

“(3) For each Federal Government performance goal, identify, as appropriate, not fewer than 2 lead Government officials who shall jointly be responsible for coordinating the efforts to achieve the goal, of whom—

“(A) not less than 1 shall be from the Executive Office of the President; and

“(B) not less than 1 shall be from an agency identified as contributing to the Federal Government performance goal described in paragraph (2);”.

#### SEC. 6. ESTABLISHMENT OF DEPUTY PERFORMANCE IMPROVEMENT OFFICERS.

Section 1124(a) of title 31, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the Chief Operating Officer of the agency, shall designate—

“(A) a Performance Improvement Officer, who shall be a senior executive of the agency; and

“(B) if the Performance Improvement Officer designated under subparagraph (A) is not a career appointee of the Senior Executive Service, a Deputy Performance Improvement Officer, who shall be a career appointee of the Senior Executive Service.”; and

(2) by adding at the end the following:

“(3) DEPUTY PERFORMANCE IMPROVEMENT OFFICER.—A Deputy Performance Improvement Officer designated under paragraph (1)(B) shall support the Performance Improvement Officer in carrying out the functions of the Performance Improvement Officer at paragraph (2).”.

#### SEC. 7. REPEAL OF OUTDATED PILOT PROJECTS.

(a) IN GENERAL.—Chapter 11 of title 31, United States Code, is amended by striking sections 1118 and 1119.

(b) CONFORMING AMENDMENT.—Section 9704 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection “(d)” as subsection “(c)”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 31, United States Code, is amended by striking the items relating to sections 1118 and 1119.

#### SEC. 8. CLARIFYING AMENDMENTS.

(a) CLARIFICATION OF REQUIREMENT TO CITE TO EVIDENCE-BUILDING ACTIVITIES IN STRATEGIC PLANS.—Section 306(a) of title 5, United States Code, is amended—

(1) in paragraph (8) by inserting “, as applicable” after “section 312”; and

(2) in paragraph (9), in the matter preceding subparagraph (A), by inserting “with respect to the head of an agency required to develop a plan described in subsection (a) or (b) of section 312,” before “an assessment”.

(b) CLARIFICATION OF TIMING OF AGENCY PERFORMANCE REPORT.—Section 1116(b)(1) of title 31, United States Code, is amended by striking “shall occur no less than 150 days after” and inserting “shall occur not later than 150 days after”.

#### SEC. 9. GAO 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 Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives a report on the effectiveness of this Act and the amendments made by this Act.

#### RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S.

Res. 548, S. Res. 549, S. Res. 550, S. Res. 551, and S. Res. 552.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Mr. President, this resolution concerns a request for evidence in a criminal action pending in State district court in Lansing, MI. In this case, 15 defendants are charged with multiple felony counts relating to a certificate of votes for President and Vice President submitted by an unofficial, alternate slate of electors from Michigan in connection with the 2020 Presidential election. The first preliminary hearing, which began in December 2023, is set to resume on February 13, 2024, with additional preliminary hearing and trial dates to be scheduled thereafter.

The prosecution in this case has requested testimony from Daniel Schwager, formerly counsel to the Secretary of the Senate, concerning his knowledge and observations of how electoral ballots are received and processed in the Senate, and the process and constitutional and legal bases for Congress's counting of the Electoral College votes. Senate Secretary Berry would like to cooperate with this request by providing relevant testimony at the preliminary hearings and trial from Mr. Schwager.

In keeping with the rules and practices of the Senate, the enclosed resolution would authorize the production of relevant testimony from Mr. Schwager, with representation by the Senate legal counsel.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD (legislative day of Wednesday, February 7, 2024) under “Submitted Resolutions.”)

#### HONORING THE LIFE OF JEAN A. CARNAHAN, FORMER SENATOR FOR THE STATE OF MISSOURI

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 553, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 553) honoring the life of Jean A. Carnahan, former Senator for the State of Missouri.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the

motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 553) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD (legislative day of Wednesday, February 7, 2024) under “Submitted Resolutions.”)

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to the provisions of S. Res. 64, adopted March 5, 2013, appoints the following Senators as members of the Senate National Security Working Group for the 118th Congress: JACK REED of Rhode Island, Administrative Co-Chair; ROBERT MENENDEZ of New Jersey, Co-Chair; RICHARD J. DURBIN of Illinois, Co-Chair; BENJAMIN L. CARDIN of Maryland, Co-Chair; ROBERT P. CASEY, Jr. of Pennsylvania; TAMMY DUCKWORTH of Illinois; KYRSTEN SINEMA of Arizona; RAPHAEL G. WARNOCK of Georgia; and ALEX PADILLA of California.

#### MORNING BUSINESS

#### ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-06, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost \$1.2 billion. We will issue a news release to notify the public of

this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,  
*Director.*

Enclosures.

TRANSMITTAL NO. 24-06

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

(i) Prospective Purchaser: Government of Poland.

(ii) Total Estimated Value:  
Major Defense Equipment\* \$0.  
Other \$1.2 billion.  
Total \$1.2 billion.

Funding Source: Foreign Military Financing Direct Loan and National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE: Airspace and Surface Radar Reconnaissance (ASRR) aerostat systems; Airborne Early Warning (AEW) Radars with Identification of Friend or Foe (IFF) capability; electronic intelligence (ELINT) sensors systems; mooring systems with powered tether with embedded fiber optics; Ground Control Systems (GCS); associated installation hardware; special tools and test equipment; Basic Issue Items (BII); program management support; verification testing; systems technical support; transportation; spare and repair parts; communications equipment; operators and maintenance manuals; personnel training and training equipment; tool and test equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); U.S. Government and contractor engineering, technical and logistics support services; in-country Field Service Representatives (FSR); and other related elements of logistics and program support.

(iv) Military Department: Army (PL-B-UET).

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

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

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

(viii) Date Report Delivered to Congress: February 7, 2024.

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

#### POLICY JUSTIFICATION

##### Poland—Aerostat Systems

The Government of Poland has requested to buy Airspace and Surface Radar Reconnaissance (ASRR) aerostat systems; Airborne Early Warning (AEW) Radars with Identification of Friend or Foe (IFF) capability; electronic intelligence (ELINT) sensors systems; mooring systems with powered tether with embedded fiber optics; Ground Control Systems (GCS); associated installation hardware; special tools and test equipment; Basic Issue Items (BII); program management support; verification testing; systems technical support; transportation; spare and repair parts; communications equipment; operators and maintenance manuals; personnel training and training equipment; tool and test equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); U.S. Government and contractor engineering, technical, and logistics support services; in-country Field Service Representatives (FSR); and other related elements of logistics and program support. The estimated total program cost is \$1.2 billion.

The proposed sale will support the foreign policy goals and national security objectives

of the United States by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Poland's capability to meet current and future threats of enemy air and ground weapons systems. Poland will use the capability as an airborne early warning system to defend against incoming regional threats. This will also enable Poland to increase its contribution to future NATO operations. Poland will have no difficulty absorbing this equipment into its armed forces.

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

The principal contractors will be Raytheon Intelligence and Space, of El Segundo, CA; TCOM, L.P., of Columbia, MD; ELTA North America, of Annapolis Junction, MD; and Avantus Federal LLC (a wholly owned subsidiary of QinetiQ, Inc.), of McLean, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require forty (40) aerostat contractor representatives to travel to Poland for eighty-four (84) months to conduct the Contractor Logistics Support, training, and component assembly support.

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

TRANSMITTAL NO. 24-06

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

#### Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Airspace and Surface Radar Reconnaissance (ASRR) system is a tethered aerostat system capable of supporting a variety of surveillance payloads. It incorporates a tethered aerostat with a relocatable mooring system capable of supporting payloads up to 7,000 lbs. at altitudes up to 15,000 ft., which provides surveillance systems with a line of sight of up to 350 km. In addition to the aerostat, each system includes a mobile mooring system, ground control and maintenance shelters, electrical generators and power distribution panel, forklift and man lift, and supply of helium and spare parts. The program will also include system training, maintenance, and in-country support services. Each of the four (4) aerostats will carry a payload consisting of one (1) radar system and one (1) electronic surveillance electronic intelligence (ELINT) sensor system with integrated Identify Friend or Foe (IFF) capability.

a. Radar System. The radar system will include one of the following: ETLA North America ELM-2083, Raytheon KnightWatch, or C-Speed ESR-LWR Radar. These systems comprise of a multi-function radar capable of providing long-range detection of airborne and maritime targets that are static or in motion. The systems can operate in overland, maritime, and air-to-air modes. They display Moving Target Indicator (MTI) tracks overlaid on a Doppler Beam Sharpened (DBS) image. The systems can switch between vertically and horizontally orientated antennas and incorporate an IFF capability of one of the following: Raytheon APX-119, TPX-62, and AS-4664 electronically scanned array (ESA) antennas or Telephonics SFF-44 All-Mode interrogator.

b. ELINT System. The ELINT system will include one of the following: Raytheon Deutschland Advanced Radar Detection System (ARDS), BANC3 TSD-2000, or ETLA North America ELL-8385. These systems comprise of a modular, scalable software-defined radio (SDR) designed for airborne

ELINT missions. The system can search, intercept, collect, geo-locate, analyze, store, and distribute wireless signals.

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

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

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

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Poland.

#### VOTE EXPLANATION

Ms. STABENOW. Mr. President, unfortunately, due to COVID-19, I was unable to attend the September 30 roll-call vote No. 247 on passage of the bill H.R. 5860, a bill making continuing appropriations for fiscal year 2024 and for other purposes, which passed by a vote of 88-9. Had I been able to attend, I would have voted in support of passage.

#### VOTE EXPLANATION

Mr. PETERS. Mr. President, as a result of travel with President Biden to Michigan, I was unable to attend vote No. 31 on February 1 on the motion to invoke cloture on Executive Calendar No. 477, Lisa W. Wang, of the District of Columbia, to be a Judge of the United States Court of International Trade. During the President's visit, I was able to discuss with him the unique capabilities of Selfridge Air Force Base, to recognize the hard work of Michigan autoworkers, and to emphasize Michigan's national leadership in manufacturing. I would have voted yea on the Motion had I been able to attend.

As a result of travel with President Biden to Michigan, I was unable to attend vote No. 32 on February 1 on the motion to invoke cloture on Executive Calendar No. 476, Joseph Albert Laroski, Jr., of Maryland, to be a Judge of the United States Court of International Trade. During the President's visit, I was able to discuss with him the unique capabilities of Selfridge Air Force Base, to recognize the hard work of Michigan autoworkers, and to emphasize Michigan's national leadership in manufacturing. I would have voted yea on the motion had I been able to attend the vote.

As a result of travel with President Biden to Michigan, I was unable to attend vote No. 33 on February 1 on the Confirmation of Executive Calendar No. 477, Lisa W. Wang, of the District of Columbia, to be a Judge of the United States Court of International