controlled by the government of a covered nation, including more than 50 percent voting control of the Board of Directors or governing body of the manufacturer or company by persons that are citizens or nationals of the covered nation;

''(B) that is organized under the laws of a covered nation; or

''(C) the principal place of business of which is located in a covered nation.

''(3) UPDATES.—The Secretary of Transportation, in coordination with the Secretary of Commerce, the Attorney General, the Secretary of the Treasury, and the Secretary of Defense, may update the list required under paragraph (1), as determined necessary by the Secretary of Transportation, in coordination with the Secretary of Commerce, the Attorney General, the Secretary of the Treasury, and the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30129 the following:

''30130. Prohibition on covered autonomous vehicles from certain covered nations.''.

(b) ENFORCEMENT.—Section 30165(a)(1) of title 49, United States Code, is amended, in the first sentence, by inserting ''30130,'' after ''30127,''.

SA 791. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 653, strike line 11 and all that follows through ''(E)'' on line 12 and insert the following:

(E) the Academy of Military Medical Sciences or any of its research institutes, including the Beijing Institute of Microbiology and Epidemiology; or

(F)

SA 792. Ms. ROSEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON NATIONAL STRATEGY TO COUNTER ANTISEMITISM.

(a) DEFINITIONS.—In this section:

(1) RELEVANT AGENCY.—the term ''relevant agency'' means—

(A) the Department of State;

(B) the Department of Homeland Security;

(C) the Department of Justice;

(D) the Federal Bureau of Investigation;

(E) the Department of Education;

(F) the National Counterterrorism Center;

(G) the United States Holocaust Memorial Museum;

(H) the Department of Health and Human Services;

(I) the Equal Employment Opportunity Commission;

(J) the Small Business Administration;

(K) the Department of Housing and Urban Development;

(L) the Department of Transportation;

(M) the Department of Agriculture;

(N) the Corporation for National Community Service;

(O) the National Endowment for the Arts;

(P) the National Endowment for the Humanities;

(Q) the Department of the Interior;

(R) the Department of Veterans Affairs;

(S) the Department of Defense;

(T) the Department of the Treasury;

(U) the Office of the Director of National Intelligence;

(V) the Institute of Museum and Library Services;

(W) the Office of Personnel Management;

(X) the United States Mission to the United Nations;

(Y) the General Services Administration;

(Z) the Department of Commerce;

(AA) the Department of Labor;

(BB) the National Science Foundation; and

(CC) the Smithsonian Institution.

(2) U.S. STRATEGY TO COUNTER ANTISEMITISM.—The term ''U.S. Strategy to Counter Anti-Semitism'' means the document entitled ''U.S. Strategy to Counter Anti-Semitism'' issued by the Executive Office of the President on May 25, 2023.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the head of each relevant agency shall submit to Congress and make publicly available a report detailing how the relevant agency is implementing the U.S. National Strategy to Counter Antisemitism, which shall include detailed descriptions of any programs, activities, or policies the relevant agency has established to carry out the strategy.

SA 793. Ms. ROSEN (for herself and Mrs. BLACKBURN) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CIVILIAN CYBERSECURITY RESERVE PILOT PROJECT.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Cybersecurity and Infrastructure Security Agency.

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

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

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Oversight and Accountability of the House of Representatives; and

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

(3) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Agency.

(5) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given the term in section 2103 of title 5, United States Code.

(6) SIGNIFICANT INCIDENT.—The term ''significant incident''—

(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

(i) the national security interests, foreign relations, or economy of the United States; or

(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

(B) does not include an incident or a portion of a group of related incidents that occurs on—

(i) a national security system, as defined in section 3552 of title 44, United States Code; or

(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

(7) TEMPORARY POSITION.—The term ''temporary position'' means a position in the competitive or excepted service for a period of 6 months or less.

(8) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given the term in section 2101 of title 5, United States Code.

(b) PILOT PROJECT.—

(1) IN GENERAL.—The Director may carry out a pilot project to establish a Civilian Cybersecurity Reserve at the Agency.

(2) PURPOSE.—The purpose of a Civilian Cybersecurity Reserve is to enable the Agency to effectively respond to significant incidents.

(3) ALTERNATIVE METHODS.—Consistent with section 4703 of title 5, United States Code, in carrying out a pilot project authorized under paragraph (1), the Director may, without further authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications requirements for, recruitment of, and appointment to positions; and

(B) classifying positions.

(4) APPOINTMENTS.—Under the pilot project authorized under paragraph (1), upon occurrence of a significant incident, the Director—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 30 members to temporary positions.

(5) STATUS AS EMPLOYEES.—An individual appointed under subsection (b)(4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under subsection (b)(4) shall be in addition to any employees of the Agency who provide cybersecurity services.

(7) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under subsection (b)(4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under subsection (b)(4), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(c) ELIGIBILITY; APPLICATION AND SELECTION.—

(1) IN GENERAL.—Under the pilot project authorized under subsection (b), the Director shall establish criteria for—

(A) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(B) the application and selection processes for the Civilian Cybersecurity Reserve.

(2) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under paragraph (1)(A) with respect to an individual shall include—

(A) previous employment—

(i) by the executive branch;

(ii) within the uniformed services;

(iii) as a Federal contractor within the executive branch; or

(iv) by a State, local, Tribal, or territorial government;

(B) if the individual has previously served as a member of the Civilian Cybersecurity Reserve of the Agency, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve of the Agency; and

(C) cybersecurity expertise.

(3) PRESCREENING.—The Agency shall—

(A) conduct a prescreening of each individual prior to appointment under subsection (b)(4) for any topic or product that would create a conflict of interest; and

(B) require each individual appointed under subsection (b)(4) to notify the Agency if a potential conflict of interest arises during the appointment.

(4) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Director to become such a member, which shall set forth the rights and obligations of the individual and the Agency.

(5) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(6) PRIORITY.—In appointing individuals to the Civilian Cybersecurity Reserve, the Agency shall prioritize the appointment of individuals described in clause (i) or (ii) of paragraph (2)(A) before considering individuals described in clause (iii) or (iv) of paragraph (2)(A).

(7) PROHIBITION.—Any individual who is an employee (as defined in section 2105 of title 5, United States Code) of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(d) SECURITY CLEARANCES.—

(1) IN GENERAL.—The Director shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(2) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out their duties, the Agency shall be responsible for the cost of sponsoring the security clearance of a member of the Civilian Cybersecurity Reserve.

(e) STUDY AND IMPLEMENTATION PLAN.—

(1) STUDY.—Not later than 60 days after the date of enactment of this Act, the Agency shall begin a study on the design and implementation of the pilot project authorized under subsection (b)(1) at the Agency, including—

(A) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(B) activities that members may undertake as part of their duties;

(C) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;

(D) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(E) resources, including additional funding, needed to carry out the pilot project;

(F) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(G) processes and requirements for training and onboarding members.

(2) IMPLEMENTATION PLAN.—Not later than 1 year after beginning the study required under paragraph (1), the Agency shall—

(A) submit to the appropriate congressional committees an implementation plan for the pilot project authorized under subsection (b)(1); and

(B) provide to the appropriate congressional committees a briefing on the implementation plan.

(3) PROHIBITION.—The Agency may not take any action to begin implementation of the pilot project authorized under subsection (b)(1) until the Agency fulfills the requirements under paragraph (2).

(f) PROJECT GUIDANCE.—Not later than 2 years after the date of enactment of this Act, the Director shall, in consultation with the Office of Government Ethics, issue guidance establishing and implementing the pilot project authorized under subsection (b)(1) at the Agency.

(g) BRIEFINGS AND REPORT.—

(1) BRIEFINGS.—Not later than 1 year after the date on which the Director issues the guidance required under subsection (f), and every year thereafter, the Agency shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project of the Agency, including—

(A) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(B) an evaluation of the ethical requirements of the pilot project;

(C) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Agency during significant incidents; and

(D) an evaluation of the eligibility requirements for the pilot project.

(2) REPORT.—Not earlier than 6 months and not later than 3 months before the date on which the pilot project of the Agency terminates under subsection (i), the Agency shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(A) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(B) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(C) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(D) an evaluation of the eligibility requirements for the pilot project.

(h) EVALUATION.—Not later than 3 years after the pilot project authorized under subsection (b) is established in the Agency, the Comptroller General of the United States shall—

(1) conduct a study evaluating the pilot project at the Agency; and

(2) submit to Congress—

(A) a report on the results of the study; and

(B) a recommendation with respect to whether the pilot project should be modified, extended in duration, or established as a permanent program.

(i) SUNSET.—The pilot project authorized under this section shall terminate on the date that is 4 years after the date on which the pilot project is established, except that an activated member of the Civilian Cybersecurity Reserve who was appointed to and is

serving in a temporary position under this section as of the day before that termination date may continue to serve until the end of the appointment.

(j) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

SA 794. Ms. ROSEN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle ____—Veteran Education Empowerment

SEC. 5___. SHORT TITLE.

This subtitle may be cited as the ''Veteran Education Empowerment Act''.

SEC. 5___. FINDINGS.

Congress finds the following:

(1) More than 1,000,000 veterans attend institutions of higher education each year.

(2) Veterans face unique challenges in transitioning from the battlefield to the classroom and eventually to the workforce, including: age differences, family obligations, significant time away from academic life, and service-related disabilities.

(3) The National Education Association found that student veterans can feel lonely and vulnerable on campus and that ''connecting student veterans can effectively ease this isolation'' by bringing together new student veterans with those who have already successfully navigated the first few semesters of college.

(4) According to Mission United—a United Way program that helps veterans re-acclimate to civilian life—it is often ''essential'' for student veterans to be mentored by ''another veteran who understands their mindset and experience''.

(5) Student Veteran Centers are recognized as an institutional best practice by Student Veterans of America.

(6) The American Council on Education, which represents more than 1,700 institutions of higher education across the United States, has called having a dedicated space for veterans on campus ''a promising way for colleges and universities to better serve veterans on campus'' and a ''critical'' component of many colleges' efforts to serve their student veterans.

(7) The Department of Education included as one of its 8 Keys to Veterans' Success that colleges and universities should ''coordinate and centralize campus efforts for all veterans, together with the creation of a designated space for them''.

(8) Budget constraints often make it difficult or impossible for institutions of higher education to dedicate space to veteran offices, lounges, or student centers.

(9) The 110th Congress authorized the funding of Student Veteran Centers through the Centers of Excellence for Veteran Student Success under part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t). Congress also chose to appropriate funding for this program for fiscal year 2015 under the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235).

(10) According to the Department of Education, federally funded Student Veteran Centers and staff have generated improved recruitment, retention, and graduation rates, have helped student veterans feel better connected across campus, and have directly contributed to the successful academic outcomes of student veterans.

SEC. 5___. GRANT PROGRAM TO ESTABLISH, MAINTAIN, AND IMPROVE STUDENT VETERAN CENTERS.

Part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t) is amended to read as follows:

''PART T—GRANTS FOR STUDENT VETERAN CENTERS

''SEC. 873. GRANTS FOR STUDENT VETERAN CENTERS.

''(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations under subsection (h), the Secretary shall award grants to institutions of higher education or consortia of institutions of higher education to assist in the establishment, maintenance, improvement, and operation of Student Veteran Centers.

''(b) ELIGIBILITY.—

''(1) APPLICATION.—An institution or consortium seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) CRITERIA.—The Secretary may award a grant under subsection (a) to an institution or a consortium if the institution or consortium meets each of the following criteria:

''(A) The institution or consortium enrolls in undergraduate or graduate courses—

''(i) a significant number of student veterans, members of the Armed Forces serving on active duty, or members of a reserve component of the Armed Forces; or

''(ii) a significant percentage of student veterans, members of the Armed Forces serving on active duty, or members of a reserve component of the Armed Forces,

as measured by comparing, for the most recent academic year for which data are available, the number or percentage of student veterans, members of the Armed Forces serving on active duty, and members of a reserve component of the Armed Forces who are enrolled in undergraduate or graduate courses at the institution or consortium, with the average number or percentage of student veterans, members of the Armed Forces serving on active duty, and members of a reserve component of the Armed Forces who were enrolled in undergraduate or graduate courses at comparable institutions or consortia of institutions.

''(B) The institution or consortium presents a sustainability plan to demonstrate that the Student Veteran Center will be maintained and will continue to operate after the grant period has ended.

''(3) SELECTION CRITERIA.—In awarding grants under subsection (a), the Secretary shall provide the following:

''(A) Priority consideration to institutions or consortia that meet one or more of the following criteria:

''(i) The institution or consortium is located in a region or community that has a significant population of veterans.

''(ii) The institution or consortium considers the need to serve student veterans at a wide range of institutions of higher education, including the need to provide equitable distribution of grants to institutions of various sizes, geographic locations, and institutions in urban and rural areas.

''(iii) The institution or consortium carries out programs or activities that assist veterans in the local community, and the spouses or partners and children of student veterans.

''(iv) The institution or consortium partners in its veteran-specific programming with nonprofit veteran service organizations, local workforce development organizations, or other institutions of higher education.

''(v) The institution or consortium commits to hiring a staff at the Student Veteran Center that includes veterans (including student veteran volunteers and student veterans participating in a Federal work-study program under part C of title IV, a work-study program administered by the Secretary of Veteran Affairs, or a State work-study program).

''(vi) The institution or consortium commits to providing an orientation for student veterans that—

''(I) is separate from the new student orientation provided by the institution or consortium; and

''(II) provides student veterans with information on the benefits and resources available to such students at or through the institution or consortium.

''(vii) The institution or consortium commits to using a portion of the grant received under this section to develop or maintain a student veteran retention program carried out by the Student Veteran Center.

''(viii) The institution or consortium commits to providing mental health counseling to its student veterans (and the spouses or partners and children of such students).

''(B) Equitable distribution of such grants to institutions or consortia of various sizes, geographic locations, and in urban and rural areas.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An institution or consortium that is awarded a grant under subsection (a) shall use such grant to establish, maintain, improve, or operate a Student Veteran Center.

''(2) OTHER ALLOWABLE USES.—An institution or consortium receiving a grant under subsection (a) may use a portion of such grant to carry out supportive instruction services for student veterans, including—

''(A) assistance with special admissions and transfer of credit from previous postsecondary education or experience; and

''(B) any other support services the institution or consortium determines to be necessary to ensure the success of student veterans in achieving education and career goals.

''(d) AMOUNTS AWARDED.—

''(1) DURATION.—Each grant awarded under subsection (a) shall be for a 4-year period.

''(2) TOTAL AMOUNT OF GRANT AND SCHEDULE.—Each grant awarded under subsection (a) may not exceed a total of $500,000. The Secretary shall disburse to an institution or consortium the amount awarded under the grant in such amounts and at such times during the grant period as the Secretary determines appropriate.

''(e) REPORT.—From the amounts appropriated to carry out this section, and not later than 3 years after the date on which the first grant is awarded under subsection (a), the Secretary shall submit to Congress a report on the grant program established under subsection (a), including—

''(1) the number of grants awarded;

''(2) the institutions of higher education and consortia that have received grants;

''(3) with respect to each such institution of higher education and consortium—

''(A) the amounts awarded;

''(B) how such institution or consortium used such amounts;

''(C) a description of the demographics of student veterans (and spouses or partners and children of such students) to whom services were offered as a result of the award, including students who are women and belong to minority groups;

''(D) the number of student veterans (and spouses or partners and children of such students) to whom services were offered as a result of the award, and a description of the services that were offered and provided; and

''(E) data enumerating whether the use of the amounts awarded helped student veterans at the institution or consortium toward completion of a degree, certificate, or credential;

''(4) best practices for student veteran success, identified by reviewing data provided by institutions and consortia that received a grant under this section; and

''(5) a determination by the Secretary with respect to whether the grant program under this section should be extended or expanded.

''(f) DEPARTMENT OF EDUCATION BEST PRACTICES WEBSITE.—Subject to the availability of appropriations under subsection (h) and not later than 3 years after the date on which the first grant is awarded under subsection (a), the Secretary shall develop and implement a website for Student Veteran Centers at institutions of higher education, which details best practices for serving student veterans at institutions of higher education.

''(g) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(2) STUDENT VETERAN CENTER.—The term 'Student Veteran Center' means a dedicated space on a campus of an institution of higher education that provides students who are veterans, members of the Armed Forces serving on active duty, or members of a reserve component of the Armed Forces with the following:

''(A) A lounge or meeting space for such student veterans (and the spouses or partners and children of such students), and veterans in the community.

''(B) A centralized office for student veteran services that—

''(i) is a single point of contact to coordinate comprehensive support services for student veterans;

''(ii) is staffed by trained employees and volunteers, which includes veterans and at least one full-time employee or volunteer who is trained as a veterans' benefits counselor;

''(iii) provides student veterans with assistance relating to—

''(I) transitioning from the military to student life;

''(II) transitioning from the military to the civilian workforce;

''(III) networking with other student veterans and veterans in the community;

''(IV) understanding and obtaining benefits provided by the institution of higher education, Federal Government, and State for which such students may be eligible;

''(V) understanding how to succeed in the institution of higher education, including by understanding academic policies, the course selection process, and institutional policies and practices related to the transfer of academic credits; and

''(VI) understanding disability-related rights and protections under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

''(iv) provides comprehensive academic and tutoring services for student veterans, including peer-to-peer tutoring and academic mentorship.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2024 and each of the 7 succeeding fiscal years.''.

SA 795. Mr. OSSOFF (for Mrs. BLACKBURN (for herself, Mr. OSSOFF, and Mr. LEE)) submitted an amendment intended to be proposed by Mr. OSSOFF to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Revising Existing Procedures on Reporting Via Technology

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Revising Existing Procedures On Reporting via Technology Act'' or the ''REPORT Act''.

SEC. 1092. LIMITED LIABILITY MODERNIZATION.

(a) AMENDMENTS.—Section 2258B of title 18, United States Code, is amended—

(1) in the section heading, by striking ''**providers or domain name registrars**'' and inserting ''**the reporting, storage, and handling of certain visual depictions of apparent child pornography to the National Center for Missing & Exploited Children**'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''or charge'' after ''a claim''; and

(B) in paragraph (2)(C), by striking ''this section,''; and

(3) by adding at the end the following:

''(d) LIMITED LIABILITY FOR NCMEC-CONTRACTED VENDORS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a civil claim or criminal charge may not be brought in any Federal or State court against a vendor contractually retained and designated by NCMEC to support the duties of NCMEC under section 404(b)(1)(K) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)).

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) shall not apply to a claim or charge if the vendor—

''(A) engaged in—

''(i) intentional misconduct; or

''(ii) negligent conduct; or

''(B) acted, or failed to act—

''(i) with actual malice;

''(ii) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(iii) for a purpose unrelated to the performance of any responsibility or function—

''(I) set forth in paragraph (1); or

''(II) pursuant to sections 2258A, 2258C, 2702, or 2703.

''(3) MINIMIZING ACCESS BY VENDOR.—With respect to any visual depiction provided pursuant to the duties of NCMEC under section 404(b)(1)(K) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)) that is stored or transferred by a vendor contractually retained and designated by NCMEC to support such duties of NCMEC, a vendor shall—

''(A) minimize the number of employees that may be able to obtain access to such visual depiction; and

''(B) employ end-to-end encryption for data storage and transfer functions, or an equivalent technological standard.

''(e) LIMITED LIABILITY FOR REPORTING APPARENT CHILD PORNOGRAPHY BY AN INDIVIDUAL DEPICTED IN THE CHILD PORNOGRAPHY AS A MINOR, OR A REPRESENTATIVE OF SUCH INDIVIDUAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a civil claim or criminal charge may not be brought in any Federal or State court against an individual depicted in child pornography as a minor, or a representative of such individual, arising from a report to the NCMEC CyberTipline by the individual, or the representative of such individual, of information that relates to the child pornography in which the individual is depicted as a minor, including a copy of the child pornography.

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) shall not apply to a claim or charge if the individual, or the representative of such individual—

''(A) engaged in—

''(i) intentional misconduct;

''(ii) negligent conduct; or

''(iii) any activity which constitutes a violation of section 2251; or

''(B) acted, or failed to act—

''(i) with actual malice; or

''(ii) with reckless disregard to a substantial risk of causing injury without legal justification.

''(3) MINIMIZING ACCESS.—With respect to any child pornography reported to the NCMEC CyberTipline by an individual depicted in the child pornography as a minor, or a representative of such individual, NCMEC shall minimize access to the child pornography and ensure the appropriate deletion of the child pornography, as set forth in section 2258D.

''(4) DEFINITION.—For purposes of this subsection, the term 'representative', with respect to an individual depicted in child pornography—

''(A) means—

''(i) the parent or legal guardian of the individual, if the individual is under 18 years of age;

''(ii) the legal guardian or other person appointed by a court to represent the individual;

''(iii) a legal representative retained by the individual;

''(iv) a representative of the estate of the individual; or

''(v) a person who is a mandated reporter under section 226(a)(1) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(a)(1)); and

''(B) does not include a person who engaged in any activity which constitutes a violation of section 2251.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to a civil claim or criminal charge that is filed on or after the date of enactment of this Act.

(c) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by striking the item relating to section 2258B and inserting the following:

''2258B. Limited liability for the reporting, storage, and handling of certain visual depictions of apparent child pornography to the National Center for Missing & Exploited Children.''.

SEC. 1093. PRESERVATION OF REPORTS TO CYBERTIPLINE RELATED TO ONLINE SEXUAL EXPLOITATION OF CHILDREN.

Section 2258A(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''90 days'' and inserting ''1 year''; and

(2) by adding at the end the following:

''(5) EXTENSION OF PRESERVATION.—A provider of a report to the CyberTipline under subsection (a)(1) may voluntarily preserve the contents provided in the report (including any comingled content described in paragraph (2)) for longer than 1 year after the submission to the CyberTipline for the purpose of reducing the proliferation of online

child sexual exploitation or preventing the online sexual exploitation of children.

''(6) METHOD OF PRESERVATION.—Not later than 1 year after the date of enactment of this paragraph, a provider of a report to the CyberTipline under subsection (a)(1) shall preserve materials under this subsection in a manner that is consistent with the most recent version of the Cybersecurity Framework developed by the National Institute of Standards and Technology, or any successor thereto.''.

SEC. 1094. STRENGTHENING OF DUTY TO REPORT APPARENT VIOLATIONS TO CYBERTIPLINE RELATED TO ONLINE EXPLOITATION OF CHILDREN.

(a) AMENDMENTS.—Section 2258A of title 18, United States Code, is amended—

(1) in subsection (a)(2)(A), by inserting '', of section 1591 (if the violation involves a minor), or of 2422(b)'' after ''child pornography''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$850,000 in the case of a provider with not less than 100,000,000 monthly active users or $600,000 in the case of a provider with less than 100,000,000 monthly active users''; and

(B) in paragraph (2), by striking ''$300,000'' and inserting ''$1,000,000 in the case of a provider with not less than 100,000,000 monthly active users or $850,000 in the case of a provider with less than 100,000,000 monthly active users''.

(b) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the National Center for Missing & Exploited Children may issue guidelines, as appropriate, to providers required or permitted to take actions described in section 2258A(a)(1)(B) of title 18, United States Code, on the relevant identifiers for content that may indicate sex trafficking of children, as described in section 1591 of that title, or enticement, as described in section 2422(b) of that title.

SA 796. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, the following:

DIVISION F—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

TITLE LX—FEDERAL INFORMATION SECURITY AND MODERNIZATION ACT OF 2023

SECTION 6001. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Federal Information Security Modernization Act of 2023''.

SEC. 6002. DEFINITIONS.

In this title, unless otherwise specified:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

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

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

(B) the Committee on Oversight and Accountability of the House of Representatives; and

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

(3) AWARDEE.—The term ''awardee'' has the meaning given the term in section 3591 of title 44, United States Code, as added by this title.

(4) CONTRACTOR.—The term ''contractor'' has the meaning given the term in section 3591 of title 44, United States Code, as added by this title.

(5) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(6) FEDERAL INFORMATION SYSTEM.—The term ''Federal information system'' has the meaning give the term in section 3591 of title 44, United States Code, as added by this title.

(7) INCIDENT.—The term ''incident'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(8) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(9) PENETRATION TEST.—The term ''penetration test'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this title.

(10) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching systems for threats and vulnerabilities, including threats or vulnerabilities that may evade detection by automated threat detection systems.

(11) ZERO TRUST ARCHITECTURE.—The term ''zero trust architecture'' has the meaning given the term in Special Publication 800–207 of the National Institute of Standards and Technology, or any successor document.

SEC. 6003. AMENDMENTS TO TITLE 44.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

''(v) privacy, confidentiality, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director, security of information; and''; and

(B) in subsection (g)—

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

(ii) by striking paragraph (1) and inserting the following:

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, disclosure, and sharing of information collected or maintained by or for agencies;

''(2) in consultation with the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on security, of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) by striking the first subsection designated as subsection (c);

(B) in paragraph (2) of the second subsection designated as subsection (c), by inserting ''an identification of internet accessible information systems and'' after ''an inventory under this subsection shall include'';

(C) in paragraph (3) of the second subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and'' before ''the Comptroller General''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning, wherever practicable.'';

(3) in section 3506—

(A) in subsection (a)(3), by inserting ''In carrying out these duties, the Chief Information Officer shall consult, as appropriate, with the Chief Data Officer in accordance with the designated functions under section 3520(c).'' after ''reduction of information collection burdens on the public.'';

(B) in subsection (b)(1)(C), by inserting ''availability,'' after ''integrity,'';

(C) in subsection (h)(3), by inserting ''security,'' after ''efficiency,''; and

(D) by adding at the end the following:

''(j)(1) Nothwithstanding paragraphs (2) and (3) of subsection (a), the head of each agency shall designate a Chief Privacy Officer with the necessary skills, knowledge, and expertise, who shall have the authority and responsibility to—

''(A) lead the privacy program of the agency; and

''(B) carry out the privacy responsibilities of the agency under this chapter, section 552a of title 5, and guidance issued by the Director.

''(2) The Chief Privacy Officer of each agency shall—

''(A) serve in a central leadership position within the agency;

''(B) have visibility into relevant agency operations; and

''(C) be positioned highly enough within the agency to regularly engage with other agency leaders and officials, including the head of the agency.

''(3) A privacy officer of an agency established under a statute enacted before the date of enactment of the Federal Information Security Modernization Act of 2023 may carry out the responsibilities under this subsection for the agency.''; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security to the Secretary of Homeland Security and the National Cyber Director.''.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (5), (6), (8), and (10), respectively;

(B) by inserting after paragraph (1) the following:

''(2) The term 'high value asset' means information or an information system that the head of an agency, using policies, principles, standards, or guidelines issued by the Director under section 3553(a), determines to be so critical to the agency that the loss or degradation of the confidentiality, integrity, or availability of such information or information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.'';

(C) by inserting after paragraph (6), as so redesignated, the following:

''(7) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(D) in paragraph (8)(A), as so redesignated, by striking ''used'' and inserting ''owned, managed,'';

(E) by inserting after paragraph (8), as so redesignated, the following:

''(9) The term 'penetration test'—

''(A) means an authorized assessment that emulates attempts to gain unauthorized access to, or disrupt the operations of, an information system or component of an information system; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).''; and

(F) by inserting after paragraph (10), as so redesignated, the following:

''(11) The term 'shared service' means a centralized mission capability or consolidated business function that is provided to multiple organizations within an agency or to multiple agencies.

''(12) The term 'zero trust architecture' has the meaning given the term in Special Publication 800–207 of the National Institute of Standards and Technology, or any successor document.''.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking ''section 3552(b)(6)(A)'' and inserting ''section 3552(b)(8)(A)''.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking ''section 3552(b)(6)(A)(i)'' and inserting ''section 3552(b)(8)(A)(i)''.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a(5)) is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking ''section 3542(b)'' and inserting ''section 3552(b)'';

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''; and

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''; and

(ii) in subsection (f)—

(I) in paragraph (3), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(II) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)''.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) in subsection (a)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(7) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and the Director of the National Institute of Standards and Technology—

''(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

''(B) the use of presumption of compromise and least privilege principles, such as zero trust architecture, to improve resiliency and timely response actions to incidents on Federal systems.'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''and the National Cyber Director'' after ''Director'';

(ii) in paragraph (2)(A), by inserting ''and reporting requirements under subchapter IV of this chapter'' after ''section 3556'';

(iii) by redesignating paragraphs (8) and (9) as paragraphs (10) and (11), respectively; and

(iv) by inserting after paragraph (7) the following:

''(8) expeditiously seeking opportunities to reduce costs, administrative burdens, and other barriers to information technology security and modernization for agencies, including through shared services for cybersecurity capabilities identified as appropriate by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and other agencies as appropriate;'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(II) by inserting '', which shall be unclassified but may include 1 or more annexes that contain classified or other sensitive information, as appropriate'' after ''a report''; and

(III) by striking ''preceding year'' and inserting ''preceding 2 years'';

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking ''and'' at the end; and

(v) by inserting after paragraph (3), as so redesignated, the following:

''(4) a summary of the risks and trends identified in the Federal risk assessment required under subsection (i); and'';

(D) in subsection (h)—

(i) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and the National Cyber Director'' after ''in coordination with the Director''; and

(II) in subparagraph (D), by inserting '', the National Cyber Director,'' after ''notify the Director''; and

(ii) in paragraph (3)(A)(iv), by inserting '', the National Cyber Director,'' after ''the Secretary provides prior notice to the Director'';

(E) by amending subsection (i) to read as follows:

''(i) FEDERAL RISK ASSESSMENT.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall assess the Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of such assessment, including—

''(1) the status of agency cybersecurity remedial actions for high value assets described in section 3554(b)(7);

''(2) any vulnerability information relating to the systems of an agency that is known by the agency;

''(3) analysis of incident information under section 3597;

''(4) evaluation of penetration testing performed under section 3559A;

''(5) evaluation of vulnerability disclosure program information under section 3559B;

''(6) evaluation of agency threat hunting results;

''(7) evaluation of Federal and non-Federal cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments required under section 3554(a)(1)(A);

''(10) relevant reports from inspectors general of agencies and the Government Accountability Office; and

''(11) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.''; and

(F) by adding at the end the following:

''(m) DIRECTIVES.—

''(1) EMERGENCY DIRECTIVE UPDATES.—If the Secretary issues an emergency directive under this section, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Director, the National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives an update on the status of the implementation of the emergency directive at agencies not later than 7 days after the date on which the emergency directive requires an agency to complete a requirement specified by the emergency directive, and every 30 days thereafter until—

''(A) the date on which every agency has fully implemented the emergency directive;

''(B) the Secretary determines that an emergency directive no longer requires active reporting from agencies or additional implementation; or

''(C) the date that is 1 year after the issuance of the directive.

''(2) BINDING OPERATIONAL DIRECTIVE UPDATES.—If the Secretary issues a binding operational directive under this section, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Director, the National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Oversight and Accountability

and Homeland Security of the House of Representatives an update on the status of the implementation of the binding operational directive at agencies not later than 30 days after the issuance of the binding operational directive, and every 90 days thereafter until—

''(A) the date on which every agency has fully implemented the binding operational directive;

''(B) the Secretary determines that a binding operational directive no longer requires active reporting from agencies or additional implementation; or

''(C) the date that is 1 year after the issuance or substantive update of the directive.

''(3) REPORT.—If the Director of the Cybersecurity and Infrastructure Security Agency ceases submitting updates required under paragraphs (1) or (2) on the date described in paragraph (1)(C) or (2)(C), the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Director, the National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives a list of every agency that, at the time of the report—

''(A) has not completed a requirement specified by an emergency directive; or

''(B) has not implemented a binding operational directive.

''(n) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget shall review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including a consideration of reporting and compliance burden on agencies.

''(2) CONGRESSIONAL NOTIFICATION.—The Director of the Office of Management and Budget shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives of changes to guidance or policy resulting from the review under paragraph (1).

''(3) GAO REVIEW.—The Government Accountability Office shall review guidance and policy promulgated by the Director to assess its efficacy in risk reduction and burden on agencies.

''(o) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard or guideline pursuant to paragraphs (2) or (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop specifications to enable the automated verification of the implementation of the controls.

''(p) INSPECTORS GENERAL ACCESS TO FEDERAL RISK ASSESSMENTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall, upon request, make available Federal risk assessment information under subsection (i) to the Inspector General of the Department of Homeland Security and the inspector general of any agency that was included in the Federal risk assessment.'';

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

''(A) on an ongoing and continuous basis, assessing agency system risk, as applicable, by—

''(i) identifying and documenting the high value assets of the agency using guidance from the Director;

''(ii) evaluating the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

''(iii) identifying whether the agency is participating in federally offered cybersecurity shared services programs;

''(iv) identifying agency systems that have access to or hold the data assets inventoried under section 3511;

''(v) evaluating the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

''(vi) evaluating the vulnerability of agency systems and data, including high value assets, including by analyzing—

''(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

''(II) the results of penetration testing performed under section 3559A;

''(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

''(IV) incidents; and

''(V) any other vulnerability information relating to agency systems that is known to the agency;

''(vii) assessing the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (v) and the agency systems identified under clause (iv); and

''(viii) assessing the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system;'';

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking ''providing information'' and inserting ''using information from the assessment required under subparagraph (A), providing information'';

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting ''binding'' before ''operational''; and

(bb) in clause (vi), by striking ''and'' at the end; and

(V) by adding at the end the following:

''(E) providing an update on the ongoing and continuous assessment required under subparagraph (A)—

''(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

''(ii) at intervals determined by guidance issued by the Director, and to the extent appropriate and practicable using automation, to—

''(I) the Director;

''(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(III) the National Cyber Director;'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment required under paragraph (1)(A)'' after ''information systems'';

(II) in subparagraph (D), by inserting '', through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,'' after ''periodically'';

(iii) in paragraph (3)(A)—

(I) in the matter preceding clause (i), by striking ''senior agency information security officer'' and inserting ''Chief Information Security Officer'';

(II) in clause (i), by striking ''this section'' and inserting ''subsections (a) through (c)'';

(III) in clause (ii), by striking ''training and'' and inserting ''skills, training, and'';

(IV) by redesignating clauses (iii) and (iv) as (iv) and (v), respectively;

(V) by inserting after clause (ii) the following:

''(iii) manage information security, cybersecurity budgets, and risk and compliance activities and explain those concepts to the head of the agency and the executive team of the agency;''; and

(VI) in clause (iv), as so redesignated, by striking ''information security duties as that official's primary duty'' and inserting ''information, computer network, and technology security duties as the Chief Information Security Officers' primary duty'';

(iv) in paragraph (5), by striking ''annually'' and inserting ''not less frequently than quarterly''; and

(v) in paragraph (6), by striking ''official delegated'' and inserting ''Chief Information Security Officer delegated''; and

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) the ongoing and continuous assessment of agency system risk required under subsection (a)(1)(A), which may include using guidance and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(III) in subparagraph (B), as so redesignated, by striking ''and'' at the end; and

(IV) in subparagraph (C), as so redesignated—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

''(iii) binding operational directives and emergency directives issued by the Secretary under section 3553;''; and

(cc) in clause (iv), as so redesignated, by striking ''as determined by the agency; and'' and inserting ''as determined by the agency, considering the agency risk assessment required under subsection (a)(1)(A);

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(v) by inserting after paragraph (6) the following:

''(7) a secure process for providing the status of every remedial action and unremediated identified system vulnerability of a high value asset to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;''; and

(vi) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

''(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;'';

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) performing the notifications and other activities required under subchapter IV of this chapter; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (II), by adding ''and'' at the end;

(bb) by striking subclause (III); and

(cc) by redesignating subclause (IV) as subclause (III); and

(C) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (5);

(ii) by striking paragraph (1) and inserting the following:

''(1) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2023 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment required under subsection (a)(1)(A), the head of each agency shall submit to the Director, the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, the Comptroller General of the United States, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Accountability of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the appropriate authorization and appropriations committees of Congress a report that—

''(A) summarizes the agency system risk assessment required under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment required under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(C) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include 1 or more annexes that contain classified or other sensitive information, as appropriate.

''(3) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by striking the period at the end and inserting '', including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section'';

(4) in section 3555—

(A) in the section heading, by striking ''**ANNUAL INDEPENDENT**'' and inserting ''**INDEPENDENT**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''during which a report is required to be submitted under section 3553(c),'' after ''Each year'';

(ii) in paragraph (2)(A), by inserting '', including by performing, or reviewing the results of, agency penetration testing and analyzing the vulnerability disclosure program of the agency'' after ''information systems''; and

(iii) by adding at the end the following:

''(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.'';

(C) in subsection (b)(1), by striking ''annual'';

(D) in subsection (e)(1), by inserting ''during which a report is required to be submitted under section 3553(c)'' after ''Each year'';

(E) in subsection (g)(2)—

(i) by striking ''this subsection shall'' and inserting ''this subsection—

''(A) shall'';

(ii) in subparagraph (A), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) identify any entity that performs an independent evaluation under subsection (b).''; and

(F) by striking subsection (j) and inserting the following:

''(j) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of risk-based guidance for evaluating the effectiveness of an information security program and practices.

''(2) PRIORITIES.—The risk-based guidance developed under paragraph (1) shall include—

''(A) the identification of the most common successful threat patterns;

''(B) the identification of security controls that address the threat patterns described in subparagraph (A);

''(C) any other security risks unique to Federal systems; and

''(D) any other element the Director determines appropriate.''; and

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting ''within the Cybersecurity and Infrastructure Security Agency'' after ''incident center''; and

(B) in paragraph (4), by striking ''3554(b)'' and inserting ''3554(a)(1)(A)''.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3555 and inserting the following:

''3555. Independent evaluation.''.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(ii) by striking ''the report required under section 3553(c) of title 44, United States Code'' and inserting ''that report''.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)(B)) is amended by striking ''annual''.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''§ 3591. Definitions

''(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) APPROPRIATE REPORTING ENTITIES.—The term 'appropriate reporting entities' means—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

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

''(D) the Committee on Commerce, Science, and Transportation of the Senate;

''(E) the Committee on Oversight and Accountability of the House of Representatives;

''(F) the Committee on Homeland Security of the House of Representatives;

''(G) the Committee on Science, Space, and Technology of the House of Representatives;

''(H) the appropriate authorization and appropriations committees of Congress;

''(I) the Director;

''(J) the Director of the Cybersecurity and Infrastructure Security Agency;

''(K) the National Cyber Director;

''(L) the Comptroller General of the United States; and

''(M) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee', with respect to an agency—

''(A) means—

''(i) the recipient of a grant from an agency;

''(ii) a party to a cooperative agreement with an agency; and

''(iii) a party to an other transaction agreement with an agency; and

''(B) includes a subawardee of an entity described in subparagraph (A).

''(3) BREACH.—The term 'breach'—

''(A) means the compromise, unauthorized disclosure, unauthorized acquisition, or loss of control of personally identifiable information or any similar occurrence; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director.

''(4) CONTRACTOR.—The term 'contractor' means a prime contractor of an agency or a subcontractor of a prime contractor of an agency that creates, collects, stores, processes, maintains, or transmits Federal information on behalf of an agency.

''(5) FEDERAL INFORMATION.—The term 'Federal information' means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

''(6) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system owned, managed, or operated by an agency, or on behalf of an agency by a contractor, an awardee, or another organization.

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

''(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term 'nationwide consumer reporting agency' means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(9) VULNERABILITY DISCLOSURE.—The term 'vulnerability disclosure' means a vulnerability identified under section 3559B.

"§ 3592. Notification of breach

''(a) DEFINITION.—In this section, the term 'covered breach' means a breach—

''(1) involving not less than 50,000 potentially affected individuals; or

''(2) the result of which the head of an agency determines that notifying potentially affected individuals is necessary pursuant to subsection (b)(1), regardless of whether—

''(A) the number of potentially affected individuals is less than 50,000; or

''(B) the notification is delayed under subsection (d).

''(b) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with the Chief Information Officer and Chief Privacy Officer of the agency, shall—

''(1) determine whether notice to any individual potentially affected by the breach is appropriate, including by conducting an assessment of the risk of harm to the individual that considers—

''(A) the nature and sensitivity of the personally identifiable information affected by the breach;

''(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

''(C) the type of breach; and

''(D) any other factors determined by the Director; and

''(2) if the head of the agency determines notification is necessary pursuant to paragraph (1), provide written notification in accordance with subsection (c) to each individual potentially affected by the breach—

''(A) to the last known mailing address of the individual; or

''(B) through an appropriate alternative method of notification.

''(c) CONTENTS OF NOTIFICATION.—Each notification of a breach provided to an individual under subsection (b)(2) shall include, to the maximum extent practicable—

''(1) a brief description of the breach;

''(2) if possible, a description of the types of personally identifiable information affected by the breach;

''(3) contact information of the agency that may be used to ask questions of the agency, which—

''(A) shall include an e-mail address or another digital contact mechanism; and

''(B) may include a telephone number, mailing address, or a website;

''(4) information on any remedy being offered by the agency;

''(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for the appropriate Federal law enforcement agencies and each nationwide consumer reporting agency; and

''(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

''(d) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—The head of an agency, in coordination with the Director and the National Cyber Director, and as appropriate, the Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security, may delay a notification required under subsection (b) or (e) if the notification would—

''(A) impede a criminal investigation or a national security activity;

''(B) cause an adverse result (as described in section 2705(a)(2) of title 18);

''(C) reveal sensitive sources and methods;

''(D) cause damage to national security; or

''(E) hamper security remediation actions.

''(2) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

''(3) NATIONAL SECURITY SYSTEMS.—The head of an agency delaying notification under this subsection with respect to a breach exclusively of a national security system shall coordinate such delay with the Secretary of Defense.

''(e) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (b)(1), or that it is necessary to update the details of the information provided to potentially affected individuals as described in subsection (c), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (b) of those changes.

''(f) DELAY OF NOTIFICATION REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2023, and annually thereafter, the head of an agency, in coordination with any official who delays a notification under subsection (d), shall submit to the appropriate reporting entities a report on each delay that occurred during the previous 2 years.

''(2) COMPONENT OF OTHER REPORT.—The head of an agency may submit the report required under paragraph (1) as a component of the report submitted under section 3554(c).

''(g) CONGRESSIONAL REPORTING REQUIREMENTS.—

''(1) REVIEW AND UPDATE.—On a periodic basis, the Director of the Office of Management and Budget shall review, and update as appropriate, breach notification policies and guidelines for agencies.

''(2) REQUIRED NOTICE FROM AGENCIES.—Subject to paragraph (4), the Director of the Office of Management and Budget shall require the head of an agency affected by a covered breach to expeditiously and not later than 30 days after the date on which the agency discovers the covered breach give notice of the breach, which may be provided electronically, to—

''(A) each congressional committee described in section 3554(c)(1); and

''(B) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) CONTENTS OF NOTICE.—Notice of a covered breach provided by the head of an agency pursuant to paragraph (2) shall include, to the extent practicable—

''(A) information about the covered breach, including a summary of any information about how the covered breach occurred known by the agency as of the date of the notice;

''(B) an estimate of the number of individuals affected by covered the breach based on information known by the agency as of the date of the notice, including an assessment of the risk of harm to affected individuals;

''(C) a description of any circumstances necessitating a delay in providing notice to individuals affected by the covered breach in accordance with subsection (d); and

''(D) an estimate of when the agency will provide notice to individuals affected by the covered breach, if applicable.

''(4) EXCEPTION.—Any agency that is required to provide notice to Congress pursuant to paragraph (2) due to a covered breach exclusively on a national security system shall only provide such notice to—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

''(C) the appropriations committees of Congress;

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

''(E) the Select Committee on Intelligence of the Senate;

''(F) the Committee on Oversight and Accountability of the House of Representatives; and

''(G) the Permanent Select Committee on Intelligence of the House of Representatives.

''(5) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) through (3) shall be construed to alter any authority of an agency.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit—

''(A) the authority of the Director to issue guidance relating to notifications of, or the head of an agency to notify individuals potentially affected by, breaches that are not determined to be covered breaches or major incidents;

''(B) the authority of the Director to issue guidance relating to notifications and reporting of breaches, covered breaches, or major incidents;

''(C) the authority of the head of an agency to provide more information than required under subsection (b) when notifying individuals potentially affected by a breach;

''(D) the timing of incident reporting or the types of information included in incident reports provided, pursuant to this subchapter, to—

''(i) the Director;

''(ii) the National Cyber Director;

''(iii) the Director of the Cybersecurity and Infrastructure Security Agency; or

''(iv) any other agency;

''(E) the authority of the head of an agency to provide information to Congress about agency breaches, including—

''(i) breaches that are not covered breaches; and

''(ii) additional information beyond the information described in subsection (g)(3); or

''(F) any Congressional reporting requirements of agencies under any other law; or

''(2) limit or supersede any existing privacy protections in existing law.

"§ 3593. Congressional and Executive Branch reports on major incidents

''(a) APPROPRIATE CONGRESSIONAL ENTITIES.—In this section, the term 'appropriate congressional entities' means—

''(1) the majority and minority leaders of the Senate;

''(2) the Speaker and minority leader of the House of Representatives;

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

''(4) the Committee on Commerce, Science, and Transportation of the Senate;

''(5) the Committee on Oversight and Accountability of the House of Representatives;

''(6) the Committee on Homeland Security of the House of Representatives;

''(7) the Committee on Science, Space, and Technology of the House of Representatives; and

''(8) the appropriate authorization and appropriations committees of Congress

''(b) INITIAL NOTIFICATION.—

''(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written notification, which may be submitted electronically and include 1 or more annexes that contain classified or other sensitive information, as appropriate.

''(2) CONTENTS.—A notification required under paragraph (1) with respect to a major

incident shall include the following, based on information available to agency officials as of the date on which the agency submits the notification:

''(A) A summary of the information available about the major incident, including how the major incident occurred and the threat causing the major incident.

''(B) If applicable, information relating to any breach associated with the major incident, regardless of whether—

''(i) the breach was the reason the incident was determined to be a major incident; and

''(ii) head of the agency determined it was appropriate to provide notification to potentially impacted individuals pursuant to section 3592(b)(1).

''(C) A preliminary assessment of the impacts to—

''(i) the agency;

''(ii) the Federal Government;

''(iii) the national security, foreign relations, homeland security, and economic security of the United States; and

''(iv) the civil liberties, public confidence, privacy, and public health and safety of the people of the United States.

''(D) If applicable, whether any ransom has been demanded or paid, or is expected to be paid, by any entity operating a Federal information system or with access to Federal information or a Federal information system, including, as available, the name of the entity demanding ransom, the date of the demand, and the amount and type of currency demanded, unless disclosure of such information will disrupt an active Federal law enforcement or national security operation.

''(c) SUPPLEMENTAL UPDATE.—Within a reasonable amount of time, but not later than 30 days after the date on which the head of an agency submits a written notification under subsection (a), the head of the agency shall provide to the appropriate congressional entities an unclassified and written update, which may include 1 or more annexes that contain classified or other sensitive information, as appropriate, on the major incident, based on information available to agency officials as of the date on which the agency provides the update, on—

''(1) system vulnerabilities relating to the major incident, where applicable, means by which the major incident occurred, the threat causing the major incident, where applicable, and impacts of the major incident to—

''(A) the agency;

''(B) other Federal agencies, Congress, or the judicial branch;

''(C) the national security, foreign relations, homeland security, or economic security of the United States; or

''(D) the civil liberties, public confidence, privacy, or public health and safety of the people of the United States;

''(2) the status of compliance of the affected Federal information system with applicable security requirements at the time of the major incident;

''(3) if the major incident involved a breach, a description of the affected information, an estimate of the number of individuals potentially impacted, and any assessment to the risk of harm to such individuals;

''(4) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident; and

''(5) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d), if applicable.

''(d) ADDITIONAL UPDATE.—If the head of an agency, the Director, or the National Cyber Director determines that there is any significant change in the understanding of the scope, scale, or consequence of a major incident for which the head of the agency submitted a written notification and update under subsections (b) and (c), the head of the agency shall submit to the appropriate congressional entities a written update that includes information relating to the change in understanding.

''(e) BIENNIAL REPORT.—Each agency shall submit as part of the biennial report required under section 3554(c)(1) a description of each major incident that occurred during the 2-year period preceding the date on which the biennial report is submitted.

''(f) REPORT DELIVERY.—

''(1) IN GENERAL.—Any written notification or update required to be submitted under this section—

''(A) shall be submitted in an electronic format; and

''(B) may be submitted in a paper format.

''(2) CLASSIFICATION STATUS.—Any written notification or update required to be submitted under this section—

''(A) shall be—

''(i) unclassified; and

''(ii) submitted through unclassified electronic means pursuant to paragraph (1)(A); and

''(B) may include classified annexes, as appropriate.

''(g) REPORT CONSISTENCY.—To achieve consistent and coherent agency reporting to Congress, the National Cyber Director, in coordination with the Director, shall—

''(1) provide recommendations to agencies on formatting and the contents of information to be included in the reports required under this section, including recommendations for consistent formats for presenting any associated metrics; and

''(2) maintain a comprehensive record of each major incident notification, update, and briefing provided under this section, which shall—

''(A) include, at a minimum—

''(i) the full contents of the written notification or update;

''(ii) the identity of the reporting agency; and

''(iii) the date of submission; and

''(iv) a list of the recipient congressional entities; and

''(B) be made available upon request to the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Accountability of the House of Representatives.

''(h) NATIONAL SECURITY SYSTEMS CONGRESSIONAL REPORTING EXEMPTION.—With respect to a major incident that occurs exclusively on a national security system, the head of the affected agency shall submit the notifications and reports required to be submitted to Congress under this section only to—

''(1) the majority and minority leaders of the Senate;

''(2) the Speaker and minority leader of the House of Representatives;

''(3) the appropriations committees of Congress;

''(4) the appropriate authorization committees of Congress;

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

''(6) the Select Committee on Intelligence of the Senate;

''(7) the Committee on Oversight and Accountability of the House of Representatives; and

''(8) the Permanent Select Committee on Intelligence of the House of Representatives.

''(i) MAJOR INCIDENTS INCLUDING BREACHES.—If a major incident constitutes a covered breach, as defined in section 3592(a), information on the covered breach required to be submitted to Congress pursuant to section 3592(g) may—

''(1) be included in the notifications required under subsection (b) or (c); or

''(2) be reported to Congress under the process established under section 3592(g).

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit—

''(A) the ability of an agency to provide additional reports or briefings to Congress;

''(B) Congress from requesting additional information from agencies through reports, briefings, or other means;

''(C) any congressional reporting requirements of agencies under any other law; or

''(2) limit or supersede any privacy protections under any other law.

''§ 3594. Government information sharing and incident response

''(a) IN GENERAL.—

''(1) INCIDENT SHARING.—Subject to paragraph (4) and subsection (b), and in accordance with the applicable requirements pursuant to section 3553(b)(2)(A) for reporting to the Federal information security incident center established under section 3556, the head of each agency shall provide to the Cybersecurity and Infrastructure Security Agency information relating to any incident affecting the agency, whether the information is obtained by the Federal Government directly or indirectly.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall include, at a minimum—

''(A) a full description of the incident, including—

''(i) all indicators of compromise and tactics, techniques, and procedures;

''(ii) an indicator of how the intruder gained initial access, accessed agency data or systems, and undertook additional actions on the network of the agency; and

''(iii) information that would support enabling defensive measures; and

''(iv) other information that may assist in identifying other victims;

''(B) information to help prevent similar incidents, such as information about relevant safeguards in place when the incident occurred and the effectiveness of those safeguards; and

''(C) information to aid in incident response, such as—

''(i) a description of the affected systems or networks;

''(ii) the estimated dates of when the incident occurred; and

''(iii) information that could reasonably help identify any malicious actor that may have conducted or caused the incident, subject to appropriate privacy protections.

''(3) INFORMATION SHARING.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(A) make incident information provided under paragraph (1) available to the Director and the National Cyber Director;

''(B) to the greatest extent practicable, share information relating to an incident with—

''(i) the head of any agency that may be—

''(I) impacted by the incident;

''(II) particularly susceptible to the incident; or

''(III) similarly targeted by the incident; and

''(ii) appropriate Federal law enforcement agencies to facilitate any necessary threat response activities, as requested;

''(C) coordinate any necessary information sharing efforts relating to a major incident with the private sector; and

''(D) notify the National Cyber Director of any efforts described in subparagraph (C).

''(4) NATIONAL SECURITY SYSTEMS EXEMPTION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (3), each agency operating or exercising control of a national security system shall share information about an incident that occurs exclusively on a national security system with the Secretary of Defense, the Director, the National Cyber Director, and the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

''(B) PROTECTIONS.—Any information sharing and handling of information under this paragraph shall be appropriately protected consistent with procedures authorized for the protection of sensitive sources and methods or by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(b) AUTOMATION.—In providing information and selecting a method to provide information under subsection (a), the head of each agency shall implement subsection (a)(1) in a manner that provides such information to the Cybersecurity and Infrastructure Security Agency in an automated and machine-readable format, to the greatest extent practicable.

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to suspect or conclude that a major incident occurred involving Federal information in electronic medium or form that does not exclusively involve a national security system shall coordinate with—

''(1) the Cybersecurity and Infrastructure Security Agency to facilitate asset response activities and provide recommendations for mitigating future incidents; and

''(2) consistent with relevant policies, appropriate Federal law enforcement agencies to facilitate threat response activities.

''§ 3595. Responsibilities of contractors and awardees

''(a) REPORTING.—

''(1) IN GENERAL.—Any contractor or awardee of an agency shall report to the agency if the contractor or awardee has a reasonable basis to conclude that—

''(A) an incident or breach has occurred with respect to Federal information the contractor or awardee collected, used, or maintained on behalf of an agency;

''(B) an incident or breach has occurred with respect to a Federal information system used, operated, managed, or maintained on behalf of an agency by the contractor or awardee;

''(C) a component of any Federal information system operated, managed, or maintained by a contractor or awardee contains a security vulnerability, including a supply chain compromise or an identified software or hardware vulnerability, for which there is reliable evidence of attempted or successful exploitation of the vulnerability by an actor without authorization of the Federal information system owner; or

''(D) the contractor or awardee has received personally identifiable information, personal health information, or other clearly sensitive information that is beyond the scope of the contract or agreement with the agency from the agency that the contractor or awardee is not authorized to receive.

''(2) THIRD-PARTY REPORTS OF VULNERABILITIES.—Subject to the guidance issued by the Director pursuant to paragraph (4), any contractor or awardee of an agency shall report to the agency and the Cybersecurity and Infrastructure Security Agency if the contractor or awardee has a reasonable basis to suspect or conclude that a component of any Federal information system operated, managed, or maintained on behalf of an agency by the contractor or awardee on behalf of the agency contains a security vulnerability, including a supply chain compromise or an identified software or hardware vulnerability, that has been reported to the contractor or awardee by a third party, including through a vulnerability disclosure program.

''(3) PROCEDURES.—

''(A) SHARING WITH CISA.—As soon as practicable following a report of an incident to an agency by a contractor or awardee under paragraph (1), the head of the agency shall provide, pursuant to section 3594, information about the incident to the Director of the Cybersecurity and Infrastructure Security Agency.

''(B) TIME FOR REPORTING.—Unless a different time for reporting is specified in a contract, grant, cooperative agreement, or other transaction agreement, a contractor or awardee shall—

''(i) make a report required under paragraph (1) not later than 1 day after the date on which the contractor or awardee has reasonable basis to suspect or conclude that the criteria under paragraph (1) have been met; and

''(ii) make a report required under paragraph (2) within a reasonable time, but not later than 90 days after the date on which the contractor or awardee has reasonable basis to suspect or conclude that the criteria under paragraph (2) have been met.

''(C) PROCEDURES.—Following a report of a breach or incident to an agency by a contractor or awardee under paragraph (1), the head of the agency, in consultation with the contractor or awardee, shall carry out the applicable requirements under sections 3592, 3593, and 3594 with respect to the breach or incident.

''(D) RULE OF CONSTRUCTION.—Nothing in subparagraph (B) shall be construed to allow the negation of the requirements to report vulnerabilities under paragraph (1) or (2) through a contract, grant, cooperative agreement, or other transaction agreement.

''(4) GUIDANCE.—The Director shall issue guidance to agencies relating to the scope of vulnerabilities to be reported under paragraph (2), such as the minimum severity of a vulnerability required to be reported or whether vulnerabilities that are already publicly disclosed must be reported.

''(b) REGULATIONS; MODIFICATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2023—

''(A) the Federal Acquisition Regulatory Council shall promulgate regulations, as appropriate, relating to the responsibilities of contractors and recipients of other transaction agreements and cooperative agreements to comply with this section; and

''(B) the Office of Federal Financial Management shall promulgate regulations under title 2, Code Federal Regulations, as appropriate, relating to the responsibilities of grantees to comply with this section.

''(2) IMPLEMENTATION.—Not later than 1 year after the date on which the Federal Acquisition Regulatory Council and the Office of Federal Financial Management promulgates regulations under paragraph (1), the head of each agency shall implement policies and procedures, as appropriate, necessary to implement those regulations.

''(3) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—The head of each agency head shall notify the Director upon implementation of policies and procedures necessary to implement the regulations promulgated under paragraph (1).

''(B) OMB NOTIFICATION.— Not later than 30 days after the date described in paragraph (2), the Director shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives on the status of the implementation by each agency of the regulations promulgated under paragraph (1).

''(c) NATIONAL SECURITY SYSTEMS EXEMPTION.—Notwithstanding any other provision of this section, a contractor or awardee of an agency that would be required to report an incident or vulnerability pursuant to this section that occurs exclusively on a national security system shall—

''(1) report the incident or vulnerability to the head of the agency and the Secretary of Defense; and

''(2) comply with applicable laws and policies relating to national security systems.

''§ 3596. Training

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who obtains access to a Federal information system because of the status of the individual as—

''(1) an employee, contractor, awardee, volunteer, or intern of an agency; or

''(2) an employee of a contractor or awardee of an agency.

''(b) BEST PRACTICES AND CONSISTENCY.—The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, the National Cyber Director, and the Director of the National Institute of Standards and Technology, shall develop best practices to support consistency across agencies in cybersecurity incident response training, including—

''(1) information to be collected and shared with the Cybersecurity and Infrastructure Security Agency pursuant to section 3594(a) and processes for sharing such information; and

''(2) appropriate training and qualifications for cyber incident responders.

''(c) AGENCY TRAINING.—The head of each agency shall develop training for covered individuals on how to identify and respond to an incident, including—

''(1) the internal process of the agency for reporting an incident; and

''(2) the obligation of a covered individual to report to the agency any suspected or confirmed incident involving Federal information in any medium or form, including paper, oral, and electronic.

''(d) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (c) may be included as part of an annual privacy, security awareness, or other appropriate training of an agency.

''§ 3597. Analysis and report on Federal incidents

''(a) ANALYSIS OF FEDERAL INCIDENTS.—

''(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall perform and, in coordination with the Director and the National Cyber Director, develop, continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

''(A) the causes of incidents, including—

''(i) attacker tactics, techniques, and procedures; and

''(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

''(B) the scope and scale of incidents at agencies;

''(C) common root causes of incidents across multiple agencies;

''(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

''(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

''(F) trends across multiple agencies to address intrusion detection and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

''(3) SHARING OF DATA AND ANALYSIS.—

''(A) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency shall share on an ongoing basis the analyses and underlying data required under this subsection with agencies, the Director, and the National Cyber Director to—

''(i) improve the understanding of cybersecurity risk of agencies; and

''(ii) support the cybersecurity improvement efforts of agencies.

''(B) FORMAT.—In carrying out subparagraph (A), the Director of the Cybersecurity and Infrastructure Security Agency shall share the analyses—

''(i) in human-readable written products; and

''(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

''(C) EXEMPTION.—This subsection shall not apply to incidents that occur exclusively on national security systems.

''(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, the National Cyber Director and the heads of other agencies, as appropriate, shall submit to the appropriate reporting entities a report that includes—

''(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

''(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

''(A) a specific analysis of breaches; and

''(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(3) an annex for each agency that includes—

''(A) a description of each major incident;

''(B) the total number of incidents of the agency; and

''(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(c) PUBLICATION.—

''(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency shall make a version of each report submitted under subsection (b) publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year during which the report is submitted.

''(2) EXEMPTION.—The publication requirement under paragraph (1) shall not apply to a portion of a report that contains content that should be protected in the interest of national security, as determined by the Director, the Director of the Cybersecurity and Infrastructure Security Agency, or the National Cyber Director.

''(3) LIMITATION ON EXEMPTION.—The exemption under paragraph (2) shall not apply to any version of a report submitted to the appropriate reporting entities under subsection (b).

''(4) REQUIREMENT FOR COMPILING INFORMATION.—

''(A) COMPILATION.—Subject to subparagraph (B), in making a report publicly available under paragraph (1), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information so that no specific incident of an agency can be identified.

''(B) EXCEPTION.—The Director of the Cybersecurity and Infrastructure Security Agency may include information that enables a specific incident of an agency to be identified in a publicly available report—

''(i) with the concurrence of the Director and the National Cyber Director;

''(ii) in consultation with the impacted agency; and

''(iii) in consultation with the inspector general of the impacted agency.

''(d) INFORMATION PROVIDED BY AGENCIES.—

''(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

''(2) NONCOMPLIANCE REPORTS.—During any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes the information described in subsection (b) with respect to the agency.

''(e) NATIONAL SECURITY SYSTEM REPORTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary of Defense, in consultation with the Director, the National Cyber Director, the Director of National Intelligence, and the Director of Cybersecurity and Infrastructure Security shall annually submit a report that includes the information described in subsection (b) with respect to national security systems, to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President, to—

''(A) the majority and minority leaders of the Senate,

''(B) the Speaker and minority leader of the House of Representatives;

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

''(D) the Select Committee on Intelligence of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Appropriations of the Senate;

''(G) the Committee on Oversight and Accountability of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Permanent Select Committee on Intelligence of the House of Representatives;

''(J) the Committee on Armed Services of the House of Representatives; and

''(K) the Committee on Appropriations of the House of Representatives.

''(2) CLASSIFIED FORM.—A report required under paragraph (1) may be submitted in a classified form.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 1 year after the later of the date of enactment of the Federal Information Security Modernization Act of 2023 and the most recent publication by the Director of guidance to agencies regarding major incidents as of the date of enactment of the Federal Information Security Modernization Act of 2023, the Director shall develop, in coordination with the National Cyber Director, and promulgate guidance on the definition of the term 'major incident' for the purposes of subchapter II and this subchapter.

''(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term 'major incident' shall—

''(1) include, with respect to any information collected or maintained by or on behalf of an agency or a Federal information system—

''(A) any incident the head of the agency determines is likely to result in demonstrable harm to—

''(i) the national security interests, foreign relations, homeland security, or economic security of the United States; or

''(ii) the civil liberties, public confidence, privacy, or public health and safety of the people of the United States;

''(B) any incident the head of the agency determines likely to result in an inability or substantial disruption for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

''(C) any incident the head of the agency determines substantially disrupts or substantially degrades the operations of a high value asset owned or operated by the agency;

''(D) any incident involving the exposure to a foreign entity of sensitive agency information, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head of the agency or the head of a component of the agency; and

''(E) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director, in consultation with the Director and the Director of the Cybersecurity and Infrastructure Security Agency, may declare a major incident at any agency, and such a declaration shall be considered if it is determined that an incident—

''(A) occurs at not less than 2 agencies; and

''(B) is enabled by—

''(i) a common technical root cause, such as a supply chain compromise, or a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor;

''(3) stipulate that, in determining whether an incident constitutes a major incident under the standards described in paragraph (1), the head of the agency shall consult with the National Cyber Director; and

''(4) stipulate that the mere report of a vulnerability discovered or disclosed without a loss of confidentiality, integrity, or availability shall not on its own constitute a major incident.

''(c) EVALUATION AND UPDATES.—Not later than 60 days after the date on which the Director first promulgates the guidance required under subsection (a), and not less frequently than once during the first 90 days of each evenly numbered Congress thereafter, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives a briefing that includes—

''(1) an evaluation of any necessary updates to the guidance;

''(2) an evaluation of any necessary updates to the definition of the term 'major incident' included in the guidance; and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''3591. Definitions.
''3592. Notification of breach.
''3593. Congressional and Executive Branch reports.
''3594. Government information sharing and incident response.
''3595. Responsibilities of contractors and awardees.
''3596. Training.
''3597. Analysis and report on Federal incidents.
''3598. Major incident definition.''.

SEC. 6004. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended in section 1078—

(1) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3552 of title 44, United States Code.'';

(2) in subsection (b), by adding at the end the following:

''(8) PROPOSAL EVALUATION.—The Director shall—

''(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

''(B) require that any proposal for the use of amounts in the Fund includes, as appropriate—

''(i) a cybersecurity risk management plan; and

''(ii) a supply chain risk assessment in accordance with section 1326 of title 41.''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''and''; and

(iii) by adding at the end the following:

''(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.''; and

(C) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(b) SUBCHAPTER I.—Subchapter I of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking ''use, security, and disposal of'' and inserting ''use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of,''; and

(B) in subsection (h), by inserting '', including cybersecurity performances,'' after ''the performances''; and

(2) in section 11303(b)(2)(B)—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(iii) whether the function should be performed by a shared service offered by another executive agency;''.

(c) SUBCHAPTER II.—Subchapter II of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting '', including security risks'' after ''managing the risks'';

(2) in section 11313(1), by striking ''efficiency and effectiveness'' and inserting ''efficiency, security, and effectiveness'';

(3) in section 11317, by inserting ''security,'' before ''or schedule''; and

(4) in section 11319(b)(1), in the paragraph heading, by striking ''CIOS'' and inserting ''CHIEF INFORMATION OFFICERS''.

SEC. 6005. ACTIONS TO ENHANCE FEDERAL INCIDENT TRANSPARENCY.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this title, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director of the Cybersecurity and Infrastructure Security Agency anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this title.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) UPDATING FISMA 2014.—Section 2 of the Federal Information Security Modernization Act of 2014 (Public Law 113–283; 128 Stat. 3073) is amended—

(A) by striking subsections (b) and (d); and

(B) by redesignating subsections (c), (e), and (f) as subsections (b), (c), and (d), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop, and as appropriate update, guidance, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this title.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this title; and

(ii) include requirements for the timeliness of data production.

(C) AUTOMATION.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promote, as feasible, the use of automation and machine-readable data for data sharing under section 3594(a) of title 44, United States Code, as added by this title.

(3) CONTRACTOR AND AWARDEE GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall issue guidance to agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this title.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying agencies of incidents involving information of the Federal Government.

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(13) to another agency, to the extent necessary, to assist the recipient agency in responding to an incident (as defined in section 3552 of title 44) or breach (as defined in section 3591 of title 44) or to fulfill the information sharing requirements under section 3594 of title 44.''.

SEC. 6006. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this title; and

(2) establishing a process for securely providing the status of each remedial action for high value assets under section 3554(b)(7) of title 44, United States Code, as amended by this Act, to the Director and the Director of the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action.

(b) COORDINATION.—The head of each agency shall coordinate with the inspector general of the agency, as applicable, to ensure consistent understanding of agency policies for the purpose of evaluations conducted by the inspector general.

SEC. 6007. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term ''reporting entity'' means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term ''sensitive information'' has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 1 year after the date of enactment of this Act, the Director shall develop, in consultation with the National Cyber Director, and issue guidance requiring the head of each agency to notify a reporting entity, and take into consideration the need to coordinate with Sector Risk Management Agencies (as defined in

section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650)), as appropriate, of an incident at the agency that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) any information system (as defined in section 3502 of title 44, United States Code) used in the transmission or storage of the sensitive information described in paragraph (1).

SEC. 6008. MOBILE SECURITY BRIEFINGS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall provide to the appropriate congressional committees—

(1) a briefing on the compliance of agencies with the No TikTok on Government Devices Act (44 U.S.C. 3553 note; Public Law 117–328); and

(2) as a component of the briefing required under paragraph (1), a list of each exception of an agency from the No TikTok on Government Devices Act (44 U.S.C. 3553 note; Public Law 117–328), which may include a classified annex.

(b) ADDITIONAL BRIEFING.—Not later than 1 year after the date of the briefing required under subsection (a)(1), the Director shall provide to the appropriate congressional committees—

(1) a briefing on the compliance of any agency that was not compliant with the No TikTok on Government Devices Act (44 U.S.C. 3553 note; Public Law 117–328) at the time of the briefing required under subsection (a)(1); and

(2) as a component of the briefing required under paragraph (1), an update to the list required under subsection (a)(2).

SEC. 6009. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) GUIDANCE.—Not later than 2 years after the date of enactment of this Act, the Director, in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, shall update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

(b) NATIONAL SECURITY SYSTEMS.—The Secretary of Defense shall issue guidance that meets or exceeds the standards required in guidance issued under subsection (a) for National Security Systems.

SEC. 6010. CISA AGENCY LIAISONS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency liaison to the Chief Information Security Officer of each agency.

(b) QUALIFICATIONS.—Each liaison assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each liaison assigned under subsection (a) shall include—

(1) providing, as requested, assistance and advice to the agency Chief Information Security Officer;

(2) supporting, as requested, incident response coordination between the assigned agency and the Cybersecurity and Infrastructure Security Agency;

(3) becoming familiar with assigned agency systems, processes, and procedures to better facilitate support to the agency; and

(4) other liaison duties to the assigned agency solely in furtherance of Federal cybersecurity or support to the assigned agency as a Sector Risk Management Agency, as assigned by the Director of the Cybersecurity and Infrastructure Security Agency in consultation with the head of the assigned agency.

(d) LIMITATION.—A liaison assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual liaison may be assigned to multiple agency Chief Information Security Officers under subsection (a).

(f) COORDINATION OF ACTIVITIES.—The Director of the Cybersecurity and Infrastructure Security Agency shall consult with the Director on the execution of the duties of the Cybersecurity and Infrastructure Security Agency liaisons to ensure that there is no inappropriate duplication of activities among—

(1) Federal cybersecurity support to agencies of the Office of Management and Budget; and

(2) the Cybersecurity and Infrastructure Security Agency liaison.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed impact the ability of the Director to support agency implementation of Federal cybersecurity requirements pursuant to subchapter II of chapter 35 of title 44, United States Code, as amended by this Act.

SEC. 6011. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

"§ 3559A. Federal penetration testing

''(a) GUIDANCE.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies that—

''(1) requires agencies to perform penetration testing on information systems, as appropriate, including on high value assets;

''(2) provides policies governing the development of—

''(A) rules of engagement for using penetration testing; and

''(B) procedures to use the results of penetration testing to improve the cybersecurity and risk management of the agency;

''(3) ensures that operational support or a shared service is available; and

''(4) in no manner restricts the authority of the Secretary of Homeland Security or the Director of the Cybersecurity and Infrastructure Agency to conduct threat hunting pursuant to section 3553 of title 44, United States Code, or penetration testing under this chapter.

''(b) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (a) shall not apply to national security systems.

''(c) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (a) shall be delegated to—

''(1) the Secretary of Defense in the case of a system described in section 3553(e)(2); and

''(2) the Director of National Intelligence in the case of a system described in section 3553(e)(3).''.

(b) EXISTING GUIDANCE.—

(1) IN GENERAL.—Compliance with guidance issued by the Director relating to penetration testing before the date of enactment of this Act shall be deemed to be compliance with section 3559A of title 44, United States Code, as added by this title.

(2) IMMEDIATE NEW GUIDANCE NOT REQUIRED.—Nothing in section 3559A of title 44, United States Code, as added by this title, shall be construed to require the Director to issue new guidance to agencies relating to penetration testing before the date described in paragraph (3).

(3) GUIDANCE UPDATES.—Notwithstanding paragraphs (1) and (2), not later than 2 years after the date of enactment of this Act, the Director shall review and, as appropriate, update existing guidance requiring penetration testing by agencies.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

''3559A. Federal penetration testing.''.

(d) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by this title, is further amended by inserting after paragraph (8) the following:

''(9) performing penetration testing that may leverage manual expert analysis to identify threats and vulnerabilities within information systems—

''(A) without consent or authorization from agencies; and

''(B) with prior notification to the head of the agency;''.

SEC. 6012. VULNERABILITY DISCLOSURE POLICIES.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by this title, the following:

"§ 3559B. Federal vulnerability disclosure policies

''(a) PURPOSE; SENSE OF CONGRESS.—

''(1) PURPOSE.—The purpose of Federal vulnerability disclosure policies is to create a mechanism to enable the public to inform agencies of vulnerabilities in Federal information systems.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing the requirements of this section, the Federal Government should take appropriate steps to reduce real and perceived burdens in communications between agencies and security researchers.

''(b) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' has the meaning given the term in section 3591.

''(2) INTERNET OF THINGS.—The term 'internet of things' has the meaning given the term in Special Publication 800–213 of the National Institute of Standards and Technology, entitled 'IoT Device Cybersecurity Guidance for the Federal Government: Establishing IoT Device Cybersecurity Requirements', or any successor document.

''(3) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

''(4) SUBMITTER.—The term 'submitter' means an individual that submits a vulnerability disclosure report pursuant to the vulnerability disclosure process of an agency.

''(5) VULNERABILITY DISCLOSURE REPORT.—The term 'vulnerability disclosure report' means a disclosure of a security vulnerability made to an agency by a submitter.

''(c) GUIDANCE.—The Director shall issue guidance to agencies that includes—

''(1) use of the information system security vulnerabilities disclosure process guidelines established under section 4(a)(1) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3b(a)(1));

''(2) direction to not recommend or pursue legal action against a submitter or an individual that conducts a security research activity that—

''(A) represents a good faith effort to identify and report security vulnerabilities in information systems; or

''(B) otherwise represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (f)(2);

''(3) direction on sharing relevant information in a consistent, automated, and machine readable manner with the Director of the Cybersecurity and Infrastructure Security Agency;

''(4) the minimum scope of agency systems required to be covered by the vulnerability disclosure policy of an agency required under subsection (f)(2), including exemptions under subsection (g);

''(5) requirements for providing information to the submitter of a vulnerability disclosure report on the resolution of the vulnerability disclosure report;

''(6) a stipulation that the mere identification by a submitter of a security vulnerability, without a significant compromise of confidentiality, integrity, or availability, does not constitute a major incident; and

''(7) the applicability of the guidance to Internet of things devices owned or controlled by an agency.

''(d) CONSULTATION.—In developing the guidance required under subsection (c)(3), the Director shall consult with the Director of the Cybersecurity and Infrastructure Security Agency.

''(e) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) provide support to agencies with respect to the implementation of the requirements of this section;

''(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section;

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified security vulnerabilities in vendor products and services; and

''(4) as appropriate, implement the requirements of this section, in accordance with the authority under section 3553(b)(8), as a shared service available to agencies.

''(f) RESPONSIBILITIES OF AGENCIES.—

''(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system and to the extent consistent with the security of information systems but with the presumption of disclosure—

''(A) an appropriate security contact; and

''(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

''(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

''(A) describe—

''(i) the scope of the systems of the agency included in the vulnerability disclosure policy, including for Internet of things devices owned or controlled by the agency;

''(ii) the type of information system testing that is authorized by the agency;

''(iii) the type of information system testing that is not authorized by the agency;

''(iv) the disclosure policy for a contractor; and

''(v) the disclosure policy of the agency for sensitive information;

''(B) with respect to a vulnerability disclosure report to an agency, describe—

''(i) how the submitter should submit the vulnerability disclosure report; and

''(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

''(C) include any other relevant information; and

''(D) be mature in scope and cover every internet accessible information system used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED SECURITY VULNERABILITIES.—The head of each agency shall—

''(A) consider security vulnerabilities reported in accordance with paragraph (2);

''(B) commensurate with the risk posed by the security vulnerability, address such security vulnerability using the security vulnerability management process of the agency; and

''(C) in accordance with subsection (c)(5), provide information to the submitter of a vulnerability disclosure report.

''(g) EXEMPTIONS.—

''(1) IN GENERAL.—The Director and the head of each agency shall carry out this section in a manner consistent with the protection of national security information.

''(2) LIMITATION.—The Director and the head of each agency may not publish under subsection (f)(1) or include in a vulnerability disclosure policy under subsection (f)(2) host names, services, information systems, or other information that the Director or the head of an agency, in coordination with the Director and other appropriate heads of agencies, determines would—

''(A) disrupt a law enforcement investigation;

''(B) endanger national security or intelligence activities; or

''(C) impede national defense activities or military operations.

''(3) NATIONAL SECURITY SYSTEMS.—This section shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).

''(i) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised as necessary to implement the provisions under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by this title, the following:

''3559B. Federal vulnerability disclosure policies.''.

(c) CONFORMING UPDATE AND REPEAL.—

(1) GUIDELINES ON THE DISCLOSURE PROCESS FOR SECURITY VULNERABILITIES RELATING TO INFORMATION SYSTEMS, INCLUDING INTERNET OF THINGS DEVICES.—Section 5 of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c) is amended by striking subsections (d) and (e).

(2) IMPLEMENTATION AND CONTRACTOR COMPLIANCE.—The IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a et seq.) is amended—

(A) by striking section 6 (15 U.S.C. 278g–3d); and

(B) by striking section 7 (15 U.S.C. 278g–3e).

SEC. 6013. IMPLEMENTING ZERO TRUST ARCHITECTURE.

(a) BRIEFINGS.—Not later than 1 year after the date of enactment of this Act, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Accountability and Homeland Security of the House of Representatives a briefing on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from trusted networks to implement security controls based on a presumption of compromise, including through the transition to zero trust architecture;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems as quickly as practicable, accounting for intelligence or law enforcement purposes; and

(6) otherwise increasing the resource costs for entities that cause incidents to be successful.

(b) PROGRESS REPORT.—As a part of each report required to be submitted under section 3553(c) of title 44, United States Code, during the period beginning on the date that is 4 years after the date of enactment of this Act and ending on the date that is 10 years after the date of enactment of this Act, the Director shall include an update on agency implementation of zero trust architecture, which shall include—

(1) a description of steps agencies have completed, including progress toward achieving any requirements issued by the Director, including the adoption of any models or reference architecture;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

(c) CLASSIFIED ANNEX.—Each update required under subsection (b) may include 1 or more annexes that contain classified or other sensitive information, as appropriate.

(d) NATIONAL SECURITY SYSTEMS.—

(1) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Accountability of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a briefing on the implementation of zero trust architecture with respect to national security systems.

(2) PROGRESS REPORT.—Not later than the date on which each update is required to be submitted under subsection (b), the Secretary of Defense shall submit to the congressional committees described in paragraph (1) a progress report on the implementation of zero trust architecture with respect to national security systems.

SEC. 6014. AUTOMATION AND ARTIFICIAL INTELLIGENCE.

(a) DEFINITION.—In this section, the term ''information system'' has the meaning given the term in section 3502 of title 44, United States Code.

(b) USE OF ARTIFICIAL INTELLIGENCE.—

(1) IN GENERAL.—As appropriate, the Director shall issue guidance on the use of artificial intelligence by agencies to improve the cybersecurity of information systems.

(2) CONSIDERATIONS.—The Director and head of each agency shall consider the use and capabilities of artificial intelligence systems wherever automation is used in furtherance of the cybersecurity of information systems.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the date that is 5 years after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of artificial intelligence to further the cybersecurity of information systems.

(c) COMPTROLLER GENERAL REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the privacy of individuals and the cybersecurity of information systems associated with the use by Federal agencies of artificial intelligence systems or capabilities.

(2) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall perform a study, and submit to the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate and the Committees on Oversight and Accountability, Homeland Security, and Science, Space, and Technology of the House of Representatives a report, on the use of automation, including artificial intelligence, and machine-readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes employed by agencies under paragraphs (1), (5)(C), and (8)(B) of section 3554(b) of title 44, United States Code, as amended by this title.

SEC. 6015. EXTENSION OF CHIEF DATA OFFICER COUNCIL.

Section 3520A(e)(2) of title 44, United States Code, is amended by striking ''upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress'' and inserting ''December 31, 2031''.

SEC. 6016. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 424(e) of title 5, United States Code, is amended—

(1) in paragraph (2)—

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

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

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

''(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44; and''; and

(2) by adding at the end the following:

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the publication of information that is exempted from disclosure under section 552 of this title.''.

SEC. 6017. SECURITY OPERATIONS CENTER SHARED SERVICE.

(a) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Accountability of the House of Representatives a briefing on—

(1) existing security operations center shared services;

(2) the capability for such shared service to offer centralized and simultaneous support to multiple agencies;

(3) the capability for such shared service to integrate with or support agency threat hunting activities authorized under section 3553 of title 44, United States Code, as amended by this title;

(4) the capability for such shared service to integrate with or support Federal vulnerability management activities; and

(5) future plans for expansion and maturation of such shared service.

(b) GAO REPORT.—Not less than 540 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on Federal cybersecurity security operations centers that—

(1) identifies Federal agency best practices for efficiency and effectiveness;

(2) identifies non-Federal best practices used by large entity operations centers and entities providing operation centers as a service; and

(3) includes recommendations for the Cybersecurity and Infrastructure Security Agency and any other relevant agency to improve the efficiency and effectiveness of security operations centers shared service offerings.

SEC. 6018. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) CODIFYING FEDERAL CYBERSECURITY REQUIREMENTS IN TITLE 44.—

(1) AMENDMENT TO FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—Section 225 of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523) is amended by striking subsections (b) and (c).

(2) TITLE 44.—Section 3554 of title 44, United States Code, as amended by this title, is further amended by adding at the end the following:

''(f) SPECIFIC CYBERSECURITY REQUIREMENTS AT AGENCIES.—

''(1) IN GENERAL.—Consistent with policies, standards, guidelines, and directives on information security under this subchapter, and except as provided under paragraph (3), the head of each agency shall—

''(A) identify sensitive and mission critical data stored by the agency consistent with the inventory required under section 3505(c);

''(B) assess access controls to the data described in subparagraph (A), the need for readily accessible storage of the data, and the need of individuals to access the data;

''(C) encrypt or otherwise render indecipherable to unauthorized users the data described in subparagraph (A) that is stored on or transiting agency information systems;

''(D) implement a single sign-on trusted identity platform for individuals accessing each public website of the agency that requires user authentication, as developed by the Administrator of General Services in collaboration with the Secretary; and

''(E) implement identity management consistent with section 504 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7464), including multi-factor authentication, for—

''(i) remote access to a information system; and

''(ii) each user account with elevated privileges on a information system.

''(2) PROHIBITION.—

''(A) DEFINITION.—In this paragraph, the term 'Internet of things' has the meaning given the term in section 3559B.

''(B) PROHIBITION.—Consistent with policies, standards, guidelines, and directives on information security under this subchapter, and except as provided under paragraph (3), the head of an agency may not procure, obtain, renew a contract to procure or obtain in any amount, notwithstanding section 1905 of title 41, United States Code, or use an Internet of things device if the Chief Information Officer of the agency determines during a review required under section 11319(b)(1)(C) of title 40 of a contract for an Internet of things device that the use of the device prevents compliance with the standards and guidelines developed under section 4 of the IoT Cybersecurity Improvement Act (15 U.S.C. 278g–3b) with respect to the device.

''(3) EXCEPTION.—The requirements under paragraph (1) shall not apply to a information system for which—

''(A) the head of the agency, without delegation, has certified to the Director with particularity that—

''(i) operational requirements articulated in the certification and related to the information system would make it excessively burdensome to implement the cybersecurity requirement;

''(ii) the cybersecurity requirement is not necessary to secure the information system or agency information stored on or transiting it; and

''(iii) the agency has taken all necessary steps to secure the information system and agency information stored on or transiting it; and

''(B) the head of the agency has submitted the certification described in subparagraph (A) to the appropriate congressional committees and the authorizing committees of the agency.

''(4) DURATION OF CERTIFICATION.—

''(A) IN GENERAL.—A certification and corresponding exemption of an agency under paragraph (3) shall expire on the date that is 4 years after the date on which the head of the agency submits the certification under paragraph (3)(A).

''(B) RENEWAL.—Upon the expiration of a certification of an agency under paragraph (3), the head of the agency may submit an additional certification in accordance with that paragraph.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

''(A) to alter the authority of the Secretary, the Director, or the Director of the National Institute of Standards and Technology in implementing subchapter II of this title;

''(B) to affect the standards or process of the National Institute of Standards and Technology;

''(C) to affect the requirement under section 3553(a)(4); or

''(D) to discourage continued improvements and advancements in the technology, standards, policies, and guidelines used to promote Federal information security.

''(g) EXCEPTION.—

''(1) REQUIREMENTS.—The requirements under subsection (f)(1) shall not apply to—

''(A) the Department of Defense;

''(B) a national security system; or

''(C) an element of the intelligence community.

''(2) PROHIBITION.—The prohibition under subsection (f)(2) shall not apply to—

''(A) Internet of things devices that are or comprise a national security system;

''(B) national security systems; or

''(C) a procured Internet of things device described in subsection (f)(2)(B) that the Chief Information Officer of an agency determines is—

''(i) necessary for research purposes; or

''(ii) secured using alternative and effective methods appropriate to the function of the Internet of things device.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by this title, is further amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to any exemption from the requirements of subsection (f)(3) that is effective on the date of submission of the report, the number of information systems that have received an exemption from those requirements.''.

(c) DURATION OF CERTIFICATION EFFECTIVE DATE.—Paragraph (3) of section 3554(f) of title 44, United States Code, as added by this title, shall take effect on the date that is 1 year after the date of enactment of this Act.

(d) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015 UPDATE.—Section 222(3)(B) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521(3)(B)) is amended by inserting ''and the Committee on Oversight and Accountability'' before ''of the House of Representatives.''

SEC. 6019. FEDERAL CHIEF INFORMATION SECURITY OFFICER.

(a) AMENDMENT.—Chapter 36 of title 44, United States Code, is amended by adding at the end the following:

''§ 3617. Federal chief information security officer

''(a) ESTABLISHMENT.—There is established a Federal Chief Information Security Officer, who shall serve in—

''(1) the Office of the Federal Chief Information Officer of the Office of Management and Budget; and

''(2) the Office of the National Cyber Director.

''(b) APPOINTMENT.—The Federal Chief Information Security Officer shall be appointed by the President.

''(c) OMB DUTIES.—The Federal Chief Information Security Officer shall report to the Federal Chief Information Officer and assist the Federal Chief Information Officer in carrying out—

''(1) every function under this chapter;

''(2) every function assigned to the Director under title II of the E–Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347);

''(3) other electronic government initiatives consistent with other statutes; and

''(4) other Federal cybersecurity initiatives determined by the Federal Chief Information Officer.

''(d) ADDITIONAL DUTIES.—The Federal Chief Information Security Officer shall—

''(1) support the Federal Chief Information Officer in overseeing and implementing Federal cybersecurity under the E–Government Act of 2002 (Public Law 107–347; 116 Stat. 2899) and other relevant statutes in a manner consistent with law; and

''(2) perform every function assigned to the Director under sections 1321 through 1328 of title 41, United States Code.

''(e) COORDINATION WITH ONCD.—The Federal Chief Information Security Officer shall support initiatives determined by the Federal Chief Information Officer necessary to coordinate with the Office of the National Cyber Director.''.

(b) NATIONAL CYBER DIRECTOR DUTIES.—Section 1752 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500) is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) SENIOR FEDERAL CYBERSECURITY OFFICER.—The Federal Chief Information Security Officer appointed by the President under section 3617 of title 44, United States Code, shall be a senior official within the Office and carry out duties applicable to the protection of information technology (as defined in section 11101 of title 40, United States Code), including initiatives determined by the Director necessary to coordinate with the Office of the Federal Chief Information Officer.''.

(c) TREATMENT OF INCUMBENT.—The individual serving as the Federal Chief Information Security Officer appointed by the President as of the date of the enactment of this Act may serve as the Federal Chief Information Security Officer under section 3617 of title 44, United States Code, as added by this title, beginning on the date of enactment of this Act, without need for a further or additional appointment under such section.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 36 of title 44, United States Code, is amended by adding at the end the following:

''Sec. 3617. Federal chief information security officer''.

SEC. 6020. RENAMING OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 3601 of title 44, United States Code, is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

(2) CONFORMING AMENDMENTS.—

(A) TITLE 10.—Section 2222(i)(6) of title 10, United States Code, is amended by striking ''section 3601(4)'' and inserting ''section 3601''.

(B) NATIONAL SECURITY ACT OF 1947.—Section 506D(k)(1) of the National Security Act of 1947 (50 U.S.C. 3100(k)(1)) is amended by striking ''section 3601(4)'' and inserting ''section 3601''.

(b) OFFICE OF ELECTRONIC GOVERNMENT.—Section 3602 of title 44, United States Code, is amended—

(1) in the heading, by striking ''**OFFICE OF ELECTRONIC GOVERNMENT**'' and inserting ''**OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER**'';

(2) in subsection (a), by striking ''Office of Electronic Government'' and inserting ''Office of the Federal Chief Information Officer'';

(3) in subsection (b), by striking ''an Administrator'' and inserting ''a Federal Chief Information Officer'';

(4) in subsection (c), in the matter preceding paragraph (1), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(5) in subsection (d), in the matter preceding paragraph (1), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(6) in subsection (e), in the matter preceding paragraph (1), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(7) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(B) in paragraph (16), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''; and

(8) in subsection (g), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''.

(c) CHIEF INFORMATION OFFICERS COUNCIL.—Section 3603 of title 44, United States Code, is amended—

(1) in subsection (b)(2), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer'';

(2) in subsection (c)(1), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer''; and

(3) in subsection (f)—

(A) in paragraph (3), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(B) in paragraph (5), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(d) E-GOVERNMENT FUND.—Section 3604 of title 44, United States Code, is amended—

(1) in subsection (a)(2), by striking ''the Administrator of the Office of Electronic Government'' and inserting ''the Federal Chief Information Officer'';

(2) in subsection (b), by striking ''Administrator'' each place it appears and inserting ''Federal Chief Information Officer''; and

(3) in subsection (c), in the matter preceding paragraph (1), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(e) PROGRAM TO ENCOURAGE INNOVATIVE SOLUTIONS TO ENHANCE ELECTRONIC GOVERNMENT SERVICES AND PROCESSES.—Section 3605 of title 44, United States Code, is amended—

(1) in subsection (a), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(2) in subsection (b), by striking '', the Administrator,'' and inserting '', the Federal Chief Information Officer,''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer''; and

(ii) by striking ''proposals submitted to the Administrator'' and inserting ''proposals submitted to the Federal Chief Information Officer'';

(B) in paragraph (2)(B), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(C) in paragraph (4), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(f) E-GOVERNMENT REPORT.—Section 3606 of title 44, United States Code, is amended in the section heading by striking ''**E-Government**'' and inserting ''**Annual**''.

(g) TREATMENT OF INCUMBENT.—The individual serving as the Administrator of the Office of Electronic Government under section 3602 of title 44, United States Code, as of the date of the enactment of this Act, may continue to serve as the Federal Chief Information Officer commencing as of that date, without need for a further or additional appointment under such section.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 36 of title 44, United States Code, is amended—

(1) by striking the item relating to section 3602 and inserting the following:

''3602. Office of the Federal Chief Information Officer.''; and

(2) in the item relating to section 3606, by striking ''E–Government'' and inserting ''Annual''.

(i) REFERENCES.—

(1) ADMINISTRATOR.—Any reference to the Administrator of the Office of Electronic Government in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Federal Chief Information Officer.

(2) OFFICE OF ELECTRONIC GOVERNMENT.—Any reference to the Office of Electronic Government in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Office of the Federal Chief Information Officer.

SEC. 6021. RULES OF CONSTRUCTION.

(a) AGENCY ACTIONS.—Nothing in this title, or an amendment made by this title, shall be construed to authorize the head of an agency to take an action that is not authorized by this title, an amendment made by this title, or existing law.

(b) PROTECTION OF RIGHTS.—Nothing in this title, or an amendment made by this title, shall be construed to permit the violation of the rights of any individual protected by the

Constitution of the United States, including through censorship of speech protected by the Constitution of the United States or unauthorized surveillance.

TITLE LXI—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

Subtitle A—National Risk Management Cycle

SEC. 6101. SHORT TITLE.

This subtitle may be cited as the ''National Risk Management Act of 2023''.

SEC. 6102. NATIONAL RISK MANAGEMENT CYCLE.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 2220F. NATIONAL RISK MANAGEMENT CYCLE.

''(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term 'national critical functions' means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

''(b) NATIONAL RISK MANAGEMENT CYCLE.—

''(1) RISK IDENTIFICATION AND ASSESSMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify and assess risks to critical infrastructure, considering both cyber and physical threats and the associated likelihoods, vulnerabilities, and consequences.

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult—

''(i) Sector Risk Management Agencies;

''(ii) critical infrastructure owners and operators;

''(iii) the Assistant to the President for National Security Affairs;

''(iv) the Assistant to the President for Homeland Security; and

''(v) the National Cyber Director.

''(C) PROCESS ELEMENTS.—The process established under subparagraph (A) shall include elements to—

''(i) collect relevant information, collected pursuant to section 2218, from Sector Risk Management Agencies relating to the threats, vulnerabilities, and consequences related to the particular sectors of those Sector Risk Management Agencies;

''(ii) allow critical infrastructure owners and operators to submit relevant information to the Secretary for consideration; and

''(iii) outline how the Secretary will solicit input from other Federal departments and agencies.

''(D) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

''(E) REPORT.—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A)—

''(i) not later than 1 year after the date of enactment of this section; and

''(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a(b)(2)).

''(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

''(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

''(i) prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

''(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

''(iii) identify and outline current and proposed national-level actions, programs, and efforts, including resource requirements, to be taken to address the risks identified;

''(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

''(v) request any additional authorities necessary to successfully execute the strategy.

''(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

''(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers the first strategy required under paragraph (2)(A), and each year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

''(A) the national risk management cycle activities undertaken pursuant to the strategy delivered under paragraph (2)(A); and

''(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy delivered under paragraph (2)(A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2220E the following:

''Sec. 2220F. National risk management cycle.''.

Subtitle B—Securing Open Source Software Act of 2023

SEC. 6111. SHORT TITLE.

This subtitle may be cited as the ''Securing Open Source Software Act of 2023''.

SEC. 6112. FINDINGS.

Congress finds that—

(1) open source software fosters technology development and is an integral part of overall cybersecurity;

(2) a secure, healthy, vibrant, and resilient open source software ecosystem is crucial for ensuring the national security and economic vitality of the United States;

(3) open source software is part of the foundation of digital infrastructure that promotes a free and open internet;

(4) due to both the unique strengths of open source software and inconsistent historical investment in open source software security, there exist unique challenges in securing open source software; and

(5) the Federal Government should play a supporting role in ensuring the long-term security of open source software.

SEC. 6113. OPEN SOURCE SOFTWARE SECURITY DUTIES.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 650 et seq.), as amended by section 6102(a), is amended—

(1) in section 2200 (6 U.S.C. 650)—

(A) by redesignating paragraphs (22) through (28) as paragraphs (25) through (31), respectively; and

(B) by inserting after paragraph (21) the following:

''(22) OPEN SOURCE SOFTWARE.—The term 'open source software' means software for which the human-readable source code is made available to the public for use, study, re-use, modification, enhancement, and redistribution.

''(23) OPEN SOURCE SOFTWARE COMMUNITY.—The term 'open source software community' means the community of individuals, foundations, nonprofit organizations, corporations, and other entities that—

''(A) develop, contribute to, maintain, and publish open source software; or

''(B) otherwise work to ensure the security of the open source software ecosystem.

''(24) OPEN SOURCE SOFTWARE COMPONENT.—The term 'open source software component' means an individual repository of open source software that is made available to the public.'';

(2) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (13), by striking ''and'' at the end;

(B) by redesignating paragraph (14) as paragraph (17); and

(C) by inserting after paragraph (13) the following:

''(14) support, including by offering services, the secure usage and deployment of software, including open source software, in the software development lifecycle at Federal agencies in accordance with section 2220G;''; and

(3) by adding at the end the following:

''SEC. 2220G. OPEN SOURCE SOFTWARE SECURITY DUTIES.

''(a) DEFINITION.—In this section, the term 'software bill of materials' has the meaning given the term in the Minimum Elements for a Software Bill of Materials published by the Department of Commerce, or any superseding definition published by the Agency.

''(b) EMPLOYMENT.—The Director shall, to the greatest extent practicable, employ individuals in the Agency who—

''(1) have expertise and experience participating in the open source software community; and

''(2) perform the duties described in subsection (c).

''(c) DUTIES OF THE DIRECTOR.—

''(1) IN GENERAL.—The Director shall—

''(A) perform outreach and engagement to bolster the security of open source software;

''(B) support Federal efforts to strengthen the security of open source software;

''(C) coordinate, as appropriate, with non-Federal entities on efforts to ensure the long-term security of open source software;

''(D) serve as a public point of contact regarding the security of open source software for non-Federal entities, including State, local, Tribal, and territorial partners, the private sector, international partners, and the open source software community; and

''(E) support Federal and non-Federal supply chain security efforts by encouraging efforts to bolster open source software security, such as—

''(i) assisting in coordinated vulnerability disclosures in open source software components pursuant to section 2209(n); and

''(ii) supporting the activities of the Federal Acquisition Security Council.

''(2) ASSESSMENT OF CRITICAL OPEN SOURCE SOFTWARE COMPONENTS.—

''(A) FRAMEWORK.—Not later than 1 year after the date of enactment of this section, the Director shall publicly publish a framework, incorporating government, industry, and open source software community frameworks and best practices, including those published by the National Institute of Standards and Technology, for assessing the risk of open source software components, including direct and indirect open source software dependencies, which shall incorporate, at a minimum—

''(i) the security properties of code in a given open source software component, such as whether the code is written in a memory-safe programming language;

''(ii) the security practices of development, build, and release processes of a given open source software component, such as the use of multi-factor authentication by maintainers and cryptographic signing of releases;

''(iii) the number and severity of publicly known, unpatched vulnerabilities in a given open source software component;

''(iv) the breadth of deployment of a given open source software component;

''(v) the level of risk associated with where a given open source software component is integrated or deployed, such as whether the component operates on a network boundary or in a privileged location; and

''(vi) the health of the open source software community for a given open source software component, including, where applicable, the level of current and historical investment and maintenance in the open source software component, such as the number and activity of individual maintainers.

''(B) UPDATING FRAMEWORK.—Not less frequently than annually after the date on which the framework is published under subparagraph (A), the Director shall—

''(i) determine whether updates are needed to the framework described in subparagraph (A), including the augmentation, addition, or removal of the elements described in clauses (i) through (vi) of such subparagraph; and

''(ii) if the Director determines that additional updates are needed under clause (i), make those updates to the framework.

''(C) DEVELOPING FRAMEWORK.—In developing the framework described in subparagraph (A), the Director shall consult with—

''(i) appropriate Federal agencies, including the National Institute of Standards and Technology;

''(ii) individuals and nonprofit organizations from the open source software community; and

''(iii) private companies from the open source software community.

''(D) USABILITY.—The Director shall ensure, to the greatest extent practicable, that the framework described in subparagraph (A) is usable by the open source software community, including through the consultation described in subparagraph (C).

''(E) FEDERAL OPEN SOURCE SOFTWARE ASSESSMENT.—Not later than 1 year after the publication of the framework described in subparagraph (A), and not less frequently than every 2 years thereafter, the Director shall, to the greatest extent practicable and using the framework described in subparagraph (A)—

''(i) perform an assessment of open source software components used directly or indirectly by Federal agencies based on readily available, and, to the greatest extent practicable, machine readable, information, such as—

''(I) software bills of materials that are, at the time of the assessment, made available to the Agency or are otherwise accessible via the internet;

''(II) software inventories, available to the Director at the time of the assessment, from the Continuous Diagnostics and Mitigation program of the Agency; and

''(III) other publicly available information regarding open source software components; and

''(ii) develop 1 or more ranked lists of components described in clause (i) based on the assessment, such as ranked by the criticality, level of risk, or usage of the components, or a combination thereof.

''(F) AUTOMATION.—The Director shall, to the greatest extent practicable, automate the assessment conducted under subparagraph (E).

''(G) PUBLICATION.—The Director shall publicly publish and maintain any tools developed to conduct the assessment described in subparagraph (E) as open source software.

''(H) SHARING.—

''(i) RESULTS.—The Director shall facilitate the sharing of the results of each assessment described in subparagraph (E)(i) with appropriate Federal and non-Federal entities working to support the security of open source software, including by offering means for appropriate Federal and non-Federal entities to download the assessment in an automated manner.

''(ii) DATASETS.—The Director may publicly publish, as appropriate, any datasets or versions of the datasets developed or consolidated as a result of an assessment described in subparagraph (E)(i).

''(I) CRITICAL INFRASTRUCTURE ASSESSMENT STUDY AND PILOT.—

''(i) STUDY.—Not later than 2 years after the publication of the framework described in subparagraph (A), the Director shall conduct a study regarding the feasibility of the Director conducting the assessment described in subparagraph (E) for critical infrastructure entities.

''(ii) PILOT.—

''(I) IN GENERAL.—If the Director determines that the assessment described in clause (i) is feasible, the Director may conduct a pilot assessment on a voluntary basis with 1 or more critical infrastructure sectors, in coordination with the Sector Risk Management Agency and the sector coordinating council of each participating sector.

''(II) TERMINATION.—If the Director proceeds with the pilot described in subclause (I), the pilot shall terminate on the date that is 2 years after the date on which the Director begins the pilot.

''(iii) REPORTS.—

''(I) STUDY.—Not later than 180 days after the date on which the Director completes the study conducted under clause (i), the Director shall submit to the appropriate congressional committees a report that—

''(aa) summarizes the study; and

''(bb) states whether the Director plans to proceed with the pilot described in clause (ii)(I).

''(II) PILOT.—If the Director proceeds with the pilot described in clause (ii), not later than 1 year after the date on which the Director begins the pilot, the Director shall submit to the appropriate congressional committees a report that includes—

''(aa) a summary of the results of the pilot; and

''(bb) a recommendation as to whether the activities carried out under the pilot should be continued after the termination of the pilot described in clause (ii)(II).

''(3) COORDINATION WITH NATIONAL CYBER DIRECTOR.—The Director shall—

''(A) brief the National Cyber Director on the activities described in this subsection; and

''(B) coordinate activities with the National Cyber Director, as appropriate.

''(4) REPORTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and every 2 years thereafter, the Director shall submit to the appropriate congressional committees a report that includes—

''(i) a summary of the work on open source software security performed by the Director during the period covered by the report, including a list of the Federal and non-Federal entities with which the Director interfaced;

''(ii) the framework developed under paragraph (2)(A);

''(iii) a summary of any updates made to the framework developed under paragraph (2)(A) pursuant to paragraph (2)(B) since the last report submitted under this subparagraph;

''(iv) a summary of each assessment conducted pursuant to paragraph (2)(E) since the last report was submitted under this subparagraph;

''(v) a summary of changes made to the assessment conducted pursuant to paragraph (2)(E) since the last report submitted under this subparagraph, including overall security trends; and

''(vi) a summary of the types of entities with which an assessment conducted pursuant to paragraph (2)(E) since the last reported submitted under this subparagraph was shared pursuant to paragraph (2)(H), including a list of the Federal and non-Federal entities with which the assessment was shared.

''(B) PUBLIC REPORT.—Not later than 30 days after the date on which the Director submits a report required under subparagraph (A), the Director shall make a version of the report publicly available on the website of the Agency.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 6102(b), is amended by inserting after the item relating to section 2220F the following:

''Sec. 2220G. Open source software security duties.''.

SEC. 6114. SOFTWARE SECURITY ADVISORY SUBCOMMITTEE.

Section 2219(d)(1) of the Homeland Security Act of 2002 (6 U.S.C. 665e(d)(1)) is amended by adding at the end the following:

''(E) Software security, including open source software security.''.

SEC. 6115. OPEN SOURCE SOFTWARE GUIDANCE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) COVERED AGENCY.—The term ''covered agency'' means an agency described in section 901(b) of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552 of title 44, United States Code.

(5) OPEN SOURCE SOFTWARE; OPEN SOURCE SOFTWARE COMMUNITY.—The terms ''open source software'' and ''open source software community'' have the meanings given those terms in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650), as amended by section 6113.

(b) GUIDANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the National Cyber

Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall issue guidance on the responsibilities of the chief information officer at each covered agency regarding open source software, which shall include—

(A) how chief information officers at each covered agency should, considering industry and open source software community best practices—

(i) manage and reduce risks of using open source software; and

(ii) guide contributing to and releasing open source software;

(B) how chief information officers should enable, rather than inhibit, the secure usage of open source software at each covered agency;

(C) any relevant updates to the Memorandum M–16–21 issued by the Office of Management and Budget on August 8, 2016, entitled, ''Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software''; and

(D) how covered agencies may contribute publicly to open source software that the covered agency uses, including how chief information officers should encourage those contributions.

(2) EXEMPTION OF NATIONAL SECURITY SYSTEMS.—The guidance issued under paragraph (1) shall not apply to national security systems.

(c) PILOT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the chief information officer of each covered agency selected under paragraph (2), in coordination with the Director, the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall establish a pilot open source function at the covered agency that—

(A) is modeled after open source program offices, such as those in the private sector, the nonprofit sector, academia, and other non-Federal entities; and

(B) shall—

(i) support the secure usage of open source software at the covered agency;

(ii) develop policies and processes for contributions to and releases of open source software at the covered agency, in consultation, as appropriate, with the offices of general counsel and procurement of the covered agency;

(iii) interface with the open source software community; and

(iv) manage and reduce risks of using open source software at the covered agency.

(2) SELECTION OF PILOT AGENCIES.—The Director, in coordination with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall select not less than 1 and not more than 5 covered agencies to conduct the pilot described in paragraph (1).

(3) ASSESSMENT.—Not later than 1 year after the establishment of the pilot open source functions described in paragraph (1), the Director, in coordination with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall assess whether open source functions should be established at some or all covered agencies, including—

(A) how to organize those functions within covered agencies, such as the creation of open source program offices; and

(B) appropriate roles and responsibilities for those functions.

(4) GUIDANCE.—Notwithstanding the termination of the pilot open source functions under paragraph (5), if the Director determines, based on the assessment described in paragraph (3), that some or all of the open source functions should be established at some or all covered agencies, the Director, in coordination with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator of General Services, shall issue guidance on the implementation of those functions.

(5) TERMINATION.—The pilot open source functions described in paragraph (1) shall terminate not later than 4 years after the establishment of the pilot open source functions.

(d) BRIEFING AND REPORT.—The Director shall—

(1) not later than 1 year after the date of enactment of this Act, brief the appropriate congressional committees on the guidance issued under subsection (b); and

(2) not later than 540 days after the establishment of the pilot open source functions under subsection (c)(1), submit to the appropriate congressional committees a report on—

(A) the pilot open source functions; and

(B) the results of the assessment conducted under subsection (c)(3).

(e) DUTIES.—Section 3554(b) of title 44, United States Code, as amended by section 5103, is amended by inserting after paragraph (7) the following:

''(8) plans and procedures to ensure the secure usage and development of software, including open source software (as defined in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650));''.

SEC. 6116. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to provide any additional regulatory authority to any Federal agency described therein.

Subtitle C—Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023

SEC. 6121. SHORT TITLE.

This subtitle may be cited as the ''Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023''.

CHAPTER 1—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 6122. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) HOMELAND SECURITY ACT OF 2002.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.) is amended—

(1) in section 1901 (6 U.S.C. 591)—

(A) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) matters and strategies pertaining to—

''(A) weapons of mass destruction; and

''(B) non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats;

''(2) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats; and

''(3) enhancing the ability of Federal, State, local, and Tribal partners to prevent, detect, protect against, and mitigate the impacts of terrorist attacks in the United States to counter—

''(A) weapons of mass destruction; and

''(B) non-medical aspects of use of unauthorized chemical, biological, radiological, and nuclear materials, devices, or agents and other related emerging threats.''; and

(B) by striking subsection (e);

(2) by amending section 1921 (6 U.S.C. 591g) to read as follows:

''SEC. 1921. MISSION OF THE OFFICE.

''The Office shall be responsible for—

''(1) coordinating the efforts of the Department and with other Federal departments and agencies to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) enhancing the ability of Federal, State, local, and Tribal partners to prevent, detect, protect against, and mitigate the impacts of attacks using—

''(A) weapons of mass destruction against the United States; or

''(B) unauthorized chemical, biological, radiological, nuclear materials, devices, or agents or other related emerging threats against the United States.'';

(3) in section 1922 (6 U.S.C. 591h)—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(4) in section 1923 (6 U.S.C. 592)—

(A) by redesignating subsections (a) and (b) as subsections (b) and (d), respectively;

(B) by inserting before subsection (b), as so redesignated, the following:

''(a) OFFICE RESPONSIBILITIES.—

''(1) IN GENERAL.—For the purposes of coordinating the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) provide expertise and guidance to Department leadership and components on nonmedical aspects of chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G);

''(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;

''(C) identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(D) in coordination with the Office of Intelligence and Analysis, support components of the Department, and Federal, State, local, and Tribal partners by providing intelligence and information analysis and reports on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(E) in consultation with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(F) lead development and prioritization of Department requirements to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G), which requirements shall be—

''(i) developed in coordination with end users; and

''(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

''(G) in coordination with the Science and Technology Directorate, direct, fund, and coordinate capability development activities to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats research, development, test, and evaluation matters, including research, development, testing,

and evaluation expertise, threat characterization, technology maturation, prototyping, and technology transition;

''(H) acquire, procure, and deploy capabilities to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

''(I) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, and Tribal partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

''(J) provide expertise on weapons of mass destruction and non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats to Departmental and Federal partners to support engagements and efforts with international partners subject to the research, development, testing, and evaluation coordination requirement under subparagraph (G); and

''(K) carry out any other duties assigned to the Office by the Secretary.

''(2) DETECTION AND REPORTING.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) in coordination with end users, including State, local, and Tribal partners, as appropriate—

''(i) carry out a program to test and evaluate technology, in consultation with the Science and Technology Directorate, to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, in coordination with other Federal agencies, as appropriate, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting those weapons of mass destruction or chemical, biological, radiological, nuclear, or other related emerging threats—

''(I) under realistic operational and environmental conditions; and

''(II) against realistic adversary tactics and countermeasures;

''(B) in coordination with end users, conduct, support, coordinate, and encourage a transformational program of research and development to generate and improve technologies to detect, protect against, and report on the illicit entry, transport, assembly, or potential use within the United States of weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, and coordinate with the Under Secretary for Science and Technology on research and development efforts relevant to the mission of the Office and the Under Secretary for Science and Technology;

''(C) before carrying out operational testing under subparagraph (A), develop a testing and evaluation plan that articulates the requirements for the user and describes how these capability needs will be tested in developmental test and evaluation and operational test and evaluation;

''(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats in support of Federal, State, local, and Tribal governments;

''(E) support and enhance the effective sharing and use of appropriate information on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats generated by elements of the intelligence community, law enforcement agencies, other Federal agencies, State, local, and Tribal governments, and foreign governments, as well as provide appropriate information to those entities;

''(F) consult, as appropriate, with relevant Departmental components and offices, the Department of Health and Human Services, and other Federal partners, on weapons of mass destruction and non-medical aspects of chemical, biological, radiological, nuclear, and other related emerging threats and efforts to mitigate, prepare, and respond to all threats in support of the State, local, and Tribal communities; and

''(G) perform other duties as assigned by the Secretary.'';

(C) in subsection (b), as so redesignated—

(i) in the subsection heading, by striking ''MISSION'' and inserting ''RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES'';

(ii) in paragraph (1)—

(I) by inserting ''deploy,'' after ''acquire,''; and

(II) by striking ''deployment'' and inserting ''operation'';

(iii) by striking paragraphs (6) through (10);

(iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively;

(v) in paragraph (6), as so redesignated—

(I) by striking subparagraph (B);

(II) by striking ''activities—'' and all that follows through ''to ensure'' and inserting ''activities to ensure''; and

(III) by striking ''attacks; and'' and inserting ''attacks;'';

(vi) in paragraph (7)(C)(v), as so redesignated—

(I) in the matter preceding subclause (I), by inserting ''except as otherwise provided,'' before ''require''; and

(II) in subclause (II)—

(aa) in the matter preceding item (aa), by striking ''death or disability'' and inserting ''death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the needs of the Office) and for which the Assistant Secretary may grant a waiver of the repayment obligation''; and

(bb) in item (bb), by adding ''and'' at the end;

(vii) by striking paragraph (13); and

(viii) by redesignating paragraph (14) as paragraph (8); and

(D) by inserting after subsection (b), as so redesignated, the following:

''(c) CHEMICAL AND BIOLOGICAL RESPONSIBILITIES.—The Office—

''(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, mitigate, and protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical and biological materials, devices, or agents against the United States; and

''(2) shall—

''(A) serve as a primary entity responsible for the efforts of the Department to develop, acquire, deploy, and support the operations of a national biological detection system and improve that system over time;

''(B) enhance the chemical and biological detection efforts of Federal, State, local, and Tribal governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

''(C) collaborate with the Department of Health and Human Services, the Office of Health Security of the Department, the Defense Advanced Research Projects Agency, the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories on chemical and biological surveillance efforts.'';

(5) in section 1924 (6 U.S.C. 593), by striking ''section 11011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).'' and inserting ''section 4092 of title 10, United States Code, except that the authority shall be limited to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties.'';

(6) in section 1927(a)(1)(C) (6 U.S.C. 596a(a)(1)(C))—

(A) in clause (i), by striking ''required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) includes any other information regarding national technical nuclear forensics activities carried out under section 1923.'';

(7) in section 1928 (6 U.S.C. 596b)—

(A) in subsection (a), by striking ''high-risk urban areas'' and inserting ''jurisdictions designated under subsection (c)'';

(B) in subsection (c)(1), by striking ''from among high-risk urban areas under section 2003'' and inserting ''based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequences from terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials''; and

(C) by striking subsection (d) and inserting the following:

''(d) REPORT.—Not later than 2 years after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Secretary shall submit to the appropriate congressional committees an update on the STC program.''; and

(8) by inserting after section 1928 (6 U.S.C. 596b) the following:

''SEC. 1929. ACCOUNTABILITY.

''(a) DEPARTMENTWIDE STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, which should—

''(A) have clearly identified authorities, specified roles, objectives, benchmarks, accountability, and timelines;

''(B) incorporate the perspectives of non-Federal and private sector partners; and

''(C) articulate how the Department will contribute to relevant national-level strategies and work with other Federal agencies.

''(2) CONSIDERATION.—The Secretary shall appropriately consider weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats when creating the strategy and implementation plan required under paragraph (1).

''(3) REPORT.—The Office shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

''(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Secretary, in consultation with appropriate stakeholders representing Federal, State, local,

Tribal, academic, private sector, and nongovernmental entities, shall conduct a Departmentwide review of biodefense activities and strategies.

''(2) REVIEW.—The review required under paragraph (1) shall—

''(A) identify with specificity the biodefense lines of effort of the Department, including biodefense lines of effort relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

''(B) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

''(C) identify any policy, resource, capability, or other gaps in the Department's ability to assess, prevent, protect against, and respond to biological threats;

''(D) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise; and

''(E) assess the risk of high-risk gain-of-function research to the homeland security of the United States and identify the gaps in the response of the Department to that risk.

''(3) STRATEGY.—Not later than 1 year after completion of the review required under paragraph (1), the Secretary shall issue a biodefense strategy for the Department that—

''(A) is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or any successor strategy; and

''(B) shall—

''(i) describe the biodefense mission and role of the Department, as well as how such mission and role relates to the biodefense lines of effort of the Department;

''(ii) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the components and offices of the Department involved in the biodefense lines of effort of the Department;

''(iii) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

''(iv) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, and Tribal entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, and Tribal entities; and

''(v) include information relating to—

''(I) milestones and performance metrics that are specific to the biodefense mission and role of the Department described in clause (i); and

''(II) implementation of any operational changes necessary to carry out clauses (iii) and (iv).

''(4) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

''(5) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans required under paragraph (3), the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding such strategy and plans.

''(c) EMPLOYEE MORALE.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Office shall submit to and brief the appropriate congressional committees on a strategy and plan to continuously improve morale within the Office.

''(d) COMPTROLLER GENERAL.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

''(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

''(2) the consistency and effectiveness of stakeholder coordination across the mission of the Office, including operational and support components of the Department and State and local entities; and

''(3) the efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

''(e) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—

''(1) STUDY.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a consensus study and report to the Secretary and the appropriate congressional committees on—

''(A) the role of the Department in preparing, detecting, and responding to biological and health security threats to the homeland;

''(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

''(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances.

''(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

''(A) the implementation of the recommendations included in the report; and

''(B) the status of biological detection at the Department, and, if applicable, timelines for the transition to updated technology.

''(f) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023, the Secretary shall establish an advisory body to advise on the ongoing coordination of the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, to be known as the Advisory Council for Countering Weapons of Mass Destruction (in this subsection referred to as the 'Advisory Council').

''(2) MEMBERSHIP.—The members of the Advisory Council shall—

''(A) be appointed by the Assistant Secretary; and

''(B) to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials from State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

''(i) members selected from the emergency management field and emergency response providers;

''(ii) State, local, and Tribal government officials;

''(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, or nuclear materials, devices, or agents;

''(iv) representatives from the national laboratories; and

''(v) such other individuals as the Assistant Secretary determines to be appropriate.

''(3) RESPONSIBILITIES.— The Advisory Council shall—

''(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats; and

''(C) provide advice on performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

''(4) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, the Assistant Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements of Office programs, as appropriate.

''(5) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

''(6) FACA.—Chapter 10 of title 5, United States Code, shall not apply to the Advisory Council.

''(7) QUALIFICATIONS.—Each member of the Advisory Council shall—

''(A) be impartial in any advice provided to the Advisory Council; and

''(B) not seek to advance any political position or predetermined conclusion as a member of the Advisory Council.''.

(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF 2018.—Section 2 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–387; 132 Stat. 5162) is amended—

(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ''1927'' and inserting ''1926''; and

(2) in subsection (g) (6 U.S.C. 591 note)—

(A) in the matter preceding paragraph (1), by striking ''one year after the date of the enactment of this Act, and annually thereafter,'' and inserting ''June 30 of each year,''; and

(B) in paragraph (2), by striking ''Security, including research and development activities'' and inserting ''Security''.

(c) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat 1884) is amended—

(1) in section 1(b), by striking the item relating to section 502; and

(2) by striking section 502 (6 U.S.C. 592a).

SEC. 6123. RULE OF CONSTRUCTION.

Nothing in this chapter or the amendments made by this chapter may be construed as modifying any existing authority under any provision of law not expressly amended by this chapter.

CHAPTER 2—OFFICE OF HEALTH SECURITY

SEC. 6124. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2)—

(i) by striking ''the Assistant Secretary for Health Affairs,''; and

(ii) by striking ''Affairs, or'' and inserting ''Affairs or''; and

(B) in subsection (d), by adding at the end the following:

''(6) A Chief Medical Officer.'';

(2) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY'';

(3) by redesignating section 1931 (6 U.S.C. 597) as section 2301 and transferring such section to appear after the heading for title XXIII, as added by paragraph (2);

(4) in section 2301, as so redesignated—

(A) in the section heading, by striking ''**CHIEF MEDICAL OFFICER**'' and inserting ''**OFFICE OF HEALTH SECURITY**'';

(B) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—There is established in the Department an Office of Health Security.

''(b) HEAD OF OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

''(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

''(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

''(3) be appointed by the President; and

''(4) report directly to the Secretary.'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''medical issues related to natural disasters, acts of terrorism, and other man-made disasters'' and inserting ''medical activities of the Department and all workforce-focused health and safety activities of the Department'';

(ii) in paragraph (1), by striking '', the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials'' and inserting ''and all other Department officials'';

(iii) in paragraph (4), by striking ''and'' at the end;

(iv) by redesignating paragraph (5) as paragraph (13); and

(v) by inserting after paragraph (4) the following:

''(5) overseeing all medical activities of the Department, including the delivery, advisement, and support of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

''(6) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer and deputy chief medical officer or the employees who function in the capacity of chief medical officer and deputy chief medical officer;

''(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill standards for medical personnel and the assessment of that knowledge and skill;

''(8) in coordination with the Chief Privacy Officer of the Department and the Chief Information Officer of the Department, advising the Secretary and the head of each component of the Department that delivers patient care regarding the collection, storage, and oversight of medical records;

''(9) with respect to any psychological health counseling or assistance program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

''(A) ensuring such program includes safeguards against adverse actions by such component with respect to any employee solely because the employee identifies a need for psychological health counseling or assistance or receives such assistance;

''(B) ensuring such program includes safeguards regarding automatic referrals for employment-related examinations or inquires that are based solely on an employee who self identifies a need for psychological health counseling or assistance or receives such counseling or assistance, except that such safeguards shall not prevent a component referral to evaluate the ability of an employee to meet established medical or psychological standards by such component or to evaluate the national security eligibility of the employee;

''(C) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel;

''(D) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

''(E) establishing periodic management training on crisis intervention and such component's psychological health counseling or assistance program;

''(F) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

''(G) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

''(H) prioritizing, as appropriate, expertise in the provision of psychological health counseling and assistance for certain populations of the workforce, such as employees serving in positions within law enforcement, to help improve outcomes for those employees receiving that counseling or assistance; and

''(I) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

''(10) in consultation with the Chief Information Officer of the Department—

''(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

''(B) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

''(11) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding contracts for the delivery of direct patient care, other medical services, and medical supplies;

''(12) coordinating with—

''(A) the Countering Weapons of Mass Destruction Office;

''(B) other components of the Department as directed by the Secretary;

''(C) Federal agencies, including the Department of Agriculture, the Department of Health and Human Services, the Department of State, and the Department of Transportation;

''(D) State, local, and Tribal governments; and

''(E) the medical community; and''; and

(D) by adding at the end the following:

''(d) ASSISTANCE AND AGREEMENTS.—The Secretary, acting through the Chief Medical Officer, in support of the medical activities of the Department, may—

''(1) provide technical assistance, training, and information to State, local, and Tribal governments and nongovernmental organizations;

''(2) enter into agreements with other Federal agencies; and

''(3) accept services from personnel of components of the Department and other Federal agencies on a reimbursable or nonreimbursable basis.

''(e) OFFICE OF HEALTH SECURITY PRIVACY OFFICER.—There shall be a Privacy Officer in the Office of Health Security with primary responsibility for privacy policy and compliance within the Office, who shall—

''(1) report directly to the Chief Medical Officer; and

''(2) ensure privacy protections are integrated into all Office of Health Security activities, subject to the review and approval of the Chief Privacy Officer of the Department to the extent consistent with the authority of the Chief Privacy Officer of the Department under section 222.

''(f) ACCOUNTABILITY.—

''(1) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this subsection, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to address medical activities of, and the workforce health and safety matters under the purview of, the Department.

''(2) BRIEFING.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall brief the appropriate congressional committees on the organizational transformations of the Office of Health Security, including how best practices were used in the creation of the Office of Health Security.'';

(5) by redesignating section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301, as so redesignated;

(6) in section 2302, as so redesignated—

(A) in the section heading, by striking ''**MEDICAL SUPPORT**'' and inserting ''**SAFETY**'';

(B) in subsection (a), by striking ''Under Secretary for Management'' each place that term appears and inserting ''Chief Medical Officer''; and

(C) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary for Management, in coordination with the Chief Medical Officer,'' and inserting ''Chief Medical Officer''; and

(ii) in paragraph (3), by striking ''as deemed appropriate by the Under Secretary,'';

(7) by redesignating section 528 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated;

(8) in section 2303, as so redesignated—

(A) in subsection (a), by striking ''Assistant Secretary for the Countering Weapons of Mass Destruction Office'' and inserting ''Chief Medical Officer''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''Homeland Security Presidential Directive 9–Defense of the United States Agriculture and Food'' and inserting ''National Security Memorandum 16—Strengthening the Security and Resilience of the United States Food and Agriculture''; and

(ii) in paragraph (6), by inserting ''the Department of Agriculture and other'' before ''appropriate'';

(9) by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section to appear after section 2303, as so redesignated;

(10) in section 2304(f)(2)(B), as so redesignated, by striking ''Office of the Assistant Secretary for Preparedness and Response'' and inserting ''Administration for Strategic Preparedness and Response''; and

(11) by inserting after section 2304, as so redesignated, the following:

''SEC. 2305. RULES OF CONSTRUCTION.

''Nothing in this title shall be construed to—

''(1) override or otherwise affect the requirements described in section 888;

''(2) require the advice of the Chief Medical Officer on the appointment of Coast Guard officers or the officer from the Public Health Service of the Department of Health and Human Services assigned to the Coast Guard;

''(3) provide the Chief Medical Officer with authority to take any action that would diminish the interoperability of the Coast Guard medical system with the medical systems of the other branches of the Armed Forces of the United States; or

''(4) affect or diminish the authority of the Secretary of Health and Human Services or to grant to the Chief Medical Officer any authority that is vested in, or delegated to, the Secretary of Health and Human Services.''.

(b) TRANSITION AND TRANSFERS.—

(1) TRANSITION.—The individual appointed pursuant to section 1931 of the Homeland Security Act of 2002 (6 U.S.C. 597) of the Department of Homeland Security, as in effect on the day before the date of enactment of this Act, and serving as the Chief Medical Officer of the Department of Homeland Security on the day before the date of enactment of this Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without the need for reappointment.

(2) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security—

(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management relating to workforce health and safety, as in existence on the day before the date of enactment of this Act;

(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office associated with the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 6125. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIII of the Homeland Security Act of 2002, as added by this chapter, is amended by adding at the end the following:

''SEC. 2306. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means an individual who—

''(A) is—

''(i) an employee of the Department;

''(ii) a detailee to the Department from another Federal agency;

''(iii) a personal services contractor of the Department; or

''(iv) hired under a contract for services with the Department;

''(B) performs health care services as part of duties of the individual in that capacity; and

''(C) has a current, valid, and unrestricted license or certification—

''(i) that is issued by a State; and

''(ii) that is for the practice of medicine, osteopathic medicine, dentistry, nursing, emergency medical services, or another health profession.

''(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term 'medical quality assurance program' means any activity carried out on or after the date of enactment of this section by the Department to assess the quality of medical care, including activities conducted by individuals, committees, or other review bodies responsible for quality assurance, credentials, infection control, incident reporting, the delivery, advisement, and support of direct patient care and assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review, or identification and prevention of medical, mental health, or dental incidents and risks.

''(3) MEDICAL QUALITY ASSURANCE RECORD OF THE DEPARTMENT.—The term 'medical quality assurance record of the Department' means the proceedings, records (including patient records that the Department creates and maintains as part of a system of records), minutes, and reports that—

''(A) emanate from quality assurance program activities described in paragraph (2); and

''(B) are produced or compiled by the Department as part of a medical quality assurance program.

''(b) CONFIDENTIALITY OF RECORDS.—A medical quality assurance record of the Department that is created as part of a medical quality assurance program—

''(1) is confidential and privileged; and

''(2) except as provided in subsection (d), may not be disclosed to any person or entity.

''(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section—

''(1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding that reviews or creates a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to such record or with respect to any finding, recommendation, evaluation, opinion, or action taken by such individual in connection with such record.

''(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subsection (c)(2) may give testimony in connection with the record, only as follows:

''(A) To a Federal agency or private organization, if such medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization to—

''(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services; or

''(ii) perform monitoring, required by law, of Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services.

''(B) To an administrative or judicial proceeding concerning an adverse action related to the credentialing of or health care provided by a present or former health care provider by the Department.

''(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record of the Department or testimony is needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a health care provider for the Department.

''(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record of the Department or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

''(E) To an employee, a detailee, or a contractor of the Department who has a need for such medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their employment or contract.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that such medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality described in subparagraph (F), but only with respect to the subject of the proceeding.

''(2) PERSONALLY IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person receiving health care services from the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

''(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974').

''(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

''(1) to authorize or require the withholding from any person or entity de-identified aggregate statistical information regarding the results of medical quality assurance programs, under de-identification standards developed by the Secretary in consultation with the Secretary of Health and Human Services, as appropriate, that is released in a manner in accordance with all other applicable legal requirements; or

''(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, any joint committee of Congress, or the Comptroller General of the United States if the record pertains to any matter within their respective jurisdictions.

''(f) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORDS, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

''(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code.

''(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable under this section for that participation or for providing that information if the participation or provision of information was—

''(1) provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place; and

''(2) made in accordance with any other applicable legal requirement, including Federal privacy laws and regulations.

''(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including the medical record of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(j) PENALTY.—Any person who willfully discloses a medical quality assurance record of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

''(k) RELATIONSHIP TO COAST GUARD.—The requirements of this section shall not apply to any medical quality assurance record of the Department that is created by or for the Coast Guard as part of a medical quality assurance program.

''(l) CONTINUED PROTECTION.—Disclosure under subsection (d) does not permit redisclosure except to the extent the further disclosure is authorized under subsection (d) or is otherwise authorized to be disclosed under this section.

''(m) RELATIONSHIP TO OTHER LAW.—This section shall continue in force and effect, except as otherwise specifically provided in any Federal law enacted after the date of enactment of this Act.

''(n) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede the requirements of—

''(1) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1936) and its implementing regulations;

''(2) part 1 of subtitle D of title XIII of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931 et seq.) and its implementing regulations; or

''(3) sections 921 through 926 of the Public Health Service Act (42 U.S.C. 299b–21 through 299b–26) and their implementing regulations.''.

SEC. 6126. TECHNICAL AND CONFORMING AMENDMENTS.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following:

''Sec. 528. Transfer of equipment during a public health emergency.'';

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following:

''Sec. 710. Employee engagement.
''Sec. 711. Annual employee award program.
''Sec. 712. Acquisition professional career program.'';

(C) by inserting after the item relating to section 1928 the following:

''Sec. 1929. Accountability.'';

(D) by striking the items relating to subtitle C of title XIX and sections 1931 and 1932; and

(E) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY

''Sec. 2301. Office of Health Security.
''Sec. 2302. Workforce health and safety.
''Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.
''Sec. 2304. Medical countermeasures.
''Sec. 2305. Rules of construction.
''Sec. 2306. Confidentiality of medical quality assurance records.'';

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by striking ''section 711(a)'' and inserting ''section 710(a))'';

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively;

(5) in section subsection (d)(3) of section 1923(d)(3) (6 U.S.C. 592), as so redesignated—

(A) in the paragraph heading, by striking ''HAWAIIAN NATIVE-SERVING'' and inserting ''NATIVE HAWAIIAN-SERVING''; and

(B) by striking ''Hawaiian native-serving'' and inserting '' 'Native Hawaiian-serving'';

and

(6) by striking the subtitle heading for subtitle C of title XIX.

Subtitle D—National Cybersecurity Awareness Act

SEC. 6131. SHORT TITLE.

This subtitle may be cited as the ''National Cybersecurity Awareness Act''.

SEC. 6132. FINDINGS.

Congress finds the following:

(1) The presence of ubiquitous internet-connected devices in the everyday lives of citizens of the United States has created opportunities for constant connection and modernization.

(2) A connected society is subject to cybersecurity threats that can compromise even the most personal and sensitive of information.

(3) Connected critical infrastructure is subject to cybersecurity threats that can compromise fundamental economic, health, and safety functions.

(4) The Government of the United States plays an important role in safeguarding the nation from malicious cyber activity.

(5) A citizenry that is knowledgeable regarding cybersecurity is critical to building a robust cybersecurity posture and reducing the threat of cyber attackers stealing sensitive information and causing public harm.

(6) While Cybersecurity Awareness Month is critical to supporting national cybersecurity awareness, it cannot be a once-a-year activity, and there must be a sustained, constant effort to raise awareness about cyber hygiene, encourage individuals in the United States to learn cyber skills, and communicate the ways that cyber skills and careers in cyber advance individual and societal security, privacy, safety, and well-being.

SEC. 6133. CYBERSECURITY AWARENESS.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 6113(a), is amended by adding at the end the following:

''SEC. 2220H. CYBERSECURITY AWARENESS CAMPAIGNS.

''(a) DEFINITION.—In this section, the term 'Campaign Program' means the campaign program established under subsection (b)(1).

''(b) AWARENESS CAMPAIGN PROGRAM.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the National Cybersecurity Awareness Act, the Director, in coordination with appropriate Federal agencies, shall establish a program for planning and coordinating Federal cybersecurity awareness campaigns.

''(2) ACTIVITIES.—In carrying out the Campaign Program, the Director shall—

''(A) inform non-Federal entities of voluntary cyber hygiene best practices, including information on how to—

''(i) prevent cyberattacks; and

''(ii) mitigate cybersecurity risks; and

''(B) consult with private sector entities, State, local, Tribal, and territorial governments, academia, nonprofit organizations, and civil society—

''(i) to promote cyber hygiene best practices and the importance of cyber skills, including by focusing on tactics that are cost effective and result in significant cybersecurity improvement, such as—

''(I) maintaining strong passwords and the use of password managers;

''(II) enabling multi-factor authentication, including phishing-resistant multi-factor authentication;

''(III) regularly installing software updates;

''(IV) using caution with email attachments and website links; and

''(V) other cyber hygienic considerations, as appropriate;

''(ii) to promote awareness of cybersecurity risks and mitigation with respect to malicious applications on internet-connected devices, including applications to control those devices or use devices for unauthorized surveillance of users;

''(iii) to help consumers identify products that are designed to support user and product security, such as products designed using the Secure-by-Design and Secure-by-Default principles of the Agency or the Recommended Criteria for Cybersecurity Labeling for Consumer Internet of Things (IoT) Products of the National Institute of Standards and Technology, published February 4, 2022 (or any subsequent version);

''(iv) to coordinate with other Federal agencies, as determined appropriate by the Director, to—

''(I) develop and promote relevant cybersecurity-related and cyber skills-related awareness activities and resources; and

''(II) ensure the Federal Government is coordinated in communicating accurate and timely cybersecurity information;

''(v) to expand nontraditional outreach mechanisms to ensure that entities, including low-income and rural communities, small and medium sized businesses and institutions, and State, local, Tribal, and territorial partners, receive cybersecurity awareness outreach in an equitable manner; and

''(vi) to encourage participation in cyber workforce development ecosystems and to expand adoption of best practices to grow the national cyber workforce.

''(3) REPORTING.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Cybersecurity Awareness Act, and annually thereafter, the Director, in consultation with the heads of appropriate Federal agencies, shall submit to the appropriate congressional committees a report regarding the Campaign Program.

''(B) CONTENTS.—Each report submitted pursuant to subparagraph (A) shall include—

''(i) a summary of the activities of the Agency that support promoting cybersecurity awareness under the Campaign Program, including consultations made under paragraph (2)(B);

''(ii) an assessment of the effectiveness of techniques and methods used to promote national cybersecurity awareness under the Campaign Program; and

''(iii) recommendations on how to best promote cybersecurity awareness nationally.

''(c) CYBERSECURITY CAMPAIGN RESOURCES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the National Cybersecurity Awareness Act, the Director shall develop and maintain a repository for the resources, tools, and public communications of the Agency that promote cybersecurity awareness.

''(2) REQUIREMENTS.—The resources described in paragraph (1) shall be—

''(A) made publicly available online; and

''(B) regularly updated to ensure the public has access to relevant and timely cybersecurity awareness information.''.

(b) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (13), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (14) as paragraph (16); and

(3) by inserting after paragraph (13) the following:

''(14) lead and coordinate Federal efforts to promote national cybersecurity awareness;''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 6113(b), is amended by inserting after the item relating to section 2220G the following:

''Sec. 2220H. Cybersecurity awareness campaigns.''.

Subtitle E—DHS International Cyber Partner Act of 2023

SEC. 6141. SHORT TITLE.

This subtitle may be cited as the ''DHS International Cyber Partner Act of 2023''.

SEC. 6142. PURPOSE.

The purposes of this subtitle are to—

(1) authorize the Secretary of Homeland Security to assign personnel to foreign locations to support the missions of the Department of Homeland Security; and

(2) provide assistance and expertise to foreign governments, international organizations, and international entities on cybersecurity and infrastructure security.

SEC. 6143. INTERNATIONAL ASSIGNMENT AND ASSISTANCE.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

''SEC. 104. INTERNATIONAL ASSIGNMENT AND ASSISTANCE.

''(a) INTERNATIONAL ASSIGNMENT.—

''(1) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, may assign personnel of the Department to a duty station that is located outside the United States at which the Secretary determines representation of the Department is necessary to accomplish the cybersecurity and infrastructure security missions of the Department and to carry out duties and activities as assigned by the Secretary.

''(2) CONCURRENCE ON ACTIVITIES.—The activities of personnel of the Department who are assigned under this subsection shall be—

''(A) performed with the concurrence of the chief of mission to the foreign country to which such personnel are assigned; and

''(B) consistent with the duties and powers of the Secretary of State and the chief of mission for a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), respectively.

''(b) INTERNATIONAL SUPPORT.—

''(1) IN GENERAL.—If the Secretary makes a determination described in paragraph (2), the Secretary, with the concurrence of the Secretary of State, may provide equipment, services, technical assistance, or expertise on cybersecurity, infrastructure security, and resilience to a foreign government, an international organization, or an international entity, with or without reimbursement, including, as appropriate—

''(A) cybersecurity and infrastructure security advice, training, capacity development, education, best practices, incident response, threat hunting, and other similar capabilities;

''(B) sharing and exchanging cybersecurity and infrastructure security information, including research and development, threat indicators, risk assessments, strategies, and security recommendations;

''(C) cybersecurity and infrastructure security test and evaluation support and services;

''(D) cybersecurity and infrastructure security research and development support and services; and

''(E) any other assistance that the Secretary prescribes.

''(2) DETERMINATION.—A determination described in this paragraph is a determination by the Secretary that providing equipment, services, technical assistance, or expertise under paragraph (1) would—

''(A) further the homeland security interests of the United States; and

''(B) enhance the ability of a foreign government, an international organization, or an international entity to work cooperatively with the United States to advance the homeland security interests of the United States.

''(3) LIMITATIONS.—Any equipment provided under paragraph (1)—

''(A) may not include offensive security capabilities; and

''(B) shall be limited to enabling defensive cybersecurity and infrastructure security activities by the receiving entity, such as cybersecurity tools or explosive detection and mitigation equipment.

''(4) REIMBURSEMENT OF EXPENSES.—If the Secretary determines that collection of payment is appropriate, the Secretary is authorized to collect payment from the receiving entity for the cost of equipment, services, technical assistance, and expertise provided under paragraph (1) and any accompanying shipping costs.

''(5) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any amount collected under paragraph (4)—

''(A) shall be credited as offsetting collections to the account that finances the equipment, services, technical assistance, or expertise for which the payment is received; and

''(B) shall remain available until expended for the purpose of providing for the security interests of the homeland.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to affect, augment, or diminish the authority of the Secretary of State.

''(d) CONGRESSIONAL REPORTING AND NOTIFICATION.—

''(1) REPORT ON ASSISTANCE.—Not later than 1 year after the date of enactment of the DHS International Cyber Partner Act of 2023, and every year thereafter, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that includes, for each instance in which assistance is provided under subsection (b)—

''(A) the foreign government, international organization, or international entity provided the assistance;

''(B) the reason for providing the assistance;

''(C) the equipment, services, technical assistance, or expertise provided; and

''(D) whether the equipment, services, technical assistance, or expertise was provided on a reimbursable or nonreimbursable basis, and the rational for why the assistance was provided with or without reimbursement.

''(2) COPIES OF AGREEMENTS.—Not later than 30 days after the effective date, under the authority under subsection (b), of a contract, memorandum, or agreement with a foreign government, international organization, or international entity to provide assistance, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of the contract, memorandum, or agreement.

''(3) NOTICE ON ASSIGNMENTS.—Not later than 30 days after assigning personnel to a duty station located outside the United States in accordance with subsection (a)(1), the Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the assignment.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–196; 116 Stat. 2135) is amended by inserting after the item relating to section 103 the following:

''Sec. 104. International assignment and assistance.''.

SEC. 6144. CISA ACTIVITIES.

(a) DIRECTOR.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)), as amended by section 6133(b), is amended by inserting after paragraph (14) the following:

''(15) provide support for the cybersecurity and physical security of critical infrastructure of international partners and allies in furtherance of the homeland security interests of the United States, which may include, consistent with section 104, assigning personnel to a duty station that is located outside the United States and providing equipment, services, technical assistance, or expertise; and''.

(b) FOREIGN LOCATIONS.—Section 2202(g)(1) of the Homeland Security Act of 2002 (6 U.S.C. 652(g)(1)) is amended by inserting '', including locations outside the United States'' before the period at the end.

(c) CYBER PLANNING.—Section 2216 of the Homeland Security Act of 2002 (6 U.S.C. 665b) is amended—

(1) in subsection (a), in the first sentence, by inserting '', including international partners, as appropriate'' after ''for public and private sector entities''; and

(2) in subsection (c)(2)—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following

''(G) for planning with international partners, the Department of State.''.

SEC. 6145. LIMITATIONS.

Under the authority provided under this subtitle, or an amendment made by this subtitle, the Secretary of Homeland Security may not—

(1) engage in any activity that would censor a citizen of the United States;

(2) conduct surveillance of a citizen of the United States; or

(3) interfere with an election in the United States.

TITLE LXII—CYBERSECURITY AND DIGITAL IDENTITY VERIFICATION

Subtitle A—Satellite Cybersecurity Act

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Satellite Cybersecurity Act''.

SEC. 6202. DEFINITIONS.

In this subtitle:

(1) CLEARINGHOUSE.—The term ''clearinghouse'' means the commercial satellite system cybersecurity clearinghouse required to be developed and maintained under section 6204(b)(1).

(2) COMMERCIAL SATELLITE SYSTEM.—The term ''commercial satellite system''—

(A) means a system that—

(i) is owned or operated by a non-Federal entity based in the United States; and

(ii) is composed of not less than 1 earth satellite; and

(B) includes—

(i) any ground support infrastructure for each satellite in the system; and

(ii) any transmission link among and between any satellite in the system and any ground support infrastructure in the system.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given the term in subsection (e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c).

(4) CYBERSECURITY RISK.—The term ''cybersecurity risk'' has the meaning given the term in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650).

(5) CYBERSECURITY THREAT.—The term ''cybersecurity threat'' has the meaning given the term in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650).

(6) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(7) SECTOR RISK MANAGEMENT AGENCY.—The term ''sector risk management agency'' has the meaning given the term ''Sector Risk Management Agency'' in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 650).

SEC. 6203. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to support the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives on the study conducted under subsection (a), which shall include information—

(1) on efforts of the Federal Government, and the effectiveness of those efforts, to—

(A) address or improve the cybersecurity of commercial satellite systems; and

(B) support related efforts with international entities or the private sector;

(2) on the resources made available to the public by Federal agencies to address cybersecurity risks and threats to commercial satellite systems, including resources made available through the clearinghouse;

(3) on the extent to which commercial satellite systems are reliant on, or relied on by, critical infrastructure;

(4) that includes an analysis of how commercial satellite systems and the threats to those systems are integrated into Federal and non-Federal critical infrastructure risk analyses and protection plans;

(5) on the extent to which Federal agencies are reliant on commercial satellite systems and how Federal agencies mitigate cybersecurity risks associated with those systems;

(6) on the extent to which Federal agencies are reliant on commercial satellite systems that are owned wholly or in part or controlled by foreign entities, or that have infrastructure in foreign countries, and how Federal agencies mitigate associated cybersecurity risks;

(7) on the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems; and

(8) as determined appropriate by the Comptroller General of the United States, that includes recommendations for further Federal action to support the cybersecurity of commercial satellite systems, including recommendations on information that should be shared through the clearinghouse.

(c) CONSULTATION.—In carrying out subsections (a) and (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—

(1) the Office of the National Cyber Director;

(2) the Department of Homeland Security;

(3) the Department of Commerce;

(4) the Department of Defense;

(5) the Department of Transportation;

(6) the Federal Communications Commission;

(7) the National Aeronautics and Space Administration;

(8) the National Executive Committee for Space-Based Positioning, Navigation, and Timing; and

(9) the National Space Council.

(d) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).

(e) CLASSIFICATION.—The report made under subsection (b) shall be unclassified but may include a classified annex.

SEC. 6204. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) SMALL BUSINESS CONCERN DEFINED.—In this section, the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY CLEARINGHOUSE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.

(2) REQUIREMENTS.—The clearinghouse—

(A) shall be publicly available online;

(B) shall contain publicly available commercial satellite system cybersecurity resources, including the voluntary recommendations consolidated under subsection (c)(1);

(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;

(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and

(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.

(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.

(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain the clearinghouse using an online platform, a website, or a capability in existence as of the date of enactment of this Act.

(c) CONSOLIDATION OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.

(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing, to the greatest extent practicable, the following:

(A) Risk-based, cybersecurity-informed engineering, including continuous monitoring and resiliency.

(B) Planning for retention or recovery of positive control of commercial satellite systems in the event of a cybersecurity incident.

(C) Protection against unauthorized access to vital commercial satellite system functions.

(D) Physical protection measures designed to reduce the vulnerabilities of a commercial satellite system's command, control, and telemetry receiver systems.

(E) Protection against jamming, eavesdropping, hijacking, computer network exploitation, spoofing, threats to optical satellite communications, and electromagnetic pulse.

(F) Security against threats throughout a commercial satellite system's mission lifetime.

(G) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.

(H) Protection against vulnerabilities posed by ownership of commercial satellite systems or commercial satellite system companies by foreign entities.

(I) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.

(J) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), relevant findings and recommendations from the study conducted by the Comptroller General of the United States under section 6203(a).

(K) Any other recommendations to ensure the confidentiality, availability, and integrity of data residing on or in transit through commercial satellite systems.

(d) IMPLEMENTATION.—In implementing this section, the Director shall—

(1) to the extent practicable, carry out the implementation in partnership with the private sector;

(2) coordinate with—

(A) the Office of the National Cyber Director, the National Space Council, and the

head of any other agency determined appropriate by the Office of the National Cyber Director or the National Space Council; and

(B) the heads of appropriate Federal agencies with expertise and experience in satellite operations, including the entities described in section 6203(c), to enable—

(i) the alignment of Federal efforts on commercial satellite system cybersecurity; and

(ii) to the extent practicable, consistency in Federal recommendations relating to commercial satellite system cybersecurity; and

(3) consult with non-Federal entities developing commercial satellite systems or otherwise supporting the cybersecurity of commercial satellite systems, including private, consensus organizations that develop relevant standards.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter until the date that is 9 years after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a report summarizing—

(1) any partnership with the private sector described in subsection (d)(1);

(2) any consultation with a non-Federal entity described in subsection (d)(3);

(3) the coordination carried out pursuant to subsection (d)(2);

(4) the establishment and maintenance of the clearinghouse pursuant to subsection (b);

(5) the recommendations consolidated pursuant to subsection (c)(1); and

(6) any feedback received by the Director on the clearinghouse from non-Federal entities.

SEC. 6205. STRATEGY.

Not later than 120 days after the date of the enactment of this Act, the National Space Council, jointly with the Office of the National Cyber Director, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a strategy for the activities of Federal agencies to address and improve the cybersecurity of commercial satellite systems, which shall include an identification of—

(1) proposed roles and responsibilities for relevant agencies; and

(2) as applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

SEC. 6206. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(1) designate commercial satellite systems or other space assets as a critical infrastructure sector; or

(2) infringe upon or alter the authorities of the agencies described in section 6203(c).

SEC. 6207. SECTOR RISK MANAGEMENT AGENCY TRANSFER.

If the President designates an infrastructure sector that includes commercial satellite systems as a critical infrastructure sector pursuant to the process established under section 9002(b)(3) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a(b)(3)) and subsequently designates a sector risk management agency for that critical infrastructure sector that is not the Cybersecurity and Infrastructure Security Agency, the President may direct the Director to transfer the authorities of the Director under section 6204 of this subtitle to the head of the designated sector risk management agency.

Subtitle B—Rural Hospital Cybersecurity Enhancement Act

SEC. 6211. SHORT TITLE.

This subtitle may be cited as the ''Rural Hospital Cybersecurity Enhancement Act''.

SEC. 6212. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(3) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(4) GEOGRAPHIC DIVISION.—The term ''geographic division'' means a geographic division that is among the 9 geographic divisions determined by the Bureau of the Census.

(5) RURAL HOSPITAL.—The term ''rural hospital'' means a healthcare facility that—

(A) is located in a non-urbanized area, as determined by the Bureau of the Census; and

(B) provides inpatient and outpatient healthcare services, including primary care, emergency care, and diagnostic services.

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

SEC. 6213. RURAL HOSPITAL CYBERSECURITY WORKFORCE DEVELOPMENT STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Director, shall develop and transmit to the appropriate committees of Congress a comprehensive rural hospital cybersecurity workforce development strategy to address the growing need for skilled cybersecurity professionals in rural hospitals.

(b) CONSULTATION.—

(1) AGENCIES.—In carrying out subsection (a), the Secretary and Director may consult with the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Labor, and any other appropriate head of an agency.

(2) PROVIDERS.—In carrying out subsection (a), the Secretary shall consult with not less than 2 representatives of rural healthcare providers from each geographic division in the United States.

(c) CONSIDERATIONS.—The rural hospital cybersecurity workforce development strategy developed under subsection (a) shall, at a minimum, consider the following components:

(1) Partnerships between rural hospitals, non-rural healthcare systems, educational institutions, private sector entities, and nonprofit organizations to develop, promote, and expand the rural hospital cybersecurity workforce, including through education and training programs tailored to the needs of rural hospitals.

(2) The development of a cybersecurity curriculum and teaching resources that focus on teaching technical skills and abilities related to cybersecurity in rural hospitals for use in community colleges, vocational schools, and other educational institutions located in rural areas.

(3) Identification of—

(A) cybersecurity workforce challenges that are specific to rural hospitals, as well as challenges that are relative to hospitals generally; and

(B) common practices to mitigate both sets of challenges described in subparagraph (A).

(4) Recommendations for legislation, rulemaking, or guidance to implement the components of the rural hospital cybersecurity workforce development strategy.

(d) ANNUAL BRIEFING.—Not later than 60 days after the date on which the first full fiscal year ends following the date on which the Secretary transmits the rural hospital cybersecurity workforce development strategy developed under subsection (a), and not later than 60 days after the date on which each fiscal year thereafter ends, the Secretary shall provide a briefing to the appropriate committees of Congress that includes, at a minimum, information relating to—

(1) updates to the rural hospital cybersecurity workforce development strategy, as appropriate;

(2) any programs or initiatives established pursuant to the rural hospital cybersecurity workforce development strategy, as well as the number of individuals trained or educated through such programs or initiatives;

(3) additional recommendations for legislation, rulemaking, or guidance to implement the components of the rural hospital cybersecurity workforce development strategy; and

(4) the effectiveness of the rural hospital cybersecurity workforce development strategy in addressing the need for skilled cybersecurity professionals in rural hospitals.

SEC. 6214. INSTRUCTIONAL MATERIALS FOR RURAL HOSPITALS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall make available instructional materials for rural hospitals that can be used to train staff on fundamental cybersecurity efforts.

(b) DUTIES.—In carrying out subsection (a), the Director shall—

(1) consult with appropriate heads of agencies, experts in cybersecurity education, and rural healthcare experts;

(2) identify existing cybersecurity instructional materials that can be adapted for use in rural hospitals and create new materials as needed; and

(3) conduct an awareness campaign to promote the materials available to rural hospitals developed under subsection (a).

SEC. 6215. NO ADDITIONAL FUNDS.

No additional funds are authorized to be appropriated for the purpose of carrying out this subtitle.

TITLE LXIII—U.S. CUSTOMS AND BORDER PROTECTION

Subtitle A—Non-Intrusive Inspection Expansion

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Non-Intrusive Inspection Expansion Act''.

SEC. 6302. USE OF NON-INTRUSIVE INSPECTION SYSTEMS AT LAND PORTS OF ENTRY.

(a) FISCAL YEAR 2026.—Using non-intrusive inspection systems acquired through previous appropriations Acts, beginning not later than September 30, 2026, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to scan, cumulatively, at ports of entry where systems are in place by the deadline, not fewer than—

(1) 40 percent of passenger vehicles entering the United States; and

(2) 90 percent of commercial vehicles entering the United States.

(b) SUBSEQUENT FISCAL YEARS.—Beginning in fiscal year 2027, U.S. Customs and Border

Protection shall use non-intrusive inspection systems at land ports of entry to reach the next projected benchmark for incremental scanning of passenger and commercial vehicles entering the United States at such ports of entry.

(c) BRIEFING.—Not later than May 30, 2026, the Commissioner of U.S. Customs and Border Protection shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made during the first half of fiscal year 2026 in achieving the scanning benchmarks described in subsection (a).

(d) REPORT.—If the scanning benchmarks described in subsection (a) are not met by the end of fiscal year 2026, not later than 120 days after the end of that fiscal year, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(1) analyzes the causes for not meeting such requirements;

(2) identifies any resource gaps and challenges; and

(3) details the steps that will be taken to ensure compliance with such requirements in the subsequent fiscal year.

SEC. 6303. NON-INTRUSIVE INSPECTION SYSTEMS FOR OUTBOUND INSPECTIONS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit a strategy to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for increasing sustained outbound inspection operations at land ports of entry that includes—

(1) the number of existing and planned outbound inspection lanes at each port of entry;

(2) infrastructure limitations that limit the ability of U.S. Customs and Border Protection to deploy non-intrusive inspection systems for outbound inspections;

(3) the number of additional non-intrusive inspection systems that are necessary to increase scanning capacity for outbound inspections; and

(4) plans for funding and acquiring the systems described in paragraph (3).

(b) IMPLEMENTATION.—Beginning not later than September 30, 2026, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to scan not fewer than 10 percent of all vehicles exiting the United States through land ports of entry.

SEC. 6304. GAO REVIEW AND REPORT.

(a) REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the use by U.S. Customs and Border Protection of non-intrusive inspection systems for border security.

(2) ELEMENTS.—The review required under paragraph (1) shall—

(A) identify—

(i) the number and types of non-intrusive inspection systems deployed by U.S. Customs and Border Protection; and

(ii) the locations to which such systems have been deployed; and

(B) examine the manner in which U.S. Customs and Border Protection—

(i) assesses the effectiveness of such systems; and

(ii) uses such systems in conjunction with other border security resources and assets, such as border barriers and technology, to detect and interdict drug smuggling and trafficking at the southwest border of the United States.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing the findings of the review conducted pursuant to subsection (a).

Subtitle B—Enhancing Department of Homeland Security Drug Seizures

SEC. 6311. SHORT TITLE.

This subtitle may be cited as the ''Enhancing DHS Drug Seizures Act''.

SEC. 6312. COORDINATION AND INFORMATION SHARING.

(a) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a strategy to strengthen existing and establish new public-private partnerships with shipping, chemical, and pharmaceutical industries to assist with early detection and interdiction of illicit drugs and precursor chemicals.

(2) CONTENTS.—The strategy required under paragraph (1) shall contain goals and objectives for employees of the Department of Homeland Security to ensure the tactics, techniques, and procedures gained from the public-private partnerships described in paragraph (1) are included in policies, best practices, and training for the Department.

(3) IMPLEMENTATION PLAN.—Not later than 180 days after developing the strategy required under paragraph (1), the Secretary of Homeland Security shall develop an implementation plan for the strategy, which shall outline departmental lead and support roles, responsibilities, programs, and timelines for accomplishing the goals and objectives of the strategy.

(4) BRIEFING.—The Secretary of Homeland Security shall provide annual briefings to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made in addressing the implementation plan developed pursuant to paragraph (3).

(b) ASSESSMENT OF DRUG TASK FORCES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall conduct an assessment of the counterdrug task forces in which the Department of Homeland Security, including components of the Department, participates in or leads, which shall include—

(A) areas of potential overlap;

(B) opportunities for sharing information and best practices;

(C) how the Department's processes for ensuring accountability and transparency in its vetting and oversight of partner agency task force members align with best practices; and

(D) corrective action plans for any capability limitations and deficient or negative findings identified in the report for any such task forces led by the Department.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains a summary of the results of the assessment conducted pursuant to paragraph (1).

(3) CORRECTIVE ACTION PLAN.—The Secretary of Homeland Security shall—

(A) implement the corrective action plans described in paragraph (1)(D) immediately after the submission of the report pursuant to paragraph (2); and

(B) provide annual briefings to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made in implementing the corrective action plans.

(c) COMBINATION OF BRIEFINGS.—The Secretary of Homeland Security may combine the briefings required under subsections (a)(4) and (b)(3)(B) and provide such combined briefings through fiscal year 2026.

SEC. 6313. DANGER PAY FOR DEPARTMENT OF HOMELAND SECURITY PERSONNEL DEPLOYED ABROAD.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by inserting after section 881 the following:

''SEC. 881A. DANGER PAY ALLOWANCE.

''(a) AUTHORIZATION.—An employee of the Department, while stationed in a foreign area, may be granted a danger pay allowance, not to exceed 35 percent of the basic pay of such employee, for any period during which such foreign area experiences a civil insurrection, a civil war, ongoing terrorist acts, or wartime conditions that threaten physical harm or imminent danger to the health or well-being of such employee.

''(b) NOTICE.—Before granting or terminating a danger pay allowance to any employee pursuant to subsection (a), the Secretary, after consultation with the Secretary of State, shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives of—

''(1) the intent to make such payments and the circumstances justifying such payments; or

''(2) the intent to terminate such payments and the circumstances justifying such termination.''.

SEC. 6314. IMPROVING TRAINING TO FOREIGN-VETTED LAW ENFORCEMENT OR NATIONAL SECURITY UNITS.

The Secretary of Homeland Security, or the designee of the Secretary, may waive reimbursement for salary expenses of Department of Homeland Security for personnel providing training to foreign-vetted law enforcement or national security units in accordance with an agreement with the Department of Defense pursuant to section 1535 of title 31, United States Code.

SEC. 6315. ENHANCING THE OPERATIONS OF U.S. CUSTOMS AND BORDER PROTECTION IN FOREIGN COUNTRIES.

Section 411(f) of the Homeland Security Act of 2002 (6 U.S.C. 211(f)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) PERMISSIBLE ACTIVITIES.—

''(A) IN GENERAL.—Employees of U.S. Customs and Border Protection and other customs officers designated in accordance with the authorities granted to officers and agents of Air and Marine Operations may provide the support described in subparagraph (B) to authorities of the government of a foreign country, including by conducting joint operations with appropriate government officials within the territory of such country, if an arrangement has been entered into between the Government of the United States and the government of such country that permits such support by such employees and officers.

''(B) SUPPORT DESCRIBED.—The support described in this subparagraph is support for—

''(i) the monitoring, locating, tracking, and deterrence of—

''(I) illegal drugs to the United States;

''(II) the illicit smuggling of persons and goods into the United States;

''(III) terrorist threats to the United States; and

''(IV) other threats to the security or economy of the United States;

''(ii) emergency humanitarian efforts; and

''(iii) law enforcement capacity-building efforts.

''(C) PAYMENT OF CLAIMS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iv), the Secretary may expend funds that have been appropriated or otherwise made available for the operating expenses of the Department to pay claims for money damages against the United States, in accordance with the first paragraph of section 2672 of title 28, United States Code, which arise in a foreign country in connection with U.S. Customs and Border Protection operations in such country.

''(ii) SUBMISSION DEADLINE.—A claim may be allowed under clause (i) only if it is presented not later than 2 years after it accrues.

''(iii) REPORT.—Not later than 90 days after the date on which the expenditure authority under clause (i) expires pursuant to clause (iv), the Secretary shall submit a report to Congress that describes, for each of the payments made pursuant to clause (i)—

''(I) the foreign entity that received such payment;

''(II) the amount paid to such foreign entity;

''(III) the country in which such foreign entity resides or has its principal place of business; and

''(IV) a detailed account of the circumstances justify such payment.

''(iv) SUNSET.—The expenditure authority under clause (i) shall expire on the date that is 5 years after the date of the enactment of the Enhancing DHS Drug Seizures Act.''.

SEC. 6316. DRUG SEIZURE DATA IMPROVEMENT.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to identify any opportunities for improving drug seizure data collection.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) include a survey of the entities that use drug seizure data; and

(2) address—

(A) any additional data fields or drug type categories that should be added to U.S. Customs and Border Protection's SEACATS, U.S. Border Patrol's e3 portal, and any other systems deemed appropriate by the Commissioner of U.S. Customs and Border Protection, in accordance with the first recommendation in the Government Accountability Office's report GAO-22-104725, entitled ''Border Security: CBP Could Improve How It Categorizes Drug Seizure Data and Evaluates Training'';

(B) how all the Department of Homeland Security components that collect drug seizure data can standardize their data collection efforts and deconflict drug seizure reporting;

(C) how the Department of Homeland Security can better identify, collect, and analyze additional data on precursor chemicals, synthetic drugs, novel psychoactive substances, and analogues that have been seized by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(D) how the Department of Homeland Security can improve its model of anticipated drug flow into the United States.

(c) IMPLEMENTATION OF FINDINGS.—Following the completion of the study required under subsection (a)—

(1) the Secretary of Homeland Security, in accordance with the Office of National Drug Control Policy's 2022 National Drug Control Strategy, shall modify Department of Homeland Security drug seizure policies and training programs, as appropriate, consistent with the findings of such study; and

(2) the Commissioner of U.S. Customs and Border Protection, in consultation with the Director of U.S. Immigration and Customs Enforcement, shall make any necessary updates to relevant systems to include the results of confirmatory drug testing results.

SEC. 6317. DRUG PERFORMANCE MEASURES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop and implement a plan to ensure that components of the Department of Homeland Security develop and maintain outcome-based performance measures that adequately assess the success of drug interdiction efforts and how to utilize the existing drug-related metrics and performance measures to achieve the missions, goals, and targets of the Department.

SEC. 6318. PENALTIES FOR HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

(a) PERSONNEL AND STRUCTURES.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 274D the following:

''SECTION 274E. DESTROYING OR EVADING BORDER CONTROLS.

''(a) IN GENERAL.—It shall be unlawful to knowingly and without lawful authorization—

''(1)(A) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or

''(B) otherwise construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; and

''(2) in carrying out an act described in paragraph (1), have the intent to knowingly and willfully—

''(A) secure a financial gain;

''(B) further the objectives of a criminal organization; and

''(C) violate—

''(i) section 274(a)(1)(A)(i);

''(ii) the customs and trade laws of the United States (as defined in section 2(4) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125));

''(iii) any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States; or

''(iv) any Federal law relating to border controls measures of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Destroying or evading border controls.''.

TITLE LXIV—MISCELLANEOUS

Subtitle A—Government-wide Study Relating to High-security Leased Space

SEC. 6401. GOVERNMENT-WIDE STUDY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) BENEFICIAL OWNER.—

(A) IN GENERAL.—The term ''beneficial owner'', with respect to a covered entity, means each natural person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

(i) exercises substantial control over the covered entity; or

(ii) owns or controls not less than 25 percent of the ownership interests of, or receives substantial economic benefits from the assets of, the covered entity.

(B) EXCLUSIONS.—The term ''beneficial owner'', with respect to a covered entity, does not include—

(i) a minor;

(ii) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(iii) a person acting solely as an employee of the covered entity and whose control over or economic benefits from the covered entity derives solely from the employment status of the person;

(iv) a person whose only interest in the covered entity is through a right of inheritance, unless the person also meets the requirements of subparagraph (A); or

(v) a creditor of the covered entity, unless the creditor also meets the requirements of subparagraph (A).

(C) ANTI-ABUSE RULE.—The exclusions under subparagraph (B) shall not apply if, in the determination of the Administrator, an exclusion is used for the purpose of evading, circumventing, or abusing the requirements of this Act.

(3) CONTROL.—The term ''control'', with respect to a covered entity, means—

(A) having the authority or ability to determine how the covered entity is utilized; or

(B) having some decisionmaking power for the use of the covered entity.

(4) COVERED ENTITY.—The term ''covered entity'' means—

(A) a person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group; or

(B) any governmental entity or instrumentality of a government.

(5) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) an Executive agency; and

(B) any establishment in the legislative or judicial branch of the Federal Government.

(7) FEDERAL LESSEE.—

(A) IN GENERAL.—The term ''Federal lessee'' means—

(i) the Administrator;

(ii) the Architect of the Capitol; and

(iii) the head of any other Federal agency that has independent statutory leasing authority.

(B) EXCLUSIONS.—The term ''Federal lessee'' does not include—

(i) the head of an element of the intelligence community; or

(ii) the Secretary of Defense.

(8) FEDERAL TENANT.—

(A) IN GENERAL.—The term ''Federal tenant'' means a Federal agency that is occupying or will occupy a high-security leased space for which a lease agreement has been secured on behalf of the Federal agency.

(B) EXCLUSION.—The term ''Federal tenant'' does not include an element of the intelligence community.

(9) FOREIGN ENTITY.—The term ''foreign entity'' means—

(A) a corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization,

or group that is headquartered in or organized under the laws of—

(i) a country that is not the United States; or

(ii) a State, unit of local government, or Indian Tribe that is not located within or a territory of the United States; or

(B) a government or governmental instrumentality that is not—

(i) the United States Government; or

(ii) a State, unit of local government, or Indian Tribe that is located within or a territory of the United States.

(10) FOREIGN PERSON.—The term ''foreign person'' means an individual who is not a United States person.

(11) HIGH-SECURITY LEASED ADJACENT SPACE.—The term ''high-security leased adjacent space'' means a building or office space that shares a boundary with or surrounds a high-security leased space.

(12) HIGH-SECURITY LEASED SPACE.—The term ''high-security leased space'' means a space leased by a Federal lessee that—

(A) will be occupied by Federal employees for nonmilitary activities; and

(B) has a facility security level of III, IV, or V, as determined by the Federal tenant in consultation with the Interagency Security Committee, the Secretary of Homeland Security, and the Administrator.

(13) HIGHEST-LEVEL OWNER.—The term ''highest-level owner'' means an entity that owns or controls—

(A) an immediate owner of the offeror of a lease for a high-security leased adjacent space; or

(B) 1 or more entities that control an immediate owner of the offeror of a lease described in subparagraph (A).

(14) IMMEDIATE OWNER.—The term ''immediate owner'' means an entity, other than the offeror of a lease for a high-security leased adjacent space, that has direct control of that offeror, including—

(A) ownership or interlocking management;

(B) identity of interests among family members;

(C) shared facilities and equipment; and

(D) the common use of employees.

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

(16) SUBSTANTIAL ECONOMIC BENEFITS.—The term ''substantial economic benefits'', with respect to a natural person described in paragraph (2)(A)(ii), means having an entitlement to the funds or assets of a covered entity that, as a practical matter, enables the person, directly or indirectly, to control, manage, or direct the covered entity.

(17) UNITED STATES PERSON.—The term ''United States person'' means an individual who—

(A) is a citizen of the United States; or

(B) is an alien lawfully admitted for permanent residence in the United States.

(b) GOVERNMENT-WIDE STUDY.—

(1) COORDINATION STUDY.—The Administrator, in coordination with the Director of the Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall carry out a Government-wide study examining options to assist agencies (as defined in section 551 of title 5, United States Code) to produce a security assessment process for high-security leased adjacent space before entering into a lease or novation agreement with a covered entity for the purposes of accommodating a Federal tenant located in a high-security leased space.

(2) CONTENTS.—The study required under paragraph (1)—

(A) shall evaluate how to produce a security assessment process that includes a process for assessing the threat level of each occupancy of a high-security leased adjacent space, including through—

(i) site-visits;

(ii) interviews; and

(iii) any other relevant activities determined necessary by the Director of the Federal Protective Service; and

(B) may include a process for collecting and using information on each immediate owner, highest-level owner, or beneficial owner of a covered entity that seeks to enter into a lease with a Federal lessee for a high-security leased adjacent space, including—

(i) name;

(ii) current residential or business street address; and

(iii) an identifying number or document that verifies identity as a United States person, a foreign person, or a foreign entity.

(3) WORKING GROUP.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in coordination with the Director of Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall establish a working group to assist in the carrying out of the study required under paragraph (1).

(B) NO COMPENSATION.—A member of the working group established under subparagraph (A) shall receive no compensation as a result of serving on the working group.

(C) SUNSET.—The working group established under subparagraph (A) shall terminate on the date on which the report required under paragraph (6) is submitted.

(4) PROTECTION OF INFORMATION.—The Administrator shall ensure that any information collected pursuant to the study required under paragraph (1) shall not be made available to the public.

(5) LIMITATION.—Nothing in this subsection requires an entity located in the United States to provide information requested pursuant to the study required under paragraph (1).

(6) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Director of Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) the results of the study required under paragraph (1); and

(B) how all applicable privacy laws and rights relating to the First and Fourth Amendments to the Constitution of the United States would be upheld and followed in—

(i) the security assessment process described in subparagraph (A) of paragraph (2); and

(ii) the information collection process described in subparagraph (B) of that paragraph.

(7) LIMITATION.—Nothing in this subsection authorizes a Federal entity to mandate information gathering unless specifically authorized by law.

(8) PROHIBITION.—No information collected pursuant the security assessment process described in paragraph (2)(A) may be used for law enforcement purposes.

(9) NO ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this subsection.

Subtitle B—Intergovernmental Critical Minerals Task Force

SEC. 6411. SHORT TITLE.

This subtitle may be cited as the ''Intergovernmental Critical Minerals Task Force Act''.

SEC. 6412. DEFINITIONS.

In this subtitle:

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

(A) the Committees on Homeland Security and Governmental Affairs, Energy and Natural Resources, Armed Services, Environment and Public Works, Commerce, Science, and Transportation, and Foreign Relations of the Senate; and

(B) the Committees on Oversight and Accountability, Natural Resources, Armed Services, and Foreign Affairs of the House of Representatives.

(2) COVERED COUNTRY.—The term ''covered country'' means—

(A) a covered nation (as defined in section 4872(d) of title 10, United States Code); and

(B) any other country determined by the task force to be a geostrategic competitor or adversary of the United States with respect to critical minerals.

(3) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) TASK FORCE.—The term ''task force'' means the task force established under section 6414(b).

SEC. 6413. FINDINGS.

Congress finds that—

(1) current supply chains of critical minerals pose a great risk to the homeland and national security of the United States;

(2) critical minerals contribute to transportation, technology, renewable energy, military equipment and machinery, and other relevant entities crucial for the homeland and national security of the United States;

(3) in 2022, the United States was 100 percent import reliant for 12 out of 50 critical minerals and more than 50 percent import reliant for an additional 31 critical mineral commodities classified as ''critical'' by the United States Geological Survey, and the People's Republic of China was the top producing nation for 30 of those 50 critical minerals;

(4) companies based in the People's Republic of China that extract rare earth minerals around the world have received hundreds of charges of human rights violations; and

(5) on March 26, 2014, the World Trade Organization ruled that the export restraints by the People's Republic of China on rare earth metals violated obligations under the protocol of accession to the World Trade Organization, which harmed manufacturers and workers in the United States.

SEC. 6414. INTERGOVERNMENTAL CRITICAL MINERALS TASK FORCE.

(a) PURPOSES.—The purposes of the task force are—

(1) to assess the reliance of the United States on the People's Republic of China, and other covered countries, for critical minerals, and the resulting homeland and national security risks associated with that reliance, at each level of the Federal, State, local, Tribal, and territorial governments;

(2) to make recommendations to onshore and improve the domestic supply chain for critical minerals; and

(3) to reduce the reliance of the United States, and partners and allies of the United States, on critical mineral supply chains involving covered countries.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director shall establish a task force to facilitate cooperation, coordination, and mutual accountability among each level of the Federal Government and State, local, Tribal, and territorial governments on a holistic response to the dependence on covered countries for critical minerals across the United States.

(c) COMPOSITION; MEETINGS.—

(1) APPOINTMENT.—The Director, in consultation with key intergovernmental, private, and public sector stakeholders, shall appoint to the task force representatives with expertise in critical mineral supply chains from Federal agencies, State, local, Tribal, and territorial governments, including not less than 1 representative from each of—

(A) the Bureau of Indian Affairs;
(B) the Bureau of Land Management;
(C) the Department of Agriculture;
(D) the Department of Commerce;
(E) the Department of Defense;
(F) the Department of Energy;
(G) the Department of Homeland Security;
(H) the Department of Housing and Urban Development;
(I) the Department of the Interior;
(J) the Department of Labor;
(K) the Department of State;
(L) the Department of Transportation;
(M) the Environmental Protection Agency;
(N) the General Services Administration;
(O) the National Science Foundation;
(P) the United States International Development Finance Corporation;
(Q) the United States Geological Survey; and
(R) any other relevant Federal entity, as determined by the Director.

(2) CONSULTATION.—The task force shall consult individuals with expertise in critical mineral supply chains, individuals from States whose communities, businesses, and industries are involved in aspects of the critical mineral supply chain, including mining and processing operations, and individuals from a diverse and balanced cross-section of—

(A) intergovernmental consultees, including—
(i) State governments;
(ii) local governments;
(iii) Tribal governments; and
(iv) territorial governments; and
(B) other stakeholders, including—
(i) academic research institutions;
(ii) corporations;
(iii) nonprofit organizations;
(iv) private sector stakeholders;
(v) trade associations;
(vi) mining industry stakeholders; and
(vii) labor representatives.

(3) CHAIR.—The Director may serve as chair of the task force, or designate a representative of the task force to serve as chair.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 90 days after the date on which all representatives of the task force have been appointed, the task force shall hold the first meeting of the task force.

(B) FREQUENCY.—The task force shall meet not less than once every 90 days.

(d) DUTIES.—

(1) IN GENERAL.—The duties of the task force shall include—

(A) facilitating cooperation, coordination, and mutual accountability for the Federal Government and State, local, Tribal, and territorial governments to enhance data sharing and transparency in the supply chains for critical minerals in support of the purposes described in subsection (a);

(B) providing recommendations with respect to—

(i) research and development into emerging technologies used to expand existing critical mineral supply chains in the United States and to establish secure and reliable critical mineral supply chains to the United States;

(ii) increasing capacities for mining, processing, refinement, reuse, and recycling of critical minerals in the United States to facilitate the environmentally responsible production of domestic resources to meet national critical mineral needs, in consultation with Tribal and local communities;

(iii) identifying how statutes, regulations, and policies related to the critical mineral supply chain could be modified to accelerate environmentally responsible domestic production of critical minerals, in consultation with Tribal and local communities;

(iv) strengthening the domestic workforce to support growing critical mineral supply chains with good-paying, safe jobs in the United States;

(v) identifying alternative domestic sources to critical minerals that the United States currently relies on the People's Republic of China or other covered countries for mining, processing, refining, and recycling, including the availability, cost, and quality of those domestic alternatives;

(vi) identifying critical minerals and critical mineral supply chains that the United States can onshore, at a competitive availability, cost, and quality, for those minerals and supply chains that the United States relies on the People's Republic of China or other covered countries to provide; and

(vii) opportunities for the Federal Government and State, local, Tribal, and territorial governments to mitigate risks to the homeland and national security of the United States with respect to supply chains for critical minerals that the United States currently relies on the People's Republic of China or other covered countries for mining, processing, refining, and recycling;

(C) prioritizing the recommendations in subparagraph (B), taking into consideration economic costs and focusing on the critical mineral supply chains with vulnerabilities posing the most significant risks to the homeland and national security of the United States;

(D) establishing specific strategies, to be carried out in coordination with the Secretary of State, to strengthen international partnerships in furtherance of critical minerals supply chain security with international allies and partners, including—

(i) countries with which the United States has a free trade agreement;

(ii) countries participating in the Indo-Pacific Economic Framework for Prosperity;

(iii) countries participating in the Quadrilateral Security Dialogue;

(iv) countries that are signatories to the Abraham Accords;

(v) countries designated as eligible sub-Saharan Africa countries under section 104 of the Africa Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(vi) other countries or multilateral partnerships the Task Force determines to be appropriate; and

(E) other duties, as determined by the Director.

(2) REPORT.—The Director shall—

(A) not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress a report, which shall be submitted in unclassified form, but may include a classified annex, that describes any findings, guidelines, and recommendations created in performing the duties under paragraph (1);

(B) not later than 120 days after the date on which the Director submits the report under subparagraph (A), publish that report in the Federal Register and on the website of the Office of Management and Budget, except that the Director shall redact information from the report that the Director determines could pose a risk to the homeland and national security of the United States by being publicly available; and

(C) brief the appropriate committees of Congress twice per year.

(e) SUNSET.—The task force shall terminate on the date that is 90 days after the date on which the task force completes the requirements under subsection (d)(2).

(f) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study examining the Federal and State regulatory landscape related to improving domestic supply chains for critical minerals in the United States.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that describes the results of the study under paragraph (1).

DIVISION G—COMMITTEE ON FOREIGN RELATIONS

TITLE LXX—AUKUS MATTERS

SEC. 7001. DEFINITIONS.

In this title:

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

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

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

(2) AUKUS PARTNERSHIP.—

(A) IN GENERAL.—The term ''AUKUS partnership'' means the enhanced trilateral security partnership between Australia, the United Kingdom, and the United States announced in September 2021.

(B) PILLARS.—The AUKUS partnership includes the following two pillars:

(i) Pillar One is focused on developing a pathway for Australia to acquire conventionally armed, nuclear-powered submarines.

(ii) Pillar Two is focused on enhancing trilateral collaboration on advanced defense capabilities, including hypersonic and counter hypersonic capabilities, quantum technologies, undersea technologies, and artificial intelligence.

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

(4) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means subchapter M of chapter I of title 22, Code of Federal Regulations (or successor regulations).

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

Subtitle A—Outlining the AUKUS Partnership

SEC. 7011. STATEMENT OF POLICY ON THE AUKUS PARTNERSHIP.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the AUKUS partnership is integral to United States national security, increasing United States and allied capability in the undersea domain of the Indo-Pacific, and developing cutting edge military capabilities;

(2) the transfer of conventionally armed, nuclear-powered submarines to Australia will position the United States and its allies to maintain peace and security in the Indo-Pacific;

(3) the transfer of conventionally armed, nuclear-powered submarines to Australia

will be safely implemented with the highest nonproliferation standards in alignment with—

(A) safeguards established by the International Atomic Energy Agency; and

(B) the Additional Protocol to the Agreement between Australia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Vienna September 23, 1997;

(4) the United States will enter into a mutual defense agreement with Australia, modeled on the 1958 bilateral mutual defense agreement with the United Kingdom, for the sole purpose of facilitating the transfer of naval nuclear propulsion technology to Australia;

(5) working with the United Kingdom and Australia to develop and provide joint advanced military capabilities to promote security and stability in the Indo-Pacific will have tangible impacts on United States military effectiveness across the world;

(6) in order to better facilitate cooperation under Pillar 2 of the AUKUS partnership, it is imperative that every effort be made to streamline United States export controls consistent with necessary and reciprocal security safeguards on United States technology at least comparable to those of the United States;

(7) the trade authorization mechanism for the AUKUS partnership administered by the Department is a critical first step in reimagining the United States export control system to carry out the AUKUS partnership and expedite technology sharing and defense trade among the United States, Australia, and the United Kingdom; and

(8) the vast majority of United States defense trade with Australia is conducted through the Foreign Military Sales (FMS) process, the preponderance of defense trade with the United Kingdom is conducted through Direct Commercial Sales (DCS), and efforts to streamline United States export controls should focus on both Foreign Military Sales and Direct Commercial Sales.

SEC. 7012. SENIOR ADVISOR FOR THE AUKUS PARTNERSHIP AT THE DEPARTMENT OF STATE.

(a) IN GENERAL.—There shall be a Senior Advisor for the AUKUS partnership at the Department, who—

(1) shall report directly to the Secretary; and

(2) may not hold another position in the Department concurrently while holding the position of Senior Advisor for the AUKUS partnership.

(b) DUTIES.—The Senior Advisor shall—

(1) be responsible for coordinating efforts related to the AUKUS partnership across the Department, including the bureaus engaged in nonproliferation, defense trade, security assistance, and diplomatic relations in the Indo-Pacific;

(2) serve as the lead within the Department for implementation of the AUKUS partnership in interagency processes, consulting with counterparts in the Department of Defense, the Department of Commerce, the Department of Energy, the Office of Naval Reactors, and any other relevant agencies;

(3) lead diplomatic efforts related to the AUKUS partnership with other governments to explain how the partnership will enhance security and stability in the Indo-Pacific; and

(4) consult regularly with the appropriate congressional committees, and keep such committees fully and currently informed, on issues related to the AUKUS partnership, including in relation to the AUKUS Pillar 1 objective of supporting Australia's acquisition of conventionally armed, nuclear-powered submarines and the Pillar 2 objective of jointly developing advanced military capabilities to support security and stability in the Indo-Pacific, as affirmed by the President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Australia on April 5, 2022.

(c) PERSONNEL TO SUPPORT THE SENIOR ADVISOR.—The Secretary shall ensure that the Senior Advisor is adequately staffed, including through encouraging details, or assignment of employees of the Department, with expertise related to the implementation of the AUKUS partnership, including staff with expertise in—

(1) nuclear policy, including nonproliferation;

(2) defense trade and security cooperation, including security assistance; and

(3) relations with respect to political-military issues in the Indo-Pacific and Europe.

(d) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and not later than 90 days after a Senior Advisor assumes such position, the Secretary shall notify the appropriate congressional committees of the number of full-time equivalent positions, relevant expertise, and duties of any employees of the Department or detailees supporting the Senior Advisor.

(e) SUNSET.—

(1) IN GENERAL.—The position of the Senior Advisor for the AUKUS partnership shall terminate on the date that is 8 years after the date of the enactment of this Act.

(2) RENEWAL.—The Secretary may renew the position of the Senior Advisor for the AUKUS partnership for 1 additional period of 4 years, following notification to the appropriate congressional committees of the renewal.

Subtitle B—Authorization for Submarine Transfers, Support, and Infrastructure Improvement Activities

SEC. 7021. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES.

(a) AUTHORIZATION TO TRANSFER SUBMARINES.—

(1) IN GENERAL.—Subject to paragraphs (3), (4), and (11), the President may, under section 21 of the Arms Export Control Act (22 U.S.C. 2761)—

(A) transfer not more than two Virginia class submarines from the inventory of the United States Navy to the Government of Australia on a sale basis; and

(B) transfer not more than one additional Virginia class submarine to the Government of Australia on a sale basis.

(2) REQUIREMENTS NOT APPLICABLE.—A sale carried out under paragraph (1)(B) shall not be subject to the requirements of—

(A) section 36 of the Arms Export Control Act (22 U.S.C. 2776); or

(B) section 8677 of title 10, United States Code.

(3) CERTIFICATION; BRIEFING.—

(A) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided by paragraph (1) not earlier than 60 days after the date on which the President certifies to the appropriate congressional committees that any submarine transferred under such authority shall be used to support the joint security interests and military operations of the United States and Australia.

(B) WAIVER OF CHIEF OF NAVAL OPERATIONS CERTIFICATION.—The requirement for the Chief of Naval Operations to make a certification under section 8678 of title 10, United States Code, shall not apply to a transfer under paragraph (1).

(C) BRIEFING.—Not later than 90 days before the sale of any submarine under paragraph (1), the Secretary of the Navy shall provide to the appropriate congressional committees a briefing on—

(i) the impacts of such sale to the readiness of the submarine fleet of the United States, including with respect to maintenance timelines, deployment-to-dwell ratios, training, exercise participation, and the ability to meet combatant commander requirements;

(ii) the impacts of such sale to the submarine industrial base of the United States, including with respect to projected maintenance requirements, acquisition timelines for spare and replacement parts, and future procurement of Virginia class submarines for the submarine fleet of the United States; and

(iii) other relevant topics as determined by the Secretary of the Navy.

(4) REQUIRED MUTUAL DEFENSE AGREEMENT.—Before any transfer occurs under subsection (a), the United States and Australia shall have a mutual defense agreement in place, which shall—

(A) provide a clear legal framework for the sole purpose of Australia's acquisition of conventionally armed, nuclear-powered submarines; and

(B) meet the highest nonproliferation standards for the exchange of nuclear materials, technology, equipment, and information between the United States and Australia.

(5) SUBSEQUENT SALES.—A sale of a Virginia class submarine that occurs after the sales described in paragraph (1) may occur only if such sale is explicitly authorized in legislation enacted after the date of the enactment of this Act.

(6) COSTS OF TRANSFER.—Any expense incurred by the United States in connection with a transfer under paragraph (1) shall be charged to the Government of Australia.

(7) CREDITING OF RECEIPTS.—Notwithstanding any provision of law pertaining to the crediting of amounts received from a sale under section 21 of the Arms Export Control Act (22 U.S.C. 2761), any funds received by the United States pursuant to a transfer under paragraph (1) shall—

(A) be credited, at the discretion of the President, to—

(i) the fund or account used in incurring the original obligation for the acquisition of submarines transferred under paragraph (1);

(ii) an appropriate fund or account available for the purposes for which the expenditures for the original acquisition of submarines transferred under paragraph (1) were made; or

(iii) any other fund or account available for the purpose specified in paragraph (8)(B); and

(B) remain available for obligation until expended.

(8) USE OF FUNDS.—Subject to paragraphs (9) and (10), the President may use funds received pursuant to a transfer under paragraph (1)—

(A) for the acquisition of submarines to replace the submarines transferred to the Government of Australia; or

(B) for improvements to the submarine industrial base of the United States.

(9) PLAN FOR USE OF FUNDS.—Before any use of any funds received pursuant to a transfer under paragraph (1), the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing how such funds will be used, including specific amounts and purposes.

(10) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—Not later than 30 days after the date of any transfer under paragraph (1), and upon any transfer or depositing of funds received pursuant to such a transfer, the President shall notify the appropriate congressional committees, the

Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) the amount of funds received pursuant to the transfer; and

(ii) the specific account or fund into which the funds described in clause (i) are deposited.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds received pursuant to transfers under paragraph (1) have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes an accounting of how funds received pursuant to transfers under paragraph (1) were used in the fiscal year preceding the fiscal year in which the report is submitted.

(11) APPLICABILITY OF EXISTING LAW TO TRANSFER OF SPECIAL NUCLEAR MATERIAL AND UTILIZATION FACILITIES FOR MILITARY APPLICATIONS.—

(A) IN GENERAL.—With respect to any special nuclear material for use in utilization facilities or any portion of a submarine transferred under paragraph (1) constituting utilization facilities for military applications under section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121), transfer of such material or such facilities shall occur only in accordance with such section 91.

(B) USE OF FUNDS.—The President may use proceeds from a transfer described in subparagraph (A) for the acquisition of submarine naval nuclear propulsion plants and nuclear fuel to replace propulsion plants and fuel transferred to the Government of Australia.

(b) REPAIR AND REFURBISHMENT OF AUKUS SUBMARINES.—Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) REPAIR AND REFURBISHMENT OF CERTAIN SUBMARINES.—

''(1) SHIPYARD.—Notwithstanding any other provision of this section, the President shall—

''(A) determine the appropriate shipyard in the United States, Australia, or the United Kingdom to perform any repair or refurbishment of a United States submarine involved in submarine security activities between the United States, Australia, and the United Kingdom; and

''(B) in making a determination under subparagraph (A) with respect whether a shipyard is appropriate, consider the significance of the shipyard to strategically important areas of operations.

''(2) PERSONNEL.—Repair or refurbishment described in paragraph (1)(A) may be carried out by personnel of the United States, the United Kingdom, or Australia in accordance with the international arrangements governing the submarine security activities described in such paragraph.''.

SEC. 7022. ACCEPTANCE OF CONTRIBUTIONS FOR AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES; AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.

(a) ACCEPTANCE AUTHORITY.—The President may accept from the Government of Australia contributions of money made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities between Australia, the United Kingdom, and the United States (AUKUS).

(b) ESTABLISHMENT OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a special account to be known as the ''AUKUS Submarine Security Activities Account''.

(2) CREDITING OF CONTRIBUTIONS OF MONEY.—Contributions of money accepted by the President under subsection (a) shall be credited to the AUKUS Submarine Security Activities Account.

(3) AVAILABILITY.—Amounts credited to the AUKUS Submarine Security Activities Account shall remain available until expended.

(c) USE OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the President may use funds in the AUKUS Submarine Security Activities Account—

(A) for any purpose authorized by law that the President determines would support submarine security activities between Australia, the United Kingdom, and the United States; or

(B) to carry out a military construction project related to the AUKUS partnership that is not otherwise authorized by law.

(2) PLAN FOR USE OF FUNDS.—Before any use of any funds in the AUKUS Submarine Security Activities Account, the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing—

(A) the amount of funds in the AUKUS Submarine Security Activities Account; and

(B) how such funds will be used, including specific amounts and purposes.

(d) TRANSFERS OF FUNDS.—

(1) IN GENERAL.—In carrying out subsection (c) and subject to paragraphs (2) and (5), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Defense or any other appropriate agency.

(2) DEPARTMENT OF ENERGY.—In carrying out subsection (c), and in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Energy to carry out activities related to submarine security activities between Australia, the United Kingdom, and the United States.

(3) AVAILABILITY FOR OBLIGATION.—Funds transferred under this subsection shall be available for obligation for the same time period and for the same purpose as the account or fund to which transferred.

(4) TRANSFER BACK TO ACCOUNT.—Upon a determination by the President that all or part of the funds transferred from the AUKUS Submarine Security Activities Account are not necessary for the purposes for which such funds were transferred, and subject to paragraph (5), all or such part of such funds shall be transferred back to the AUKUS Submarine Security Activities Account.

(5) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—The President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) before the transfer of any funds under this subsection—

(I) the amount of funds to be transferred; and

(II) the planned or anticipated purpose of such funds; and

(ii) before the obligation of any funds transferred under this subsection—

(I) the amount of funds to be obligated; and

(II) the purpose of the obligation.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds transferred under this subsection have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes a detailed accounting of—

(i) the amount of funds transferred under this subsection during the fiscal year preceding the fiscal year in which the report is submitted; and

(ii) the purposes for which such funds were used.

(e) INVESTMENT OF MONEY.—

(1) AUTHORIZED INVESTMENTS.—The President may invest money in the AUKUS Submarine Security Activities Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

(2) INTEREST AND OTHER INCOME.—Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the AUKUS Submarine Security Activities Account.

(f) RELATIONSHIP TO OTHER LAWS.—The authority to accept or transfer funds under this section is in addition to any other authority to accept or transfer funds.

SEC. 7023. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY TRAINING.

(a) IN GENERAL.—The President may transfer or export directly to private individuals in Australia defense services that may be transferred to the Government of Australia under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to support the development of the submarine industrial base of Australia necessary for submarine security activities between Australia, the United Kingdom, and the United States, including if such individuals are not officers, employees, or agents of the Government of Australia.

(b) SECURITY CONTROLS.—

(1) IN GENERAL.—Any defense service transferred or exported under subsection (a) shall be subject to appropriate security controls to ensure that any sensitive information conveyed by such transfer or export is protected from disclosure to persons unauthorized by the United States to receive such information.

(2) CERTIFICATION.—Not later than 30 days before the first transfer or export of a defense service under subsection (a), and annually thereafter, the President shall certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the controls described in paragraph (1) will protect the information described in such paragraph for the defense services so transferred or exported.

(c) APPLICATION OF REQUIREMENTS FOR RETRANSFER AND REEXPORT.—Any person who receives any defense service transferred or exported under subsection (a) may retransfer or reexport such service to other persons only in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

Subtitle C—Streamlining and Protecting Transfers of United States Military Technology From Compromise

SEC. 7031. PRIORITY FOR AUSTRALIA AND THE UNITED KINGDOM IN FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

(a) IN GENERAL.—The President shall institute policies and procedures for letters of request from Australia and the United Kingdom to transfer defense articles and services under section 21 of the Arms Export Control Act (22 U.S.C. 2761) related to the AUKUS partnership to receive expedited consideration and processing relative to all other letters of request other than from Taiwan and Ukraine.

(b) TECHNOLOGY TRANSFER POLICY FOR AUSTRALIA, CANADA, AND THE UNITED KINGDOM.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Defense, shall create an anticipatory release policy for the transfer of technologies described in paragraph (2) to Australia, the United Kingdom, and Canada through Foreign Military Sales and Direct Commercial Sales that are not covered by an exemption under the International Traffic in Arms Regulations.

(2) CAPABILITIES DESCRIBED.—The capabilities described in this paragraph are—

(A) Pillar One-related technologies associated with submarine and associated combat systems; and

(B) Pillar Two-related technologies, including hypersonic missiles, cyber capabilities, artificial intelligence, quantum technologies, undersea capabilities, and other advanced technologies.

(3) EXPEDITED DECISION-MAKING.—Review of a transfer under the policy established under paragraph (1) shall be subject to an expedited decision-making process.

(c) INTERAGENCY POLICY AND GUIDANCE.—The Secretary and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to requests for Foreign Military Sales and Direct Commercial Sales, including by incorporating the anticipatory release provisions of this section.

SEC. 7032. IDENTIFICATION AND PRE-CLEARANCE OF PLATFORMS, TECHNOLOGIES, AND EQUIPMENT FOR SALE TO AUSTRALIA AND THE UNITED KINGDOM THROUGH FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

Not later than 90 days after the date of the enactment of this Act, and on a biennial basis thereafter for 8 years, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a list of advanced military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Australia, the United Kingdom and Canada through the Foreign Military Sales and Direct Commercial Sales programs without regard to whether a letter of request or license to purchase such platforms, technologies, or equipment has been received from any of such country. Each list may include items that are not related to the AUKUS partnership but may not include items that are not covered by an exemption under the International Traffic in Arms Regulations.

SEC. 7033. EXPORT CONTROL EXEMPTIONS AND STANDARDS.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(l) AUKUS DEFENSE TRADE COOPERATION.—

''(1) EXEMPTION FROM LICENSING AND APPROVAL REQUIREMENTS.—Subject to paragraph (2) and notwithstanding any other provision of this section, the Secretary of State may exempt from the licensing or other approval requirements of this section exports and transfers (including reexports, retransfers, temporary imports, and brokering activities) of defense articles and defense services between or among the United States, the United Kingdom, and Australia that—

''(A) are not excluded by those countries;

''(B) are not referred to in subsection(j)(1)(C)(ii); and

''(C) involve only persons or entities that are approved by—

''(i) the Secretary of State; and

''(ii) the Ministry of Defense, the Ministry of Foreign Affairs, or other similar authority within those countries.

''(2) LIMITATION.—The authority provided in subparagraph (1) shall not apply to any activity, including exports, transfers, reexports, retransfers, temporary imports, or brokering, of United States defense articles and defense services involving any country or a person or entity of any country other than the United States, the United Kingdom, and Australia.''.

(b) REQUIRED STANDARDS OF EXPORT CONTROLS.—The Secretary may only exercise the authority under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, with respect to the United Kingdom or Australia 30 days after the Secretary submits to the appropriate congressional committees an unclassified certification and detailed unclassified assessment (which may include a classified annex) that the country concerned has implemented standards for a system of export controls that satisfies the elements of section 38(j)(2) of the Arms Export Control Act (22 U.S.C. 2778(j)(2)) for United States-origin defense articles and defense services, and for controlling the provision of military training, that are comparable to those standards administered by the United States in effect on the date of the enactment of this Act.

(c) CERTAIN REQUIREMENTS NOT APPLICABLE.—

(1) IN GENERAL.—Paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) shall not apply to any export or transfer that is the subject of an exemption under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section.

(2) QUARTERLY REPORTS.—The Secretary shall—

(A) require all exports and transfers that would be subject to the requirements of paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) but for the application of subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, to be reported to the Secretary; and

(B) submit such reports to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives on a quarterly basis.

(d) SUNSET.—Any exemption under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, shall terminate on the date that is 15 years after the date of the enactment of this Act. The Secretary of State may renew such exemption for 5 years upon a certification to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such exemption is in the vital national interest of the United States with a detailed justification for such certification.

(e) REPORTS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter until no exemptions under subsection (l)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, remain in effect, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the operation of exemptions issued under such subsection (l)(1), including whether any changes to such exemptions are likely to be made in the coming year.

(B) INITIAL REPORT.—The first report submitted under subparagraph (A) shall also include an assessment of key recommendations the United States Government has provided to the Governments of Australia and the United Kingdom to revise laws, regulations, and policies of such countries that are required to implement the AUKUS partnership.

(2) REPORT ON EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall report on the practical application of a possible ''fast track'' decision-making process for applications, classified or unclassified, to export defense articles and defense services to Australia, the United Kingdom, and Canada.

SEC. 7034. EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES TO AUSTRALIA, THE UNITED KINGDOM, AND CANADA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Defense, shall initiate a rulemaking to establish an expedited decision-making process, classified or unclassified, for applications to export to Australia, the United Kingdom, and Canada commercial, advanced-technology defense articles and defense services that are not covered by an exemption under the International Traffic in Arms Regulations.

(b) ELIGIBILITY.—To qualify for the expedited decision-making process described in subsection (a), an application shall be for an export of defense articles or defense services that will take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom and the United States and with governments or corporate entities from such countries.

(c) AVAILABILITY OF EXPEDITED PROCESS.—The expedited decision-making process described in subsection (a) shall be available for both classified and unclassified items, and the process must satisfy the following criteria to the extent practicable:

(1) Any licensing application to export defense articles and services that is related to a government to government AUKUS agreement must be approved, returned, or denied withing 30 days of submission.

(2) For all other licensing requests, any review shall be completed not later than 45 calendar days after the date of application.

SEC. 7035. UNITED STATES MUNITIONS LIST.

(a) EXEMPTION FOR THE GOVERNMENTS OF THE UNITED KINGDOM AND AUSTRALIA FROM CERTIFICATION AND CONGRESSIONAL NOTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN TRANSFERS.—Section 38(f)(3) of the Arms Export Control Act (22 U.S.C. 2778(f)(3)) is amended by inserting '', the United Kingdom, or Australia'' after ''Canada''.

(b) UNITED STATES MUNITIONS LIST PERIODIC REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through authority delegated by the President to carry out periodic reviews of items on the United States Munitions List under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) and in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Director of the Office of Management and Budget, shall carry out such reviews not less frequently than every 3 years.

(2) SCOPE.—The periodic reviews described in paragraph (1) shall focus on matters including—

(A) interagency resources to address current threats faced by the United States;

(B) the evolving technological and economic landscape;

(C) the widespread availability of certain technologies and items on the United States Munitions List; and

(D) risks of misuse of United States-origin defense articles.

(3) CONSULTATION.—The Department of State may consult with the Defense Trade Advisory Group (DTAG) and other interested

parties in conducting the periodic review described in paragraph (1).

Subtitle D—Other AUKUS Matters

SEC. 7041. REPORTING RELATED TO THE AUKUS PARTNERSHIP.

(a) REPORT ON INSTRUMENTS.—

(1) IN GENERAL.—Not later than 30 days after the signature, conclusion, or other finalization of any non-binding instrument related to the AUKUS partnership, the President shall submit to the appropriate congressional committees the text of such instrument.

(2) NON-DUPLICATION OF EFFORTS; RULE OF CONSTRUCTION.—To the extent the text of a non-binding instrument is submitted to the appropriate congressional committees pursuant to subsection (a), such text does not need to be submitted to Congress pursuant to section 112b(a)(1)(A)(ii) of title 1, United States Code, as amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3476). Paragraph (1) shall not be construed to relieve the executive branch of any other requirement of section 112b of title 1, United States Code, as amended so amended, or any other provision of law.

(3) DEFINITIONS.—In this section:

(A) IN GENERAL.—The term ''text'', with respect to a 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 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 non-binding instrument.

(B) CONTEMPORANEOUSLY AND IN CONJUNCTION WITH.—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.

(b) REPORT ON AUKUS PARTNERSHIP.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Secretary, in coordination with the Secretary of Defense and other appropriate heads of agencies, shall submit to the appropriate congressional committees a report on the AUKUS partnership.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following elements:

(A) STRATEGY.—

(i) An identification of the defensive military capability gaps and capacity shortfalls that the AUKUS partnership seeks to offset.

(ii) An explanation of the total cost to the United States associated with Pillar One of the AUKUS partnership.

(iii) A detailed explanation of how enhanced access to the industrial base of Australia is contributing to strengthening the United States strategic position in Asia.

(iv) A detailed explanation of the military and strategic benefit provided by the improved access provided by naval bases of Australia.

(v) A detailed assessment of how Australia's sovereign conventionally armed nuclear attack submarines contribute to United States defense and deterrence objectives in the Indo-Pacific region.

(B) IMPLEMENT THE AUKUS PARTNERSHIP.—

(i) Progress made on achieving the Optimal Pathway established for Australia's development of conventionally armed, nuclear-powered submarines, including the following elements:

(I) A description of progress made by Australia, the United Kingdom, and the United States to conclude an Article 14 arrangement with the International Atomic Energy Agency.

(II) A description of the status of efforts of Australia, the United Kingdom, and the United States to build the supporting infrastructure to base conventionally armed, nuclear-powered attack submarines.

(III) Updates on the efforts by Australia, the United Kingdom, and the United States to train a workforce that can build, sustain, and operate conventionally armed, nuclear-powered attack submarines.

(IV) A description of progress in establishing submarine support facilities capable of hosting rotational forces in western Australia by 2027.

(V) A description of progress made in improving United States submarine production capabilities that will enable the United States to meet—

(aa) its objectives of providing up to five Virginia Class submarines to Australia by the early to mid-2030's; and

(bb) United States submarine production requirements.

(ii) Progress made on Pillar Two of the AUKUS partnership, including the following elements:

(I) An assessment of the efforts of Australia, the United Kingdom, and the United States to enhance collaboration across the following eight trilateral lines of effort:

(aa) Underseas capabilities.

(bb) Quantum technologies.

(cc) Artificial intelligence and autonomy.

(dd) Advanced cyber capabilities.

(ee) Hypersonic and counter-hypersonic capabilities.

(ff) Electronic warfare.

(gg) Innovation.

(hh) Information sharing.

(II) An assessment of any new lines of effort established.

DIVISION H—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

TITLE LXXX—SECURING SEMICONDUCTOR SUPPLY CHAINS ACT OF 2023

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Securing Semiconductor Supply Chains Act of 2023''.

SEC. 8002. SELECTUSA DEFINED.

In this title, the term ''SelectUSA'' means the SelectUSA program of the Department of Commerce established by Executive Order 13577 (76 Fed. Reg. 35,715).

SEC. 8003. FINDINGS.

Congress makes the following findings:

(1) Semiconductors underpin the United States and global economies, including manufacturing sectors. Semiconductors are also essential to the national security of the United States.

(2) A shortage of semiconductors, brought about by the COVID–19 pandemic and other complex factors impacting the overall supply chain, has threatened the economic recovery of the United States and industries that employ millions of United States citizens.

(3) Addressing current challenges and building resilience against future risks requires ensuring a secure and stable supply chain for semiconductors that will support the economic and national security needs of the United States and its allies.

(4) The supply chain for semiconductors is complex and global. While the United States plays a leading role in certain segments of the semiconductor industry, securing the supply chain requires onshoring, reshoring, or diversifying vulnerable segments, such as for—

(A) fabrication;

(B) advanced packaging; and

(C) materials and equipment used to manufacture semiconductor products.

(5) The Federal Government can leverage foreign direct investment and private dollars to grow the domestic manufacturing and production capacity of the United States for vulnerable segments of the semiconductor supply chain.

(6) The SelectUSA program of the Department of Commerce, in coordination with other Federal agencies and State-level economic development organizations, is positioned to boost foreign direct investment in domestic manufacturing and to help secure the semiconductor supply chain of the United States.

SEC. 8004. COORDINATION WITH STATE-LEVEL ECONOMIC DEVELOPMENT ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, the Executive Director of SelectUSA shall solicit comments from State-level economic development organizations—

(1) to review—

(A) what efforts the Federal Government can take to support increased foreign direct investment in any segment of semiconductor-related production;

(B) what barriers to such investment may exist and how to amplify State efforts to attract such investment;

(C) public opportunities those organizations have identified to attract foreign direct investment to help increase investment described in subparagraph (A); and

(D) resource gaps or other challenges that prevent those organizations from increasing such investment; and

(2) to develop recommendations for—

(A) how SelectUSA can increase such investment independently or through partnership with those organizations; and

(B) working with countries that are allies or partners of the United States to ensure that foreign adversaries (as defined in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2))) do not benefit from United States efforts to increase such investment.

SEC. 8005. REPORT ON INCREASING FOREIGN DIRECT INVESTMENT IN SEMICONDUCTOR-RELATED MANUFACTURING AND PRODUCTION.

Not later than 2 years after the date of the enactment of this Act, the Executive Director of SelectUSA, in coordination with the Federal Interagency Investment Working Group established by Executive Order 13577 (76 Fed. Reg. 35,715; relating to establishment of the SelectUSA Initiative), shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) a review of the comments SelectUSA received from State-level economic development organizations under section 8004;

(2) a description of activities SelectUSA is engaged in to increase foreign direct investment in semiconductor-related manufacturing and production; and

(3) an assessment of strategies SelectUSA may implement to achieve an increase in such investment and to help secure the United States supply chain for semiconductors, including by—

(A) working with other relevant Federal agencies; and

(B) working with State-level economic development organizations and implementing any strategies or recommendations SelectUSA received from those organizations.

SEC. 8006. NO ADDITIONAL FUNDS.

No additional funds are authorized to be appropriated for the purpose of carrying out this title. The Executive Director of SelectUSA shall carry out this title using amounts otherwise available to the Executive Director for such purposes.

DIVISION I—ENVIRONMENT AND PUBLIC WORKS

SEC. 9001. ACCELERATING DEPLOYMENT OF VERSATILE, ADVANCED NUCLEAR FOR CLEAN ENERGY.

(a) SHORT TITLE.—This section may be cited as the ''Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2023'' or the ''ADVANCE Act of 2023''.

(b) DEFINITIONS.—In this section:

(1) ACCIDENT TOLERANT FUEL.—The term ''accident tolerant fuel'' has the meaning given the term in section 107(a) of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5577).

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) ADVANCED NUCLEAR FUEL.—The term ''advanced nuclear fuel'' means—

(A) advanced nuclear reactor fuel; and

(B) accident tolerant fuel.

(4) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' has the meaning given the term in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439).

(5) ADVANCED NUCLEAR REACTOR FUEL.—The term ''advanced nuclear reactor fuel'' has the meaning given the term in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439).

(6) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(7) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(c) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—

(1) COORDINATION.—

(A) IN GENERAL.—The Commission shall—

(i) coordinate all work of the Commission relating to—

(I) nuclear reactor import and export licensing; and

(II) international regulatory cooperation and assistance relating to nuclear reactors, including with countries that are members of—

(aa) the Organisation for Economic Co-operation and Development; or

(bb) the Nuclear Energy Agency; and

(ii) support interagency and international coordination with respect to—

(I) the consideration of international technical standards to establish the licensing and regulatory basis to assist the design, construction, and operation of nuclear systems;

(II) efforts to help build competent nuclear regulatory organizations and legal frameworks in countries seeking to develop nuclear power; and

(III) exchange programs and training provided to other countries relating to nuclear regulation and oversight to improve nuclear technology licensing, in accordance with subparagraph (B).

(B) EXCHANGE PROGRAMS AND TRAINING.—With respect to the exchange programs and training described in subparagraph (A)(ii)(III), the Commission shall coordinate, as applicable, with—

(i) the Secretary of Energy;

(ii) National Laboratories;

(iii) the private sector; and

(iv) institutions of higher education.

(2) AUTHORITY TO ESTABLISH BRANCH.—The Commission may establish within the Office of International Programs a branch, to be known as the ''International Nuclear Reactor Export and Innovation Branch'', to carry out such international nuclear reactor export and innovation activities as the Commission determines to be appropriate and within the mission of the Commission.

(3) EXCLUSION OF INTERNATIONAL ACTIVITIES FROM THE FEE BASE.—

(A) IN GENERAL.—Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended—

(i) in subsection (a), by adding at the end the following:

''(A) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—The Commission shall identify in the annual budget justification international nuclear reactor export and innovation activities described in subsection (c)(1) of the ADVANCE Act of 2023.''; and

(ii) in subsection (b)(1)(B), by adding at the end the following:

''(I) Costs for international nuclear reactor export and innovation activities described in subsection (c)(1) of the ADVANCE Act of 2023.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on October 1, 2024.

(4) SAVINGS CLAUSE.—Nothing in this subsection alters the authority of the Commission to license and regulate the civilian use of radioactive materials.

(d) DENIAL OF CERTAIN DOMESTIC LICENSES FOR NATIONAL SECURITY PURPOSES.—

(1) DEFINITION OF COVERED FUEL.—In this subsection, the term ''covered fuel'' means enriched uranium that is fabricated into fuel assemblies for nuclear reactors by an entity that—

(A) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.

(2) PROHIBITION ON UNLICENSED POSSESSION OR OWNERSHIP OF COVERED FUEL.—Unless specifically authorized by the Commission in a license issued under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073) and part 70 of title 10, Code of Federal Regulations (or successor regulations), no person subject to the jurisdiction of the Commission may possess or own covered fuel.

(3) LICENSE TO POSSESS OR OWN COVERED FUEL.—

(A) CONSULTATION REQUIRED PRIOR TO ISSUANCE.—The Commission shall not issue a license to possess or own covered fuel under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073) and part 70 of title 10, Code of Federal Regulations (or successor regulations), unless the Commission has first consulted with the Secretary of Energy and the Secretary of State before issuing the license.

(B) PROHIBITION ON ISSUANCE OF LICENSE.—

(i) IN GENERAL.—Subject to clause (iii), a license to possess or own covered fuel shall not be issued if the Secretary of Energy and the Secretary of State make the determination described in clause (ii).

(ii) DETERMINATION.—

(I) IN GENERAL.—The determination referred to in clause (i) is a determination that possession or ownership, as applicable, of covered fuel poses a threat to the national security of the United States that adversely impacts the physical and economic security of the United States.

(II) JOINT DETERMINATION.—A determination described in subclause (I) shall be jointly made by the Secretary of Energy and the Secretary of State.

(III) TIMELINE.—

(aa) NOTICE OF APPLICATION.—Not later than 30 days after the date on which the Commission receives an application for a license to possess or own covered fuel, the Commission shall notify the Secretary of Energy and the Secretary of State of the application.

(bb) DETERMINATION.—The Secretary of Energy and the Secretary of State shall have a period of 180 days, beginning on the date on which the Commission notifies the Secretary of Energy and the Secretary of State under item (aa) of an application for a license to possess or own covered fuel, in which to make the determination described in subclause (I).

(cc) COMMISSION NOTIFICATION.—On making the determination described in subclause (I), the Secretary of Energy and the Secretary of State shall immediately notify the Commission.

(dd) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after the date on which the Secretary of Energy and the Secretary of State notify the Commission under item (cc), the Commission shall notify the appropriate committees of Congress of the determination.

(ee) PUBLIC NOTICE.—Not later than 15 days after the date on which the Commission notifies Congress under item (dd) of a determination made under subclause (I), the Commission shall make that determination publicly available.

(iii) EFFECT OF NO DETERMINATION.—The prohibition described in clause (i) shall not apply if the Secretary of Energy and the Secretary of State do not make the determination described in clause (ii) by the date described in subclause (III)(bb) of that clause.

(4) SAVINGS CLAUSE.—Nothing in this subsection alters any treaty or international agreement in effect on the date of enactment of this Act.

(e) EXPORT LICENSE REQUIREMENTS.—

(1) DEFINITION OF LOW-ENRICHED URANIUM.—In this subsection, the term ''low-enriched uranium'' means uranium enriched to less than 20 percent of the uranium-235 isotope.

(2) REQUIREMENT.—The Commission shall not issue an export license for the transfer of any item described in paragraph (4) to a country described in paragraph (3) unless the Commission makes a determination that such transfer will not be inimical to the common defense and security of the United States.

(3) COUNTRIES DESCRIBED.—A country referred to in paragraph (2) is a country that—

(A) has not concluded and ratified an Additional Protocol to its safeguards agreement with the International Atomic Energy Agency; or

(B) has not ratified or acceded to the amendment to the Convention on the Physical Protection of Nuclear Material, adopted at Vienna October 26, 1979, and opened for signature at New York March 3, 1980 (TIAS 11080), described in the information circular of the International Atomic Energy Agency numbered INFCIRC/274/Rev.1/Mod.1 and dated May 9, 2016 (TIAS 16–508).

(4) ITEMS DESCRIBED.—An item referred to in paragraph (2) includes—

(A) unirradiated nuclear fuel containing special nuclear material (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)), excluding low-enriched uranium;

(B) a nuclear reactor that uses nuclear fuel described in subparagraph (A); and

(C) any plant or component listed in Appendix I to part 110 of title 10, Code of Federal Regulations (or successor regulations), that is involved in—

(i) the reprocessing of irradiated nuclear reactor fuel elements;

(ii) the separation of plutonium; or

(iii) the separation of the uranium-233 isotope.

(5) NOTIFICATION.—If the Commission makes a determination under paragraph (2) that the transfer of any item described in paragraph (4) to a country described in paragraph (3) will not be inimical to the common defense and security of the United States, the Commission shall notify the appropriate committees of Congress.

(f) COORDINATED INTERNATIONAL ENGAGEMENT.—

(1) DEFINITIONS.—In this subsection:

(A) EMBARKING CIVIL NUCLEAR NATION.—

(i) IN GENERAL.—The term ''embarking civil nuclear nation'' means a country that—

(I) does not have a civil nuclear program;

(II) is in the process of developing or expanding a civil nuclear program, including safeguards and a legal and regulatory framework; or

(III) is in the process of selecting, developing, constructing, or utilizing an advanced nuclear reactor or advanced civil nuclear technologies.

(ii) EXCLUSIONS.—The term ''embarking civil nuclear nation'' does not include—

(I) the People's Republic of China;

(II) the Russian Federation;

(III) the Republic of Belarus;

(IV) the Islamic Republic of Iran;

(V) the Democratic People's Republic of Korea;

(VI) the Republic of Cuba;

(VII) the Bolivarian Republic of Venezuela;

(VIII) the Syrian Arab Republic;

(IX) Burma; or

(X) any other country—

(aa) the property or interests in property of the government of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(bb) the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism for purposes of—

(AA) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(BB) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d));

(CC) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i)); or

(DD) any other relevant provision of law.

(B) SECRETARIES.—The term ''Secretaries'' means the Secretary of Commerce and the Secretary of Energy, acting—

(i) in consultation with each other; and

(ii) in coordination with—

(I) the Secretary of State;

(II) the Commission;

(III) the Secretary of the Treasury;

(IV) the President of the Export-Import Bank of the United States; and

(V) officials of other Federal agencies, as the Secretary of Commerce determines to be appropriate.

(C) U.S. NUCLEAR ENERGY COMPANY.—The term ''U.S. nuclear energy company'' means a company that—

(i) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(ii) is involved in the nuclear energy industry.

(2) INTERNATIONAL CIVIL NUCLEAR MODERNIZATION INITIATIVE.—

(A) IN GENERAL.—The Secretaries shall establish and carry out, in accordance with applicable nuclear technology export laws (including regulations), an international initiative to modernize civil nuclear outreach to embarking civil nuclear nations.

(B) ACTIVITIES.—In carrying out the initiative described in subparagraph (A)—

(i) the Secretary of Commerce shall—

(I) expand outreach by the Executive Branch to the private investment community to create public-private financing relationships to assist in the export of civil nuclear technology to embarking civil nuclear nations;

(II) seek to coordinate, to the maximum extent practicable, the work carried out by each of—

(aa) the Commission;

(bb) the Department of Energy;

(cc) the Department of State;

(dd) the Nuclear Energy Agency;

(ee) the International Atomic Energy Agency; and

(ff) other agencies, as the Secretary of Commerce determines to be appropriate; and

(III) improve the regulatory framework to allow for the efficient and expeditious exporting and importing of items under the jurisdiction of the Secretary of Commerce; and

(ii) the Secretary of Energy shall—

(I) assist nongovernmental organizations and appropriate offices, administrations, agencies, laboratories, and programs of the Federal Government in providing education and training to foreign governments in nuclear safety, security, and safeguards—

(aa) through engagement with the International Atomic Energy Agency; or

(bb) independently, if the applicable nongovernmental organization, office, administration, agency, laboratory, or program determines that it would be more advantageous under the circumstances to provide the applicable education and training independently;

(II) assist the efforts of the International Atomic Energy Agency to expand the support provided by the International Atomic Energy Agency to embarking civil nuclear nations for nuclear safety, security, and safeguards; and

(III) assist U.S. nuclear energy companies to integrate security and safeguards by design in international outreach carried out by those U.S. nuclear energy companies.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy, shall submit to Congress a report describing the activities carried out under this subsection.

(g) FEES FOR ADVANCED NUCLEAR REACTOR APPLICATION REVIEW.—

(1) DEFINITIONS.—Section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439) is amended—

(A) by redesignating paragraphs (2) through (15) as paragraphs (3), (6), (7), (8), (9), (10), (12), (15), (16), (17), (18), (19), (20), and (21), respectively;

(B) by inserting after paragraph (1) the following:

''(2) ADVANCED NUCLEAR REACTOR APPLICANT.—The term 'advanced nuclear reactor applicant' means an entity that has submitted to the Commission an application to receive a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).'';

(C) by inserting after paragraph (3) (as so redesignated) the following:

''(4) ADVANCED NUCLEAR REACTOR PRE-APPLICANT.—The term 'advanced nuclear reactor pre-applicant' means an entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application to receive a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

''(5) AGENCY SUPPORT.—The term 'agency support' means the resources of the Commission that are located in executive, administrative, and other support offices of the Commission, as described in the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document).'';

(D) by inserting after paragraph (10) (as so redesignated) the following:

''(11) HOURLY RATE FOR MISSION-DIRECT PROGRAM SALARIES AND BENEFITS FOR THE NUCLEAR REACTOR SAFETY PROGRAM.—The term 'hourly rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program' means the quotient obtained by dividing—

''(A) the full-time equivalent rate (within the meaning of the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document)) for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program (as determined by the Commission) for a fiscal year; by

''(B) the productive hours assumption for that fiscal year, determined in accordance with the formula established in the document referred to in subparagraph (A) (or a successor document).''; and

(E) by inserting after paragraph (12) (as so redesignated) the following:

''(13) MISSION-DIRECT PROGRAM SALARIES AND BENEFITS FOR THE NUCLEAR REACTOR SAFETY PROGRAM.—The term 'mission-direct program salaries and benefits for the Nuclear Reactor Safety Program' means the resources of the Commission that are allocated to the Nuclear Reactor Safety Program (as determined by the Commission) to perform core work activities committed to fulfilling the mission of the Commission, as described in the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document).

''(14) MISSION-INDIRECT PROGRAM SUPPORT.—The term 'mission-indirect program support' means the resources of the Commission that support the core mission-direct activities for the Nuclear Reactor Safety Program of the Commission (as determined by the Commission), as described in the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document).''.

(2) EXCLUDED ACTIVITIES.—Section 102(b)(1)(B) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)(1)(B)) (as amended by subsection (c)(3)(A)(ii)) is amended by adding at the end the following:

''(v) The total costs of mission-indirect program support and agency support that, under paragraph (2)(B), may not be included in the hourly rate charged for fees assessed to advanced nuclear reactor applicants.

''(vi) The total costs of mission-indirect program support and agency support that, under paragraph (2)(C), may not be included in the hourly rate charged for fees assessed to advanced nuclear reactor pre-applicants.''.

(3) FEES FOR SERVICE OR THING OF VALUE.—Section 102(b) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)) is amended by striking paragraph (2) and inserting the following:

''(2) FEES FOR SERVICE OR THING OF VALUE.—

''(A) IN GENERAL.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or

thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.

''(B) ADVANCED NUCLEAR REACTOR APPLICANTS.—The hourly rate charged for fees assessed to advanced nuclear reactor applicants under this paragraph relating to the review of a submitted application described in section 3(1) shall not exceed the hourly rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program.

''(C) ADVANCED NUCLEAR REACTOR PRE-APPLICANTS.—The hourly rate charged for fees assessed to advanced nuclear reactor pre-applicants under this paragraph relating to the review of submitted materials as described in the licensing project plan of an advanced nuclear reactor pre-applicant shall not exceed the hourly rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program.''.

(4) SUNSET.—Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended by adding at the end the following:

''(g) CESSATION OF EFFECTIVENESS.—Paragraphs (1)(B)(vi) and (2)(C) of subsection (b) shall cease to be effective on September 30, 2029.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2024.

(h) ADVANCED NUCLEAR REACTOR PRIZES.—Section 103 of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5571) is amended by adding at the end the following:

''(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LICENSING.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a non-Federal entity; and

''(B) the Tennessee Valley Authority.

''(2) PRIZE FOR ADVANCED NUCLEAR REACTOR LICENSING.—

''(A) IN GENERAL.—Notwithstanding section 169 of the Atomic Energy Act of 1954 (42 U.S.C. 2209) and subject to the availability of appropriations, the Secretary is authorized to make, with respect to each award category described in subparagraph (C), an award in an amount described in subparagraph (B) to the first eligible entity—

''(i) to which the Commission issues an operating license for an advanced nuclear reactor under part 50 of title 10, Code of Federal Regulations (or successor regulations), for which an application has not been approved by the Commission as of the date of enactment of this subsection; or

''(ii) for which the Commission makes a finding described in section 52.103(g) of title 10, Code of Federal Regulations (or successor regulations), with respect to a combined license for an advanced nuclear reactor—

''(I) that is issued under subpart C of part 52 of that title (or successor regulations); and

''(II) for which an application has not been approved by the Commission as of the date of enactment of this subsection.

''(B) AMOUNT OF AWARD.—An award under subparagraph (A) shall be in an amount equal to the total amount assessed by the Commission and collected under section 102(b)(2) from the eligible entity receiving the award for costs relating to the issuance of the license described in that subparagraph, including, as applicable, costs relating to the issuance of an associated construction permit described in section 50.23 of title 10, Code of Federal Regulations (or successor regulations), or early site permit (as defined in section 52.1 of that title (or successor regulations)).

''(C) AWARD CATEGORIES.—An award under subparagraph (A) may be made for—

''(i) the first advanced nuclear reactor for which the Commission—

''(I) issues a license in accordance with clause (i) of subparagraph (A); or

''(II) makes a finding in accordance with clause (ii) of that subparagraph;

''(ii) an advanced nuclear reactor that—

''(I) uses isotopes derived from spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)) or depleted uranium as fuel for the advanced nuclear reactor; and

''(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

''(aa) issues a license in accordance with clause (i) of subparagraph (A); or

''(bb) makes a finding in accordance with clause (ii) of that subparagraph;

''(iii) an advanced nuclear reactor that—

''(I) is a nuclear integrated energy system—

''(aa) that is composed of 2 or more co-located or jointly operated subsystems of energy generation, energy storage, or other technologies;

''(bb) in which not fewer than 1 subsystem described in item (aa) is a nuclear energy system; and

''(cc) the purpose of which is—

''(AA) to reduce greenhouse gas emissions in both the power and nonpower sectors; and

''(BB) to maximize energy production and efficiency; and

''(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

''(aa) issues a license in accordance with clause (i) of subparagraph (A); or

''(bb) makes a finding in accordance with clause (ii) of that subparagraph;

''(iv) an advanced reactor that—

''(I) operates flexibly to generate electricity or high temperature process heat for nonelectric applications; and

''(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

''(aa) issues a license in accordance with clause (i) of subparagraph (A); or

''(bb) makes a finding in accordance with clause (ii) of that subparagraph; and

''(v) the first advanced nuclear reactor for which the Commission grants approval to load nuclear fuel pursuant to the technology-inclusive regulatory framework established under subsection (a)(4).

''(3) FEDERAL FUNDING LIMITATIONS.—

''(A) EXCLUSION OF TVA FUNDS.—In this paragraph, the term 'Federal funds' does not include funds received under the power program of the Tennessee Valley Authority.

''(B) LIMITATION ON AMOUNTS EXPENDED.—An award under this subsection shall not exceed the total amount expended (excluding any expenditures made with Federal funds received for the applicable project and an amount equal to the minimum cost-share required under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352)) by the eligible entity receiving the award for licensing costs relating to the project for which the award is made.

''(C) REPAYMENT AND DIVIDENDS NOT REQUIRED.—Notwithstanding section 9104(a)(4) of title 31, United States Code, or any other provision of law, an eligible entity that receives an award under this subsection shall not be required—

''(i) to repay that award or any part of that award; or

''(ii) to pay a dividend, interest, or other similar payment based on the sum of that award.''.

(i) REPORT ON UNIQUE LICENSING CONSIDERATIONS RELATING TO THE USE OF NUCLEAR ENERGY FOR NONELECTRIC APPLICATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report (referred to in this subsection as the ''report'') addressing any unique licensing issues or requirements relating to—

(A) the flexible operation of nuclear reactors, such as ramping power output and switching between electricity generation and nonelectric applications;

(B) the use of advanced nuclear reactors exclusively for nonelectric applications; and

(C) the colocation of nuclear reactors with industrial plants or other facilities.

(2) STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from—

(A) the Secretary of Energy;

(B) the nuclear energy industry;

(C) technology developers;

(D) the industrial, chemical, and medical sectors;

(E) nongovernmental organizations; and

(F) other public stakeholders.

(3) CONTENTS.—

(A) IN GENERAL.—The report shall describe—

(i) any unique licensing issues or requirements relating to the matters described in subparagraphs (A) through (C) of paragraph (1), including, with respect to the nonelectric applications referred to in subparagraphs (A) and (B) of that paragraph, any licensing issues or requirements relating to the use of nuclear energy in—

(I) hydrogen or other liquid and gaseous fuel or chemical production;

(II) water desalination and wastewater treatment;

(III) heat for industrial processes;

(IV) district heating;

(V) energy storage;

(VI) industrial or medical isotope production; and

(VII) other applications, as identified by the Commission;

(ii) options for addressing those issues or requirements—

(I) within the existing regulatory framework of the Commission;

(II) as part of the technology-inclusive regulatory framework required under subsection (a)(4) of section 103 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115–439) or described in the report required under subsection (e) of that section (Public Law 115–439; 132 Stat. 5575); or

(III) through a new rulemaking; and

(iii) the extent to which Commission action is needed to implement any matter described in the report.

(B) COST ESTIMATES, BUDGETS, AND TIMEFRAMES.—The report shall include cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance in the licensing of nuclear reactors for nonelectric applications.

(j) ENABLING PREPARATIONS FOR THE DEMONSTRATION OF ADVANCED NUCLEAR REACTORS ON DEPARTMENT OF ENERGY SITES OR CRITICAL NATIONAL SECURITY INFRASTRUCTURE SITES.—

(1) IN GENERAL.—Section 102(b)(1)(B) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)(1)(B)) (as amended by subsection (g)(2)) is amended by adding at the end the following:

''(vi) Costs for—

''(I) activities to review and approve or disapprove an application for an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor

regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site or critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1722)) site; and

''(II) pre-application activities relating to an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site or critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1722)) site.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2024.

(k) CLARIFICATION ON FUSION REGULATION.—Section 103(a)(4) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115–439) is amended—

(1) by striking ''Not later'' and inserting the following:

''(A) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(B) EXCLUSION OF FUSION REACTORS.—For purposes of subparagraph (A), the term 'advanced reactor applicant' does not include an applicant seeking a license for a fusion reactor.''.

(l) REGULATORY ISSUES FOR NUCLEAR FACILITIES AT BROWNFIELD SITES.—

(1) DEFINITIONS.—

(A) BROWNFIELD SITE.—The term ''brownfield site'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(B) PRODUCTION FACILITY.—The term ''production facility'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(C) RETIRED FOSSIL FUEL SITE.—The term ''retired fossil fuel site'' means the site of 1 or more fossil fuel electric generation facilities that are retired or scheduled to retire, including multi-unit facilities that are partially shut down.

(D) UTILIZATION FACILITY.—The term ''utilization facility'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(2) IDENTIFICATION OF REGULATORY ISSUES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall evaluate the extent to which modification of regulations, guidance, or policy is needed to enable timely licensing reviews for, and to support the oversight of, production facilities or utilization facilities at brownfield sites.

(B) REQUIREMENT.—In carrying out subparagraph (A), the Commission shall consider how licensing reviews for production facilities or utilization facilities at brownfield sites may be expedited by considering matters relating to siting and operating a production facility or a utilization facility at or near a retired fossil fuel site to support—

(i) the reuse of existing site infrastructure, including—

(I) electric switchyard components and transmission infrastructure;

(II) heat-sink components;

(III) steam cycle components;

(IV) roads;

(V) railroad access; and

(VI) water availability;

(ii) the use of early site permits;

(iii) the utilization of plant parameter envelopes or similar standardized site parameters on a portion of a larger site; and

(iv) the use of a standardized application for similar sites.

(C) REPORT.—Not later than 14 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing any regulations, guidance, and policies identified under subparagraph (A).

(3) LICENSING.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall—

(i) develop and implement strategies to enable timely licensing reviews for, and to support the oversight of, production facilities or utilization facilities at brownfield sites, including retired fossil fuel sites; or

(ii) initiate a rulemaking to enable timely licensing reviews for, and to support the oversight of, of production facilities or utilization facilities at brownfield sites, including retired fossil fuel sites.

(B) REQUIREMENTS.—In carrying out subparagraph (A), consistent with the mission of the Commission, the Commission shall consider matters relating to—

(i) the use of existing site infrastructure;

(ii) existing emergency preparedness organizations and planning;

(iii) the availability of historical site-specific environmental data;

(iv) previously approved environmental reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(v) activities associated with the potential decommissioning of facilities or decontamination and remediation at brownfield sites; and

(vi) community engagement and historical experience with energy production.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing the actions taken by the Commission under paragraph (3).

(m) APPALACHIAN REGIONAL COMMISSION NUCLEAR ENERGY DEVELOPMENT.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14512. Appalachian Regional Commission nuclear energy development

''(a) DEFINITIONS.—In this section:

''(1) BROWNFIELD SITE.—The term 'brownfield site' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

''(2) PRODUCTION FACILITY.—The term 'production facility' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(3) RETIRED FOSSIL FUEL SITE.—The term 'retired fossil fuel site' means the site of 1 or more fossil fuel electric generation facilities that are retired or scheduled to retire, including multi-unit facilities that are partially shut down.

''(4) UTILIZATION FACILITY.—The term 'utilization facility' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(b) AUTHORITY.—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

''(1) to conduct research and analysis regarding the economic impact of siting, constructing, and operating a production facility or a utilization facility at a brownfield site, including a retired fossil fuel site;

''(2) to assist with workforce training or retraining to perform activities relating to the siting and operation of a production facility or a utilization facility at a brownfield site, including a retired fossil fuel site; and

''(3) to engage with the Nuclear Regulatory Commission, the Department of Energy, and other Federal agencies with expertise in civil nuclear energy.

''(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project or activity eligible for a grant under this section—

''(1) except as provided in paragraphs (2) and (3), not more than 50 percent may be provided from amounts made available to carry out this section;

''(2) in the case of a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts made available to carry out this section; and

''(3) in the case of a project or activity to be carried out in a county for which an at-risk county designation is in effect under section 14526, not more than 70 percent may be provided from amounts made available to carry out this section.

''(d) SOURCES OF ASSISTANCE.—Subject to subsection (c), a grant provided under this section may be provided from amounts made available to carry out this section, in combination with amounts made available—

''(1) under any other Federal program; or

''(2) from any other source.

''(e) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following:

''(e) APPALACHIAN REGIONAL COMMISSION NUCLEAR ENERGY DEVELOPMENT.—Of the amounts made available under subsection (a), $5,000,000 may be used to carry out section 14512 for each of fiscal years 2023 through 2026.''.

(3) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by striking the item relating to section 14511 and inserting the following:

''14511. Appalachian regional energy hub initiative.

''14512. Appalachian Regional Commission nuclear energy development.''.

(n) INVESTMENT BY ALLIES.—

(1) IN GENERAL.—The prohibitions against issuing certain licenses for utilization facilities to certain corporations and other entities described in the second sentence of section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) and the second sentence of section 104 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an entity described in paragraph (2) if the Commission determines that issuance of the applicable license to that entity is not inimical to—

(A) the common defense and security; or

(B) the health and safety of the public.

(2) ENTITIES DESCRIBED.—

(A) IN GENERAL.—An entity referred to in paragraph (1) is a corporation or other entity that is owned, controlled, or dominated by—

(i) the government of—

(I) a country that is a member of the Organisation for Economic Co-operation and Development on the date of enactment of this Act, subject to subparagraph (B); or

(II) the Republic of India;

(ii) a corporation that is incorporated in a country described in subclause (I) or (II) of clause (i); or

(iii) an alien who is a national of a country described in subclause (I) or (II) of clause (i).

(B) EXCLUSION.—An entity described in subparagraph (A)(i)(I) is not an entity referred to in paragraph (1), and paragraph (1) shall not apply to that entity, if, on the date of enactment of this Act—

(i) the entity (or any department, agency, or instrumentality of the entity) is a person subject to sanctions under section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525); or

(ii) any citizen of the entity, or any entity organized under the laws of, or otherwise subject to the jurisdiction of, the entity, is a person subject to sanctions under that section.

(3) TECHNICAL AMENDMENT.—Section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended, in the second sentence, by striking ''any any'' and inserting ''any''.

(4) SAVINGS CLAUSE.—Nothing in this subsection affects the requirements of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565).

(o) EXTENSION OF THE PRICE-ANDERSON ACT.—

(1) EXTENSION.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'') is amended by striking ''December 31, 2025'' each place it appears and inserting ''December 31, 2045''.

(2) LIABILITY.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'') is amended—

(A) in subsection d. (5), by striking ''$500,000,000'' and inserting ''$2,000,000,000''; and

(B) in subsection e. (4), by striking ''$500,000,000'' and inserting ''$2,000,000,000''.

(3) REPORT.—Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) (commonly known as the ''Price-Anderson Act'') is amended by striking ''December 31, 2021'' and inserting ''December 31, 2041''.

(4) DEFINITION OF NUCLEAR INCIDENT.—Section 11 q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended, in the second proviso, by striking ''if such occurrence'' and all that follows through ''United States:'' and inserting a colon.

(p) REPORT ON ADVANCED METHODS OF MANUFACTURING AND CONSTRUCTION FOR NUCLEAR ENERGY APPLICATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report (referred to in this subsection as the ''report'') on manufacturing and construction for nuclear energy applications.

(2) STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from—

(A) the Secretary of Energy;

(B) the nuclear energy industry;

(C) National Laboratories;

(D) institutions of higher education;

(E) nuclear and manufacturing technology developers;

(F) the manufacturing and construction industries, including manufacturing and construction companies with operating facilities in the United States;

(G) standards development organizations;

(H) labor unions;

(I) nongovernmental organizations; and

(J) other public stakeholders.

(3) CONTENTS.—

(A) IN GENERAL.—The report shall—

(i) examine any unique licensing issues or requirements relating to the use of innovative—

(I) advanced manufacturing processes;

(II) advanced construction techniques; and

(III) rapid improvement or iterative innovation processes;

(ii) examine—

(I) the requirements for nuclear-grade components in manufacturing and construction for nuclear energy applications;

(II) opportunities to use standard materials, parts, or components in manufacturing and construction for nuclear energy applications;

(III) opportunities to use standard materials that are in compliance with existing codes to provide acceptable approaches to support or encapsulate new materials that do not yet have applicable codes; and

(IV) requirements relating to the transport of a fueled advanced nuclear reactor core from a manufacturing licensee to a licensee that holds a license to construct and operate a facility at a particular site;

(iii) identify any safety aspects of innovative advanced manufacturing processes and advanced construction techniques that are not addressed by existing codes and standards, so that generic guidance may be updated or created, as necessary;

(iv) identify options for addressing the issues, requirements, and opportunities examined under clauses (i) and (ii)—

(I) within the existing regulatory framework; or

(II) through a new rulemaking;

(v) identify how addressing the issues, requirements, and opportunities examined under clauses (i) and (ii) will impact opportunities for domestic nuclear manufacturing and construction developers; and

(vi) describe the extent to which Commission action is needed to implement any matter described in the report.

(B) COST ESTIMATES, BUDGETS, AND TIMEFRAMES.—The report shall include cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance for manufacturing and construction for nuclear energy applications.

(q) NUCLEAR ENERGY TRAINEESHIP.—Section 313 of division C of the Omnibus Appropriations Act, 2009 (42 U.S.C. 16274a), is amended—

(1) in subsection (a), by striking ''Nuclear Regulatory'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by inserting ''and subsection (c)'' after ''paragraph (2)'';

(3) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (5); and

(B) by striking paragraph (1) and inserting the following:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

''(2) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(4) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).'';

(4) in subsection (d)(2), by striking ''Nuclear Regulatory'';

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(6) by inserting after subsection (b) the following:

''(c) NUCLEAR ENERGY TRAINEESHIP SUBPROGRAM.—

''(1) IN GENERAL.—The Commission shall establish, as a subprogram of the Program, a nuclear energy traineeship subprogram under which the Commission, in coordination with institutions of higher education and trade schools, shall competitively award traineeships that provide focused training to meet critical mission needs of the Commission and nuclear workforce needs, including needs relating to the nuclear tradecraft workforce.

''(2) REQUIREMENTS.—In carrying out the nuclear energy traineeship subprogram described in paragraph (1), the Commission shall—

''(A) coordinate with the Secretary of Energy to prioritize the funding of traineeships that focus on—

''(i) nuclear workforce needs; and

''(ii) critical mission needs of the Commission;

''(B) encourage appropriate partnerships among—

''(i) National Laboratories;

''(ii) institutions of higher education;

''(iii) trade schools;

''(iv) the nuclear energy industry; and

''(v) other entities, as the Commission determines to be appropriate; and

''(C) on an annual basis, evaluate nuclear workforce needs for the purpose of implementing traineeships in focused topical areas that—

''(i) address the workforce needs of the nuclear energy community; and

''(ii) support critical mission needs of the Commission.''.

(r) REPORT ON COMMISSION READINESS AND CAPACITY TO LICENSE ADDITIONAL CONVERSION AND ENRICHMENT CAPACITY TO REDUCE RELIANCE ON URANIUM FROM RUSSIA.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report on the readiness and capacity of the Commission to license additional conversion and enrichment capacity at existing and new fuel cycle facilities to reduce reliance on nuclear fuel that is recovered, converted, enriched, or fabricated by an entity that—

(A) is owned or controlled by the Government of the Russian Federation; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation.

(2) CONTENTS.—The report required under paragraph (1) shall analyze how the capacity of the Commission to license additional conversion and enrichment capacity at existing and new fuel cycle facilities may conflict with or restrict the readiness of the Commission to review advanced nuclear reactor applications.

(s) ANNUAL REPORT ON THE SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE INVENTORY IN THE UNITED STATES.—

(1) DEFINITIONS.—In this subsection:

(A) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(B) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(C) STANDARD CONTRACT.—The term ''standard contract'' has the meaning given the term ''contract'' in section 961.3 of title 10, Code of Federal Regulations (or a successor regulation).

(2) REPORT.—Not later than January 1, 2025, and annually thereafter, the Secretary of Energy shall submit to Congress a report that describes—

(A) the annual and cumulative amount of payments made by the United States to the

holder of a standard contract due to a partial breach of contract under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) resulting in financial damages to the holder;

(B) the cumulative amount spent by the Department of Energy since fiscal year 2008 to reduce future payments projected to be made by the United States to any holder of a standard contract due to a partial breach of contract under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

(C) the cumulative amount spent by the Department of Energy to store, manage, and dispose of spent nuclear fuel and high-level radioactive waste in the United States as of the date of the report;

(D) the projected lifecycle costs to store, manage, transport, and dispose of the projected inventory of spent nuclear fuel and high-level radioactive waste in the United States, including spent nuclear fuel and high-level radioactive waste expected to be generated from existing reactors through 2050;

(E) any mechanisms for better accounting of liabilities for the lifecycle costs of the spent nuclear fuel and high-level radioactive waste inventory in the United States;

(F) any recommendations for improving the methods used by the Department of Energy for the accounting of spent nuclear fuel and high-level radioactive waste costs and liabilities;

(G) any actions taken in the previous fiscal year by the Department of Energy with respect to interim storage; and

(H) any activities taken in the previous fiscal year by the Department of Energy to develop and deploy nuclear technologies and fuels that enhance the safe transportation or storage of spent nuclear fuel or high-level radioactive waste, including technologies to protect against seismic, flooding, and other extreme weather events.

(t) AUTHORIZATION OF APPROPRIATIONS FOR SUPERFUND ACTIONS AT ABANDONED MINING SITES ON TRIBAL LAND.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE NON-NPL SITE.—The term ''eligible non-NPL site'' means a site—

(i) that is not on the National Priorities List; but

(ii) with respect to which the Administrator determines that—

(I) the site would be eligible for listing on the National Priorities List based on the presence of hazards from contamination at the site, applying the hazard ranking system described in section 105(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(c)); and

(II) for removal site evaluations, engineering evaluations/cost analyses, remedial planning activities, remedial investigations and feasibility studies, and other actions taken pursuant to section 104(b) of that Act (42 U.S.C. 9604), the site—

(aa) has undergone a pre-CERCLA screening; and

(bb) is included in the Superfund Enterprise Management System.

(B) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(C) NATIONAL PRIORITIES LIST.—The term ''National Priorities List'' means the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

(D) REMEDIAL ACTION; REMOVAL; RESPONSE.—The terms ''remedial action'', ''removal'', and ''response'' have the meanings given those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(E) TRIBAL LAND.—The term ''Tribal land'' has the meaning given the term ''Indian country'' in section 1151 of title 18, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2023 through 2032, to remain available until expended—

(A) $97,000,000 to the Administrator to carry out this subsection (except for paragraph (4)); and

(B) $3,000,000 to the Administrator of the Agency for Toxic Substances and Disease Registry to carry out paragraph (4).

(3) USES OF AMOUNTS.—Amounts appropriated under paragraph (2)(A) shall be used by the Administrator—

(A) to carry out removal actions on abandoned mine land located on Tribal land;

(B) to carry out response actions, including removal and remedial planning activities, removal and remedial studies, remedial actions, and other actions taken pursuant to section 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(b)) on abandoned mine land located on Tribal land at—

(i) eligible non-NPL sites; and

(ii) sites listed on the National Priorities List; and

(C) to make grants under paragraph (5).

(4) HEALTH ASSESSMENTS.—Subject to the availability of appropriations, the Agency for Toxic Substances and Disease Registry, in coordination with Tribal health authorities, shall perform 1 or more health assessments at each eligible non-NPL site that is located on Tribal land, in accordance with section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(6)).

(5) TRIBAL GRANTS.—

(A) IN GENERAL.—The Administrator may use amounts appropriated under paragraph (2)(A) to make grants to eligible entities described in subparagraph (B) for the purposes described in subparagraph (C).

(B) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subparagraph (A) is—

(i) the governing body of an Indian Tribe; or

(ii) a legally established organization of Indians that—

(I) is controlled, sanctioned, or chartered by the governing bodies of 2 or more Indian Tribes to be served, or that is democratically elected by the adult members of the Indian community to be served, by that organization; and

(II) includes the maximum participation of Indians in all phases of the activities of that organization.

(C) USE OF GRANT FUNDS.—A grant under this paragraph shall be used—

(i) in accordance with the second sentence of section 117(e)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(e)(1));

(ii) for obtaining technical assistance in carrying out response actions under clause (iii); or

(iii) for carrying out response actions, if the Administrator determines that the Indian Tribe has the capability to carry out any or all of those response actions in accordance with the criteria and priorities established pursuant to section 105(a)(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)).

(D) APPLICATIONS.—An eligible entity desiring a grant under this paragraph shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(E) LIMITATIONS.—A grant under this paragraph shall be governed by the rules, procedures, and limitations described in section 117(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(e)(2)), except that—

(i) ''Administrator of the Environmental Protection Agency'' shall be substituted for ''President'' each place it appears in that section; and

(ii) in the first sentence of that section, ''under subsection (t) of the ADVANCE Act of 2023'' shall be substituted for ''under this subsection''.

(6) STATUTE OF LIMITATIONS.—If a remedial action described in paragraph (3)(B) is scheduled at an eligible non-NPL site, no action may be commenced for damages (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) with respect to that eligible non-NPL site unless the action is commenced within the timeframe provided for such actions with respect to facilities on the National Priorities List in the first sentence of the matter following subparagraph (B) of section 113(g)(1) of that Act (42 U.S.C. 9613(g)(1)).

(7) COORDINATION.—The Administrator shall coordinate with the Indian Tribe on whose land the applicable site is located in—

(A) selecting and prioritizing sites for response actions under subparagraphs (A) and (B) of paragraph (3); and

(B) carrying out those response actions.

(u) DEVELOPMENT, QUALIFICATION, AND LICENSING OF ADVANCED NUCLEAR FUEL CONCEPTS.—

(1) IN GENERAL.—The Commission shall establish an initiative to enhance preparedness and coordination with respect to the qualification and licensing of advanced nuclear fuel.

(2) AGENCY COORDINATION.—Not later than 180 days after the date of enactment of this Act, the Commission and the Secretary of Energy shall enter into a memorandum of understanding—

(A) to share technical expertise and knowledge through—

(i) enabling the testing and demonstration of accident tolerant fuels for existing commercial nuclear reactors and advanced nuclear reactor fuel concepts to be proposed and funded, in whole or in part, by the private sector;

(ii) operating a database to store and share data and knowledge relevant to nuclear science and engineering between Federal agencies and the private sector;

(iii) leveraging expertise with respect to safety analysis and research relating to advanced nuclear fuel; and

(iv) enabling technical staff to actively observe and learn about technologies, with an emphasis on identification of additional information needed with respect to advanced nuclear fuel; and

(B) to ensure that—

(i) the Department of Energy has sufficient technical expertise to support the timely research, development, demonstration, and commercial application of advanced nuclear fuel;

(ii) the Commission has sufficient technical expertise to support the evaluation of applications for licenses, permits, and design certifications and other requests for regulatory approval for advanced nuclear fuel;

(iii)(I) the Department of Energy maintains and develops the facilities necessary to enable the timely research, development, demonstration, and commercial application by the civilian nuclear industry of advanced nuclear fuel; and

(II) the Commission has access to the facilities described in subclause (I), as needed; and

(iv) the Commission consults, as appropriate, with the modeling and simulation experts at the Office of Nuclear Energy of the Department of Energy, at the National Laboratories, and within industry fuel vendor teams in cooperative agreements with the Department of Energy to leverage physics-based computer modeling and simulation capabilities.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing the efforts of the Commission under paragraph (1), including—

(i) an assessment of the preparedness of the Commission to review and qualify for use—

(I) accident tolerant fuel;

(II) ceramic cladding materials;

(III) fuels containing silicon carbide;

(IV) high-assay, low-enriched uranium fuels;

(V) molten-salt based liquid fuels;

(VI) fuels derived from spent nuclear fuel or depleted uranium; and

(VII) other related fuel concepts, as determined by the Commission;

(ii) activities planned or undertaken under the memorandum of understanding described in paragraph (2);

(iii) an accounting of the areas of research needed with respect to advanced nuclear fuel; and

(iv) any other challenges or considerations identified by the Commission.

(B) CONSULTATION.—In developing the report under subparagraph (A), the Commission shall seek input from—

(i) the Secretary of Energy;

(ii) National Laboratories;

(iii) the nuclear energy industry;

(iv) technology developers;

(v) nongovernmental organizations; and

(vi) other public stakeholders.

(v) COMMISSION WORKFORCE.—

(1) DEFINITION OF CHAIRMAN.—In this subsection, the term ''Chairman'' means the Chairman of the Commission.

(2) HIRING BONUS AND APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)), any provision of Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), and any provision of title 5, United States Code, governing appointments and General Schedule classification and pay rates, the Chairman may, subject to the limitations described in subparagraph (C), and without regard to the civil service laws—

(i) establish the positions described in subparagraph (B); and

(ii) appoint persons to the positions established under clause (i).

(B) POSITIONS DESCRIBED.—The positions referred to in subparagraph (A)(i) are—

(i) permanent or term-limited positions with highly specialized scientific, engineering, and technical competencies to address a critical licensing or regulatory oversight need for the Commission, including—

(I) health physicist;

(II) reactor operations engineer;

(III) human factors analyst or engineer;

(IV) risk and reliability analyst or engineer;

(V) licensing project manager;

(VI) reactor engineer for severe accidents;

(VII) geotechnical engineer;

(VIII) structural engineer;

(IX) reactor systems engineer;

(X) reactor engineer;

(XI) radiation scientist;

(XII) seismic engineer; and

(XIII) electronics engineer; or

(ii) permanent or term-limited positions to be filled by exceptionally well-qualified individuals that the Chairman, subject to paragraph (5), determines are necessary to fulfill the mission of the Commission.

(C) LIMITATIONS.—

(i) IN GENERAL.—Appointments under subparagraph (A)(ii) may be made to not more than—

(I)(aa) 15 permanent positions described in subparagraph (B)(i) during fiscal year 2024; and

(bb) 10 permanent positions described in subparagraph (B)(i) during each fiscal year thereafter;

(II)(aa) 15 term-limited positions described in subparagraph (B)(i) during fiscal year 2024; and

(bb) 10 term-limited positions described in subparagraph (B)(i) during each fiscal year thereafter;

(III)(aa) 15 permanent positions described in subparagraph (B)(ii) during fiscal year 2024; and

(bb) 10 permanent positions described in subparagraph (B)(ii) during each fiscal year thereafter; and

(IV)(aa) 15 term-limited positions described in subparagraph (B)(ii) during fiscal year 2024; and

(bb) 10 term-limited positions described in subparagraph (B)(ii) during each fiscal year thereafter.

(ii) TERM OF TERM-LIMITED APPOINTMENT.—If a person is appointed to a term-limited position described in clause (i) or (ii) of subparagraph (B), the term of that appointment shall not exceed 4 years.

(iii) STAFF POSITIONS.—Subject to paragraph (5), appointments made to positions established under this paragraph shall be to a range of staff positions that are of entry, mid, and senior levels, to the extent practicable.

(D) HIRING BONUS.—The Commission may pay a person appointed under subparagraph (A) a 1-time hiring bonus in an amount not to exceed the least of—

(i) $25,000;

(ii) the amount equal to 15 percent of the annual rate of basic pay of the employee; and

(iii) the amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

(3) COMPENSATION AND APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)), any provision of Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), and chapter 51, and subchapter III of chapter 53, of title 5, United States Code, the Chairman, subject to the limitations described in subparagraph (C) and without regard to the civil service laws, may—

(i) establish and fix the rates of basic pay for the positions described in subparagraph (B); and

(ii) appoint persons to the positions established under clause (i).

(B) POSITIONS DESCRIBED.—The positions referred to in subparagraph (A)(i) are—

(i) positions with highly specialized scientific, engineering, and technical competencies to address a critical need for the Commission, including—

(I) health physicist;

(II) reactor operations engineer;

(III) human factors analyst or engineer;

(IV) risk and reliability analyst or engineer;

(V) licensing project manager;

(VI) reactor engineer for severe accidents;

(VII) geotechnical engineer;

(VIII) structural engineer;

(IX) reactor systems engineer;

(X) reactor engineer;

(XI) radiation scientist;

(XII) seismic engineer; and

(XIII) electronics engineer; or

(ii) positions to be filled by exceptionally well-qualified persons that the Chairman, subject to paragraph (5), determines are necessary to fulfill the mission of the Commission.

(C) LIMITATIONS.—

(i) IN GENERAL.—The annual rate of basic pay for a position described in subparagraph (B) may not exceed the per annum rate of salary payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(ii) NUMBER OF POSITIONS.—Appointments under subparagraph (A)(ii) may be made to not more than—

(I) 10 positions described in subparagraph (B)(i) per fiscal year, not to exceed a total of 50 positions; and

(II) 10 positions described in subparagraph (B)(ii) per fiscal year, not to exceed a total of 50 positions.

(D) PERFORMANCE BONUS.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), an employee may be paid a 1-time performance bonus in an amount not to exceed the least of—

(I) $25,000;

(II) the amount equal to 15 percent of the annual rate of basic pay of the person; and

(III) the amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

(ii) PERFORMANCE.—Any 1-time performance bonus under clause (i) shall be made to a person who demonstrated exceptional performance in the applicable fiscal year, including—

(I) leading a project team in a timely, efficient, and predictable licensing review to enable the safe use of nuclear technology;

(II) making significant contributions to a timely, efficient, and predictable licensing review to enable the safe use of nuclear technology;

(III) the resolution of novel or first-of-a-kind regulatory issues;

(IV) developing or implementing licensing or regulatory oversight processes to improve the effectiveness of the Commission; and

(V) other performance, as determined by the Chairman, subject to paragraph (5).

(iii) LIMITATIONS.—The Commission may pay a 1-time performance bonus under clause (i) for not more than 15 persons per fiscal year, and a person who receives a 1-time performance bonus under that clause may not receive another 1-time performance bonus under that clause for a period of 5 years thereafter.

(4) ANNUAL SOLICITATION FOR NUCLEAR REGULATOR APPRENTICESHIP NETWORK APPLICATIONS.—The Chairman, on an annual basis, shall solicit applications for the Nuclear Regulator Apprenticeship Network.

(5) APPLICATION OF MERIT SYSTEM PRINCIPLES.—To the maximum extent practicable, appointments under paragraphs (2)(A) and (3)(A) and any 1-time performance bonus under paragraph (3)(D) shall be made in accordance with the merit system principles set forth in section 2301 of title 5, United States Code.

(6) DELEGATION.—Pursuant to Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), the Chairman shall delegate, subject to the direction and supervision of the Chairman, the authority provided by paragraphs (2), (3), and (4) to the Executive Director for Operations of the Commission.

(7) ANNUAL REPORT.—The Commission shall include in the annual budget justification of the Commission—

(A) information that describes—

(i) the total number of and the positions of the persons appointed under the authority provided by paragraph (2);

(ii) the total number of and the positions of the persons paid at the rate determined under the authority provided by paragraph (3)(A);

(iii) the total number of and the positions of the persons paid a 1-time performance bonus under the authority provided by paragraph (3)(D);

(iv) how the authority provided by paragraphs (2) and (3) is being used, and has been used during the previous fiscal year, to address the hiring and retention needs of the Commission with respect to the positions described in those subsections to which that authority is applicable;

(v) if the authority provided by paragraphs (2) and (3) is not being used, or has not been used, the reasons, including a justification, for not using that authority; and

(vi) the attrition levels with respect to the term-limited appointments made under paragraph (2), including, with respect to persons leaving a position before completion of the applicable term of service, the average length of service as a percentage of the term of service;

(B) an assessment of—

(i) the current critical workforce needs of the Commission, including any critical workforce needs that the Commission anticipates in the subsequent 5 fiscal years; and

(ii) further skillsets that are or will be needed for the Commission to fulfill the licensing and oversight responsibilities of the Commission; and

(C) the plans of the Commission to assess, develop, and implement updated staff performance standards, training procedures, and schedules.

(8) REPORT ON ATTRITION AND EFFECTIVENESS.—Not later than September 30, 2032, the Commission shall submit to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Energy and Commerce of the House of Representatives a report that—

(A) describes the attrition levels with respect to the term-limited appointments made under paragraph (2), including, with respect to persons leaving a position before completion of the applicable term of service, the average length of service as a percentage of the term of service;

(B) provides the views of the Commission on the effectiveness of the authorities provided by paragraphs (2) and (3) in helping the Commission fulfill the mission of the Commission; and

(C) makes recommendations with respect to whether the authorities provided by paragraphs (2) and (3) should be continued, modified, or discontinued.

(w) COMMISSION CORPORATE SUPPORT FUNDING.—

(1) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress and make publicly available a report that describes—

(A) the progress on the implementation of section 102(a)(3) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(a)(3)); and

(B) whether the Commission is meeting and is expected to meet the total budget authority caps required for corporate support under that section.

(2) LIMITATION ON CORPORATE SUPPORT COSTS.—Section 102(a)(3) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(a)(3)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) 30 percent for fiscal year 2024 and each fiscal year thereafter.''.

(3) CORPORATE SUPPORT COSTS CLARIFICATION.—Paragraph (9) of section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439) (as redesignated by subsection (g)(1)(A)) is amended—

(A) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(B) by adding at the end the following:

''(B) EXCLUSIONS.—The term 'corporate support costs' does not include—

''(i) costs for rent and utilities relating to any and all space in the Three White Flint North building that is not occupied by the Commission; or

''(ii) costs for salaries, travel, and other support for the Office of the Commission.''.

(x) PERFORMANCE AND REPORTING UPDATE.—Section 102(c) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(c)) is amended—

(1) in paragraph (3)—

(A) in the paragraph heading, by striking ''180'' and inserting ''90''; and

(B) by striking ''180'' and inserting ''90''; and

(2) by adding at the end the following:

''(4) PERIODIC UPDATES TO METRICS AND SCHEDULES.—

''(A) REVIEW AND ASSESSMENT.—Not less frequently than once every 3 years, the Commission shall review and assess, based on the licensing and regulatory activities of the Commission, the performance metrics and milestone schedules established under paragraph (1).

''(B) REVISIONS.—After each review and assessment under subparagraph (A), the Commission shall revise and improve, as appropriate, the performance metrics and milestone schedules described in that subparagraph to provide the most efficient metrics and schedules reasonably achievable.''.

(y) NUCLEAR CLOSURE COMMUNITIES.—

(1) DEFINITIONS.—In this subsection:

(A) COMMUNITY ADVISORY BOARD.—The term ''community advisory board'' means a community committee or other advisory organization that aims to foster communication and information exchange between a licensee planning for and involved in decommissioning activities and members of the community that decommissioning activities may affect.

(B) DECOMMISSION.—The term ''decommission'' has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).

(C) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' has the meaning given the term in section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122).

(D) LICENSEE.—The term ''licensee'' has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).

(E) NUCLEAR CLOSURE COMMUNITY.—The term ''nuclear closure community'' means a unit of local government, including a county, city, town, village, school district, or special district, that has been impacted, or reasonably demonstrates to the satisfaction of the Secretary that it will be impacted, by a nuclear power plant licensed by the Commission that—

(i) is not co-located with an operating nuclear power plant;

(ii) is at a site with spent nuclear fuel; and

(iii) as of the date of enactment of this Act—

(I) has ceased operations; or

(II) has provided a written notification to the Commission that it will cease operations.

(F) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development.

(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a grant program to provide grants to eligible recipients—

(A) to assist with economic development in nuclear closure communities; and

(B) to fund community advisory boards in nuclear closure communities.

(3) REQUIREMENT.—In carrying out this subsection, to the maximum extent practicable, the Secretary shall implement the recommendations described in the report submitted to Congress under section 108 of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5577) entitled ''Best Practices for Establishment and Operation of Local Community Advisory Boards Associated with Decommissioning Activities at Nuclear Power Plants''.

(4) DISTRIBUTION OF FUNDS.—The Secretary shall establish a formula to ensure, to the maximum extent practicable, geographic diversity among grant recipients under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(i) to carry out paragraph (2)(A), $35,000,000 for each of fiscal years 2023 through 2028; and

(ii) to carry out paragraph (2)(B), $5,000,000 for each of fiscal years 2023 through 2025.

(B) AVAILABILITY.—Amounts made available under this subsection shall remain available for a period of 5 years beginning on the date on which the amounts are made available.

(C) NO OFFSET.—None of the funds made available under this subsection may be used to offset the funding for any other Federal program.

(z) TECHNICAL CORRECTION.—Section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) is amended—

(1) by striking the third sentence and inserting the following:

''(3) LIMITATION ON UTILIZATION FACILITIES.—The Commission may issue a license under this section for a utilization facility useful in the conduct of research and development activities of the types specified in section 31 if—

''(A) not more than 75 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale, other than for research and development or education and training, of—

''(i) nonenergy services;

''(ii) energy; or

''(iii) a combination of nonenergy services and energy; and

''(B) not more than 50 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale of energy.'';

(2) in the second sentence, by striking ''The Commission'' and inserting the following:

''(2) REGULATION.—The Commission''; and

(3) by striking ''c. The Commission'' and inserting the following:

''c. RESEARCH AND DEVELOPMENT ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission''.

(aa) REPORT ON ENGAGEMENT WITH THE GOVERNMENT OF CANADA WITH RESPECT TO NUCLEAR WASTE ISSUES IN THE GREAT LAKES BASIN.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report describing any engagement between the Commission and the Government of Canada with respect

to nuclear waste issues in the Great Lakes Basin.

SA 797. Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. RUBIO, Mrs. GILLIBRAND, Mr. YOUNG, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—UNIDENTIFIED ANOMALOUS PHENOMENA DISCLOSURE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Unidentified Anomalous Phenomena Disclosure Act of 2023'' or the ''UAP Disclosure Act of 2023''.

SEC. ___02. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS AND DECLARATIONS.—Congress finds and declares the following:

(1) All Federal Government records related to unidentified anomalous phenomena should be preserved and centralized for historical and Federal Government purposes.

(2) All Federal Government records concerning unidentified anomalous phenomena should carry a presumption of immediate disclosure and all records should be eventually disclosed to enable the public to become fully informed about the history of the Federal Government's knowledge and involvement surrounding unidentified anomalous phenomena.

(3) Legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of such records.

(4) Legislation is necessary because credible evidence and testimony indicates that Federal Government unidentified anomalous phenomena records exist that have not been declassified or subject to mandatory declassification review as set forth in Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) due in part to exemptions under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as well as an over-broad interpretation of ''transclassified foreign nuclear information'', which is also exempt from mandatory declassification, thereby preventing public disclosure under existing provisions of law.

(5) Legislation is necessary because section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), as implemented by the Executive branch of the Federal Government, has proven inadequate in achieving the timely public disclosure of Government unidentified anomalous phenomena records that are subject to mandatory declassification review.

(6) Legislation is necessary to restore proper oversight over unidentified anomalous phenomena records by elected officials in both the executive and legislative branches of the Federal Government that has otherwise been lacking as of the enactment of this Act.

(7) Legislation is necessary to afford complete and timely access to all knowledge gained by the Federal Government concerning unidentified anomalous phenomena in furtherance of comprehensive open scientific and technological research and development essential to avoiding or mitigating potential technological surprise in furtherance of urgent national security concerns and the public interest.

(b) PURPOSES.—The purposes of this title are—

(1) to provide for the creation of the unidentified anomalous phenomena Records Collection at the National Archives and Records Administration; and

(2) to require the expeditious public transmission to the Archivist and public disclosure of such records.

SEC. ___03. DEFINITIONS.

In this title:

(1) ARCHIVIST.—The term ''Archivist'' means the Archivist of the United States.

(2) CLOSE OBSERVER.—The term ''close observer'' means anyone who has come into close proximity to unidentified anomalous phenomena or non-human intelligence.

(3) COLLECTION.—The term ''Collection'' means the Unidentified Anomalous Phenomena Records Collection established under section ___04.

(4) CONTROLLED DISCLOSURE CAMPAIGN PLAN.—The term ''Controlled Disclosure Campaign Plan'' means the Controlled Disclosure Campaign Plan required by section ___09(c)(3).

(5) CONTROLLING AUTHORITY.—The term ''controlling authority'' means any Federal, State, or local government department, office, agency, committee, commission, commercial company, academic institution, or private sector entity in physical possession of technologies of unknown origin or biological evidence of non-human intelligence.

(6) EXECUTIVE AGENCY.—The term ''Executive agency'' means an Executive agency, as defined in subsection 552(f) of title 5, United States Code.

(7) GOVERNMENT OFFICE.—The term ''Government office'' means any department, office, agency, committee, or commission of the Federal Government and any independent office or agency without exception that has possession or control, including via contract or other agreement, of unidentified anomalous phenomena records.

(8) IDENTIFICATION AID.—The term ''identification aid'' means the written description prepared for each record, as required in section ___04.

(9) LEADERSHIP OF CONGRESS.—The term ''leadership of Congress'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(10) LEGACY PROGRAM.—The term ''legacy program'' means all Federal, State, and local government, commercial industry, academic, and private sector endeavors to collect, exploit, or reverse engineer technologies of unknown origin or examine biological evidence of living or deceased non-human intelligence that pre-dates the date of the enactment of this Act.

(11) NATIONAL ARCHIVES.—The term ''National Archives'' means the National Archives and Records Administration and all components thereof, including presidential archival depositories established under section 2112 of title 44, United States Code.

(12) NON-HUMAN INTELLIGENCE.—The term ''non-human intelligence'' means any sentient intelligent non-human lifeform regardless of nature or ultimate origin that may be presumed responsible for unidentified anomalous phenomena or of which the Federal Government has become aware.

(13) ORIGINATING BODY.—The term ''originating body'' means the Executive agency, Federal Government commission, committee of Congress, or other Governmental entity that created a record or particular information within a record.

(14) PROSAIC ATTRIBUTION.—The term ''prosaic attribution'' means having a human (either foreign or domestic) origin and operating according to current, proven, and generally understood scientific and engineering principles and established laws-of-nature and not attributable to non-human intelligence.

(15) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of unidentified anomalous phenomena records for historical and Governmental purposes and for the purpose of fully informing the people of the United States about the history of the Federal Government's knowledge and involvement surrounding unidentified anomalous phenomena.

(16) RECORD.—The term ''record'' includes a book, paper, report, memorandum, directive, email, text, or other form of communication, or map, photograph, sound or video recording, machine-readable material, computerized, digitized, or electronic information, including intelligence, surveillance, reconnaissance, and target acquisition sensor data, regardless of the medium on which it is stored, or other documentary material, regardless of its physical form or characteristics.

(17) REVIEW BOARD.—The term ''Review Board'' means the Unidentified Anomalous Phenomena Records Review Board established by section ___07.

(18) TECHNOLOGIES OF UNKNOWN ORIGIN.—The term ''technologies of unknown origin'' means any materials or meta-materials, ejecta, crash debris, mechanisms, machinery, equipment, assemblies or sub-assemblies, engineering models or processes, damaged or intact aerospace vehicles, and damaged or intact ocean-surface and undersea craft associated with unidentified anomalous phenomena or incorporating science and technology that lacks prosaic attribution or known means of human manufacture.

(19) TEMPORARILY NON-ATTRIBUTED OBJECTS.—

(A) IN GENERAL.—The term ''temporarily non-attributed objects'' means the class of objects that temporarily resist prosaic attribution by the initial observer as a result of environmental or system limitations associated with the observation process that nevertheless ultimately have an accepted human origin or known physical cause. Although some unidentified anomalous phenomena may at first be interpreted as temporarily non-attributed objects, they are not temporarily non-attributed objects, and the two categories are mutually exclusive.

(B) INCLUSION.—The term ''temporarily non-attributed objects'' includes—

(i) natural celestial, meteorological, and undersea weather phenomena;

(ii) mundane human-made airborne objects, clutter, and marine debris;

(iii) Federal, State, and local government, commercial industry, academic, and private sector aerospace platforms;

(iv) Federal, State, and local government, commercial industry, academic, and private sector ocean-surface and undersea vehicles; and

(v) known foreign systems.

(20) THIRD AGENCY.—The term ''third agency'' means a Government agency that originated a unidentified anomalous phenomena record that is in the possession of another Government agency.

(21) UNIDENTIFIED ANOMALOUS PHENOMENA.—

(A) IN GENERAL.—The term ''unidentified anomalous phenomena'' means any object operating or judged capable of operating in outer-space, the atmosphere, ocean surfaces, or undersea lacking prosaic attribution due to performance characteristics and properties not previously known to be achievable

based upon commonly accepted physical principles. Unidentified anomalous phenomena are differentiated from both attributed and temporarily non-attributed objects by one or more of the following observables:

(i) Instantaneous acceleration absent apparent inertia.

(ii) Hypersonic velocity absent a thermal signature and sonic shockwave.

(iii) Transmedium (such as space-to-ground and air-to-undersea) travel.

(iv) Positive lift contrary to known aerodynamic principles.

(v) Multispectral signature control.

(vi) Physical or invasive biological effects to close observers and the environment.

(B) INCLUSIONS.—The term ''unidentified anomalous phenomena'' includes what were previously described as—

(i) flying discs;

(ii) flying saucers;

(iii) unidentified aerial phenomena;

(iv) unidentified flying objects (UFOs); and

(v) unidentified submerged objects (USOs).

(22) UNIDENTIFIED ANOMALOUS PHENOMENA RECORD.—The term ''unidentified anomalous phenomena record'' means a record that is related to unidentified anomalous phenomena, technologies of unknown origin, or non-human intelligence (and all equivalent subjects by any other name with the specific and sole exclusion of temporarily non-attributed objects) that was created or made available for use by, obtained by, or otherwise came into the possession of—

(A) the Executive Office of the President;

(B) the Department of Defense and its progenitors, the Department of War and the Department of the Navy;

(C) the Department of the Army;

(D) the Department of the Navy;

(E) the Department of the Air Force, specifically the Air Force Office of Special Investigations;

(F) the Department of Energy and its progenitors, the Manhattan Project, the Atomic Energy Commission, and the Energy Research and Development Administration;

(G) the Office of the Director of National Intelligence;

(H) the Central Intelligence Agency and its progenitor, the Office of Strategic Services;

(I) the National Reconnaissance Office;

(J) the Defense Intelligence Agency;

(K) the National Security Agency;

(L) the National Geospatial-Intelligence Agency;

(M) the National Aeronautics and Space Administration:

(N) the Federal Bureau of Investigation;

(O) the Federal Aviation Administration;

(P) the National Oceanic and Atmospheric Administration;

(Q) the Library of Congress;

(R) the National Archives and Records Administration;

(S) any Presidential library;

(T) any Executive agency;

(U) any independent office or agency;

(V) any other department, office, agency, committee, or commission of the Federal Government;

(W) any State or local government department, office, agency, committee, or commission that provided support or assistance or performed work, in connection with a Federal inquiry into unidentified anomalous phenomena, technologies of unknown origin, or non-human intelligence; and

(X) any private sector person or entity formerly or currently under contract or some other agreement with the Federal Government.

SEC. ___04. UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—(A) Not later than 60 days after the date of the enactment of this Act, the Archivist shall commence establishment of a collection of records in the National Archives to be known as the ''Unidentified Anomalous Phenomena Records Collection''.

(B) In carrying out subparagraph (A), the Archivist shall ensure the physical integrity and original provenance (or if indeterminate, the earliest historical owner) of all records in the Collection.

(C) The Collection shall consist of record copies of all Government, Government-provided, or Government-funded records relating to unidentified anomalous phenomena, technologies of unknown origin, and non-human intelligence (or equivalent subjects by any other name with the specific and sole exclusion of temporarily non-attributed objects), which shall be transmitted to the National Archives in accordance with section 2107 of title 44, United States Code.

(D) The Archivist shall prepare and publish a subject guidebook and index to the Collection.

(2) CONTENTS.—The Collection shall include the following:

(A) All unidentified anomalous phenomena records, regardless of age or date of creation—

(i) that have been transmitted to the National Archives or disclosed to the public in an unredacted form prior to the date of the enactment of this Act;

(ii) that are required to be transmitted to the National Archives; and

(iii) that the disclosure of which is postponed under this Act.

(B) A central directory comprised of identification aids created for each record transmitted to the Archivist under section ___05.

(C) All Review Board records as required by this Act.

(b) DISCLOSURE OF RECORDS.—All unidentified anomalous phenomena records transmitted to the National Archives for disclosure to the public shall—

(1) be included in the Collection; and

(2) be available to the public—

(A) for inspection and copying at the National Archives within 30 days after their transmission to the National Archives; and

(B) digitally via the National Archives online database within a reasonable amount of time not to exceed 180 days thereafter.

(c) FEES FOR COPYING.—The Archivist shall—

(1) charge fees for copying unidentified anomalous phenomena records; and

(2) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

(d) ADDITIONAL REQUIREMENTS.—

(1) USE OF FUNDS.—The Collection shall be preserved, protected, archived, digitized, and made available to the public at the National Archives and via the official National Archives online database using appropriations authorized, specified, and restricted for use under the terms of this Act.

(2) SECURITY OF RECORDS.—The National Security Program Office at the National Archives, in consultation with the National Archives Information Security Oversight Office, shall establish a program to ensure the security of the postponed unidentified anomalous phenomena records in the protected, and yet-to-be disclosed or classified portion of the Collection.

(e) OVERSIGHT.—

(1) SENATE.—Unless otherwise determined by the Select Committee on Intelligence of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing legislative oversight jurisdiction in the Senate with respect to the Collection.

(2) HOUSE OF REPRESENTATIVES.—Unless otherwise determined appropriate by the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Oversight and Accountability of the House of Representatives shall have continuing legislative oversight jurisdiction in the House of Representatives with respect to the Collection.

SEC. ___05. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS BY GOVERNMENT OFFICES.

(a) IDENTIFICATION, ORGANIZATION, AND PREPARATION FOR TRANSMISSION.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, each head of a Government office shall—

(A) identify and organize records in the possession of the Government office or under the control of the Government office relating to unidentified anomalous phenomena; and

(B) prepare such records for transmission to the Archivist for inclusion in the Collection.

(2) PROHIBITIONS.—(A) No unidentified anomalous phenomena record shall be destroyed, altered, or mutilated in any way.

(B) No unidentified anomalous phenomena record made available or disclosed to the public prior to the date of the enactment of this Act may be withheld, redacted, postponed for public disclosure, or reclassified.

(C) No unidentified anomalous phenomena record created by a person or entity outside the Federal Government (excluding names or identities consistent with the requirements of section ___06) shall be withheld, redacted, postponed for public disclosure, or reclassified.

(b) CUSTODY OF UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS PENDING REVIEW.—During the review by the heads of Government offices under subsection (c) and pending review activity by the Review Board, each head of a Government office shall retain custody of the unidentified anomalous phenomena records of the office for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of the records for purposes of conducting an independent and impartial review;

(2) transfer is necessary for an administrative hearing or other Review Board function; or

(3) it is a third agency record described in subsection (c)(2)(C).

(c) REVIEW BY HEADS OF GOVERNMENT OFFICES.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, each head of a Government office shall review, identify, and organize each unidentified anomalous phenomena record in the custody or possession of the office for—

(A) disclosure to the public;

(B) review by the Review Board; and

(C) transmission to the Archivist.

(2) REQUIREMENTS.—In carrying out paragraph (1), the head of a Government office shall—

(A) determine which of the records of the office are unidentified anomalous phenomena records;

(B) determine which of the unidentified anomalous phenomena records of the office have been officially disclosed or made publicly available in a complete and unredacted form;

(C)(i) determine which of the unidentified anomalous phenomena records of the office, or particular information contained in such a record, was created by a third agency or by another Government office; and

(ii) transmit to a third agency or other Government office those records, or particular information contained in those records, or complete and accurate copies thereof;

(D)(i) determine whether the unidentified anomalous phenomena records of the office or particular information in unidentified anomalous phenomena records of the office are covered by the standards for postponement of public disclosure under this title; and

(ii) specify on the identification aid required by subsection (d) the applicable postponement provision contained in section ____06;

(E) organize and make available to the Review Board all unidentified anomalous phenomena records identified under subparagraph (D) the public disclosure of, which in-whole or in-part, may be postponed under this title;

(F) organize and make available to the Review Board any record concerning which the office has any uncertainty as to whether the record is an unidentified anomalous phenomena record governed by this title;

(G) give precedence of work to—

(i) the identification, review, and transmission of unidentified anomalous phenomena records not already publicly available or disclosed as of the date of the enactment of this Act;

(ii) the identification, review, and transmission of all records that most unambiguously and definitively pertain to unidentified anomalous phenomena, technologies of unknown origin, and non-human intelligence;

(iii) the identification, review, and transmission of unidentified anomalous phenomena records that on the date of the enactment of this Act are the subject of litigation under section 552 of title 5, United States Code; and

(iv) the identification, review, and transmission of unidentified anomalous phenomena records with earliest provenance when not inconsistent with clauses (i) through (iii) and otherwise feasible; and

(H) make available to the Review Board any additional information and records that the Review Board has reason to believe the Review Board requires for conducting a review under this title.

(3) PRIORITY OF EXPEDITED REVIEW FOR DIRECTORS OF CERTAIN ARCHIVAL DEPOSITORIES.—The Director of each archival depository established under section 2112 of title 44, United States Code, shall have as a priority the expedited review for public disclosure of unidentified anomalous phenomena records in the possession and custody of the depository, and shall make such records available to the Review Board as required by this title.

(d) IDENTIFICATION AIDS.—

(1) IN GENERAL.—(A) Not later than 45 days after the date of the enactment of this Act, the Archivist, in consultation with the heads of such Government offices as the Archivist considers appropriate, shall prepare and make available to all Government offices a standard form of identification, or finding aid, for use with each unidentified anomalous phenomena record subject to review under this title whether in hardcopy (physical), softcopy (electronic), or digitized data format as may be appropriate.

(B) The Archivist shall ensure that the identification aid program is established in such a manner as to result in the creation of a uniform system for cataloging and finding every unidentified anomalous phenomena record subject to review under this title where ever and how ever stored in hardcopy (physical), softcopy (electronic), or digitized data format.

(2) REQUIREMENTS FOR GOVERNMENT OFFICES.—Upon completion of an identification aid using the standard form of identification prepared and made available under subparagraph (A) of paragraph (1) for the program established pursuant to subparagraph (B) of such paragraph, the head of a Government office shall—

(A) attach a printed copy to each physical unidentified anomalous phenomena record, and an electronic copy to each softcopy or digitized data unidentified anomalous phenomena record, the identification aid describes;

(B) transmit to the Review Board a printed copy for each physical unidentified anomalous phenomena record and an electronic copy for each softcopy or digitized data unidentified anomalous phenomena record the identification aid describes; and

(C) attach a printed copy to each physical unidentified anomalous phenomena record, and an electronic copy to each softcopy or digitized data unidentified anomalous phenomena record the identification aid describes, when transmitted to the Archivist.

(3) RECORDS OF THE NATIONAL ARCHIVES THAT ARE PUBLICLY AVAILABLE.—Unidentified anomalous phenomena records which are in the possession of the National Archives on the date of the enactment of this Act, and which have been publicly available in their entirety without redaction, shall be made available in the Collection without any additional review by the Review Board or another authorized office under this title, and shall not be required to have such an identification aid unless required by the Archivist.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—Each head of a Government office shall—

(1) transmit to the Archivist, and make immediately available to the public, all unidentified anomalous phenomena records of the Government office that can be publicly disclosed, including those that are publicly available on the date of the enactment of this Act, without any redaction, adjustment, or withholding under the standards of this title; and

(2) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this title, all unidentified anomalous phenomena records of the Government office the public disclosure of which has been postponed, in whole or in part, under the standards of this title, to become part of the protected, yet-to-be disclosed, or classified portion of the Collection.

(f) CUSTODY OF POSTPONED UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS.—An unidentified anomalous phenomena record the public disclosure of which has been postponed shall, pending transmission to the Archivist, be held for reasons of security and preservation by the originating body until such time as the information security program has been established at the National Archives as required in section ____04(d)(2).

(g) PERIODIC REVIEW OF POSTPONED UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS.—

(1) IN GENERAL.—All postponed or redacted records shall be reviewed periodically by the originating agency and the Archivist consistent with the recommendations of the Review Board in the Controlled Disclosure Campaign Plan under section ____09(c)(3)(B).

(2) REQUIREMENTS.—(A) A periodic review under paragraph (1) shall address the public disclosure of additional unidentified anomalous phenomena records in the Collection under the standards of this title.

(B) All postponed unidentified anomalous phenomena records determined to require continued postponement shall require an unclassified written description of the reason for such continued postponement relevant to these specific records. Such description shall be provided to the Archivist and published in the Federal Register upon determination.

(C) The time and release requirements specified in the Controlled Disclosure Campaign Plan shall be revised or amended only if the Review Board is still in session and concurs with the rationale for postponement, subject to the limitations in section ____09(d)(1).

(D) The periodic review of postponed unidentified anomalous phenomena records shall serve to downgrade and declassify security classified information.

(E) Each unidentified anomalous phenomena record shall be publicly disclosed in full, and available in the Collection, not later than the date that is 25 years after the date of the first creation of the record by the originating body, unless the President certifies, as required by this title, that—

(i) continued postponement is made necessary by an identifiable harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations; and

(ii) the identifiable harm is of such gravity that it outweighs the public interest in disclosure.

(h) REQUIREMENTS FOR EXECUTIVE AGENCIES.—Executive agencies shall—

(1) transmit digital records electronically in accordance with section 2107 of title 44, United States Code;

(2) charge fees for copying unidentified anomalous phenomena records; and

(3) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

SEC. ____06. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS.

Disclosure of unidentified anomalous phenomena records or particular information in unidentified anomalous phenomena records to the public may be postponed subject to the limitations of this title if there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States posed by the public disclosure of the unidentified anomalous phenomena record is of such gravity that it outweighs the public interest in disclosure, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the Federal Government and which has not been officially disclosed, the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the disclosure of which would demonstrably and substantially impair the national security of the United States;

(2) the public disclosure of the unidentified anomalous phenomena record would reveal the name or identity of a living person who provided confidential information to the Federal Government and would pose a substantial risk of harm to that person;

(3) the public disclosure of the unidentified anomalous phenomena record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest; or

(4) the public disclosure of the unidentified anomalous phenomena record would compromise the existence of an understanding of confidentiality currently requiring protection between a Federal Government agent

and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest.

SEC. ___07. ESTABLISHMENT AND POWERS OF THE UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent agency a board to be known as the ''Unidentified Anomalous Phenomena Records Review Board''.

(b) APPOINTMENT.—

(1) IN GENERAL.—The President, by and with the advice and consent of the Senate, shall appoint, without regard to political affiliation, 9 citizens of the United States to serve as members of the Review Board to ensure and facilitate the review, transmission to the Archivist, and public disclosure of government records relating to unidentified anomalous phenomena.

(2) PERIOD FOR NOMINATIONS.—(A) The President shall make nominations to the Review Board not later than 90 calendar days after the date of the enactment of this Act.

(B) If the Senate votes not to confirm a nomination to the Review Board, the President shall make an additional nomination not later than 30 days thereafter.

(3) CONSIDERATION OF RECOMMENDATIONS.—(A) The President shall make nominations to the Review Board after considering persons recommended by the following:

(i) The majority leader of the Senate.

(ii) The minority leader of the Senate.

(iii) The Speaker of the House of Representatives.

(iv) The minority leader of the House of Representatives.

(v) The Secretary of Defense.

(vi) The National Academy of Sciences.

(vii) The UAP Disclosure Foundation.

(viii) The American Historical Association.

(ix) Such other persons and organizations as the President considers appropriate.

(B) If an individual or organization described in subparagraph (A) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (5) by the date that is 45 days after the date of the enactment of this Act, the President shall consider for nomination the persons recommended by the other individuals and organizations described in such subparagraph.

(C) The President may request an individual or organization described in subparagraph (A) to submit additional nominations.

(4) QUALIFICATIONS.—Persons nominated to the Review Board—

(A) shall be impartial citizens, none of whom shall have had any previous or current involvement with any legacy program or controlling authority relating to the collection, exploitation, or reverse engineering of technologies of unknown origin or the examination of biological evidence of living or deceased non-human intelligence;

(B) shall be distinguished persons of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to the fulfillment of their role in ensuring and facilitating the review, transmission to the public, and public disclosure of records related to the government's understanding of, and activities associated with unidentified anomalous phenomena, technologies of unknown origin, and non-human intelligence and who possess an appreciation of the value of such material to the public, scholars, and government; and

(C) shall include at least—

(i) 1 current or former national security official;

(ii) 1 current or former foreign service official;

(iii) 1 scientist or engineer;

(iv) 1 economist;

(v) 1 professional historian; and

(vi) 1 sociologist.

(c) SECURITY CLEARANCES.—

(1) IN GENERAL.—All Review Board nominees shall be granted the necessary security clearances and accesses, including any and all relevant Presidential, departmental, and agency special access programs, in an accelerated manner subject to the standard procedures for granting such clearances.

(2) QUALIFICATION FOR NOMINEES.—All nominees for appointment to the Review Board under subsection (b) shall qualify for the necessary security clearances and accesses prior to being considered for confirmation by the Committee on Homeland Security and Governmental Affairs of the Senate.

(d) CONFIRMATION HEARINGS.—

(1) HOLDING HEARINGS.—Unless the Senate designates a different committee of jurisdiction, the Committee on Homeland Security and Governmental Affairs of the Senate shall hold confirmation hearings, and do so within 30 days after the first date in which the Senate is in session after the nomination of a minimum of 3 individuals for appointment to the Review Board, including the Executive Director established under section ___08(a).

(2) COMMITTEE VOTING.—Unless the Senate designates a different committee of jurisdiction, the Committee on Homeland Security and Governmental Affairs of the Senate shall vote on the nominations, and do so within 14 days after the first date on which the Senate is in session after the confirmation hearings, and shall report its results to the full Senate immediately.

(3) SENATE VOTING.—The Senate shall vote on each nominee to confirm or reject within 14 days after the first date on which the Senate is in session after reported by the Committee on Homeland Security and Governmental Affairs or by a different committee as determined by the Senate.

(e) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as specified for original appointment within 30 days of the occurrence of the vacancy.

(f) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2) NOTICE OF REMOVAL.—(A) If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal, the President shall submit to the leadership of Congress, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives, or to alternative committees of jurisdiction as determined by the Senate and the House of Representatives, a report specifying the facts found and the grounds for the removal.

(B) The President shall publish in the Federal Register a report submitted under subparagraph (A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law.

(3) JUDICIAL REVIEW.—(A) A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) The member may be reinstated or granted other appropriate relief by order of the court.

(g) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Review Board, other than the Executive Director under section ___08(c)(1), shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(h) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of unidentified anomalous phenomena records.

(2) CONSIDERATIONS AND RENDERING OF DECISIONS.—In carrying out paragraph (1), the Review Board shall consider and render decisions—

(A) whether a record constitutes a unidentified anomalous phenomena record; and

(B) whether a unidentified anomalous phenomena record or particular information in a record qualifies for postponement of disclosure under this title.

(i) POWERS.—

(1) IN GENERAL.—The Review Board shall have the authority to act in a manner prescribed under this title, including authority—

(A) to direct Government offices to complete identification aids and organize unidentified anomalous phenomena records;

(B) to direct Government offices to transmit to the Archivist unidentified anomalous phenomena records as required under this title, including segregable portions of unidentified anomalous phenomena records and substitutes and summaries of unidentified anomalous phenomena records that can be publicly disclosed to the fullest extent;

(C)(i) to obtain access to unidentified anomalous phenomena records that have been identified and organized by a Government office;

(ii) to direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals which the Review Board has reason to believe are required to fulfill its functions and responsibilities under this title; and

(iii) request the Attorney General to subpoena private persons to compel testimony, records, and other information relevant to its responsibilities under this title;

(D) require any Government office to account in writing for the destruction of any records relating to unidentified anomalous phenomena, technologies of unknown origin, or non-human intelligence;

(E) receive information from the public regarding the identification and public disclosure of unidentified anomalous phenomena records;

(F) hold hearings, administer oaths, and subpoena witnesses and documents;

(G) use the Federal Acquisition Service in the same manner and under the same conditions as other Executive agencies; and

(H) use the United States mails in the same manner and under the same conditions as other Executive agencies.

(2) ENFORCEMENT OF SUBPOENA.—A subpoena issued under paragraph (1)(C)(iii) may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(j) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code. Witnesses, close observers, and whistleblowers providing information directly to the Review Board shall also be afforded the protections provided to such persons specified under section 1673(b) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (50 U.S.C. 3373b(b)).

(k) OVERSIGHT.—

(1) SENATE.—Unless otherwise determined by the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing legislative oversight jurisdiction in the Senate with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) HOUSE OF REPRESENTATIVES.—Unless otherwise determined appropriate by the House of Representatives, the Committee on Oversight and Accountability of the House of Representatives shall have continuing legislative oversight jurisdiction in the House of Representatives with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(3) DUTY TO COOPERATE.—The Review Board shall have the duty to cooperate with the exercise of oversight jurisdiction described in this subsection.

(l) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis.

(m) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(n) TERMINATION AND WINDING DOWN.—

(1) IN GENERAL.—The Review Board and the terms of its members shall terminate not later than September 30, 2030, unless extended by Congress.

(2) REPORTS.—Upon its termination, the Review Board shall submit to the President and Congress reports, including a complete and accurate accounting of expenditures during its existence and shall complete all other reporting requirements under this title.

(3) TRANSFER OF RECORDS.—Upon termination and winding down, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

SEC. ___08. UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS REVIEW BOARD PERSONNEL.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—Not later than 45 days after the date of the enactment of this Act, the President shall appoint 1 citizen of the United States, without regard to political affiliation, to the position of Executive Director of the Review Board. This position counts as 1 of the 9 Review Board members under section ___07(b)(1).

(2) QUALIFICATIONS.—The person appointed as Executive Director shall be a private citizen of integrity and impartiality who—

(A) is a distinguished professional; and

(B) is not a present employee of the Federal Government; and

(C) has had no previous or current involvement with any legacy program or controlling authority relating to the collection, exploitation, or reverse engineering of technologies of unknown origin or the examination of biological evidence of living or deceased non-human intelligence.

(3) SECURITY CLEARANCES.—(A) A candidate for Executive Director shall be granted all the necessary security clearances and accesses, including to relevant Presidential and department or agency special access and compartmented access programs in an accelerated manner subject to the standard procedures for granting such clearances.

(B) A candidate shall qualify for the necessary security clearances and accesses prior to being appointed by the President.

(4) FUNCTIONS.—The Executive Director shall—

(A) serve as principal liaison to the Executive Office of the President and Congress;

(B) serve as Chairperson of the Review Board;

(C) be responsible for the administration and coordination of the Review Board's review of records;

(D) be responsible for the administration of all official activities conducted by the Review Board;

(E) exercise tie-breaking Review Board authority to decide or determine whether any record should be disclosed to the public or postponed for disclosure; and

(F) retain right-of-appeal directly to the President for decisions pertaining to executive branch unidentified anomalous phenomena records for which the Executive Director and Review Board members may disagree.

(5) REMOVAL.—The Executive Director shall not be removed for reasons other for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Executive Director or the staff of the Review Board.

(b) STAFF.—

(1) IN GENERAL.—The Review Board, without regard to the civil service laws, may appoint and terminate additional personnel as are necessary to enable the Review Board and its Executive Director to perform the duties of the Review Board.

(2) QUALIFICATIONS.—Except as provided in subparagraph (B), a person appointed to the staff of the Review Board shall be a citizen of integrity and impartiality who has had no previous or current involvement with any legacy program or controlling authority relating to the collection, exploitation, or reverse engineering of technologies of unknown origin or the examination of biological evidence of living or deceased non-human intelligence.

(3) SECURITY CLEARANCES.—(A) A candidate for staff shall be granted the necessary security clearances (including all necessary special access program clearances) in an accelerated manner subject to the standard procedures for granting such clearances.

(B)(i) The Review Board may offer conditional employment to a candidate for a staff position pending the completion of security clearance background investigations. During the pendency of such investigations, the Review Board shall ensure that any such employee does not have access to, or responsibility involving, classified or otherwise restricted unidentified anomalous phenomena record materials.

(ii) If a person hired on a conditional basis under clause (i) is denied or otherwise does not qualify for all security clearances necessary to carry out the responsibilities of the position for which conditional employment has been offered, the Review Board shall immediately terminate the person's employment.

(4) SUPPORT FROM NATIONAL DECLASSIFICATION CENTER.—The Archivist shall assign one representative in full-time equivalent status from the National Declassification Center to advise and support the Review Board disclosure postponement review process in a non-voting staff capacity.

(c) COMPENSATION.—Subject to such rules as may be adopted by the Review Board, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates—

(1) the Executive Director shall be compensated at a rate not to exceed the rate of basic pay for level II of the Executive Schedule and shall serve the entire tenure as one full-time equivalent; and

(2) the Executive Director shall appoint and fix compensation of such other personnel as may be necessary to carry out this title.

(d) ADVISORY COMMITTEES.—

(1) AUTHORITY.—The Review Board may create advisory committees to assist in fulfilling the responsibilities of the Review Board under this title.

(2) FACA.—Any advisory committee created by the Review Board shall be subject to chapter 10 of title 5, United States Code.

(e) SECURITY CLEARANCE REQUIRED.—An individual employed in any position by the Review Board (including an individual appointed as Executive Director) shall be required to qualify for any necessary security clearance prior to taking office in that position, but may be employed conditionally in accordance with subsection (b)(3)(B) before qualifying for that clearance.

SEC. ___09. REVIEW OF RECORDS BY THE UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY REVIEW BOARD.—Pending the outcome of a review of activity by the Review Board, a Government office shall retain custody of its unidentified anomalous phenomena records for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date of its appointment, publish a schedule in the Federal Register for review of all unidentified anomalous phenomena records;

(2) not later than 180 days after the date of the enactment of this Act, begin its review of unidentified anomalous phenomena records under this title; and

(3) periodically thereafter as warranted, but not less frequently than semiannually, publish a revised schedule in the Federal Register addressing the review and inclusion of any unidentified anomalous phenomena records subsequently discovered.

(c) DETERMINATIONS OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that all unidentified anomalous phenomena records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not an unidentified anomalous phenomena record; or

(B) a Government record, or particular information within an unidentified anomalous

phenomena record, qualifies for postponement of public disclosure under this title.

(2) REQUIREMENTS.—In approving postponement of public disclosure of a unidentified anomalous phenomena record, the Review Board shall seek to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this title, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a unidentified anomalous phenomena record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a unidentified anomalous phenomena record.

(3) CONTROLLED DISCLOSURE CAMPAIGN PLAN.—With respect to unidentified anomalous phenomena records, particular information in unidentified anomalous phenomena records, recovered technologies of unknown origin, and biological evidence for non-human intelligence the public disclosure of which is postponed pursuant to section ____06, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the President and to the Archivist a Controlled Disclosure Campaign Plan, with classified appendix, containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific unidentified anomalous phenomena records; and

(B) a benchmark-driven plan, based upon a review of the proceedings and in conformity with the decisions reflected therein, recommending precise requirements for periodic review, downgrading, and declassification as well as the exact time or specified occurrence following which each postponed item may be appropriately disclosed to the public under this title.

(4) NOTICE FOLLOWING REVIEW AND DETERMINATION.—(A) Following its review and a determination that a unidentified anomalous phenomena record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of the determination of the Review Board and publish a copy of the determination in the Federal Register within 14 days after the determination is made.

(B) Contemporaneous notice shall be made to the President for Review Board determinations regarding unidentified anomalous phenomena records of the executive branch of the Federal Government, and to the oversight committees designated in this title in the case of records of the legislative branch of the Federal Government. Such notice shall contain a written unclassified justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards contained in section ____06.

(d) PRESIDENTIAL AUTHORITY OVER REVIEW BOARD DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an unidentified anomalous phenomena record of the executive branch of the Federal Government or information within such a record, or of any information contained in a unidentified anomalous phenomena record, obtained or developed solely within the executive branch of the Federal Government, the President shall—

(A) have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section ____06; and

(B) provide the Review Board with both an unclassified and classified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive branch agency as required under this title, stating the justification for the President's decision, including the applicable grounds for postponement under section ____06, accompanied by a copy of the identification aid required under section ____04.

(2) PERIODIC REVIEW.—(A) Any unidentified anomalous phenomena record postponed by the President shall henceforth be subject to the requirements of periodic review, downgrading, declassification, and public disclosure in accordance with the recommended timeline and associated requirements specified in the Controlled Disclosure Campaign Plan unless these conflict with the standards set forth in section ____06.

(B) This paragraph supersedes all prior declassification review standards that may previously have been deemed applicable to unidentified anomalous phenomena records.

(3) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Review Board shall, upon its receipt—

(A) publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to postponement of unidentified anomalous phenomena records; and

(B) revise or amend recommendations in the Controlled Disclosure Campaign Plan accordingly.

(e) NOTICE TO PUBLIC.—Every 30 calendar days, beginning on the date that is 60 calendar days after the date on which the Review Board first approves the postponement of disclosure of a unidentified anomalous phenomena record, the Review Board shall publish in the Federal Register a notice that summarizes the postponements approved by the Review Board or initiated by the President, the Senate, or the House of Representatives, including a description of the subject, originating agency, length or other physical description, and each ground for postponement that is relied upon to the maximum extent classification restrictions permitting.

(f) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall report its activities to the leadership of Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) FIRST REPORT.—The first report shall be issued on the date that is 1 year after the date of enactment of this Act, and subsequent reports every 1 year thereafter until termination of the Review Board.

(3) CONTENTS.—A report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its personnel.

(B) The progress made on review, transmission to the Archivist, and public disclosure of unidentified anomalous phenomena records.

(C) The estimated time and volume of unidentified anomalous phenomena records involved in the completion of the Review Board's performance under this title.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this title.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this title, and a record of the volume of records reviewed and postponed.

(F) Suggestions and requests to Congress for additional legislative authority needs.

(4) COPIES AND BRIEFS.—Coincident with the reporting requirements in paragraph (2), or more frequently as warranted by new information, the Review Board shall provide copies to, and fully brief, at a minimum the President, the Archivist, leadership of Congress, and the Chairs and Chairmen, as the case may be, and Ranking Members and Vice Chairmen, as the case may be, of such other committees as leadership of Congress determines appropriate on the Controlled Disclosure Campaign Plan, classified appendix, and postponed disclosures, specifically addressing—

(A) recommendations for periodic review, downgrading, and declassification as well as the exact time or specified occurrence following which specific unidentified anomalous phenomena records and material may be appropriately disclosed;

(B) the rationale behind each postponement determination and the recommended means to achieve disclosure of each postponed item;

(C) any other findings that the Review Board chooses to offer; and

(D) an addendum containing copies of reports of postponed records to the Archivist required under subsection (c)(3) made since the date of the preceding report under this subsection.

(5) NOTICE.—At least 90 calendar days before completing its work, the Review Board shall provide written notice to the President and Congress of its intention to terminate its operations at a specified date.

(6) BRIEFING THE ALL-DOMAIN ANOMALY RESOLUTION OFFICE.—Coincident with the provision in paragraph (5), if not accomplished earlier under paragraph (4), the Review Board shall brief the All-domain Anomaly Resolution Office established pursuant to section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), or its successor, as subsequently designated by Act of Congress, on the Controlled Disclosure Campaign Plan, classified appendix, and postponed disclosures.

SEC. ____10. DISCLOSURE OF RECOVERED TECHNOLOGIES OF UNKNOWN ORIGIN AND BIOLOGICAL EVIDENCE OF NON-HUMAN INTELLIGENCE.

(a) EXERCISE OF EMINENT DOMAIN.—The Federal Government shall exercise eminent domain over any and all recovered technologies of unknown origin and biological evidence of non-human intelligence that may be controlled by private persons or entities in the interests of the public good.

(b) AVAILABILITY TO REVIEW BOARD.—Any and all such material, should it exist, shall be made available to the Review Board for personal examination and subsequent disclosure determination at a location suitable to the controlling authority of said material and in a timely manner conducive to the objectives of the Review Board in accordance with the requirements of this title.

(c) ACTIONS OF REVIEW BOARD.—In carrying out subsection (b), the Review Board shall consider and render decisions—

(1) whether the material examined constitutes technologies of unknown origin or biological evidence of non-human intelligence beyond a reasonable doubt;

(2) whether recovered technologies of unknown origin, biological evidence of non-

human intelligence, or a particular subset of material qualifies for postponement of disclosure under this title; and

(3) what changes, if any, to the current disposition of said material should the Federal Government make to facilitate full disclosure.

(d) REVIEW BOARD ACCESS TO TESTIMONY AND WITNESSES.—The Review Board shall have access to all testimony from unidentified anomalous phenomena witnesses, close observers and legacy program personnel and whistleblowers within the Federal Government's possession as of and after the date of the enactment of this Act in furtherance of Review Board disclosure determination responsibilities in section ___07(h) and subsection (c) of this section.

(e) SOLICITATION OF ADDITIONAL WITNESSES.—The Review Board shall solicit additional unidentified anomalous phenomena witness and whistleblower testimony and afford protections under section 1673(b) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (50 U.S.C. 3373b(b)) if deemed beneficial in fulfilling Review Board responsibilities under this title.

SEC. ___11. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.—

(1) INFORMATION HELD UNDER SEAL OF A COURT.—The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to unidentified anomalous phenomena, technologies of unknown origin, or non-human intelligence that is held under seal of the court.

(2) INFORMATION HELD UNDER INJUNCTION OF SECRETARY OF GRAND JURY.—(A) The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to unidentified anomalous phenomena, technologies of unknown origin, or non-human intelligence that is held under the injunction of secrecy of a grand jury.

(B) A request for disclosure of unidentified anomalous phenomena, technologies of unknown origin, and non-human intelligence materials under this title shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) the Secretary of State should contact any foreign government that may hold material relevant to unidentified anomalous phenomena, technologies of unknown origin, or non-human intelligence and seek disclosure of such material; and

(3) all heads of Executive agencies should cooperate in full with the Review Board to seek the disclosure of all material relevant to unidentified anomalous phenomena, technologies of unknown origin, and non-human intelligence consistent with the public interest.

SEC. ___12. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—When this title requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other provision of law (except section 6103 of the Internal Revenue Code of 1986 specifying confidentiality and disclosure of tax returns and tax return information), judicial decision construing such provision of law, or common law doctrine that would otherwise prohibit such transmission or disclosure, with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this title shall be construed to eliminate or limit any right to file requests with any executive agency or seek judicial review of the decisions pursuant to section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this title shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this title.

(d) EXISTING AUTHORITY.—Nothing in this title revokes or limits the existing authority of the President, any executive agency, the Senate, or the House of Representatives, or any other entity of the Federal Government to publicly disclose records in its possession.

(e) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—To the extent that any provision of this title establishes a procedure to be followed in the Senate or the House of Representatives, such provision is adopted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

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

SEC. ___13. TERMINATION OF EFFECT OF TITLE.

(a) PROVISIONS PERTAINING TO THE REVIEW BOARD.—The provisions of this title that pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated pursuant to section ___07(n).

(b) OTHER PROVISIONS.—(1) The remaining provisions of this title shall continue in effect until such time as the Archivist certifies to the President and Congress that all unidentified anomalous phenomena records have been made available to the public in accordance with this title.

(2) In facilitation of the provision in paragraph (1), the All-domain Anomaly Resolution Office established pursuant to section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), or its successor as subsequently designated by Act of Congress, shall develop standardized unidentified anomalous phenomena declassification guidance applicable to any and all unidentified anomalous phenomena records generated by originating bodies subsequent to termination of the Review Board consistent with the requirements and intent of the Controlled Disclosure Campaign Plan with respect to unidentified anomalous phenomena records originated prior to Review Board termination.

SEC. ___14. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this title $20,000,000 for fiscal year 2024.

(b) INTERIM FUNDING.—Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this title.

SEC. ___15. SEVERABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

SA 798. Mr. OSSOFF (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 5___. PROVISION OF FOOD ASSISTANCE PROGRAM INFORMATION AS PART OF TRANSITION ASSISTANCE PROGRAM.

Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(20) Information, counseling, and application assistance, developed and provided in consultation with the Secretary of Agriculture, regarding the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and any other Federal food and nutrition assistance program administered by the Secretary of Agriculture.''.

SA 799. Mr. OSSOFF submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. MODIFICATION OF COMMERCIAL ITEM EXCEPTION TO CERTIFIED COST OR PRICING DATA REQUIREMENTS.

Section 3703(a)(2) of title 10, United States Code, is amended by inserting ''other than through a sole source acquisition of a commercial product or service that is not a commercially available off-the-shelf item (as that term is defined in section 104 of title 41)'' after ''commercial product or a commercial service''.

SA 800. Ms. CORTEZ MASTO (for herself, Mr. DAINES, Ms. ROSEN, and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1213. REPORT ON COORDINATION WITH PRIVATE ENTITIES AND STATE GOVERNMENTS WITH RESPECT TO THE STATE PARTNERSHIP PROGRAM.

(a) IN GENERAL.— The Secretary of Defense shall submit to Congress a report on the feasibility of coordinating with private entities

and State governments to provide resources and personnel to support technical exchanges under the Department of Defense State Partnership Program established under section 341 of title 10, United States Code.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of the limitations of the State Partnership Program.

(2) The types of personnel and expertise that could be helpful to partner country participants in the State Partnership Program.

(3) Any authority needed to leverage such expertise from private entities and State governments, as applicable.

SA 801. Ms. CORTEZ MASTO (for herself and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1269. FEASIBILITY STUDY ON ESTABLISHMENT OF INDO-PACIFIC MARITIME GOVERNANCE CENTER OF EXCELLENCE.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Commandant of the Coast Guard, shall conduct a feasibility study on establishing an Indo-Pacific Maritime Governance Center of Excellence focused on building partner capacity for maritime governance. Such study shall include an evaluation of each of the following:

(1) The strategic importance of the Indo-Pacific region in terms of maritime security and governance.

(2) The existing maritime governance frameworks and institutions in the Indo-Pacific region.

(3) The potential contributions and benefits of establishing a dedicated center for promoting maritime governance in the Indo-Pacific region.

(4) The potential roles, responsibilities, and organizational structure of the center.

(5) The required resources, funding, and personnel necessary to establish and sustain the center.

(6) The potential partnerships and collaborations with regional and international stakeholders, including allied and partner nations, nongovernmental organizations, and academic institutions.

(7) The legal and regulatory considerations, including any necessary agreements or frameworks with other entities to establish and operate the center.

(8) Any other relevant factors the Secretary determines necessary for the successful implementation of the center.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study required under subsection (a).

SA 802. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE ON COUNTERING CHINESE ECONOMIC INFLUENCE IN THE INDO-PACIFIC REGION.

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

(1) China has used economic coercion to pressure, punish, and influence other countries in the Indo-Pacific region.

(2) China's use of economic coercion to exert influence in the region threatens the interests of the United States.

(3) The Regional Comprehensive Economic Partnership serves to strengthen China's economic power in the region.

(4) Research shows that people throughout Southeast Asia believe China is now the most influential economic power in the region.

(5) The United States' economic and commercial integration with many Indo-Pacific partners lags behind that of China.

(6) The United States has not concluded comprehensive, high-standard economic agreements with most countries in the Indo-Pacific.

(7) Economic ties with Indo-Pacific partners are a crucial complement to defense cooperation to counteract China's influence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should seek to counteract China's economic coercion of Indo-Pacific countries by expanding trade, investment, and economic ties with Indo-Pacific nations;

(2) comprehensive, high-standard economic and commercial accords between the United States and Indo-Pacific countries are critical to countering China's economic influence; and

(3) the United States should prioritize securing critical supply chains in the region through robust economic and commercial agreements.

SA 803. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ____. INTERAGENCY COUNCIL ON SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Interagency Council on Service (in this section referred to as the ''Council'').

(2) FUNCTIONS.—The Council shall—

(A) advise the President with respect to promoting, strengthening, and expanding opportunities for military service, national service, and public service for all people of the United States; and

(B) review, assess, and coordinate holistic recruitment strategies and initiatives of the executive branch to foster an increased sense of service and civic responsibility among all people of the United States and to explore ways of enhancing connectivity of interested applicants to national service programs and opportunities.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Council shall be composed of such officers and employees of the Federal Government as the President may designate, including not less than 1 such officer or employee the appointment of whom as such officer or employee was made by the President by and with the advice and consent of the Senate.

(2) CHAIR.—The President shall annually designate to serve as the Chair of the Council a member of the Council under paragraph (1), the appointment of whom as an officer or employee of the Federal Government was made by the President by and with the advice and consent of the Senate.

(3) MEETINGS.—The Council shall meet on a quarterly basis or more frequently as the Chair of the Council may direct.

(c) RESPONSIBILITIES OF THE COUNCIL.—The Council shall—

(1) assist and advise the President in the establishment of strategies, goals, objectives, and priorities to promote service and civic responsibility among all people of the United States;

(2) develop and recommend to the President common recruitment strategies and outreach opportunities for increasing the participation, and propensity of people of the United States to participate, in military service, national service, and public service in order to address national security and domestic investment;

(3) serve as a forum for Federal officials responsible for military service, national service, and public service programs to, as feasible and practicable—

(A) coordinate and share best practices for service recruitment; and

(B) develop common interagency, cross-service initiatives and pilots for service recruitment;

(4) lead a strategic, interagency coordinated effort on behalf of the Federal Government to develop joint awareness and recruitment, retention, and marketing initiatives involving military service, national service, and public service, including the sharing of marketing and recruiting research between and among Council members;

(5) consider approaches for assessing impacts of service on the needs of the United States and individuals participating in and benefitting from such service;

(6) consult, as the Council considers advisable, with representatives of non-Federal entities, including State, local, and Tribal governments, State and local educational agencies, State Service Commissions, institutions of higher education, nonprofit organizations, philanthropic organizations, and the private sector, in order to promote and develop initiatives to foster and reward military service, national service, and public service;

(7) not later than 2 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Service Strategy, which shall set forth—

(A) a review of programs and initiatives of the Federal Government relating to the mandate of the Council;

(B) a review of Federal Government online content relating to the mandate of the Council, including user experience with such content;

(C) current and foreseeable trends for service to address the needs of the United States;

(D) recommended service recruitment strategies and branding opportunities to address outreach and communication deficiencies identified by the Council; and

(E) to the extent practical, a joint service messaging strategy for military service, national service, and public service;

(8) identify any notable initiatives by State, local, and Tribal governments and by

public and nongovernmental entities to increase awareness of and participation in national service programs; and

(9) perform such other functions as the President may direct.

(d) DEFINITIONS.—In this section:

(1) MILITARY SERVICE.—The term ''military service'' means active service (as defined in subsection (d)(3) of section 101 of title 10, United States Code) or active status (as defined in subsection (d)(4) of such section) in one of the Armed Forces (as defined in subsection (a)(4) of such section).

(2) NATIONAL SERVICE.—The term ''national service'' means participation, other than military service or public service, in a program that—

(A) is designed to enhance the common good and meet the needs of communities, the States, or the United States;

(B) is funded or facilitated by—

(i) an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(ii) the Federal Government or a State, Tribal, or local government; and

(C) is a program authorized in—

(i) the Peace Corps Act (22 U.S.C. 2501 et seq.);

(ii) section 171 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226) relating to the YouthBuild Program;

(iii) the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.); or

(iv) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(3) PUBLIC SERVICE.—The term ''public service'' means civilian employment in the Federal Government or a State, Tribal, or local government.

(4) SERVICE.—The term ''service'' means a personal commitment of time, energy, and talent to a mission that contributes to the public good by protecting the Nation and the citizens of the United States, strengthening communities, States, or the United States, or promoting the general social welfare.

(5) STATE SERVICE COMMISSION.—The term ''State Service Commission'' means a State Commission on National and Community Service maintained by a State pursuant to section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638).

SA 804. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. PROHIBITION ON REUSE OF RED HILL BULK FUEL STORAGE FACILITY FOR FUEL STORAGE OR FUEL OPERATIONS.

(a) IN GENERAL.—After the Department of Defense and the Department of the Navy have completed the defueling of the Red Hill Bulk Fuel Storage Facility, the Secretary of Defense may not—

(1) use such facility for fuel storage or fuel operations; or

(2) use authorized or appropriated funds to enable the reuse of such facility for fuel storage or fuel operations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing—

(1) the efforts taken by the Secretary of Defense and the Secretary of the Navy to ensure that the Red Hill Bulk Fuel Storage Facility is unable to be used for fuel storage or fuel operations on and after such date of enactment; and

(2) an assessment of any remediation of such facility that is required due to the historical storage of fuel at such facility.

SA 805. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 1253 the following:

SEC. 1253A. REPORT ON USE OF AUKUS PARTNERSHIP FUNDS.

If the President has the authority to accept from the Government of Australia monetary contributions made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities among Australia, the United Kingdom, and the United States and an AUKUS Submarine Security Activities Account is established in the Treasury of the Untied States, the President shall provide to Congress a report on any funds not expended from such account, including—

(1) an explanation as to why such funds were not used to upgrade facilities at shipyards for infrastructure supporting submarine maintenance, repairs, and sustainment;

(2) a description of how funds in such account were used at United States shipyards to recruit, train, and retain local workforce talent to support the submarine industrial base; and

(3) a projection of workforce shortfalls and requirements anticipated by the Department of Defense during the subsequent 5-year period at each shipyard conducting submarine industrial base work supporting activities of the trilateral security partnership among the United States, the United Kingdom, and Australia (commonly known as the ''AUKUS partnership'') .

SA 806. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 1253 the following:

SEC. 1253A. USES OF FUNDS RECEIVED FROM ANY TRANSFERS OF SUBMARINES TO AUSTRALIA UNDER THE AUKUS PARTNERSHIP.

If the President is authorized to transfer submarines to Australia under the security activities framework for the partnership among Australia, the United Kingdom, and the United States, carries out such a transfer, and the transfer occurs in compliance with section 21 of the Arms Export Control Act (22 U.S.C. 2761) and is not subject to section 36 of such Act (22 U.S.C. 2776) or section 8678 of title 10, United States Code, the President may use funds received pursuant to the transfer—

(1) for the acquisition of submarines to replace the submarines transferred to the Government of Australia;

(2) for improvements to the submarine industrial base of the United States; or

(3) with respect to any public or private shipyard in the United States at which the sustainment, repair, or upgrade of submarines occurs and at which there are fewer individuals employed in the submarine industrial base than are necessary to efficiently carry out such activities, to improve the training, retention, and recruitment of the submarine industrial base workforce at such shipyard.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CARDIN. 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 Thursday, July 13, 2023, at 10 a.m., to conduct a subcommittee hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, July 13, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, July 13, 2023, at 10:30 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, July 13, 2023, at 10 a.m., to conduct an executive business meeting.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Thursday, July 13, 2023, at 12:05 p.m., to conduct a business meeting.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, July 13, 2023, at 11:15 a.m., to conduct a closed business meeting.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

The Subcommittee on Taxation and IRS Oversight of the Committee on Finance is authorized to meet during the session of the Senate on Thursday, July 13, 2023, at 10 a.m., to conduct a hearing.