of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3163. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 4638, supra; which was ordered to lie on the table.

SA 3164. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4638, supra; which was ordered to lie on the table.

SA 3165. Mr. ROMNEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 4638, supra; which was ordered to lie on the table.

SA 3166. Mr. ROMNEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 4638, supra; which was ordered to lie on the table.

SA 3167. Mr. PADILLA submitted an amendment intended to be proposed by him to the bill S. 4638, supra; which was ordered to lie on the table.

SA 3168. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill S. 4638, supra; which was ordered to lie on the table.

SA 3169. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 4638, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3050. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 855. CLARIFYING THE STATUTORY DEFINITION OF "DISTRESSED AREA" FOR THE PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

Section 4951(2) of title 10, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B) a tribe, reservation, economic enterprise, or organization as defined in section 3(c), (d), (e) and (f) of the Indian Financing Act of 1974 (Public Law 93–262; 25 U.S.C. 1452(c), (d), (e) and (f)).''.

SA 3051. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 358. PROTECTION OF UNITED STATES ASSETS FROM INCURSIONS.

(a) SHORT TITLE.—This section may be cited as the ''Comprehensive Operations for Unmanned-System Neutralization and Threat Elimination Response Act'' or the ''COUNTER Act''.

(b) MODIFICATION OF REQUIREMENTS FOR PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.—

(1) IN GENERAL.—Section 130i of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**aircraft**'' and inserting ''**systems**'';

(B) by striking ''or unmanned aircraft'' each place it appears and inserting '', unmanned aircraft, or unmanned system'';

(C) in subsection (a)—

(i) by striking ''Notwithstanding'' and inserting ''(1) Notwithstanding''; and

(ii) by adding at the end the following new paragraph:

''(2) The Secretary of Defense shall delegate the authority under paragraph (1) to take actions described in subsection (b)(1) to the commander of a combatant command for those covered facilities or assets that are under the protection of that combatant command.'';

(D) in subsection (b)—

(i) in paragraph (1)(B), by inserting before the period at the end the follow: '', including through the use of remote identification broadcast''; and

(ii) in paragraph (2), by striking ''coordination'' and inserting ''consultation'';

(E) in subsection (d)—

(i) in paragraph (2)(B), by striking ''coordinate'' and inserting ''consult''; and

(ii) by adding at the end the following new paragraph:

''(3) If the Secretary of Defense and the Secretary of Transportation, pursuant to regulations prescribed or guidance issued under paragraph (1), have approved a system to protect a covered facility or asset, approval of all like systems and all additional systems of the same kind shall be encompassed by that approval.'';

(F) in subsection (e)—

(i) by striking ''unmanned aircraft system'' each place it appears and inserting ''unmanned aircraft system, unmanned aircraft, or unmanned system''; and

(ii) in paragraph (4)—

(I) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

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

(III) by inserting after subparagraph (B) the following new subparagraph:

''(C) would support another Federal agency with authority to mitigate the threat of unmanned aircraft systems, unmanned aircraft, or unmanned systems in mitigating such threats; or'';

(G) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively;

(H) by inserting after subsection (f) the following new subsection:

''(g) EXEMPTION FROM DISCLOSURE.—Information pertaining to the technology, procedures, and protocols used to carry out this section, including any regulations or guidance issued to carry out this section, shall be exempt from disclosure under section 552(b)(3) of title 5 and any State or local law requiring the disclosure of information.''; and

(I) in subsection (j), as redesignated by subparagraph (G)—

(i) in paragraph (1)—

(I) by striking ''subsection (j)(3)(C)'' and inserting ''subsection (k)(3)(C)''; and

(II) by striking ''December 31, 2026'' and inserting ''December 31, 2030''; and

(ii) in paragraph (2)—

(I) by striking ''180 days'' and inserting ''one year''; and

(II) by striking ''November 15, 2026'' and inserting ''November 15, 2030''; and

(J) in subsection (k), as so redesignated—

(i) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(ii) by inserting after paragraph (2) the following new paragraph (3):

''(3) The term 'combatant command' has the meaning given that term in section 161 of this title.'';

(iii) in paragraph (4), as redesignated by clause (i)—

(I) in clause (viii), by striking ''; or'' and inserting a semicolon;

(II) in clause (ix)—

(aa) by striking ''sections'' and inserting ''section''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new clauses:

''(x) protection of an installation of the Air National Guard;

''(xi) protection of the buildings, grounds, and property to which the public are not permitted regular, unrestricted access and that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property pursuant to section 2672 of this title;

''(xii) assistance to Federal, State, or local officials in responding to incidents involving nuclear, radiological, biological, or chemical weapons, high-yield explosives, or related materials or technologies, including pursuant to section 282 of this title or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq);

''(xiii) transportation, storage, treatment, and disposal of explosives by the Department pursuant to section 2692(b) of this title; or

''(xiv) emergency response that is limited to a specified timeframe and location.''; and

(iv) by adding at the end the following new paragraph:

''(8) The term 'unmanned system' means an unmanned air, ground, or surface vehicle and its associated elements, including communication links and the components required to control, program, or direct navigation or function.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130i and inserting the following new item:

''130i. Protection of certain facilities and assets from unmanned systems.''.

(c) PROTECTION OF UNITED STATES AIRSPACE, MARITIME DOMAIN, AND TERRITORY FROM INCURSIONS BY FOREIGN POWERS.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 130j. Protection of United States airspace, maritime domain, and territory from incursions by foreign powers

''(a) SUPPORT AUTHORIZED TO FEDERAL DEPARTMENTS OR AGENCIES.—Notwithstanding any provision of title 18 (except for section 1385 of such title) or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), the Secretary of Defense may provide the support described in subsection (b) to any element of the Department of Defense, or to any other department or agency of the Federal Government at the request of the head of such department or agency—

''(1) to prevent or respond to an incursion reasonably believed to be by a foreign power or agent of a foreign power in the territory, including the territorial waters, of the United States or the airspace above such territory; or

''(2) to respond to any exigent threat to public safety declared by the President in a declaration of national emergency issued pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), if the Secretary reasonably believes that the threat to public safety is directed by a foreign power or an agent of a foreign power.

''(b) SUPPORT DESCRIBED.—The support described in this subsection is the collection,

processing, analysis, production, and dissemination of signals intelligence information, including through the use of electronic surveillance.

''(c) PROHIBITION ON TARGETING UNITED STATES PERSONS.—The Secretary may not provide support under this section that intentionally targets a United States person to acquire information.

''(d) CONGRESSIONAL NOTIFICATION.—The Secretary shall promptly report to the congressional defense committees and the congressional intelligence committees any support provided under this section.

''(e) REIMBURSABLE SUPPORT.—The head of a department or agency of the Federal Government to which support is provided under this section shall reimburse the Department of Defense for such support pursuant to section 1535 of title 31.

''(f) CLASSIFICATION REVIEW.—(1) Upon completion of support authorized under this section, the Secretary of Defense, in consultation with the head of a department or agency of the Federal Government to which such support was provided, shall conduct a declassification review of the report required by subsection (d) and make publicly available such report or a summary of such report to the greatest extent practicable and consistent with the protection of national security.

''(2) The Secretary of Defense shall complete the declassification review required by paragraph (1) of a report required by subsection (d) as soon as practicable following the completion of the support that is the subject such report and not later than 180 days after the date on which such declassification review begins.

''(g) APPLICABILITY OF OTHER LAWS TO ACTIVITIES RELATED TO THE MITIGATION OF THREATS FROM UNMANNED AIRCRAFT SYSTEMS OR UNMANNED AIRCRAFT.—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, whether under this section or any other provision of law, that—

''(1) are conducted outside the United States; and

''(2) are related to the mitigation of threats from unmanned aircraft systems or unmanned aircraft.

''(h) DEFINITIONS.—In this section:

''(1) The terms 'agent of a foreign power', 'electronic surveillance', 'foreign power', and 'United States person' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(2) 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) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section relating to section 130i the following new item:

''130j. Protection of United States airspace, maritime domain, and territory from incursions by foreign powers.''.

SA 3052. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. REPORT ON NATIONAL SECURITY IMPACTS OF TECHNOLOGY PROTECTIONISM BY THE REPUBLIC OF KOREA.

(a) 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 Commerce and the Secretary of State, shall submit to the congressional defense committees a report detailing the national security implications of the discrimination by the Republic of Korea against United States technology companies, which works to the advantage of technology firms of the People's Republic of China.

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

(1) a determination as to whether—

(A) legislation of the Republic of Korea known as the ''Online Platform Monopoly Regulation Act'' would impact United States national security by discriminating against United States technology companies;

(B) such legislation would allow technology firms of the People's Republic of China that pose national security risks to the United States to gain market share in the Republic of Korea; and

(C) dominance over the digital sectors of the Republic of Korea by technology firms of the People's Republic of China would impact the information security of the United States Armed Forces based in the Republic of Korea; and

(2) a determination of the manner in which the passage of such legislation and the mitigation of its national security impacts should be accounted for in the Special Measures Agreement, and other United States defense funding intended for the protection of the Republic of Korea.

SA 3053. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 XVII—NO ICBMS FOR IRAN ACT OF 2024

SEC. 1701. SHORT TITLE.

This title may be cited as the ''No ICBMs for Iran Act of 2024''.

Subtitle A—Sanctions and Report on Iranian Space-launch Vehicles and Intercontinental Ballistic Missiles

SEC. 1711. FINDINGS; SENSE OF CONGRESS.

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

(1) The Islamic Republic of Iran has the largest ballistic missile arsenal in the Middle East, which Iran uses to threaten forces of the United States and partners of the United States in the region.

(2) Iran is progressing toward developing an intercontinental ballistic missile (commonly referred to as an ''ICBM'') capability. In 2023, the Defense Intelligence Agency reported that Iran's progress on its space-launch vehicles shortens the time needed for Iran to produce an ICBM since space-launch vehicles and ICBMs use similar technologies.

(3) Iran continues to rely on illicit foreign procurement to support its long-range missile aspirations. For example, Iran recently tried to purchase from the Russian Federation and the People's Republic of China ammonium perchlorate, which is the main ingredient in solid propellants to power missiles.

(4) Iran relies at least in part on networks in Hong Kong and the People's Republic of China to procure dual-use materials and equipment for its longer-range ballistic missile program.

(5) North Korea historically has played a role in supporting longer-range Iranian ballistic missile capabilities. Specifically, North Korea provided the Nodong-A to Iran in the 1990s, which Iran used to develop both its first nuclear-capable medium-range ballistic missile and liquid propellant engines for its space-launch vehicles.

(6) While the Iran Space Agency, a government organization subject to sanctions, develops space capabilities for Iran's ministry of defense as well as the communications sector, Iran's Revolutionary Guard Corps Aerospace Force (commonly referred to as the ''IRGC–AF'') runs a parallel space program employing solid-propellant motors, which if used in ICBM technology, would enable launches with little warning.

(7) Iran continues work on larger diameter solid-propellant motors, like the Rafa'e, and is now reportedly in the possession of an all-solid-propellant space-launch vehicle called the Qaem–100. Iran successfully launched a satellite into orbit using its Qaem–100 rocket January 2024.

(8) Iran's development, production, and transfer of space-launch vehicle and ballistic missile technology violated Annex B of United Nations Security Council Resolution 2231 (2015), which enshrined certain restrictions under the Joint Comprehensive Plan of Action. Those restrictions expired on October 18, 2023.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Iran's space program continues to function as a cover for Iran's quest for an ICBM;

(2) the possession by Iran of an ICBM would pose a direct threat to the United States homeland and partners of the United States in Europe; and

(3) the United States should work to deny Iran the ability to hold the United States homeland or European partners of the United States at risk with an ICBM.

SEC. 1712. DETERMINATION AND MANDATORY IMPOSITION OF SANCTIONS UNDER EXECUTIVE ORDER 13382.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall—

(1) determine whether each individual or entity specified in subsection (b) meets the criteria for the imposition of sanctions under Executive Order 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction proliferators and their supporters); and

(2) with respect to any such individual or entity the President determines does meet such criteria, impose such sanctions.

(b) INDIVIDUALS AND ENTITIES SPECIFIED.—The individuals and entities specified in this subsection are the following:

(1) The Space Division of the IRGC–AF.

(2) All senior officers of the IRGC–AF.

(3) Brigadier General Amir-Ali Hajizadeh, the commander of the IRGC–AF.

(4) General Majid Mousavi, the deputy commander of the IRGC–AF.

(5) Second Brigadier General Ali-Jafarabadi, the commander of the Space Division of the IRGC–AF.

SEC. 1713. REPORT ON SUPPORT FOR IRAN'S SPACE, AEROSPACE, AND BALLISTIC MISSILE SECTORS AND UNITED STATES CAPACITY TO DENY INTERCONTINENTAL BALLISTIC MISSILE ATTACKS FROM IRAN.

(a) 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 and the Director of National Intelligence, shall submit to the congressional defense committees a report that includes the following:

(1) An identification of entities in Iran not subject to sanctions imposed by the United States as of the date of the report that are helping to support Iran's space, aerospace, and ballistic missile sectors, including public and private entities making a material contribution to Iran's development of space-launch vehicles or ICBMs.

(2) An identification of the countries the governments of which continue to support Iran's space, aerospace, and ballistic missile activities.

(3) With respect to each country identified under paragraph (2), the following:

(A) Actions taken by the government of the country or other entities within the country to support Iran's space, aerospace, and ballistic missile activities, including the transfer of missiles, engines, propellant or materials that can be used for fuel, or other technologies that could make a material contribution to development of space-launch vehicles or ICBMs.

(B) Any actions described in subparagraph (A) or proposals for such actions being negotiated or discussed as of the date of the report.

(4) An assessment of Iran's ICBM technology, including the following:

(A) Key steps Iran would need to take to develop an ICBM.

(B) An assessment of which rocket motors Iran would likely use to build an ICBM.

(C) Technological hurdles Iran would still need to overcome to develop an ICBM.

(D) Pathways to overcome the hurdles described in subparagraph (C), including the potential transfer of technologies from North Korea, the Russian Federation, or the People's Republic of China.

(E) An estimated timeline for Iran to develop an ICBM if Iran chooses to do so.

(b) UPDATES.—As new information becomes available and not less frequently than annually, the Secretary shall submit to the congressional defense committees an updated version of the report required by subsection (a) that includes updated information under paragraphs (1) through (4) of that subsection.

(c) FORM.—Each report submitted under this section shall be submitting in unclassified form, but may include a classified annex.

SEC. 1714. REPORT ON SENIOR OFFICIALS OF GOVERNMENT OF IRAN RESPONSIBLE FOR SPACE-LAUNCH VEHICLE OR BALLISTIC MISSILE TESTS.

(a) IN GENERAL.—Not later than 30 days after the date on which the President determines that the Government of Iran has conducted a test of a space-launch vehicle or ballistic missile, the President shall submit to the congressional defense committees a notification that identifies each senior official of the Government of Iran that the President determines is responsible for ordering, controlling, or otherwise directing the test.

(b) ELEMENTS.—The notification required by subsection (a) shall include—

(1) available information on the ballistic missile or the generic class of ballistic missile or space rocket that was launched;

(2) the trajectory, duration, range, and altitude of the flight of the missile or rocket;

(3) the duration, range, and altitude of the flight of each stage of the missile or rocket;

(4) the location of the launch point and impact point;

(5) the payload; and

(6) other technical information that is available.

(c) FORM.—The notification required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle B—Sanctions and Reports Relating to Iranian Unmanned Aerial Systems

SEC. 1721. FINDINGS; SENSE OF CONGRESS.

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

(1) Iran has a robust unmanned aerial system program under which Iran operates several unmanned aerial systems, including combat drones, drones capable of conducting intelligence, surveillance, and reconnaissance, and suicide or kamikaze drones.

(2) Iran has supplied thousands of unmanned aerial systems to the Russian Federation, including several hundred of the Shahed–136 suicide drone.

(3) Iran and the Russian Federation are reportedly planning to build 6,000 Geran–2 drones, the Russian-made version of the Iranian Shahed–136, at a new facility in the Russian Federation.

(4) The Iranian supply of unmanned aerial systems to the Russian Federation has fueled the Russian Federation's murderous invasion of Ukraine and caused countless civilian deaths.

(5) The United States found parts made by more than a dozen United States or western companies in an Iranian unmanned aerial system downed in Ukraine, which are likely transferred to Iran illegally.

(6) Iran is also responsible for the proliferation of unmanned aerial systems to terrorist groups in the Middle East, including Hamas in Gaza, Hezbollah in Lebanon, and the Houthis in Yemen, which have all employed drones in their murderous attacks on Israel following the October 7, 2023, terrorist attacks by Hamas in Israel, which killed more than 1,400 innocent civilians.

(7) Iran's transfer of unmanned aerial systems to other governments and terrorist groups has violated Annex B of United Nations Security Council Resolution 2231 (2015) and restrictions imposed under the Joint Comprehensive Plan of Action, which expired on October 18, 2023.

(8) Upon the expiration of those restrictions, Iran's transfer of deadly unmanned aerial systems and ballistic missiles to actors like Hamas and the Russian Federation became legal under international law.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Iran's unmanned aerial system program contributes significantly to the instability of the Middle East and threatens the security of the United States and its partners in the Middle East, including Israel;

(2) the provision of Iranian unmanned aerial systems gives the Russian Federation an advantage in its war in Ukraine and contributes to the dangerous partnership between Iran and the Russian Federation;

(3) the expiration of restrictions under the Joint Comprehensive Plan of Action and Annex B of United Nations Security Council Resolution 2231 on October 18, 2023, helps facilitate Iran's development and transfer of deadly unmanned aerial systems and ballistic missiles to actors like Hamas and the Russian Federation; and

(4) the United States should seek to hinder Iran's unmanned aerial system production, its transfer of such systems to the Russian Federation, Hamas, and other hostile state and non-state actors, and to prevent the further use of United States components in Iranian unmanned aerial systems.

SEC. 1722. INCLUSION OF UNMANNED AERIAL SYSTEMS AND CRUISE MISSILES UNDER COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010.

(a) FINDINGS.—Section 2(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501(1)) is amended by striking ''and ballistic missiles'' and inserting '', ballistic missiles, and unmanned aerial systems and cruise missiles''.

(b) INCLUSION IN GOODS, SERVICES, AND TECHNOLOGIES OF DIVERSION CONCERN.—Section 302(b)(1)(B) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8542(b)(1)(B)) is amended—

(1) in clause (ii), by striking ''; or'' and inserting a semicolon;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) unmanned aerial system (as defined in section 1727 of the No ICBMs for Iran Act of 2024) or cruise missile program; or''.

(c) SUNSET.—Section 401(a)(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)(2)) is amended by striking ''and ballistic missiles and ballistic missile launch technology'' and inserting '', ballistic missiles and ballistic missile launch technology, and unmanned aerial system (as defined in section 1727 of the No ICBMs for Iran Act of 2024) and cruise missile programs.''.

SEC. 1723. INCLUSION OF UNMANNED AERIAL SYSTEMS IN ENFORCEMENT OF ARMS EMBARGOS UNDER COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT.

Section 107(a)(1) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9406(a)(1)) is amended by inserting ''unmanned aerial systems (as defined in section 1727 of the No ICBMs for Iran Act of 2024),'' after ''warships,''.

SEC. 1724. INCLUSION OF UNMANNED AERIAL SYSTEMS UNDER IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992.

Section 1608(1) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting ''unmanned aerial systems (as defined in section 1727 of the No ICBMs for Iran Act of 2024),'' after ''cruise missiles,''.

SEC. 1725. STRATEGY TO COUNTER IRANIAN UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report (with a classified annex) that includes a strategy for countering Iran's growing unmanned aerial systems program and its transfer of unmanned aerial systems and related technology to foreign states and non-state actors.

(b) PLAN TO PREVENT IRAN OBTAINING UNITED STATES MATERIALS.—

(1) IN GENERAL.—The strategy required by subsection (a) shall draw upon the work of the President Biden's interagency task force investigating the presence of United States parts in Iranian unmanned aerial systems to develop a plan for preventing Iran from obtaining United States materials for its unmanned aerial system program.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A list of identified United States components found in Iranian unmanned aerial systems and a list of United States suppliers of those components.

(B) An assessment of existing export controls for components described in subparagraph (A) and a plan to strengthen those export controls, including through any necessary legislative action by Congress.

(C) An investigation into and identification of foreign actors, including individuals and government and nongovernmental entities, that are supplying components to the Iranian unmanned aerial system and weapons programs.

(D) Strategies to deny supply chains for such components, including any sanctions or other actions to target the individuals or entities identified under subparagraph (C).

(E) An identification of any additional authorities or funding needed to enable the investigation of how Iran is obtaining United States components for its unmanned aerial system program.

(F) An assessment of how the Bureau of Industry and Security of the Department of Commerce is monitoring compliance with their restrictions on Iranian unmanned aerial system producers aimed at ensuring United States and other foreign-made components are not being used in Iranian unmanned aerial systems.

(G) An investigation into Iran's use of shell companies to evade sanctions and restrictions on the use of United States or other foreign-made components in Iranian unmanned aerial system production.

(H) Strategies to ensure United States manufacturers of critical components for unmanned aerial systems can verify the end users of those components.

(I) Any other actions that could be use to disrupt Iran's unmanned aerial system and weapons programs and its transfers to foreign states and non-state actors.

(c) DIPLOMATIC STRATEGY.—The strategy required by subsection (a) shall include a diplomatic strategy to coordinate with allies of the United States to counter Iran's unmanned aerial system production and transfer of unmanned aerial systems and related technologies to foreign states and non-state actors, including the following:

(1) Coordination with respect to sanctions comparable to the sanctions the United States is required to apply under the amendments made by this subtitle.

(2) Intelligence sharing with allies of the United States to determine how Iran is obtaining western components for its unmanned aerial system program.

(3) Intelligence sharing with allies of the United States to track, monitor, and disrupt Iranian transfers of its unmanned aerial system technology to foreign states and non-state actors.

(4) A plan to cooperate with allies of the United States to develop or advance anti-unmanned aerial system equipment.

SEC. 1726. REPORT ON SUPPORT FOR IRAN'S UNMANNED AERIAL SYSTEM PROGRAM AND RELATED TECHNOLOGY TRANSFERS.

(a) 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 and the Director of National Intelligence, shall submit to the congressional defense committees a report that outlines the following:

(1) Domestic industries, individuals, or entities in Iran not subject to sanctions imposed by the United States as of the date of the report that are helping to support Iran's unmanned aerial system program, including both public and private entities making a material contribution to Iran's production of unmanned aerial systems.

(2) A list of foreign states or non-state actors using Iranian unmanned aerial system technology or looking to purchase it, including any negotiations or discussions ongoing as of the date of the enactment of this Act between Iran and a foreign state or non-state actor to acquire such technology from Iran.

(3) An assessment of cooperation between Iran and the People's Republic of China to develop, produce, acquire, or export unmanned aerial system technology.

(4) An assessment of cooperation between Iran and the Russian Federation to develop, produce, acquire, or export unmanned aerial system technology, including a status update on Russian capabilities to produce Iranian unmanned aerial systems.

(5) An assessment on how the October 18, 2023, expiration of sanctions and other restrictions under Annex B of United Nations Security Council Resolution 2231 (2015) have or have not increased cooperation between Iran and the Russian Federation or Iran and the People's Republic of China relating to transactions previously restricted under that resolution.

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

SEC. 1727. UNMANNED AERIAL SYSTEM DEFINED.

In this subtitle, the term ''unmanned aerial system''—

(1) means an aircraft without a human pilot onboard that is controlled by an operator remotely or programmed to fly autonomously; and

(2) includes—

(A) unmanned vehicles that conduct intelligence, surveillance, or reconnaissance operations;

(B) unmanned vehicles that can loiter, such as suicide or kamikaze drones; and

(C) unmanned combat aerial vehicles.

Subtitle C—Expansion of Iran Sanctions Act of 1996

SEC. 1731. EXPANSION OF IRAN SANCTIONS ACT OF 1996.

(a) EXPANSION OF SANCTIONS WITH RESPECT TO WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL WEAPONS.—Section 5(b)(1) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in the paragraph heading, by striking ''EXPORTS, TRANSFERS, AND TRANSSHIPMENTS'' and inserting ''WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL WEAPONS'';

(2) in subparagraph (A), by striking ''the Iran Threat Reduction and Syria Human Rights Act of 2012'' and inserting ''the No ICBMs for Iran Act of 2024'';

(3) in subparagraph (B)—

(A) in clause (i), by striking ''would likely'' and inserting ''may'';

(B) in clause (ii)—

(i) in subclause (I)—

(I) by striking ''or develop'' and inserting ''develop, or export''; and

(II) by striking ''; or'' and inserting a semicolon;

(ii) by redesignating subclause (II) as subclause (IV); and

(iii) by inserting after subclause (I) the following:

''(II) acquire or develop ballistic missiles or ballistic missile launch technologies;

''(III) acquire or develop unmanned aerial systems (as defined in section 1727 of the No ICBMs for Iran Act of 2024); or''.

(b) SANCTIONS WITH RESPECT TO SPACE-LAUNCH AND BALLISTIC MISSILE PROGRAMS.—Section 5(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by adding at the end the following:

''(4) SPACE-LAUNCH AND BALLISTIC MISSILE GOODS, SERVICES, OR TECHNOLOGY.—

''(A) TRANSFER TO IRAN.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person, on or after the date of the enactment of the No ICBMs for Iran Act of 2024, knowingly exports, transfers, or permits or otherwise facilitates the transshipment or reexport of goods, services, technology, or other items to Iran that may support Iran's efforts to acquire, develop, or export its space-launch programs, space-launch vehicles, or ballistic missiles or ballistic missile launch technologies.

''(B) DEVELOPMENT AND SUPPORT FOR DEVELOPMENT.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to—

''(i) an agency or instrumentality of the Government of Iran if the President determines that the agency or instrumentality knowingly, on or after the date of the enactment of the No ICBMs for Iran Act of 2024, seeks to develop, procure, or acquire goods, services, or technology that may support efforts by the Government of Iran with respect to space-launch vehicle or ballistic missile-related goods, services, and items listed on the Equipment, Software, and Technology Annex of the Missile Technology Control Regime (commonly referred to as the 'MTCR Annex');

''(ii) a foreign person or an agency or instrumentality of a foreign state (as defined in section 1603(b) of title 28, United States Code) if the President determines that the person or agency or instrumentality knowingly, on or after such date of enactment, provides material support to the Government of Iran that may support efforts by the Government of Iran with respect to space-launch vehicle or ballistic missile-related goods, services, and items listed on the MTCR Annex; and

''(iii) a foreign person that the President determines knowingly, on or after such date of enactment, engages in a transaction or transactions with, or provides financial services for, a foreign person or an agency or instrumentality of a foreign state described in clause (i) or (ii) with respect to space-launch vehicle or ballistic missile-related goods, services, and items listed on the MTCR Annex.

''(C) CONGRESSIONAL REQUESTS.—Not later than 30 days after receiving a request from the chairman or ranking member of the appropriate congressional committees with respect to whether a person meets the criteria for the imposition of sanctions under subparagraph (A) or (B), the President shall—

''(i) determine if the person meets such criteria; and

''(ii) submit a report to the chairman or ranking member, as the case may be, who submitted the request with respect to that determination that includes a statement of whether or not the President imposed or intends to impose sanctions with respect to the person.''.

SA 3054. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. WITHDRAWAL OF NORMAL TRADE RELATIONS TREATMENT FROM THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Notwithstanding the provisions of title I of Public Law 106–286 (114 Stat. 880) or any other provision of law, effective on the date of the enactment of this Act—

(1) normal trade relations treatment shall not apply pursuant to section 101 of that Act to the products of the People's Republic of China;

(2) normal trade relations treatment may thereafter be extended to the products of the People's Republic of China only in accordance with the provisions of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et

seq.), as in effect with respect to the products of the People's Republic of China on the day before the effective date of the accession of the People's Republic of China to the World Trade Organization; and

(3) the extension of waiver authority that was in effect with respect to the People's Republic of China under section 402(d)(1) of the Trade Act of 1974 (19 U.S.C. 2432(d)(1)) on the day before the effective date of the accession of the People's Republic of China to the World Trade Organization shall, upon the enactment of this Act, be deemed not to have expired, and shall continue in effect until the date that is 90 days after the date of such enactment.

(b) EXPANSION OF BASES OF INELIGIBILITY OF PEOPLE'S REPUBLIC OF CHINA FOR NORMAL TRADE RELATIONS.—

(1) IN GENERAL.—Section 402 of the Trade Act of 1974 (19 U.S.C. 2432) is amended—

(A) in the section heading, by striking ''**FREEDOM OF EMIGRATION IN EAST-WEST TRADE**'' and inserting ''**EAST-WEST TRADE AND HUMAN RIGHTS**''; and

(B) by adding at the end the following:

''(f) ADDITIONAL BASES OF INELIGIBILITY OF PEOPLE'S REPUBLIC OF CHINA FOR NORMAL TRADE RELATIONS.—

''(1) IN GENERAL.—Products of the People's Republic of China shall not be eligible to receive nondiscriminatory treatment (normal trade relations), the People's Republic of China shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President shall not conclude any commercial agreement with the People's Republic of China, during the period—

''(A) beginning with the date on which the President determines that the People's Republic of China—

''(i) is in violation of paragraph (1), (2), or (3) of subsection (a);

''(ii) uses or provides for the use of slave labor;

''(iii) operates 'vocational training and education centers' or other concentration camps where people are held against their will;

''(iv) performs or otherwise orders forced abortion or sterilization procedures;

''(v) harvests the organs of prisoners without their consent;

''(vi) hinders the free exercise of religion;

''(vii) intimidates or harasses nationals of the People's Republic of China living outside the People's Republic of China; or

''(viii) engages in systematic economic espionage against the United States, including theft of the intellectual property of United States persons; and

''(B) ending on the date on which the President determines that the People's Republic of China is no longer in violation of any of clauses (i) through (viii) of subparagraph (A).

''(2) REPORT REQUIRED.—

''(A) IN GENERAL.—After the date of the enactment of this subsection, products of the People's Republic of China may be eligible to receive nondiscriminatory treatment (normal trade relations), the People's Republic of China may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and the President may conclude a commercial agreement with the People's Republic of China, only after the President has submitted to Congress a report indicating that the People's Republic of China is not in violation of any of clauses (i) through (viii) of paragraph (1)(A).

''(B) ELEMENTS.—The report required by subparagraph (A) shall include information as to the nature and implementation of laws and policies of the People's Republic of China relating to the matters specified in clauses (i) through (viii) of paragraph (1)(A).

''(C) DEADLINES.—The report required by subparagraph (A) shall be submitted on or before each June 30 and December 31 of each year for as long as products of the People's Republic of China receive nondiscriminatory treatment (normal trade relations), the People's Republic of China participates in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, or a commercial agreement with the People's Republic of China is in effect.

''(3) WAIVER.—

''(A) IN GENERAL.—The President is authorized to waive by Executive order the application of paragraphs (1) and (2) for a 12-month period if the President submits to Congress a report that the President—

''(i) has determined that such waiver will substantially promote the objectives of this subsection; and

''(ii) has received assurances that the practices of the People's Republic of China relating to the matters specified in clauses (i) through (viii) of paragraph (1)(A) will in the future lead substantially to the achievement of the objectives of this subsection.

''(B) TERMINATION OF WAIVER.—A waiver under subparagraph (A) shall terminate on the earlier of—

''(i) the day after the waiver authority granted by this paragraph ceases to be effective under paragraph (4); or

''(ii) the effective date of an Executive order providing for termination of the waiver.

''(4) EXTENSION OF WAIVER AUTHORITY.—

''(A) RECOMMENDATIONS.—If the President determines that the further extension of the waiver authority granted under paragraph (3) will substantially promote the objectives of this subsection, the President may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

''(i) be made not later than 30 days before the expiration of such authority;

''(ii) be made in a document submitted to the House of Representatives and the Senate setting forth the reasons of the President for recommending the extension of such authority; and

''(iii) include—

''(I) a determination that continuation of the waiver will substantially promote the objectives of this subsection; and

''(II) a statement setting forth the reasons of the President for such determination.

''(B) CONTINUATION IN EFFECT OF WAIVER.—If the President recommends under subparagraph (A) the further extension of the waiver authority granted under paragraph (3), such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension, unless—

''(i) Congress adopts and transmits to the President a joint resolution of disapproval under paragraph (5) before the end of the 60-day period beginning on the date the waiver authority would expire but for an extension under subparagraph (A); and

''(ii) if the President vetoes the joint resolution, each House of Congress votes to override the veto on or before the later of—

''(I) the last day of the 60-day period referred to in clause (i); or

''(II) the last day of the 15-day period (excluding any day described in section 154(b)) beginning on the date on which Congress receives the veto message from the President.

''(C) TERMINATION OF WAIVER PURSUANT TO JOINT RESOLUTION OF DISAPPROVAL.—If a joint resolution of disapproval is enacted into law pursuant to paragraph (5), the waiver authority granted under paragraph (3) shall cease to be effective as of the day after the 60-day period beginning on the date of the enactment of the joint resolution.

''(5) JOINT RESOLUTION OF DISAPPROVAL.—

''(A) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this paragraph, 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 the extension of the authority contained in paragraph (3) of section 402(f) of the Trade Act of 1974 with respect to the People's Republic of China recommended by the President to Congress under paragraph (4) of that section on ______.', with the blank space being filled with the appropriate date.

''(B) PROCEDURES IN HOUSE AND SENATE.—The provisions of subsections (b) through (f) of section 152 shall apply with respect to a joint resolution of approval to the same extent and in the same manner as such provisions apply with respect to a resolution described in subsection (a) of that section, except that subsection (e)(2) of that section shall be applied and administered by substituting 'Consideration' for 'Debate'.

''(C) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph is enacted by Congress—

''(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, 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 other rules; and

''(ii) 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.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 402 and inserting the following:

''Sec. 402. East-West trade and human rights.''.

SA 3055. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1095. LOSS OF PENSIONS ACCRUED FOR ABUSING THE PUBLIC TRUST.

(a) CSRS.—Section 8332(o) of title 5, United States Code, is amended—

(1) in paragraph (1), in the first sentence—

(A) by inserting ''as an employee or Member (irrespective of when rendered) who is'' after ''service of an individual''; and

(B) by striking '', except'' and all that follows through ''rendered)'';

(2) in paragraph (2)(A)—

(A) in clause (i), by inserting ''an employee,'' before ''a Member,'';

(B) in clause (ii), by inserting ''an employee,'' before ''a Member,''; and

(C) in clause (iii)—

(i) in subclause (I)(bb), by striking ''or'' at the end;

(ii) in subclause (II)(bb), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(III) in the case of service as an employee, is committed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2025.''; and

(3) in paragraph (3), by inserting ''or an employee'' after ''serving as a Member''.

(b) FERS.—Section 8411(l) of title 5, United States Code, is amended—

(1) in paragraph (1), in the first sentence—

(A) by inserting ''as an employee or Member (irrespective of when rendered) who is'' after ''service of an individual''; and

(B) by striking '', except'' and all that follows through ''rendered)'';

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''an employee,'' before ''a Member,'';

(B) in subparagraph (B), by inserting ''an employee,'' before ''a Member,''; and

(C) in subparagraph (C)—

(i) by striking ''offense is committed'' and inserting the following: ''offense—

''(i) is committed'';

(ii) by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(ii) in the case of service as an employee, is committed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2025.''; and

(3) in paragraph (3), by inserting ''or an employee'' after ''serving as a Member''.

SA 3056. Mr. WHITEHOUSE (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. 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) assess the national security implications of foreign corruption and kleptocracy (including strategic corruption) and coordinate, without assuming operational authority, the United States Government efforts to counter foreign corruption and kleptocracy.'';

(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 officer of the National Security Council to be responsible for—

''(A) the assessment of the national security implications of foreign corruption and kleptocracy (including strategic corruption); and

''(B) the coordination of the interagency process to counter foreign corruption and kleptocracy.

''(2) RESPONSIBILITIES.—In addition to the coordination and assessment described in paragraph (1), the officer 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 the Treasury, 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 national security concern to the Council.

''(C) Updating, as appropriate, and coordinating the implementation of the United States strategy on countering corruption.

''(3) COORDINATION WITH COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—The officer designated under paragraph (1) of this subsection shall coordinate with the employee designated under subsection (g)(1).

''(4) LIAISON.—The officer 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 State.

''(B) The Department of the Treasury.

''(C) The Department of Justice.

''(D) The intelligence community.

''(E) The United States Agency for International Development.

''(F) Any other Federal agency that the President considers appropriate.

''(G) Good government transparency groups in civil society.

''(5) CONGRESSIONAL BRIEFING.—

''(A) IN GENERAL.—Not less frequently than once each year, the officer designated pursuant to paragraph (1), or the officer's designee, shall provide to the congressional committees specified in subparagraph (B) a briefing on the responsibilities and activities of the officer designated under this subsection.

''(B) COMMITTEES SPECIFIED.—The congressional committees specified in this subparagraph are the following:

''(i) The Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, and the Caucus on International Narcotics Control of the Senate.

''(ii) The Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.''.

SA 3057. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 G—International Freedom Protection

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''International Freedom Protection Act''.

SEC. 1292. DEFINITIONS.

In this subtitle:

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

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

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

(2) RELEVANT FEDERAL AGENCIES.—The term ''relevant Federal agencies'' means—

(A) the Department of State; and

(B) the United States Agency for International Development.

(3) TRANSNATIONAL REPRESSION.—The term ''transnational repression''—

(A) 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 populations, political opponents, civil society activists, journalists, or members of ethnic or religious minority groups to prevent their exercise of internationally recognized human rights; and

(B) may include—

(i) extrajudicial killings;

(ii) physical assaults and intimidation;

(iii) arbitrary detentions;

(iv) renditions;

(v) deportations;

(vi) unexplained or enforced disappearances;

(vii) physical or online surveillance or stalking;

(viii) unwarranted passport cancellation or control over other identification documents;

(ix) abuse of international law enforcement systems;

(x) unlawful asset freezes;

(xi) digital threats, such as cyberattacks, targeted surveillance and spyware, online harassment, and intimidation; and

(xii) coercion by proxy, such as harassment of, or threats or harm to, family and associates of private individuals who remain in their country of origin.

SEC. 1293. COMBATING TRANSNATIONAL REPRESSION ABROAD.

(a) STATEMENT OF POLICY ON TRANSNATIONAL REPRESSION.—It is the policy of the United States—

(1) to identify and address transnational repression, including by protecting targeted individuals and groups, as a direct threat to the United States national interests of upholding and promoting democratic values and internationally recognized human rights;

(2) to address transnational repression, including by protecting targeted individuals and groups;

(3) to strengthen the capacity of United States embassy and mission staff to counter transnational repression, including by—

(A) monitoring and documenting instances of transnational repression;

(B) conducting regular outreach with at-risk or affected populations to provide information regarding available resources without putting such people at further risk; and

(C) working with local and national law enforcement, as appropriate, to support victims of transnational repression;

(4) to develop policy and programmatic responses based on input from—

(A) vulnerable populations who are at risk of, or are experiencing, transnational repression;

(B) nongovernmental organizations working to address transnational repression; and

(C) the private sector;

(5) to provide training to relevant Federal personnel—

(A) to enhance their understanding of transnational repression; and

(B) to identify and combat threats of transnational repression;

(6) to strengthen documentation and monitoring by the United States Government of transnational repression by foreign governments in the United States, in foreign countries, and within international organizations; and

(7) to seek to hold perpetrators of transnational repression accountable.

(b) REPORT ON TRANSNATIONAL REPRESSION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 10 years, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a classified report to the appropriate congressional committees that assesses the efforts of the United States Government to implement the policy objectives described in subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed description and assessment of United States Government efforts to monitor, prevent, and respond to transnational repression abroad;

(B) a detailed accounting of the most common tactics of transnational repression;

(C) instances of transnational repression occurring within international organizations;

(D) a description of—

(i) efforts by personnel at United States embassies and missions to support victims of or those at risk of transnational repression; and

(ii) resources provided to United States embassies and missions to support such efforts; and

(E) a strategy to strengthen interagency efforts and coordination to combat transnational repression, which shall include—

(i) a plan, developed in consultation with partner governments, civil society, the business community, and other entities, to promote respect for rule of law and human rights in surveillance technology use, which shall include—

(I) protecting personal digital data from being used for the purposes of transnational repression;

(II) establishing safeguards to prevent the misuse of surveillance technology, including elements such as appropriate legal protections, a prohibition on discrimination, oversight and accountability mechanisms, transparency on the applicable legal framework, limiting biometric tools for surveillance to what is lawful and appropriate, testing and evaluation, and training; and

(III) working to ensure, as applicable, that such technologies are designed, developed, and deployed with safeguards to protect human rights (including privacy), consistent with the United Nations Guiding Principles on Business and Human Rights;

(ii) public diplomacy efforts and plans for, including the use of the voice, vote, and influence of the United States at international organizations, to promote awareness of and oppose acts of transnational repression;

(iii) a plan to develop or enhance global coalitions to monitor cases of transnational repression at international organizations and to strengthen alert mechanisms for key stakeholders worldwide;

(iv) a description, as appropriate, of how the United States Government has previously provided, and will continue to provide, support to civil society organizations in foreign countries in which transnational repression occurs—

(I) to improve the documentation, investigation, and research of cases, trends, and tactics of transnational repression; and

(II) to promote accountability and transparency in government actions impacting victims of transnational repression; and

(v) a description of new or existing emergency assistance mechanisms, to aid at-risk groups, communities, and individuals in countries abroad in which transnational repression occurs.

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

(c) TRAINING OF UNITED STATES PERSONNEL.—The Secretary of State and the Administrator of the United States Agency for International Development shall develop and provide training to relevant personnel, including appropriate Foreign Service nationals, of the Department of State and the United States Agency for International Development, whether serving in the United States or overseas, to advance the purposes of this Act, including training on the identification of—

(1) physical and nonphysical threats of transnational repression;

(2) foreign governments that are most frequently involved in transnational repression;

(3) foreign governments that are known to frequently cooperate with other governments in committing transnational repression;

(4) digital surveillance and cyber tools commonly used in transnational repression;

(5) safe outreach methods for vulnerable populations at risk of transnational repression; and

(6) tools to respond to transnational repression threats, including relevant authorities which may be invoked.

(d) TRAINING OF FOREIGN SERVICE OFFICERS AND PRESIDENTIAL APPOINTEES.—Section 708(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)(1)) is 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) for Foreign Service Officers and Presidential appointees, including chiefs of mission and USAID Mission Directors, in missions abroad who work on political, economic, public diplomacy, security, or development issues, a dedicated module of instruction on transnational repression (as such term is defined in section 1292(3) of the International Freedom Protection Act), including—

''(i) how to recognize threats of transnational repression;

''(ii) an overview of relevant laws that can be invoked to combat such threats; and

''(iii) how to support individuals experiencing transnational repression.''.

SEC. 1294. STRENGTHENING TOOLS TO COMBAT AUTHORITARIANISM.

(a) TRANSNATIONAL REPRESSION.—The President should consider the use of transnational repression by a foreign person in determining whether to take appropriate action with respect to such foreign person under—

(1) the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.); or

(2) any other relevant statutory provision.

(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 until 5 years after such date of enactment, the Secretary of State shall submit a report to the appropriate congressional committees that, except as provided in paragraph (2), identifies each foreign person about whom the President has taken action in regards to paragraphs (1) and (2) of subsection (a) based on the consideration of the use of transnational repression.

(2) EXCEPTION.—The report required under paragraph (1) may not identify individuals if such identification would interfere with law enforcement efforts.

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

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS INELIGIBILITY.—

(1) INELIGIBILITY.—

(A) SIGNIFICANT CORRUPTION OR HUMAN RIGHTS VIOLATIONS.—Except as provided in paragraphs (2) and (3), a foreign government official shall be ineligible for entry into the United States if the Secretary of State determines that such official was directly or indirectly involved in—

(i) significant corruption, including corruption related to the extraction of natural resources; or

(ii) a gross violation of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1))), including the wrongful detention of—

(I) locally employed staff of a United States diplomatic mission; or

(II) a United States citizen or national.

(B) IMMEDIATE FAMILY MEMBERS.—The immediate family members of an official described in subparagraph (A) shall be subject to the same restriction on entry into the United States as such official.

(C) DESIGNATION OR DETERMINATION.—The Secretary of State shall publicly or privately designate or make the determination that the foreign government officials or party members about whom the Secretary has made such designation or determination regarding significant corruption or gross violations of internationally recognized human rights, and their immediate family members, without regard to whether any such individual has applied for a visa.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Individuals are not ineligible for entry into the United States pursuant to paragraph (1) if such entry—

(i) would further important United States law enforcement objectives; or

(ii) is necessary to permit the United States to fulfill its obligations under 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 under other international obligations of the United States.

(B) SAVINGS PROVISION.—Nothing in paragraph (1) may be construed to derogate from United States Government obligations under applicable international agreements or obligations.

(3) WAIVER.—The Secretary of State may waive the application of paragraph (1) with respect to any individual if the Secretary determines that—

(A) such waiver would serve a compelling national interest of the United States; or

(B) the circumstances that caused such individual to be ineligible for entry into the United States have sufficiently changed.

(4) SEMIANNUAL REPORT.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 180 days thereafter until 5 years after such date of enactment, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives. Each such report shall include—

(i) all relevant information relating to corruption or gross violations of internationally recognized human rights that was a factor in identifying, during the most recent 12-month period—

(I) individuals who are ineligible for entry into the United States under paragraph (1)(A); and

(II) individuals about whom the Secretary has made a designation or determination pursuant to paragraph (1)(D); and

(III) individuals who would be ineligible for entry into the United States under paragraph (1)(A), but were excluded from such restriction pursuant to paragraph (2);

(ii) a list of any waivers granted by the Secretary pursuant to paragraph (3); and

(iii) a description of the justification for each such waiver.

(B) POSTING OF REPORT.—The unclassified portion of each report required under subparagraph (A) shall be posted on a publicly accessible website of the Department of State.

(5) CLARIFICATION.—For purposes of paragraphs (1) and (4), the records of the Department of State 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.

(d) RESTRICTION ON ASSISTANCE IN THE WAKE OF A COUP D'ÉTAT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2751 et seq.) is amended by adding at the end the following:

"SEC. 620N. LIMITATION ON ASSISTANCE IN THE WAKE OF A COUP D'ÉTAT.

"(a) IN GENERAL.—Except as provided under subsections (b) and (d), no assistance may be provided under this Act or under the Arms Export Control Act (22 U.S.C. 2751) to the central government of any country in which the head of government, as recognized by the United States, was deposed by a military coup d'état or decree or a coup d'état or decree in which the military played a decisive role.

"(b) EXEMPTION FOR NATIONAL SECURITY.—

"(1) IN GENERAL.—The Secretary of State, after consultation with the heads of relevant Federal agencies, may exempt assistance from the restriction described in subsection (a), on a program by program basis for an annual renewable period, if the Secretary determines that the continuation of such assistance is in the national security interest of the United States.

"(2) JUSTIFICATION.—The Secretary of State shall provide a justification to the appropriate congressional committees for each exemption granted pursuant to paragraph (1) not later than 5 days after making such determination.

"(3) UPDATES.—The Secretary of State shall provide periodic updates, not less frequently than every 90 days, regarding the status of any assistance subject to the exemption granted pursuant to paragraph (1).

"(c) RESUMPTION OF ASSISTANCE.—Assistance to a foreign government that is subject to the restriction described in subsection (a) may be resumed if the Secretary of State certifies and reports to the appropriate congressional committees, not fewer than 30 days before the resumption of such assistance, that a democratically-elected government has taken office subsequent to the termination of assistance pursuant to subsection (a).

"(d) EXCEPTION FOR DEMOCRACY AND HUMANITARIAN ASSISTANCE.—The restriction under subsection (a) shall not apply to any assistance used—

"(1) to promote democratic elections or public participation in the democratic processes;

"(2) to support a democratic transition; or

"(3) for humanitarian purposes.

"(e) DEFINED TERM.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Foreign Relations of the Senate;

"(2) the Committee on Appropriations of the Senate;

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

"(4) the Committee on Appropriations of the House of Representatives.".

SEC. 1295. AMENDMENT TO REWARDS FOR JUSTICE 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" at the end;

(2) in paragraph (14), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(15) the restraining, seizing, forfeiting, or repatriating of stolen assets linked to foreign government corruption and the proceeds of such corruption.".

SEC. 1296. INVESTING IN DEMOCRACY RESEARCH AND DEVELOPMENT.

The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, should establish, within the Bureau of Democracy, Human Rights, and Labor, a program for democracy research and development that—

(1) supports research and development by the Department of State, the United States Agency for International Development, and the National Endowment for Democracy on policies and programs relating to democracy efforts;

(2) drives innovation within such agencies regarding the response to complex, multidimensional challenges to democracy;

(3) identifies lessons learned and best practices for democracy programs and diplomatic approaches to create feedback loops and shape future evidence-based programming and diplomacy;

(4) encourages private sector actors to establish and implement business practices that will—

(A) strengthen democratic institutions; and

(B) bolster democratic processes; and

(5) strengthens the resilience of democratic actors and institutions.

SEC. 1297. ADDRESSING AUTHORITARIANS IN THE MULTILATERAL SYSTEM.

It is the sense of Congress that the Secretary of State and the United States Permanent Representative to the United Nations should use the voice, vote, and influence of the United States at the United Nations and with other multilateral bodies—

(1)(A) to promote the full participation of civil society actors within the United Nations Human Rights Council and other multilateral bodies;

(B) to closely monitor instances of reprisals against such actors; and

(C) to support accountability measures, censure of member states, and other diplomatic measures to hold responsible any person who engages in reprisals against human rights defenders and civil society within such multilateral bodies;

(2) to reform the process for suspending the rights of membership in the United Nations Human Rights Council for member states that commit gross and systemic violations of internationally recognized human rights, including—

(A) ensuring information detailing the member state's human rights record is publicly available before a vote for membership or a vote on suspending the rights of membership of such member state; and

(B) making publicly available the vote of each member state on the suspension of rights of membership from the United Nations Human Rights Council;

(3) to reform the rules for electing members to the United Nations Human Rights Council to seek to ensure that member states that have committed gross and systemic violations of internationally recognized human rights are not elected to the Human Rights Council; and

(4) to oppose the election to the United Nations Human Rights Council of any member state—

(A) that engages in a consistent pattern of gross violations of internationally recognized human rights, as determined pursuant to section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n and 2304);

(B) the government of which has repeatedly provided support for acts of international terrorism, as determined pursuant to section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(C) that is designated as a Tier 3 country under section 110(b)(1)(C) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)(C));

(D) that is included on the list published by the Secretary of State pursuant to section 404(b)(1) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1(b)(1)) as a government that recruits and uses child soldiers; or

(E) the government of which the United States determines to have committed genocide, crimes against humanity, war crimes, or ethnic cleansing.

SEC. 1298. CONFRONTING DIGITAL AUTHORITARIANISM.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to combat digital authoritarianism, including the use of digital technologies, that—

(A) restricts the exercise of civil and political rights (as defined in the International Covenant on Civil and Political Rights, done at New York December 16, 1966);

(B) weakens democratic processes and institutions, including elections; or

(C) surveils, censors, or represses human rights defenders, democracy activists, civil society actors, independent media, or political opponents;

(2) to promote internet freedom; and

(3) to support efforts to counter government censorship and surveillance, including efforts—

(A) to bypass internet shutdowns and other forms of censorship, including blocks on services through circumvention technologies; and

(B) to provide digital security support and training for democracy activists, journalists, and other at-risk groups.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees that describes the efforts to implement the policy objectives described in subsection (a).

SEC. 1299. PROTECTING POLITICAL PRISONERS.

(a) REPORT.—Not later than 270 days after the date of the enactment of this Act, 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 includes, with respect to unjustly detained political prisoners worldwide—

(1) a description of existing Department of State processes and efforts to carry out the political prisoner-related activities described in subsection (b);

(2) an assessment of any resource gaps or institutional deficiencies that adversely impact the Department of State's ability to engage in the activities described in subsection (b) in order to respond to increasing numbers of unjustly detained political prisoners; and

(3) a strategy for enhancing the efforts of the Department of State and other Federal

agencies to carry out the political prisoner-related activities described in subsection (b).

(b) POLITICAL PRISONER-RELATED ACTIVITIES.—The report required under subsection (a) shall include a description of the Department of State's efforts—

(1) to monitor regional and global trends concerning unjustly detained political prisoners and maintain information regarding individual cases;

(2) to consistently raise concerns regarding unjustly detained political prisoners, including specific individuals, through public and private engagement with foreign governments, public reporting, and multilateral engagement;

(3) to routinely—

(A) attend the trials of political prisoners;

(B) conduct wellness visits of political prisoners, to the extent practicable and pending approval from political prisoners or their legal counsel;

(C) visit political prisoners incarcerated under home arrest, subject to a travel ban, or confined in detention; and

(D) report on the well-being of such political prisoners;

(4) to regularly request information and specific actions related to individual prisoners' medical conditions, treatment, access to legal counsel, location, and family visits;

(5) to identify cases in which an imminent arrest, a potential re-arrest, or physical violence poses a risk to an at-risk individual;

(6) to utilize embassy resources to provide shelter or facilitate the safe evacuation of willing individuals and their families, whenever feasible; and

(7) to use accountability mechanisms to encourage the release of unjustly detained political prisoners.

SA 3058. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 G—International Trafficking Victims Protection Reauthorization Act of 2024

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''International Trafficking Victims Protection Reauthorization Act of 2024''.

PART I—COMBATING HUMAN TRAFFICKING ABROAD

SEC. 1292. 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. 1293. 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. 1294. 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''.

SEC. 1295. 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 2024'';

(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, 2024, and September 30, 2028''.

(b) AWARD OF FUNDS.—All grants issued under the Program to End Modern Slavery of the Office to Monitor and Combat Trafficking in Persons 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. 1296. 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. 1297. PREVENTING HUMAN TRAFFICKING BY FOREIGN MISSION OFFICIALS AND INTERNATIONAL ORGANIZATION PERSONNEL.

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. 1298. EFFECTIVE DATES.

Sections 1294(b) and 1296 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.

PART II—AUTHORIZATION OF APPROPRIATIONS

SEC. 1299. 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 2028, $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 2028, $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 2028.''.

SEC. 1299A. 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 2028''.

PART III—BRIEFINGS

SEC. 1299B. 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. 1299C. 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.

PART IV—INTERNATIONAL CHILDREN WITH DISABILITIES PROTECTION ACT

SEC. 1299D. FINDINGS.

Congress makes the following findings:

(1) According to the United Nations Children's Fund (UNICEF), there are approximately 240,000,000 children and youth with disabilities in the world, including approximately 53,000,000 children under the age of 5.

(2) Millions of children, particularly children with intellectual and other developmental disabilities, are placed in large or small residential institutions and most of those children are left to grow up without love, support, and guidance of a family.

(3) The vast majority of children placed in residential institutions have at least one living parent or have extended family, many of whom would keep their children at home, if they had the support and legal protections necessary to do so.

(4) Leading child protection organizations have documented that children and adolescents raised without families in residential institutions face high risk of violence, trafficking for forced labor or sex, forced abortion or sterilization, and criminal detention.

(5) According to the Department of State, persons with disabilities face a heightened risk of human trafficking, including children in residential institutions, who may be targeted by traffickers seeking to coerce them to leave or find ways to exploit them.

(6) According to the Department of State, residential institutions have been complicit or directly involved in human trafficking, even extending to the practice of recruiting children for residential institutions for such purposes.

(7) Children with disabilities placed in residential institutions remain vulnerable to human trafficking even after leaving, in part due to the physical and psychological damage such children have suffered, social isolation, and inadequate schooling, and traffickers target individuals who leave or age out of institutions.

SEC. 1299E. 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. 1299F. DEFINITIONS.

In this part:

(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. 1299G. 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, and to counter human trafficking of children with disabilities within residential institutions;

(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. 1299H. 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 1299G.

(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 1299G.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of funds made available in fiscal years 2025 through 2030 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 part amounts as follows:

(A) $2,000,000 for fiscal year 2025.

(B) $5,000,000 for each of fiscal years 2026 through 2030.

(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 2025 through 2030 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 1299G;

(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 1299G; 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. 1299I. ANNUAL REPORT ON IMPLEMENTATION.

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not less frequently than annually through fiscal year 2030, 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 1299G; 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 1299H—

(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. 1299J. 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; countering human trafficking, 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 1299G; and

(2) programs of the Department and the United States Agency for International Development related to children, global health, countering human trafficking, 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 3059. Mr. DURBIN (for himself, Mr. ROUNDS, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 I—Keep STEM Talent Act

SEC. 1096. SHORT TITLE.

This subtitle may be cited as the ''Keep STEM Talent Act of 2024''.

SEC. 1097. 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 1098(a) of this Act) 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 a nonimmigrant visa and admission, or must apply to change or extend nonimmigrant status and have such application approved, 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 change or extension of nonimmigrant status 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 a nonimmigrant visa and admission from outside 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 a nonimmigrant visa and admission, or change or extension of nonimmigrant status, are processed in a timely manner to allow the pursuit of graduate education. No court shall have jurisdiction to review the denial of an application for change or extension of nonimmigrant status filed by an alien described in subsection (a).

(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 a nonimmigrant visa and admission, or change or extension of nonimmigrant status, prior to pursuing a graduate degree program. The report shall include data on visa application volumes, processing times, security outcomes, and economic impacts.

SEC. 1098. 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)(aa) 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;

''(bb) 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

''(cc) have an approved labor certification under section 212(a)(5)(A)(i); or

''(II) are the spouses and children of aliens described in subclause (I) 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.

''(iii) The Secretary of Homeland Security has the sole and unreviewable discretion to determine whether an alien's degree or degree program is in a STEM field.''.

(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 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) and 1184(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.

SEC. 1099. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to expand the statutory law enforcement or regulatory authority of the Department of Homeland Security, the Department of Justice, or the Department of State.

SEC. 1100. NO ADDITIONAL FUNDS.

No additional funds are authorized to be appropriated for the purpose of carrying out this subtitle.

SA 3060. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require

agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DIGITAL ADVERTISING PLATFORMS PUBLIC SERVICE ADVERTISING REPORTING.

(a) IN GENERAL.—A covered digital advertising platform shall submit to the Commission an annual report that includes the following:

(1) The number and percentage of total advertisements on the platform during the previous 12-month period that were public service advertisements.

(2) The estimated dollar value of such public service advertisements.

(3) The number of such public service advertisements that focus on local or regional mental, behavioral, and physical health resources.

(4) The number of such public service advertisements that promote free mental, behavioral, or physical health care resources.

(5) A description of how such advertisements meet the definition of a public service advertisement as described in subsection (c)(3).

(b) REPORT TO CONGRESS.—Not later than 180 days after receiving the reports required under subsection (a), and annually thereafter, the Commission 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 publicly available report summarizing the information reported under such subsection.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) PUBLIC SERVICE ADVERTISEMENT.—The term ''public service advertisement'' means an advertisement that—

(A) a covered digital advertising platform displays for free and without receiving any payment or other consideration in exchange;

(B) promotes mental, behavioral, or physical health care resources, and may include advertisements that—

(i) raise awareness of community events to address social isolation; or

(ii) promote State, local, or regional mental health care resources that are approved by the Substance Abuse and Mental Health Services Administration that mitigate—

(I) self-harm, suicide, eating disorders, substance abuse, and other matters that pose a risk to physical and mental health;

(II) patterns of addiction-like behaviors; or

(III) social isolation; and

(C) is relevant and accessible to targeted audiences.

(3) COVERED DIGITAL ADVERTISING PLATFORM.—The term ''covered digital advertising platform'' means a social media platform, search engine, or other public-facing website, online service, or application that—

(A) sells digital advertising space; and

(B) has more than 100,000,000 unique monthly users.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to supersede any applicable privacy or data security laws.

SA 3061. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 865. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Small Business Subcontractor Utilization Act of 2024''.

(b) REQUIREMENTS TO ENSURE SUBCONTRACTORS ARE UTILIZED IN ACCORDANCE WITH THE SUBCONTRACTING PLAN.—

(1) IN GENERAL.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(ii) by inserting after subparagraph (B) the following:

''(C) If a subcontracting plan is required with respect to this contract under paragraph (4) or (5) of section 8(d) of the Small Business Act—

''(i) at the same time as the contractor submits the subcontracting report with respect to this contract, the contractor shall provide to the contracting officer a utilization report that identifies, for each covered small business subcontractor for this contract—

''(I) the service or product that the covered small business subcontractor is required to provide to the prime contractor;

''(II) the total contract dollars that are to be paid to the covered small business subcontractor;

''(III) the total contract dollars that have been paid to the covered small business subcontractor, to date;

''(IV) the estimated date range for the performance of the covered small business subcontractor on the contract; and

''(V) any change to the contract, including changes to the services and products required or total contract dollars, that impacts the ability of the prime contractor to utilize the covered small business subcontractor as anticipated during the bid and proposal process; and

''(ii) not later than 30 days after the deadline to submit to the contracting officer the subcontracting report with respect to this contract, the contractor shall provide to each covered small business subcontractor for this contract a utilization report that identifies, for that covered small business subcontractor—

''(I) the service or product that the covered small business subcontractor is required to provide to the prime contractor;

''(II) the total contract dollars that are to be paid to the covered small business subcontractor;

''(III) the total contract dollars that have been paid to the covered small business subcontractor, to date;

''(IV) the estimated date range for the performance of the covered small business subcontractor on the contract; and

''(V) any change to the contract, including changes to the services and products required or total contract dollars, that impacts the ability of the prime contractor to utilize the covered small business subcontractor as anticipated during the bid and proposal process.''; and

(iii) by adding at the end the following:

''(J) In this contract, the term 'covered small business subcontractor' means a first-tier subcontractor that—

''(i) is a small business concern; and

''(ii)(I) was used in preparing the bid or proposal of the prime contractor; or

''(II) provides goods or services to the prime contractor in performance of the contract.''; and

(B) by adding at the end the following:

''(18) NONCOMPLIANCE WITH SUBCONTRACTING PLAN.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'covered small business subcontractor' means a first-tier subcontractor that—

''(I) is a small business concern; and

''(II)(aa) was used in preparing the bid or proposal of the prime contractor; or

''(bb) provides goods or services to the prime contractor in performance of the contract; and

''(ii) the term 'subcontracting plan' means a subcontracting plan required under paragraph (4) or (5).

''(B) REVIEW.—A covered small business subcontractor is authorized to confidentially report to the contracting officer that the covered small business subcontractor is not being utilized in accordance with the subcontracting plan of the prime contractor. If reported, the contracting officer shall, in consultation with the Office of Small and Disadvantaged Business Utilization or the Office of Small Business Programs, determine whether the prime contractor made a good faith effort to utilize the covered small business subcontractor in accordance with the subcontracting plan.

''(C) ACTION.—After the review required under subparagraph (B), if the contracting officer determines that the prime contractor failed to make a good faith effort to utilize the covered small business subcontractor in accordance with the subcontracting plan, the contracting officer shall assess liquidated damages in accordance with paragraph (4)(F).''.

(2) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate regulations pursuant to this Act.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with relevant Federal agencies, including the General Services Administration, 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 on the improvements that can be made to SAM.gov, the Electronic Subcontracting Reporting System (eSRS), the Federal Subaward Reporting System (FSRS), and any other successor database to—

(1) incorporate the reporting requirements under the amendments made by subsection (b); and

(2) improve the ability of contracting officers to—

(A) evaluate whether prime contractors achieved their subcontracting goals; and

(B) make evidence-based determinations regarding whether small subcontractors are being utilized to the extent outlined in subcontracting plans.

SA 3062. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 865. UNCONDITIONAL OWNERSHIP AND CONTROL REQUIREMENTS FOR CERTAIN EMPLOYEE-OWNED SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''budget justification materials'' has the meaning given that term in section 3(b)(2) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note);

(3) the term ''eligible worker-owned cooperative'' has the meaning given that term in section 1042(c) of the Internal Revenue Code of 1986;

(4) the term ''employee stock ownership plan'' has the meaning given that term in section 4975(e) of the Internal Revenue Code of 1986; and

(5) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 8(m)(1) of the Small Business Act (15 U.S.C. 637(m)(1)).

(b) REPORT ON OWNERSHIP AND CONTROL THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN OR ELIGIBLE WORKER-OWNED COOPERATIVE RELATING TO SET-ASIDE PROCUREMENT.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) employee stock ownership plans and eligible worker-owned cooperatives have unique ownership structures that create barriers to accessing set-aside procurement programs due to unconditional ownership and control requirements; and

(B) the ownership structures of an employee stock ownership plan or an eligible worker-owned cooperative should not prevent an otherwise eligible entity from accessing set-aside procurement programs.

(2) STUDY AND REPORT.—

(A) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with stakeholders, including national certifying agencies approved by the Administrator for certifying small business concerns owned and controlled by women and relevant Federal agencies, shall complete a study and recommend alternatives to unconditional ownership and control requirements for employee stock ownership plans and eligible worker-owned cooperatives that would enable access to set-aside procurement programs.

(B) REPORT.—The Administrator shall—

(i) not later than 5 days after the date on which the Administrator completes the study required under subparagraph (A), make that study, including the recommendations developed under that subparagraph, publicly available on the website of the Small Business Administration; and

(ii) not later than 30 days after the date on which the Administrator completes the study required under subparagraph (A), submit to Congress the recommendations developed under that subparagraph and a plan to implement the recommendations for all set-aside procurement programs.

(C) NECESSARY STATUTORY CHANGES.—In the first budget justification materials submitted by the Administrator on or after the date on which the Administrator submits the recommendations and plan required under subparagraph (B)(ii), the Administrator shall identify any applicable statutory changes necessary to implement the recommendations.

(c) DEFINITIONS.—Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended—

(1) in paragraph (2), by striking ''(not including any stock owned by an ESOP)'' each place it appears;

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

SA 3063. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 7 days after the date of enactment of this Act.

SA 3064. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''7 days'' and insert ''8 days''.

SA 3065. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 9 days after the date of enactment of this Act.

SA 3066. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''9 days'' and insert ''10 days''.

SA 3067. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''10 days'' and insert ''11 days''.

SA 3068. Ms. CANTWELL (for herself and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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, insert the following:

Subtitle I—NSF AI Education Act of 2024

SEC. 1099. SHORT TITLE.

This subtitle may be cited as the ''NSF AI Education Act of 2024''.

SEC. 1099A. DEFINITIONS.

In this subtitle:

(1) ARTIFICIAL INTELLIGENCE; AI.—The term ''artificial intelligence'' or ''AI'' has the meaning given such term in section 5002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 9401).

(2) COMMUNITY COLLEGE.—The term ''community college'' has the meaning given the term ''junior or community college'' in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) EMERGING RESEARCH INSTITUTION.—The term ''emerging research institution'' has the meaning given the term in section 10002 of the Research and Development, Competition, and Innovation Act (42 U.S.C. 18901).

(5) EPSCoR INSTITUTION.—The term ''EPSCoR institution'' means an institution of higher education, nonprofit organization, or other institution located in a jurisdiction eligible to participate in the Established Program to Stimulate Competitive Research under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g).

(6) HIGH SCHOOL.—The term ''high school'' has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) 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).

(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) KEY EMERGING TECHNOLOGIES.—The term ''key emerging technologies'' means the technologies included in the initial list of key technology focus areas set forth by section 10387(c) of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19107(c)), photonics, and electronics.

(10) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given the term in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)), except that such term shall also include—

(A) any organization composed of labor organizations, such as a labor union federation or a State or municipal labor body; and

(B) any organization that would be included in the definition for such term under such section 2(5) but for the fact that the organization represents—

(i) individuals employed by the United States, any wholly owned Government corporation, any Federal Reserve Bank, or any State or political subdivision thereof;

(ii) individuals employed by persons subject to the Railway Labor Act (45 U.S.C. 151 et seq.); or

(iii) individuals employed as agricultural laborers.

(11) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' has the meaning given the term in section 10002 of the Research and Development, Competition, and Innovation Act (42 U.S.C. 18901).

(12) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(13) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(14) QUANTUM HYBRID COMPUTING.—The term ''quantum hybrid computing'' means the use of quantum computing in conjunction with classical computing.

(15) QUANTUM INFORMATION SCIENCE.—The term ''quantum information science'' means the use of the laws of quantum physics for the storage, transmission, manipulation, computing, or measurement of information.

(16) RURAL-LOCATED INSTITUTION OF HIGHER EDUCATION.—The term ''rural-located institution of higher education'' means an institution of higher education that is located in or near areas that are not classified as urban by the Census Bureau.

(17) RURAL-SERVING INSTITUTION OF HIGHER EDUCATION.—The term ''rural-serving institution of higher education'' means an institution of higher education that—

(A) primarily serves areas that are not classified as urban by the Census Bureau; and

(B) offers degrees that are unique and helpful to rural regions that are not classified as urban by the Census Bureau.

(18) STEM.—The term ''STEM'' means science, technology, engineering, and mathematics, including computer science.

(19) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

SEC. 1099B. UNDERGRADUATE SCHOLARSHIPS FOR ARTIFICIAL INTELLIGENCE EDUCATION.

(a) SCHOLARSHIPS RELATED TO AI OR QUANTUM HYBRID COMPUTING.—

(1) IN GENERAL.—The Director shall award merit- or need-based scholarships to undergraduate students at institutions of higher education in order to enable such students to study—

(A) the development, deployment, integration, or application of artificial intelligence; or

(B) quantum hybrid computing.

(2) SCHOLARSHIPS.—Scholarships awarded under paragraph (1) shall be in the form of annual grant awards for a 4-year period in amounts that cover the cost of tuition, education-related fees, and a stipend. Such scholarships shall be paid directly to the institution of higher education in which the student is enrolled.

(b) SCHOLARSHIPS RELATED TO AI AND AGRICULTURE.—

(1) IN GENERAL.—The Director shall award merit- or need-based scholarships to undergraduate students at institutions of higher education in order to enable such students to study—

(A) artificial intelligence and agriculture; or

(B) the integration of artificial intelligence into agricultural operations, prediction, and decisionmaking.

(2) PRIORITY.—In awarding scholarships under this subsection, the Director shall give preference to students who are attending rural-located institutions of higher education, rural-serving institutions of higher education, or Tribal Colleges or Universities.

(3) SCHOLARSHIPS.—Scholarships awarded under paragraph (1) shall be in the form of annual grant awards for a 4-year period in amounts that cover the cost of tuition, education-related fees, and a stipend. Such scholarships shall be paid directly to the institution of higher education in which the student is enrolled.

(c) SCHOLARSHIPS RELATED TO AI AND EDUCATION.—

(1) IN GENERAL.—The Director shall award merit- or need-based scholarships to undergraduate students at institutions of higher education in order to enable such students to study the teaching of artificial intelligence and artificial intelligence skills at elementary schools, secondary schools, career and technical education schools, institutions of higher education, or through other higher education and professional education programs.

(2) SCHOLARSHIPS.—Scholarships awarded under paragraph (1) shall be in the form of annual grant awards for a 4-year period that cover the cost of tuition, education-related fees, and a stipend. Such scholarships shall be paid directly to the institution of higher education in which the student is enrolled.

(d) SCHOLARSHIPS RELATED TO AI AND ADVANCED MANUFACTURING.—

(1) IN GENERAL.—The Director shall award merit- or need-based scholarships to undergraduate students at institutions of higher education in order to enable such students to study—

(A) artificial intelligence and advanced manufacturing; or

(B) the integration of artificial intelligence into advanced manufacturing operations.

(2) SCHOLARSHIPS.—Scholarships awarded under paragraph (1) shall be in the form of annual grant awards for a 4-year period that cover the cost of tuition, education-related fees, and a stipend. Such scholarships shall be paid directly to the institution of higher education in which the student is enrolled.

(e) METHOD.—The Director may carry out this section by making awards through new or existing programs.

SEC. 1099C. GRADUATE SCHOLARSHIPS AND FELLOWSHIPS FOR ARTIFICIAL INTELLIGENCE EDUCATION.

(a) GRADUATE SCHOLARSHIPS RELATED TO AI OR QUANTUM HYBRID COMPUTING.—The Director shall award merit- or need-based scholarships to graduate students at institutions of higher education in order to enable such students to study—

(1) the development, deployment, integration, or application of artificial intelligence; or

(2) quantum hybrid computing.

(b) SCHOLARSHIPS RELATED TO AI AND AGRICULTURE.—

(1) IN GENERAL.—The Director shall award merit- or need-based scholarships to graduate students at institutions of higher education in order to enable such students to study—

(A) artificial intelligence and agriculture; or

(B) the integration of artificial intelligence into agricultural operations, prediction, and decisionmaking.

(2) PRIORITY.—In awarding scholarships under this subsection, the Director shall give preference to students who are attending rural-located institutions of higher education, rural-serving institutions of higher education, or Tribal Colleges or Universities.

(c) GRADUATE SCHOLARSHIPS RELATED TO AI AND EDUCATION.—The Director shall award merit- or need-based scholarships to graduate students at institutions of higher education in order to enable such students to study the teaching of artificial intelligence and artificial intelligence skills at elementary schools, secondary schools, career and technical education schools, institutions of higher education, or through other higher education and professional education programs.

(d) GRADUATE SCHOLARSHIPS RELATED TO AI AND ADVANCED MANUFACTURING.—The Director shall award merit- or need-based scholarships to graduate students at institutions of higher education in order to enable such students to study—

(1) artificial intelligence and advanced manufacturing; or

(2) the integration of artificial intelligence into advanced manufacturing operations.

(e) SCHOLARSHIPS.—Scholarships awarded under this section shall be in the form of annual grant awards for a 3-year period that cover the cost of tuition, education-related fees, and a stipend. Such scholarships shall be paid directly to the institution of higher education in which the student is enrolled.

(f) METHOD.—The Director may carry out this section by making awards through new or existing programs.

SEC. 1099D. NSF ARTIFICIAL INTELLIGENCE PROFESSIONAL DEVELOPMENT FELLOWSHIPS.

(a) IN GENERAL.—The Director shall establish a program to promote the exchange of ideas and encourage collaborations between institutions of higher education and industry partners in the fields of artificial intelligence and key emerging technologies, including through fellowships for students and industry professionals.

(b) FELLOWSHIPS.—

(1) IN GENERAL.—The Director shall award merit-based fellowships for professionals for professional development programs in STEM fields or the field of education that are administered by or affiliated with institutions of higher education, in order to enable fellowship recipients to attain skills or training on—

(A) the development, deployment, integration, or application of artificial intelligence;

(B) prompt engineering; or

(C) quantum hybrid computing.

(2) FELLOWSHIP AWARDS.—Awards under this subsection shall be in the form of one annual award that covers the cost of tuition, education-related fees, and a stipend. Such awards shall be paid directly to the institution of higher education that administers, or that is affiliated with, the program in which the fellowship recipient is participating.

SEC. 1099E. ARTIFICIAL INTELLIGENCE TRAINING FOR LAND-GRANT COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture, in collaboration with the Director of the National Science Foundation, shall award grants to land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) for artificial intelligence in agriculture.

(b) USE OF FUNDS.—A grant awarded under this section may be used for—

(1) research and development on the use of artificial intelligence in agriculture or the integration of artificial intelligence into agricultural operations, predictions, and decision making;

(2) the dissemination of educational resources for artificial intelligence in rural areas; and

(3) artificial intelligence tools for agriculture.

SEC. 1099F. QUANTUM FELLOWSHIPS AND SCHOLARSHIPS.

(a) IN GENERAL.—The Director may establish or use existing programs to support fellowships and scholarships for students at institutions of higher education for the purpose of—

(1) increasing quantum information science, engineering, and technology exposure for undergraduate and graduate STEM students; and

(2) increasing post-graduation employment opportunities for STEM students who demonstrate potential to pursue careers in quantum information science, engineering, and

technology, or fields that support the quantum industry.

(b) REQUIREMENTS.—Eligible participants in the fellowship and scholarship program shall—

(1) be enrolled in or have graduated from a STEM degree program at a domestic institution of higher education; and

(2) have taken at least one quantum-science or quantum-relevant course as part of their degree programs.

(c) CONSIDERATIONS.—Eligible fellowships and scholarships may include temporary quantum-related positions at State or Federal agencies, National Laboratories, private sector entities, institutions of higher education, or other quantum-relevant entities, as determined appropriate by the Director.

(d) COMPETITIVE AWARDS.—Fellowships and scholarships shall be competitively awarded through a merit-review process. The Director may prioritize fellowships that include an industry partner that provides financial assistance to the applicant for direct or indirect costs.

SEC. 1099G. NSF OUTREACH CAMPAIGN.

(a) IN GENERAL.—The Director shall carry out a nationwide outreach campaign to students at elementary schools, secondary schools, career and technical education schools, institutions of higher education, or through other higher education and professional education programs to increase awareness about AI or quantum education opportunities at the National Science Foundation.

(b) PRIORITY.—In carrying out such campaign, the Director shall prioritize outreach to underserved and rural areas.

SEC. 1099H. COMMUNITY COLLEGE AND VOCATIONAL SCHOOL CENTERS OF AI EXCELLENCE.

(a) DEFINITIONS.—In this section:

(1) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ''area career and technical education school'' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means a community college, vocational school, or area career and technical education school, in partnership with 1 or more of the following:

(A) A Federal, State, local, or Tribal government entity.

(B) An institution of higher education.

(C) An entity in private industry.

(D) An economic development organization or venture development organization.

(E) A labor organization.

(F) A nonprofit organization.

(3) VENTURE DEVELOPMENT ORGANIZATION.—The term ''venture development organization'' has the meaning given the term in section 27(a) of the Stevenson-Wydler Act of 1980 (15 U.S.C. 3722(a)).

(4) VOCATIONAL SCHOOL.—The term ''vocational school'' has the meaning given the term ''postsecondary vocational institution'' in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(b) ESTABLISHMENT OF CENTERS OF AI EXCELLENCE.—The Director, in coordination with the Regional Technology Hubs program at the Department of Commerce and the Regional Innovation Engines program at the National Science Foundation, shall choose not less than 5 regionally and geographically diverse eligible applicants to be designated as Community College and Vocational School Centers of AI Excellence (referred to in this section as ''Centers of AI Excellence'').

(c) EPSCOR STATE PARTICIPATION.—Not less than 20 percent of designated Community College and Vocational School Centers of AI Excellence shall be eligible applicants that are located in a State jurisdiction eligible to participate in the National Science Foundation's Established Program to Stimulate Competitive Research under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g).

(d) APPLICATION.—An eligible applicant that desires to be designated as a Center of AI Excellence shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require. Such application shall specify a focus area for the Center of AI Excellence, which may be any of the following:

(1) AI education and training related to agriculture.

(2) AI education and training related to manufacturing.

(3) AI education.

(4) AI education and training related to another focus area as specified by the eligible applicant.

(e) ACTIVITIES.—A designated Center of AI Excellence shall develop and disseminate information about best practices for—

(1) artificial intelligence research and education at community colleges and area career and technical education schools;

(2) methods to scale up successful programs that perform research or provide education on artificial intelligence at community colleges and area career and technical education schools;

(3) providing hands-on research opportunities on artificial intelligence and learning opportunities for students that are enabled through artificial intelligence; and

(4) identifying pathways for students to jobs that are enabled by artificial intelligence.

SEC. 1099I. AWARD PROGRAM FOR RESEARCH ON AI IN EDUCATION.

(a) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(1) an institution of higher education;

(2) a nonprofit organization; or

(3) a consortium of 1 or more institution of higher education or a nonprofit organization and 1 or more private entities.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Director shall make awards, on a competitive, merit-reviewed basis, to eligible entities, to enable the eligible entities to promote research on teaching models, tools, and materials for artificial intelligence and integration with other key emerging technologies, such as quantum information science and technologies and photonics, with a focus on teaching and learning for kindergarten through grade 12 students who are from low-income, rural, or Tribal populations.

(2) METHOD.—The Director may carry out this section by making awards through new or existing programs.

(c) APPLICATION.—

(1) IN GENERAL.—An eligible entity that desires to receive an award under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(2) CONTENTS.—An application described in paragraph (1) shall include—

(A) a description of the student demographics on which the research supported under the award intends to focus;

(B) a description of any regional partnerships the eligible entity plans to utilize to carry out the award;

(C) with respect to an application that concerns the use or integration of artificial intelligence, a description of potential ethical concerns and implications of teacher and student interactions with artificial intelligence systems;

(D) a description of how the research on teaching models, tools, and materials were developed in consultation with other educators, academia, industry, and civil society organizations; and

(E) such other information as the Director may require.

(d) USE OF AWARD FUNDS.—An eligible entity that receives an award under this section shall carry out a program described in subsection (b)(1) that—

(1) emphasizes preparing incoming teachers to integrate artificial intelligence, key emerging technologies, and computational thinking into their classrooms in innovative ways; and

(2) supports research to develop, pilot, fully implement, or test areas, such as—

(A) instructional materials and high-quality learning opportunities for teaching artificial intelligence and key emerging technologies;

(B) models for the preparation of new teachers who will teach artificial intelligence and key emerging technologies;

(C) scalable models of professional development and ongoing support for teachers; and

(D) tools and models for teaching and learning aimed at supporting student success and inclusion in artificial intelligence and key emerging technologies across diverse populations, including low-income, rural, and Tribal populations.

SEC. 1099J. NATIONAL SCIENCE FOUNDATION AWARDS FOR ARTIFICIAL INTELLIGENCE RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an elementary school or secondary school, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8101);

(B) an institution of higher education, including—

(i) an emerging research institution;

(ii) an EPSCoR institution;

(iii) a minority-serving institution;

(iv) a historically Black college or university;

(v) a Tribal College or University; or

(vi) a community college; or

(C) a technical and vocational school.

(2) TECHNICAL AND VOCATIONAL SCHOOL.—The term ''technical and vocational school'' has the meaning given the term ''area career and technical school'' in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(b) AWARDS AUTHORIZED.—The Director shall make awards to eligible entities to enable the eligible entities to provide or increase access to artificial intelligence tools and applications to the students and researchers served by the eligible entities.

(c) PREFERENCE.—In making awards under subsection (b), the Director shall give preference to eligible entities that—

(1) expand the geographic diversity of funded entities; or

(2) are emerging research institutions, EPSCoR institutions, minority-serving institutions, historically Black colleges and universities, Tribal Colleges or Universities, community colleges, or technical and vocational schools.

SEC. 1099K. NATIONAL SCIENCE FOUNDATION NATIONAL STEM TEACHERS CORPS.

Section 10311(c)(6) of the Research and Development, Competition, and Innovation Act (42 U.S.C. 18991(c)(6)) is amended—

(1) in subparagraph (F), by striking ''and'' after the semicolon;

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

(3) by adding at the end the following:

''(H) incorporating artificial intelligence skills development into the priorities of the

National STEM Teacher Corps, including prioritizing the development of artificial intelligence best practices for high school teachers, created in consultation with other educators and academia.''.

SEC. 1099L. GUIDANCE FOR THE INTRODUCTION AND USE OF ARTIFICIAL INTELLIGENCE IN PREKINDERGARTEN THROUGH GRADE 12.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, the Director, in coordination with the Secretary of Education, the Director of the National Institute of Standards and Technology, and the Director of the Office of Science and Technology Policy, shall develop and make publicly available guidance for the introduction and use of artificial intelligence in prekindergarten through grade 12 classrooms.

(b) CONSIDERATIONS.—The guidance required under subsection (a) shall include—

(1) considerations for—

(A) the use of artificial intelligence in prekindergarten through grade 12 classrooms in rural areas and economically distressed areas; and

(B) the differing applications of artificial intelligence in STEM and the liberal arts; and

(2) a description of how the guidance was developed in consultation with educators, academia, industry, and civil society organizations.

SEC. 1099M. NSF GRAND CHALLENGES RELATING TO ARTIFICIAL INTELLIGENCE EDUCATION AND TRAINING.

(a) GRAND CHALLENGE.—The term ''grand challenge'' means a prize competition under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

(b) IN GENERAL.—The Director, in coordination with the Secretaries of Labor and Education, shall support grand challenges to stimulate innovation regarding—

(1) how to train 1,000,000 or more workers, including educators, technical and vocational workers, and professionals, in the United States by 2028 in areas related to the creation, deployment, or use of artificial intelligence, such as foundational knowledge, critical thinking, programming skills, machine learning, or deep learning;

(2) how to overcome barriers in the development of the artificial intelligence education and training;

(3) methods and strategies for creating artificial intelligence education and training that does not displace workers, including teachers, in the workforce;

(4) ways to increase the number of women who receive artificial intelligence education and training; and

(5) how to ensure rural areas of the United States are able to benefit from artificial intelligence education and training.

SEC. 1099N. GIFT AUTHORITY.

In carrying out this subtitle, the Director may receive and use funds donated by others, including receipt and use of donations from private entities to fund scholarships and fellowships authorized under this subtitle.

SA 3069. Ms. CANTWELL (for herself and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. ARTIFICIAL INTELLIGENCE TRAINING RESOURCES AND TOOLKITS FOR SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives.

(2) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given such term in section 5002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 9401).

(3) CENTER.—The term ''Center'' has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(4) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(5) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.—The term ''Hollings Manufacturing Extension Partnership'' has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(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) KEY EMERGING TECHNOLOGIES.—The term ''key emerging technologies'' means the technologies included in the initial list of key technology focus areas set forth by section 10387(c) of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19107(c)), photonics, and electronics.

(8) RURAL COMMUNITY.—The term ''rural community'' means a community that is located in areas that are not classified as urban by the Bureau of the Census.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given such term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) DEVELOPMENT OF TRAINING RESOURCES AND TOOLKITS REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, acting through the Director, the Hollings Manufacturing Extension Partnership, and the Centers and in consultation and coordination with the Administrator of the Small Business Administration, the Secretary of Agriculture, and such persons in the private sector as the Secretary of Commerce considers appropriate, develop training resources and toolkits for small business concerns, including small business concerns located in rural, Tribal, or underserved communities or involved in advanced manufacturing, relating to the adoption and use of artificial intelligence and such other key emerging technologies, such as quantum-hybrid computing, as the Secretary considers appropriate.

(2) CONTENTS.—The training and toolkits developed under paragraph (1) shall include prompt engineering and the use of artificial intelligence or emerging technologies, such as quantum hybrid tools, relating to access to credit and capital, financial management and accounting, business planning and operations, cybersecurity, marketing, supply chain management, government contracting, and exporting.

(c) REVIEW AND UPDATE OF TRAINING RESOURCES AND TOOLKITS.—Not later than 2 years after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Secretary shall—

(1) review the training resources and toolkits developed pursuant to subsection (b); and

(2) update such resources and toolkits as the Secretary considers appropriate.

(d) DISTRIBUTION AND USE OF TRAINING RESOURCES AND TOOLKITS.—The Secretary shall coordinate with the Administrator of the Small Business Administration on the distribution and use of the training resources and toolkits that are developed pursuant to subsection (b) through the resource partners of the Small Business Administration, including small business development centers, women business centers, SCORE, veteran business opportunity centers, and the Apex Accelerator.

(e) GRANTS PROGRAM.—

(1) AUTHORITY.—The Secretary may carry out a program on the award of grants to persons providing training relating to artificial intelligence to small business concerns using the training resources developed under subsection (b).

(2) GIFT AUTHORITY.—The Secretary may receive gifts that the Secretary shall use to carry out paragraph (1).

(f) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the development, distribution, and use of the training resources and toolkits developed pursuant to subsection (b).

(2) BIENNIAL REPORTS.—

(A) REPORTS REQUIRED.—Not later than 3 years after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Secretary shall submit to appropriate committees of Congress a biennial report on the development, distribution, and use of training resources and toolkits developed pursuant to subsection (b).

(B) CONTENTS.—Each report submitted to subparagraph (A) shall include, for the period of covered by the report, the following:

(i) A list of the training resources and toolkits developed pursuant to subsection (b).

(ii) A description of the measurable outcomes of the distribution of such training resources and toolkits, including the following:

(I) The number and type of small business concerns using such training resources and toolkits.

(II) The effect of such use on the revenues, sales, and workforces of the small business concerns.

SA 3070. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1095. TRANSPARENCY WITH RESPECT TO CONTENT PROVENANCE INFORMATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is a lack of—

(A) visibility into how artificial intelligence systems work;

(B) transparency regarding the information used to train such systems; and

(C) consensus-based standards and practices to guide the development and deployment of such systems;

(2) it is becoming increasingly difficult to assess the nature, origins, and authenticity of digital content that has been generated or modified algorithmically;

(3) these deficiencies negatively impact the public and, particularly, the journalists, publishers, broadcasters, and artists whose content is used to train these systems and is manipulated to produce synthetic content and synthetically-modified content that competes unfairly in the digital marketplace with covered content; and

(4) the development and adoption of consensus-based standards would mitigate these impacts, catalyze innovation in this nascent industry, and put the United States in a position to lead the development of artificial intelligence systems moving forward.

(b) DEFINITIONS.—In this section:

(1) 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).

(2) ARTIFICIAL INTELLIGENCE BLUE-TEAMING.—The term ''artificial intelligence blue-teaming'' means an effort to conduct operational vulnerability evaluations and provide mitigation techniques to entities who have a need for an independent technical review of the security posture of an artificial intelligence system.

(3) ARTIFICIAL INTELLIGENCE RED-TEAMING.—The term ''artificial intelligence red-teaming'' means structured adversarial testing efforts of an artificial intelligence system to identify risks, flaws, and vulnerabilities of the artificial intelligence system, such as harmful outputs from the system, unforeseen or undesirable system behaviors, limitations, or potential risks associated with the misuse of the system.

(4) CONTENT PROVENANCE INFORMATION.—The term ''content provenance information'' means state-of-the-art, machine-readable information documenting the origin and history of a piece of digital content, such as an image, a video, audio, or text.

(5) COVERED CONTENT .—The term ''covered content'' means a digital representation, such as text, an image, or audio or video content, of any work of authorship described in section 102 of title 17, United States Code.

(6) COVERED PLATFORM.—The term ''covered platform'' means a website, internet application, or mobile application available to users in the United States, including a social networking site, video sharing service, search engine, or content aggregation service available to users in the United States, that either—

(A) generates at least $50,000,000 in annual revenue; or

(B) had at least 25,000,000 monthly active users for not fewer than 3 of the 12 months immediately preceding any conduct by the covered platform in violation of this Act.

(7) DEEPFAKE.—The term ''deepfake'' means synthetic content or synthetically-modified content that—

(A) appears authentic to a reasonable person; and

(B) creates a false understanding or impression.

(8) DIRECTOR.—The term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(9) SYNTHETIC CONTENT.—The term ''synthetic content'' means information, including works of human authorship such as images, videos, audio clips, and text, that has been wholly generated by algorithms, including by artificial intelligence.

(10) SYNTHETICALLY-MODIFIED CONTENT.—The term ''synthetically-modified content'' means information, including works of human authorship such as images, videos, audio clips, and text, that has been significantly modified by algorithms, including by artificial intelligence.

(11) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Standards and Technology.

(12) WATERMARKING.—The term ''watermarking'' means the act of embedding information that is intended to be difficult to remove into an output, including an output such as text, an image, an audio, a video, software code, or any other digital content or data, for the purposes of verifying the authenticity of the output or the identity or characteristics of its provenance, modifications, or conveyance

(c) FACILITATION OF DEVELOPMENT OF STANDARDS FOR CONTENT PROVENANCE INFORMATION AND DETECTION OF SYNTHETIC CONTENT AND SYNTHETICALLY-MODIFIED CONTENT.—

(1) IN GENERAL.—The Under Secretary shall establish a public-private partnership to facilitate the development of standards regarding content provenance information technologies and the detection of synthetic content and synthetically-modified content, including with respect to the following:

(A) Facilitating the development of guidelines and voluntary, consensus-based standards and best practices for watermarking, content provenance information, synthetic content and synthetically-modified content detection, including for images, audio, video, text, and multimodal content, the use of data to train artificial intelligence systems, and such other matters relating to transparency of synthetic media as the Under Secretary considers appropriate.

(B) Facilitating the development of guidelines, metrics, and practices to evaluate and assess tools to detect and label synthetic content, synthetically-modified content, and non-synthetic content, including artificial intelligence red-teaming and artificial intelligence blue-teaming.

(C) Establishing grand challenges and prizes in coordination with the Defense Advanced Research Projects Agency and the National Science Foundation to detect and label synthetic content, synthetically-modified content, and non-synthetic content and to develop cybersecurity and other countermeasures to defend against tampering with detection tools, watermarks, or content provenance information.

(2) CONSULTATION.—In developing the standards described in paragraph (1), the Under Secretary shall consult with the Register of Copyrights and the Director.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH, DEVELOPMENT, AND PUBLIC EDUCATION REGARDING SYNTHETIC CONTENT AND SYNTHETICALLY-MODIFIED CONTENT.—

(1) RESEARCH AND DEVELOPMENT.—The Under Secretary shall carry out a research program to enable advances in measurement science, standards, and testing relating to the robustness and efficacy of—

(A) technologies for synthetic content and synthetically-modified content detection, watermarking, and content provenance information; and

(B) cybersecurity protections and other countermeasures used to prevent tampering with such technologies.

(2) PUBLIC EDUCATION CAMPAIGNS REGARDING SYNTHETIC CONTENT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall, in consultation with the Register of Copyrights and the Director, carry out a public education campaign regarding synthetic content and synthetically-modified content (including deepfakes), watermarking, and content provenance information.

(e) REQUIREMENTS FOR CONTENT PROVENANCE INFORMATION; PROHIBITED ACTS.—

(1) CONTENT PROVENANCE INFORMATION.—

(A) SYNTHETIC CONTENT AND SYNTHETICALLY-MODIFIED CONTENT.—Beginning on the date that is 2 years after the date of enactment of this Act, any person who, for a commercial purpose, makes available in interstate commerce a tool used for the primary purpose of creating synthetic content or synthetically-modified content shall—

(i) taking into consideration the content provenance information standards established under subsection (c), provide users of such tool with the ability to include content provenance information that indicates the piece of digital content is synthetic content or synthetically-modified content for any synthetic content or synthetically-modified content created by the tool; and

(ii) in the event a user opts to include content provenance information under clause (i), establish, to the extent technically feasible, reasonable security measures to ensure that such content provenance information is machine-readable and not easily removed, altered, or separated from the underlying content.

(B) COVERED CONTENT.—Beginning on the date that is 2 years after the date of enactment of this Act, any person who, for a commercial purpose, makes available in interstate commerce a tool used for the primary purpose of creating or substantially modifying covered content shall—

(i) taking into consideration the content provenance information standards established under subsection (c), provide users of such tool with the ability to include content provenance information for any covered content created or significantly modified by the tool; and

(ii) in the event a user opts to include content provenance information under clause (i), establish, to the extent technically feasible, reasonable security measures to ensure that such content provenance information is machine-readable and not easily removed, altered, or separated from the underlying content.

(2) REMOVAL OF CONTENT PROVENANCE INFORMATION.—

(A) IN GENERAL.—It shall be unlawful for any person to knowingly remove, alter, tamper with, or disable content provenance information in furtherance of an unfair or deceptive act or practice in or affecting commerce.

(B) COVERED PLATFORMS.—

(i) IN GENERAL.—Subject to clause (ii), it shall be unlawful for a covered platform, to remove, alter, tamper with, or disable content provenance information or to separate the content provenance information from the content so that the content provenance information cannot be accessed by users of the platform.

(ii) EXCEPTION FOR SECURITY RESEARCH.—A covered platform shall not be liable for a violation of clause (i) if such covered platform removes, alters, tampers with, or disables content provenance information for a purpose necessary, proportionate, and limited to perform research to enhance the security of the covered platform.

(3) PROHIBITION ON NON-CONSENSUAL USE OF COVERED CONTENT THAT HAS ATTACHED OR ASSOCIATED CONTENT PROVENANCE INFORMATION.—It shall be unlawful for any person, for a commercial purpose, to knowingly use any covered content that has content provenance information that is attached to or associated with such covered content or covered content from which the person knows or should know that content provenance information has been removed or separated in violation of paragraph (2), in order to train a system

that uses artificial intelligence or an algorithm or to generate synthetic content or synthetically-modified content unless such person obtains the express, informed consent of the person who owns the covered content, and complies with any terms of use pertaining to the use of such content, including terms regarding compensation for such use, as required by the owner of copyright in such content.

(f) ENFORCEMENT.—

(1) ENFORCEMENT BY THE COMMISSION.—

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section or a regulation promulgated under this section shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(B) POWERS OF THE COMMISSION.—

(i) 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 title.

(ii) PRIVILEGES AND IMMUNITIES.—Any person who violates this section, or a regulation promulgated under this section 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.).

(iii) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(2) ENFORCEMENT BY STATES.—

(A) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person in a practice that violates this section, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to—

(i) enjoin further violation of this section by such person;

(ii) compel compliance with this section;

(iii) obtain damages, restitution, or other compensation on behalf of such residents; and

(iv) obtain such other relief as the court may consider to be appropriate.

(B) RIGHTS OF THE COMMISSION.—

(i) NOTICE TO THE COMMISSION.—

(I) IN GENERAL.—Except as provided in subclause (III), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under subparagraph (A) before initiating the civil action.

(II) CONTENTS.—The notification required by subclause (I) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(III) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by subclause (I) before initiating a civil action under subparagraph (A), the attorney general shall notify the Commission immediately upon instituting the civil action.

(ii) INTERVENTION BY THE COMMISSION.—The Commission may—

(I) intervene in any civil action brought by the attorney general of a State under subparagraph (A); and

(II) upon intervening—

(aa) be heard on all matters arising in the civil action; and

(bb) file petitions for appeal of a decision in the civil action.

(C) INVESTIGATORY POWERS.—Nothing in this paragraph may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(D) ACTION BY THE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of this section, the attorney general of a State may not, during the pendency of such action, bring a civil action under subparagraph (A) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(E) VENUE; SERVICE OR PROCESS.—

(i) VENUE.—Any action brought under subparagraph (A) may be brought in—

(I) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(II) another court of competent jurisdiction.

(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

(I) is an inhabitant; or

(II) may be found.

(F) ACTIONS BY OTHER STATE OFFICIALS.—

(i) IN GENERAL.—In addition to civil actions brought by attorneys general under subparagraph (A), any other officer of a State who is authorized by the State to do so may bring a civil action under subparagraph (A), subject to the same requirements and limitations that apply under this paragraph to civil actions brought by attorneys general.

(ii) SAVINGS PROVISION.—Nothing in this paragraph may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(G) DAMAGES.—If a person brings a civil action for a violation of this section pursuant to paragraph (3) and receives any monetary damages, the court shall reduce the amount of any damages awarded under this paragraph by the amount of monetary damages awarded to such person.

(3) ENFORCEMENT BY PRIVATE PARTIES AND GOVERNMENT ENTITIES.—

(A) IN GENERAL.—Any person who owns covered content that has content provenance information that is attached to or associated with such covered content may bring a civil action in a court of competent jurisdiction against—

(i) any person or covered platform for removing, altering, tampering with, or disabling such content provenance information in violation of subparagraph (A) or (B) of subsection (e)(2); and

(ii) any person for using such covered content in violation of subsection (e)(3).

(B) RELIEF.—In a civil action brought under subparagraph (A) in which the plaintiff prevails, the court may award the plaintiff declaratory or injunctive relief, compensatory damages, and reasonable litigation expenses, including a reasonable attorney's fee.

(C) STATUTE OF LIMITATIONS.—An action for a violation of this section brought under this paragraph may be commenced not later than 4 years after the date upon which the plaintiff discovers or should have discovered the facts giving rise to such violation.

(g) RULE OF CONSTRUCTION.—This section does not impair or in any way alter the rights of copyright owners under any other applicable law.

(h) SEVERABILITY.—If any provision of this section, or an amendment made by this section, is determined to be unenforceable or invalid, the remaining provisions of this section and the amendments made by this section shall not be affected.

SA 3071. Ms. CANTWELL (for herself and Mr. YOUNG) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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 __—FUTURE OF ARTIFICIAL INTELLIGENCE INNOVATION

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Future of Artificial Intelligence Innovation Act of 2024''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Sense of Congress.
Sec. 3. Definitions.

TITLE I—VOLUNTARY ARTIFICIAL INTELLIGENCE STANDARDS, METRICS, EVALUATION TOOLS, TESTBEDS, AND INTERNATIONAL COOPERATION

Subtitle A—Artificial Intelligence Safety Institute and Testbeds

Sec. 101. Artificial Intelligence Safety Institute.
Sec. 102. Program on artificial intelligence testbeds.
Sec. 103. National Institute of Standards and Technology and Department of Energy testbed to identify, test, and synthesize new materials.
Sec. 104. National Science Foundation and Department of Energy collaboration to make scientific discoveries through the use of artificial intelligence.
Sec. 105. Progress report.

Subtitle B—International Cooperation

Sec. 111. International coalition on innovation, development, and harmonization of standards with respect to artificial intelligence.
Sec. 112. Requirement to support bilateral and multilateral artificial intelligence research collaborations.

Subtitle C—Identifying Regulatory Barriers to Innovation

Sec. 121. Comptroller General of the United States identification of risks and obstacles relating to artificial intelligence and Federal agencies.

TITLE II—ARTIFICIAL INTELLIGENCE RESEARCH, DEVELOPMENT, CAPACITY BUILDING ACTIVITIES

Sec. 201. Public data for artificial intelligence systems.
Sec. 202. Federal grand challenges in artificial intelligence.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that policies governing artificial intelligence should maximize the potential and development of artificial intelligence to benefit all private and public stakeholders.

SEC. 3. DEFINITIONS.

In this division:

(1) AGENCY.—The term ''agency'' has the meaning given such term in section 3502 of title 44, United States Code, except such term shall include an independent regulatory agency, as defined in such section.

(2) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given such term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(3) ARTIFICIAL INTELLIGENCE BLUE-TEAMING.—The term ''artificial intelligence blue-teaming'' means an effort to conduct operational network vulnerability evaluations and provide mitigation techniques to entities who have a need for an independent technical review of the network security posture of an artificial intelligence system.

(4) ARTIFICIAL INTELLIGENCE MODEL.—The term ''artificial intelligence model'' means a component of an artificial intelligence system that is a model—

(A) derived using mathematical, computational, statistical, or machine-learning techniques; and

(B) used as part of an artificial intelligence system to produce outputs from a given set of inputs.

(5) ARTIFICIAL INTELLIGENCE RED-TEAMING.—The term ''artificial intelligence red-teaming'' means structured adversarial testing efforts of an artificial intelligence system to identify risks, flaws, and vulnerabilities of the artificial intelligence system, such as harmful outputs from the system, unforeseen or undesirable system behaviors, limitations, or potential risks associated with the misuse of the system.

(6) ARTIFICIAL INTELLIGENCE RISK MANAGEMENT FRAMEWORK.—The term ''Artificial Intelligence Risk Management Framework'' means the most recently updated version of the framework developed and updated pursuant to section 22A(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278h–1(c)).

(7) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ''artificial intelligence system'' has the meaning given such term in section 7223 of the Advancing American AI Act (40 U.S.C. 11301 note).

(8) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given such term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

(9) FEDERAL LABORATORY.—The term ''Federal laboratory'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

(10) FOUNDATION MODEL.—The term ''foundation model'' means an artificial intelligence model trained on broad data at scale and is adaptable to a wide range of downstream tasks.

(11) GENERATIVE ARTIFICIAL INTELLIGENCE.—The term ''generative artificial intelligence'' means the class of artificial intelligence models that utilize the structure and characteristics of input data in order to generate outputs in the form of derived synthetic content. Such derived synthetic content can include images, videos, audio, text, software, code, and other digital content.

(12) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given such term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(13) SYNTHETIC CONTENT.—The term ''synthetic content'' means information, such as images, videos, audio clips, and text, that has been significantly modified or generated by algorithms, including by artificial intelligence.

(14) TESTBED.—The term ''testbed'' means a facility or mechanism equipped for conducting rigorous, transparent, and replicable testing of tools and technologies, including artificial intelligence systems, to help evaluate the functionality, trustworthiness, usability, and performance of those tools or technologies.

(15) TEVV.—The term ''TEVV'' means methodologies, metrics, techniques, and tasks for testing, evaluating, verifying, and validating artificial intelligence systems or components.

(16) WATERMARKING.—The term ''watermarking'' means the act of embedding information that is intended to be difficult to remove, into outputs generated by artificial intelligence, including outputs such as text, images, audio, videos, software code, or any other digital content or data, for the purposes of verifying the authenticity of the output or the identity or characteristics of its provenance, modifications, or conveyance.

TITLE I—VOLUNTARY ARTIFICIAL INTELLIGENCE STANDARDS, METRICS, EVALUATION TOOLS, TESTBEDS, AND INTERNATIONAL COOPERATION

Subtitle A—Artificial Intelligence Safety Institute and Testbeds

SEC. 101. ARTIFICIAL INTELLIGENCE SAFETY INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary of Commerce for Standards and Technology (in this section referred to as the ''Under Secretary'') shall establish an institute on artificial intelligence.

(2) DESIGNATION.—The institute established pursuant to paragraph (1) shall be known as the ''Artificial Intelligence Safety Institute'' (in this section referred to as the ''Institute'').

(3) MISSION.—The mission of the Institute is as follows:

(A) To assist the private sector and agencies in developing voluntary best practices for the robust assessment of artificial intelligence systems.

(B) To provide technical assistance for the adoption and use of artificial intelligence across the Federal Government to improve the quality of government services.

(C) To develop guidelines, methodologies, and best practices to promote—

(i) development and adoption of voluntary, consensus-based technical standards or industry standards;

(ii) long-term advancements in artificial intelligence technologies; and

(iii) innovation in the artificial intelligence industry by ensuring that companies of all sizes can succeed and thrive.

(b) DIRECTOR.—The Under Secretary shall appoint a director of the Institute, who shall be known as the ''Director of the Artificial Intelligence Safety Institute'' (in this section referred to as the ''Director'') and report directly to the Under Secretary.

(c) STAFF AND AUTHORITIES.—

(1) STAFF.—The Director may hire such full-time employees as the Director considers appropriate to assist the Director in carrying out the functions of the Institute.

(2) USE OF AUTHORITY TO HIRE CRITICAL TECHNICAL EXPERTS.—In addition to making appointments under paragraph (1) of this subsection, the Director, in coordination with the Secretary of Commerce, may make appointments of scientific, engineering, and professional personnel, and fix their basic pay, under subsection (b) of section 6 of the National Institute of Standards and Technology Act (15 U.S.C. 275) to hire critical technical experts.

(3) EXPANSION OF AUTHORITY TO HIRE CRITICAL TECHNICAL EXPERTS.—Such subsection is amended, in the second sentence, by striking ''15'' and inserting ''30''.

(4) MODIFICATION OF SUNSET.—Subsection (c) of such section is amended by striking ''the date that is 5 years after the date of the enactment of this section'' and inserting ''December 30, 2035''.

(5) AGREEMENTS.—The Director may enter into such agreements, including contracts, grants, cooperative agreements, and other transactions, as the Director considers necessary to carry out the functions of the Institute and on such terms as the Under Secretary considers appropriate.

(d) CONSULTATION AND COORDINATION.—In establishing the Institute, the Under Secretary shall—

(1) coordinate with—

(A) the Secretary of Energy;

(B) the Secretary of Homeland Security;

(C) the Secretary of Defense;

(D) the Director of the National Science Foundation; and

(E) the Director of the Office of Science and Technology Policy; and

(2) consult with the heads of such other Federal agencies as the Under Secretary considers appropriate.

(e) FUNCTIONS.—The functions of the Institute, which the Institute shall carry out in coordination with the laboratories of the National Institute of Standards and Technology, are as follows:

(1) RESEARCH, EVALUATION, TESTING, AND STANDARDS.—The following functions relating to research, evaluation, testing, and standards:

(A) Conducting measurement research into system and model safety, validity and reliability, security, capabilities and limitations, explainability, interpretability, and privacy.

(B) Working with the Department of Energy, the National Science Foundation, public-private partnerships, including the Artificial Intelligence Safety Institute Consortium established under subsection (f), and other private sector organizations to develop testing environments and perform regular benchmarking and capability evaluations, including artificial intelligence red-teaming as the Director considers appropriate.

(C) Working with consensus-based, open, and transparent standards development organizations (SDOs) and relevant industry, Federal laboratories, civil society, and academic institutions to advance development and adoption of clear, implementable, technically sound, and technology-neutral voluntary standards and guidelines that incorporate appropriate variations in approach depending on the size of the entity, the potential risks and potential benefits of the artificial intelligence system, and the role of the entity (such as developer, deployer, or user) relating to artificial intelligence systems.

(D) Building upon the Artificial Intelligence Risk Management Framework to incorporate guidelines on generative artificial intelligence systems.

(E) Developing a companion resource to the Secure Software Development Framework to incorporate secure development practices for generative artificial intelligence and for foundation models.

(F) Developing and publishing cybersecurity tools, methodologies, best practices, voluntary guidelines, and other supporting information to assist persons who maintain systems used to create or train artificial intelligence models to discover and mitigate vulnerabilities and attacks.

(G) Coordinating or developing guidelines, metrics, benchmarks, and methodologies for

evaluating artificial intelligence systems, including the following:

(i) Cataloging existing artificial intelligence metrics, benchmarks, and evaluation methodologies used in industry and academia.

(ii) Testing and validating the efficacy of existing metrics, benchmarks, and evaluations, as well as TEVV tools and products.

(iii) Funding and facilitating research and other activities in a transparent manner, including at institutions of higher education and other nonprofit and private sector partners, to evaluate, develop, or improve TEVV capabilities, with rigorous scientific merit, for artificial intelligence systems.

(iv) Evaluating foundation models for their potential effect in downstream systems, such as when retrained or fine-tuned.

(H) Coordinating with counterpart institutions of international partners and allies to promote global interoperability in the development of research, evaluation, testing, and standards relating to artificial intelligence.

(I) Developing tools, methodologies, best practices, and voluntary guidelines for identifying vulnerabilities in foundation models.

(J) Developing tools, methodologies, best practices, and voluntary guidelines for relevant agencies to track incidents resulting in harm caused by artificial intelligence systems.

(2) IMPLEMENTATION.—The following functions relating to implementation:

(A) Using publicly available and voluntarily provided information, conducting evaluations to assess the impacts of artificial intelligence systems, and developing guidelines and practices for safe development, deployment, and use of artificial intelligence technology.

(B) Aligning capability evaluation and red-teaming guidelines and benchmarks, sharing best practices, and coordinating on building testbeds and test environments with allies of the United States and international partners and allies.

(C) Coordinating vulnerability and incident data sharing with international partners and allies.

(D) Integrating appropriate testing capabilities and infrastructure for testing of models and systems.

(E) Establishing blue-teaming capabilities to develop mitigation approaches and partner with industry to address risks and negative impacts.

(F) Developing voluntary guidelines on—

(i) detecting synthetic content, authenticating content and tracking of the provenance of content, labeling original and synthetic content, such as by watermarking, and evaluating software and systems relating to detection and labeling of synthetic content;

(ii) ensuring artificial intelligence systems do not violate privacy rights or other rights; and

(iii) transparency documentation of artificial intelligence datasets and artificial intelligence models.

(G) Coordinating with relevant agencies to develop or support, as the heads of the agencies determine appropriate, sector- and application-specific profiles of the Artificial Intelligence Risk Management Framework for different use cases, integrating end-user experience and on-going development work into a continuously evolving toolkit.

(3) OPERATIONS AND ENGAGEMENT.—The following functions relating to operations and engagement:

(A) Managing the work of the Institute, developing internal processes, and ensuring that the Institute meets applicable goals and targets.

(B) Engaging with the private sector to promote innovation and competitiveness.

(C) Engaging with international standards organizations, multilateral organizations, and similar institutes among allies and partners.

(f) ARTIFICIAL INTELLIGENCE SAFETY INSTITUTE CONSORTIUM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall establish a consortium of stakeholders from academic or research communities, Federal laboratories, private industry, including companies of all sizes with different roles in the use of artificial intelligence systems, including developers, deployers, and users, and civil society with expertise in matters relating to artificial intelligence to support the Institute in carrying out the functions set forth under subsection (e).

(B) DESIGNATION.—The consortium established pursuant to subparagraph (A) shall be known as the ''Artificial Intelligence Safety Institute Consortium''.

(2) CONSULTATION.—The Under Secretary, acting through the Director, shall consult with the consortium established under this subsection not less frequently than quarterly.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology 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 report summarizing the contributions of the members of the consortium established under this subsection in support the efforts of the Institute.

(g) ARTIFICIAL INTELLIGENCE SYSTEM TESTING.—In carrying out the Institute functions required by subsection (a), the Under Secretary shall support and contribute to the development of voluntary, consensus-based technical standards for testing artificial intelligence system components, including, as the Under Secretary considers appropriate, the following:

(1) Physical infrastructure for training or developing artificial intelligence models and systems, including cloud infrastructure.

(2) Physical infrastructure for operating artificial intelligence systems, including cloud infrastructure.

(3) Data for training artificial intelligence models.

(4) Data for evaluating the functionality and trustworthiness of trained artificial intelligence models and systems.

(5) Trained or partially trained artificial intelligence models and any resulting software systems or products.

(h) GIFTS.—

(1) AUTHORITY.—The Director may seek, accept, hold, administer, and use gifts from public and private sources whenever the Director determines it would be in the interest of the United States to do so.

(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Government Ethics, shall ensure that authority under this subsection is exercised consistent with all relevant ethical constraints and principles, including—

(A) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

(B) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide the Director of the National Institute of Standards and Technology any enforcement authority that was not in effect on the day before the date of the enactment of this Act.

SEC. 102. PROGRAM ON ARTIFICIAL INTELLIGENCE TESTBEDS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(3) INSTITUTE.—The term ''Institute'' means the Artificial Intelligence Safety Institute established by section 101.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Standards and Technology.

(b) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall, in coordination with the Secretary and the Director, establish and commence carrying out a testbed program to encourage collaboration and support partnerships between the National Laboratories, the National Institute of Standards and Technology, the National Artificial Intelligence Research Resource pilot program established by the Director of the National Science Foundation, or any successor program, and public and private sector entities, including companies of all sizes, to conduct research and development, tests, evaluations, and risk assessments of artificial intelligence systems, including measurement methodologies developed by the Institute.

(c) ACTIVITIES.—In carrying out this program, the Under Secretary shall, in coordination with the Secretary—

(1) use the advanced computing resources, testbeds, and expertise of the National Laboratories, the Institute, the National Science Foundation, and private sector entities to run tests and evaluations on the capabilities and limitations of artificial intelligence systems;

(2) use existing solutions to the maximum extent practicable;

(3) develop automated and reproducible tests, evaluations, and risk assessments for artificial intelligence systems to the extent that is practicable;

(4) assess the computational resources necessary to run tests, evaluations, and risk assessments of artificial intelligence systems;

(5) research methods to effectively minimize the computational resources needed to run tests, evaluations, and risk assessments of artificial intelligence systems;

(6) consider developing tests, evaluations, and risk assessments for artificial intelligence systems that are designed for high-, medium-, and low-computational intensity; and

(7) prioritize identifying and evaluating scenarios in which the artificial intelligence systems tested or evaluated by a testbed could be deployed in a way that poses security risks, and either establishing classified testbeds, or utilizing existing classified testbeds, at the National Laboratories if necessary, including with respect to—

(A) autonomous offensive cyber capabilities;

(B) cybersecurity vulnerabilities in the artificial intelligence software ecosystem and beyond;

(C) chemical, biological, radiological, nuclear, critical infrastructure, and energy-security threats or hazards; and

(D) such other capabilities as the Under Secretary determines necessary.

(d) CONSIDERATION GIVEN.—In carrying out the activities required by subsection (c), the

Under Secretary shall, in coordination with the Secretary, take under consideration the applicability of any tests, evaluations, and risk assessments to artificial intelligence systems trained using primarily biological sequence data, including those systems used for gene synthesis.

(e) METRICS.—The Under Secretary, in collaboration with the Secretary, shall develop metrics—

(1) to assess the effectiveness of the program in encouraging collaboration and supporting partnerships as described in subsection (b); and

(2) to assess the impact of the program on public and private sector integration and use of artificial intelligence systems.

(f) USE OF EXISTING PROGRAM.—In carrying out the program required by subsection (a), the Under Secretary may, in collaboration with the Secretary and the Director, use a program that was in effect on the day before the date of the enactment of this Act.

(g) EVALUATION AND FINDINGS.—Not later than 3 years after the start of this program, the Under Secretary shall, in collaboration with the Secretary—

(1) evaluate the success of the program in encouraging collaboration and supporting partnerships as described in subsection (b), using the metrics developed pursuant to subsection (e);

(2) evaluate the success of the program in encouraging public and private sector integration and use of artificial intelligence systems by using the metrics developed pursuant to subsection (e); and

(3) submit to the appropriate committees of Congress the evaluation supported pursuant to paragraph (1) and the findings of the Under Secretary, the Secretary, and the Director with respect to the testbed program.

(h) CONSULTATION.—In carrying out subsection (b), the Under Secretary shall consult, as the Under Secretary considers appropriate, with the following:

(1) Industry, including private artificial intelligence laboratories, companies of all sizes, and representatives from the United States financial sector.

(2) Academia and institutions of higher education.

(3) Civil society.

(4) Third-party evaluators.

(i) ESTABLISHMENT OF FOUNDATION MODELS TEST PROGRAM.—In carrying out the program under subsection (b), the Under Secretary shall, acting through the Director of the Institute and in coordination with the Secretary of Energy, carry out a test program to provide vendors of foundation models the opportunity to voluntarily test foundation models across a range of modalities, such as models that ingest and output text, images, audio, video, software code, and mixed modalities, relative to the Artificial Intelligence Risk Management Framework, by—

(1) conducting research and regular testing to improve and benchmark the accuracy, efficacy, and bias of foundation models;

(2) conducting research to identify key capabilities, limitations, and unexpected behaviors of foundation models;

(3) identifying and evaluating scenarios in which these models could pose risks;

(4) establishing reference use cases for foundation models and performance criteria for assessing each use case, including accuracy, efficacy, and bias metrics;

(5) enabling developers and deployers of foundation models to evaluate such systems for risks, incidents, and vulnerabilities if deployed in such use cases;

(6) coordinating public evaluations, which may include prizes and challenges, to evaluate foundation models; and

(7) as the Under Secretary and the Secretary consider appropriate, producing public-facing reports of the findings from such testing for a general audience.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a person to disclose any information, including information—

(1) relating to a trade secret or other protected intellectual property right;

(2) that is confidential business information; or

(3) that is privileged.

SEC. 103. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND DEPARTMENT OF ENERGY TESTBED TO IDENTIFY, TEST, AND SYNTHESIZE NEW MATERIALS.

(a) TESTBED AUTHORIZED.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and the Secretary of Energy shall jointly establish a testbed to identify, test, and synthesize new materials to advance materials science and to support advanced manufacturing for the benefit of the United States economy through the use of artificial intelligence, autonomous laboratories, and artificial intelligence integrated with emerging technologies, such as quantum hybrid computing and robotics.

(b) SUPPORT FOR ACCELERATED TECHNOLOGIES.—The Secretary of Commerce and the Secretary of Energy shall ensure that technologies accelerated using the testbed established pursuant to subsection (a) are supported by advanced algorithms and models, uncertainty quantification, and software and workforce development tools to produce benchmark data, model comparison tools, and best practices guides.

(c) PUBLIC-PRIVATE PARTNERSHIPS.—In carrying out subsection (a), the Secretary of Commerce and the Secretary of Energy shall, in consultation with industry, civil society, and academia, enter into such public-private partnerships as the Secretaries jointly determine appropriate.

(d) RESOURCES.—In carrying out subsection (a), the Secretaries may use resources from National Laboratories and the private sector.

SEC. 104. NATIONAL SCIENCE FOUNDATION AND DEPARTMENT OF ENERGY COLLABORATION TO MAKE SCIENTIFIC DISCOVERIES THROUGH THE USE OF ARTIFICIAL INTELLIGENCE.

(a) IN GENERAL.—The Director of the National Science Foundation (referred to in this section as the ''Director'') and the Secretary of Energy (referred to in this section as the ''Secretary'') shall collaborate to support new translational scientific discoveries and advancements for the benefit of the economy of the United States through the use of artificial intelligence, including artificial intelligence integrated with emerging technologies, such as quantum hybrid computing and robotics.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—In carrying out subsection (a), the Director and the Secretary shall enter into such public-private partnerships as the Director and the Secretary jointly determine appropriate.

(c) RESOURCES.—In carrying out subsection (a), the Director and the Secretary may accept and use resources from the National Laboratories, resources from the private sector, and academic resources.

SEC. 105. PROGRESS REPORT.

Not later than 1 year after the date of the enactment of this Act, the Director of the Artificial Intelligence Safety Institute shall, in coordination with the Secretary of Commerce and the Secretary of Energy, submit to Congress a report on the implementation of this subtitle.

Subtitle B—International Cooperation

SEC. 111. INTERNATIONAL COALITION ON INNOVATION, DEVELOPMENT, AND HARMONIZATION OF STANDARDS WITH RESPECT TO ARTIFICIAL INTELLIGENCE.

(a) IN GENERAL.—The Secretary of Commerce, the Secretary of State, and the Director of the Office of Science and Technology Policy (in this section referred to as the ''Director''), in consultation with the heads of relevant agencies, shall jointly seek to form an alliance or coalition with like-minded governments of foreign countries—

(1) to cooperate on approaches to innovation and advancements in artificial intelligence and ecosystems for artificial intelligence;

(2) to coordinate on development and use of interoperable international standards or harmonization of standards with respect to artificial intelligence;

(3) to promote adoption of common artificial intelligence standards;

(4) to develop the government-to-government infrastructure needed to facilitate coordination of coherent global application of artificial intelligence safety standards, including, where appropriate, putting in place agreements for information sharing between governments; and

(5) to involve private-sector stakeholders from partner countries to help inform coalition partners on recent developments in artificial intelligence and associated standards development.

(b) CRITERIA FOR PARTICIPATION.—In forming an alliance or coalition of like-minded governments of foreign countries under subsection (a), the Secretary of Commerce, the Secretary of State, and the Director, in consultation with the heads of relevant agencies, shall jointly establish technology trust criteria—

(1) to ensure all participating countries that have a high level of scientific and technological advancement;

(2) to ensure all participating countries commit to using open international standards; and

(3) to support the governance principles for international standards as detailed in the World Trade Organization Agreement on Technical Barriers to Trade, done at Geneva April 12, 1979, on international standards, such as transparency, openness, and consensus-based decision-making.

(c) CONSULTATION ON INNOVATION AND ADVANCEMENTS IN ARTIFICIAL INTELLIGENCE.—In forming an alliance or coalition under subsection (a), the Director, the Secretary of Commerce, and the Secretary of State shall consult with the Secretary of Energy and the Director of the National Science Foundation on approaches to innovation and advancements in artificial intelligence.

(d) SECURITY AND PROTECTION OF INTELLECTUAL PROPERTY.—The Director, the Secretary of Commerce, and the Secretary of State shall jointly ensure that an alliance or coalition formed under subsection (a) is only formed with countries that—

(1) have in place sufficient intellectual property protections, safety standards, and risk management approaches relevant to innovation and artificial intelligence; and

(2) develop and coordinate research security measures, export controls, and intellectual property protections relevant to innovation, development, and standard-setting relating to artificial intelligence.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit anyone from participating in other international standards bodies.

SEC. 112. REQUIREMENT TO SUPPORT BILATERAL AND MULTILATERAL ARTIFICIAL INTELLIGENCE RESEARCH COLLABORATIONS.

(a) IN GENERAL.—The Director of the National Science Foundation shall support bilateral and multilateral collaborations to facilitate innovation in research and development of artificial intelligence.

(b) ALIGNMENT WITH PRIORITIES.—The Director shall ensure that collaborations supported under subsection (a) align with the priorities of the Foundation and United States research community and have the potential to benefit United States prosperity, security, health, and well-being.

(c) REQUIREMENTS.—The Director shall ensure that collaborations supported under subsection (a)—

(1) support innovation and advancement in research on the development and use of artificial intelligence;

(2) facilitate international collaboration on innovation and advancement in artificial intelligence research and development, including data sharing, expertise, and resources; and

(3) leverage existing National Science Foundation programs, such as the National Science Foundation-supported National Artificial Intelligence Research Institutes and Global Centers programs.

(d) COORDINATION OF SECURITY MEASURES AND EXPORT CONTROLS.—When entering into agreements in order to support collaborations pursuant to subsection (a), the Director shall ensure that participating countries have developed and coordinated security measures and export controls to protect intellectual property and research and development.

Subtitle C—Identifying Regulatory Barriers to Innovation

SEC. 121. COMPTROLLER GENERAL OF THE UNITED STATES IDENTIFICATION OF RISKS AND OBSTACLES RELATING TO ARTIFICIAL INTELLIGENCE AND FEDERAL AGENCIES.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on regulatory impediments to innovation in artificial intelligence systems.

(b) CONTENTS.—The report submitted pursuant to subsection (a) shall include the following:

(1) Significant examples of Federal statutes and regulations that directly affect the innovation of artificial intelligence systems, including the ability of companies of all sizes to compete in artificial intelligence, which should also account for the effect of voluntary standards and best practices developed by the Federal Government.

(2) An assessment of challenges that Federal agencies face in the enforcement of provisions of law identified pursuant to paragraph (1).

(3) An evaluation of the progress in government adoption of artificial intelligence and use of artificial intelligence to improve the quality of government services.

(4) Based on the findings of the Comptroller General with respect to paragraphs (1) through (4), such recommendations as the Comptroller General may have for legislative or administrative action to increase the rate of innovation in artificial intelligence systems.

TITLE II—ARTIFICIAL INTELLIGENCE RESEARCH, DEVELOPMENT, CAPACITY BUILDING ACTIVITIES

SEC. 201. PUBLIC DATA FOR ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) LIST OF PRIORITIES.—

(1) IN GENERAL.—To expedite the development of artificial intelligence systems in the United States, the Director of the Office of Science and Technology Policy shall, acting through the National Science and Technology Council and the Interagency Committee established or designated pursuant to section 5103 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9413), develop a list of priorities for Federal investment in creating or improving curated, publicly available Federal Government data for training and evaluating artificial intelligence systems.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The list developed pursuant to paragraph (1) shall—

(i) prioritize data that will advance novel artificial intelligence systems in the public interest; and

(ii) prioritize datasets unlikely to independently receive sufficient private sector support to enable their creation, absent Federal funding.

(B) DATASETS IDENTIFIED.—In carrying out subparagraph (A)(ii), the Director shall identify 20 datasets to be prioritized.

(3) CONSIDERATIONS.—In developing the list under paragraph (1), the Director shall consider the following:

(A) Applicability to the initial list of societal, national, and geostrategic challenges set forth by subsection (b) of section 10387 of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19107), or any successor list.

(B) Applicability to the initial list of key technology focus areas set forth by subsection (c) of such section, or any successor list.

(C) Applicability to other major United States economic sectors, such as agriculture, health care, transportation, manufacturing, communications, weather services, and positive utility to small and medium United States businesses.

(D) Opportunities to improve datasets in effect before the date of the enactment of this Act.

(E) Inclusion of data representative of the entire population of the United States.

(F) Potential national security threats to releasing datasets, consistent with the United States Government approach to data flows.

(G) Requirements of laws in effect.

(H) Applicability to the priorities listed in the National Artificial Intelligence Research and Development Strategic Plan of the National Science and Technology Council, dated October 2016.

(I) Ability to use data already made available to the National Artificial Intelligence Research Resource Pilot program or any successor program.

(4) PUBLIC INPUT.—Before finalizing the list required by paragraph (1), the Director shall implement public comment procedures for receiving input and comment from private industry, academia, civil society, and other relevant stakeholders.

(b) NATIONAL SCIENCE AND TECHNOLOGY COUNCIL AGENCIES.—The head of each agency with a representative included in the Interagency Committee pursuant to section 5103(c) of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9413(c)) or the heads of multiple agencies with a representative included in the Interagency Committee working cooperatively, consistent with the missions or responsibilities of each Executive agency—

(1) subject to the availability of appropriations, shall award grants or otherwise establish incentives, through new or existing programs, for the creation or improvement of curated datasets identified in the list developed pursuant to subsection (a)(1), including methods for addressing data scarcity;

(2) may establish or leverage existing initiatives, including public-private partnerships, to encourage private sector cost-sharing in the creation or improvement of such datasets;

(3) may apply the priorities set forth in the list developed pursuant to subsection (a)(1) to the enactment of Federal public access and open government data policies;

(4) in carrying out this subsection, shall ensure consistency with Federal provisions of law relating to privacy, including the technology and privacy standards applied to the National Secure Data Service under section 10375(f) of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19085(f)); and

(5) in carrying out this subsection, shall ensure data sharing is limited with any country that the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, determines to be engaged in conduct that is detrimental to the national security or foreign policy of the United States.

(c) AVAILABILITY OF DATASETS.—Datasets that are created or improved by Federal agencies may be made available to the National Artificial Intelligence Research Resource pilot program established by the Director of the National Science Foundation in accordance with Executive Order 14110 (88 Fed. Reg. 75191; relating to safe, secure, and trustworthy development and use of artificial intelligence), or any successor program.

(d) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the Federal Government or other contributors to disclose any information—

(1) relating to a trade secret or other protected intellectual property right;

(2) that is confidential business information; or

(3) that is privileged.

SEC. 202. FEDERAL GRAND CHALLENGES IN ARTIFICIAL INTELLIGENCE.

(a) LIST OF PRIORITIES FOR FEDERAL GRAND CHALLENGES IN ARTIFICIAL INTELLIGENCE.—

(1) LIST REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall, acting through the National Science and Technology Council and the Interagency Committee established or designated pursuant to section 5103 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9413), in consultation with industry, civil society, and academia, establish a list of priorities for Federal grand challenges in artificial intelligence that seek—

(A) to expedite the development of artificial intelligence systems in the United States; and

(B) to stimulate artificial intelligence research, development, and commercialization that solves or advances specific, well-defined, and measurable challenges.

(2) CONTENTS.—The list established pursuant to paragraph (1) may include the following priorities:

(A) To overcome challenges with engineering of and applied research on microelectronics, including through integration of artificial intelligence with emerging technologies, such as machine learning and quantum computing, or with respect to the physical limits on transistors, electrical interconnects, and memory elements.

(B) To promote transformational or long-term advancements in computing and artificial intelligence technologies through—

(i) next-generation algorithm design;

(ii) next-generation compute capability;

(iii) generative and adaptive artificial intelligence for design applications;

(iv) photonics-based microprocessors and optical communication networks, including electrophotonics;

(v) the chemistry and physics of new materials;

(vi) energy use or energy efficiency;

(vii) techniques to establish cryptographically secure content provenance information; or

(viii) safety and controls for artificial intelligence applications.

(C) To develop artificial intelligence solutions, including through integration among emerging technologies such as quantum computing and machine learning, to overcome barriers relating to innovations in advanced manufacturing in the United States, including areas such as—

(i) materials, nanomaterials, and composites;

(ii) rapid, complex design;

(iii) sustainability and environmental impact of manufacturing operations;

(iv) predictive maintenance of machinery;

(v) improved part quality;

(vi) process inspections;

(vii) worker safety; and

(viii) robotics.

(D) To develop artificial intelligence solutions in sectors of the economy, such as expanding the use of artificial intelligence in maritime vessels, including in navigation and in the design of propulsion systems and fuels.

(E) To develop artificial intelligence solutions to improve border security, including solutions relevant to the detection of fentanyl, illicit contraband, and other illegal activities.

(3) PERIODIC UPDATES.—The Director shall update the list established pursuant to paragraph (1) periodically as the Director determines necessary.

(b) FEDERAL INVESTMENT INITIATIVES REQUIRED.—Subject to the availability of appropriations, the head of each agency with a representative on the Interagency Committee pursuant to section 5103(c) of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9413(c)) or the heads of multiple agencies with a representative on the Interagency Committee working cooperatively, shall, consistent with the missions or responsibilities of each agency, establish 1 or more prize competitions under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), challenge-based acquisitions, or other research and development investments that each agency head deems appropriate consistent with the list of priorities established pursuant to subsection (a)(1).

(c) TIMING AND ANNOUNCEMENTS OF FEDERAL INVESTMENT INITIATIVES.—The President, acting through the Director, shall ensure that, not later than 1 year after the date on which the Director establishes the list required by subsection (a)(1), at least 3 prize competitions, challenge-based acquisitions, or other research and development investments are announced by heads of Federal agencies under subsection (b).

(d) REQUIREMENTS.—Each head of an agency carrying out an investment initiative under subsection (b) shall ensure that—

(1) for each prize competition or investment initiative carried out by the agency under such subsection, there is—

(A) a positive impact on the economic competitiveness of the United States;

(B) a benefit to United States industry;

(C) to the extent possible, leveraging of the resources and expertise of industry and philanthropic partners in shaping the investments; and

(D) in a case involving development and manufacturing, use of advanced manufacturing in the United States; and

(2) all research conducted for purposes of the investment initiative is conducted in the United States.

SA 3072. Mr. CRAMER (for himself and Mr. KELLY) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1095. AMENDMENTS TO THE FEDERAL ASSETS SALE AND TRANSFER ACT OF 2016.

(a) PURPOSES.—Section 2 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(11) implementing innovative methods for the sale, redevelopment, consolidation, or lease of Federal buildings and facilities, including the use of no cost, nonappropriated contracts for expert real estate services to obtain the highest and best value for the taxpayer.''.

(b) DEFINITIONS.—Section 3(5)(B)(viii) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by inserting '', other than office buildings and warehouses,'' after ''Properties''.

(c) BOARD.—Section 4(c)(3) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the term''; and

(2) by adding at the end the following:

''(B) LIMITATION.—Notwithstanding subparagraph (A), the term of a member of the Board shall continue beyond 6 years until such time as the President appoints a replacement member of the Board.''.

(d) BOARD MEETINGS.—Section 5(b) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking ''Five Board members'' and inserting ''4 Board members''.

(e) EXECUTIVE DIRECTOR.—Section 7 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by adding at the end the following:

''(c) RETURN TO CIVIL SERVICE.—An Executive Director selected from the civil service (as defined in section 2101 of title 5, United States Code) shall be entitled to return to the civil service (as so defined) after service to the Board ends if the service of the Executive Director to the Board ends for reasons other than misconduct, neglect of duty, or malfeasance.''.

(f) STAFF.—Section 8 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) in subsection (b)—

(A) by striking ''and the Director of OMB''; and

(B) by inserting ''for a period of not less than 1 year'' before ''to assist the Board'';

(2) by redesignating subsection (c) as subsection (d); and

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

''(c) HIRING OF TERM EMPLOYEES.—The Executive Director, with approval of the Board, may use the Office of Personnel Management to hire employees for terms not to exceed 2 years pursuant to the Office of Personnel Management guidance for nonstatus appointments in the competitive service.''.

(g) TERMINATION.—Section 10 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking ''6 years after the date on which the Board members are appointed pursuant to section 4'' and inserting ''on December 31, 2026''.

(h) DEVELOPMENT OF RECOMMENDATIONS TO BOARD.—Section 11 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''the Administrator and the Director of OMB'' and inserting ''the Administrator, the Director of OMB, and the Board'';

(B) in paragraph (1)—

(i) by striking ''and square'' and inserting ''number of Federal employees physically reporting to the respective property each work day, square''; and

(ii) by inserting '', amount of acreage associated with the respective property, and whether the respective property is on a campus or larger facility, other than Federal civilian real properties excluded for reasons of national security in accordance with section 3(5)(B)(iii)'' before the period at the end; and

(C) by adding at the end the following:

''(3) CONSOLIDATION PLANS.—Any Federal agency plans to consolidate, reconfigure, or otherwise reduce the use of owned and leased Federal civilian real property of the Federal agency if those plans are estimated to further the purposes of this Act as described in section 2.'';

(2) in subsection (b)(3)(J), by inserting '', including access by members of federally recognized Indian Tribes,'' after ''public access''; and

(3) by adding at the end the following:

''(e) DISCLOSURE OF INFORMATION.—The Board may not publicly disclose any information received under paragraph (2) or (3) of subsection (a) until the Board, the Administrator, and the Director of OMB enter into an agreement describing what information is ready to be publicly disclosed.''.

(i) BOARD DUTIES.—Section 12 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) in subsection (b)(2), by striking the second sentence and inserting the following: ''In the case of a failure by a Federal agency to comply with a request of the Board, the Board shall notify the committees listed in section 5(c), the relevant congressional committees of jurisdiction for the Federal agency, and the inspector general of the Federal agency of that failure.'';

(2) in subsection (d)—

(A) in paragraph (1), by inserting '', Tribal,'' after ''State''; and

(B) in paragraph (2), by inserting '', Tribal,'' after ''State'';

(3) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(4) by inserting after subsection (c) the following:

''(d) PREPARATION OF PROPERTIES FOR DISPOSAL.—At the request of, and in coordination with, the Board, a Federal agency may undertake any analyses and due diligence as necessary, to supplement the independent analysis of the Board under subsection (c), to prepare a property for disposition so that the property may be included in the recommendations of the Board under subsection (h), including completion of the requirements of section 306108 of title 54, United

States Code, for historic preservation and identification of the likely highest and best use of the property subsequent to disposition.'';

(5) in subsection (h) (as so redesignated)—

(A) in paragraph (1)—

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

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) the process to be followed by Federal agencies to carry out the actions described in subparagraph (A), including the use of no cost, nonappropriated contracts for expert real estate services and other innovative methods, to obtain the highest and best value for the taxpayer; and''; and

(B) in paragraph (2), by adding at the end the following:

''(C) THIRD ROUND.—During the period beginning on the day after the transmittal of the second report and ending on the day before the date on which the Board terminates under section 10, the Board shall transmit to the Director of OMB a third report required under paragraph (1).''; and

(C) by adding at the end the following:

''(4) COMMUNITY NOTIFICATION.—45 days before the date on which the Board transmits the third report required under paragraph (1), the Board shall notify—

''(A) any State or local government of any findings, conclusions, or recommendations contained in that report that relate to a Federal civilian real property located in the State or locality, as applicable; and

''(B) any federally recognized Indian Tribe of any findings, conclusions, or recommendations contained in that report that relate to a Federal civilian real property that—

''(i) is in close geographic proximity to a property described in section 3(5)(B)(v); or

''(ii) relates to a Federal civilian real property that is known to be accessed at regular frequency by members of the federally recognized Indian Tribe for other reasons.''; and

(6) by adding at the end the following:

''(k) REPORT TO CONGRESS.—The Board shall periodically submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any recommendations on consolidations, exchanges, sales, lease reductions, and redevelopments that are not included in the transmissions submitted under subsection (h), or approved by the Director of OMB under section 13, but that the majority of the Board concludes meets the goals of this Act.''.

(j) REVIEW BY OMB.—Section 13 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) in subsection (a), by striking ''subsections (b) and (g)'' and inserting ''subsections (b) and (h)''; and

(2) in subsection (c)(4)—

(A) by inserting '', in whole or in part,'' before ''received under paragraph (3)''; and

(B) by striking ''revised'' the second place it appears.

(k) AGENCY RETENTION OF RECORDS.—Section 20 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATE.—The provisions of this section, including the amendments made by this section, shall take effect on the date on which the Board transmits the second report under section 12(h)(2)(B) and shall apply to proceeds from—

''(1) transactions contained in that report; and

''(2) any transactions conducted after the date on which the Board terminates under section 10.''.

(l) FEDERAL REAL PROPERTY DATABASE.—Section 21(b) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by adding at the end the following:

''(9)(A) Whether the Federal real property is on a campus or similar facility; and

''(B) if applicable, identification of the campus or facility and related details, including total acreage of the campus or facility.''.

(m) ACCESS TO FEDERAL REAL PROPERTY COUNCIL MEETINGS AND REPORTS.—

(1) IN GENERAL.—The Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by adding at the end the following:

''SEC. 26. ACCESS TO FEDERAL REAL PROPERTY COUNCIL MEETINGS AND REPORTS.

''The Federal Real Property Council established by subsection (a) of section 623 of title 40, United States Code, shall ensure that the Board has access to any meetings of the Federal Real Property Council and any reports required under that section, subject to the condition that the Board enters into a memorandum of understanding relating to public disclosure with the Administrator and the Federal Real Property Council before the Board has access to those meetings and reports.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287; 130 Stat. 1463) is amended by inserting after the item relating to section 25 the following:

''Sec. 26. Access to Federal Real Property Council meetings and reports.''.

(n) CONFORMING AMENDMENTS.—

(1) Section 3(9) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking ''section 12(e)'' and inserting ''section 12(f)''.

(2) Section 14(g)(1)(A) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking ''section 12(g)'' and inserting ''section 12(h)''.

(o) TECHNICAL AMENDMENTS.—

(1) Section 16(b)(1) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended, in the second sentence, by striking ''of General Services''.

(2) Section 21(a) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking ''of General Services''.

(3) Section 24 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended, in each of subsections (a), (b), and (c), by striking ''of General Services''.

(4) Section 25(b) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking ''of General Services''.

SA 3073. Mr. HEINRICH (for himself, Mr. ROUNDS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. NET ASSESSMENT OF ARTIFICIAL GENERAL INTELLIGENCE.

(a) STUDY.—The Secretary of Defense shall, acting through the Office of Net Assessment, conduct a study to analyze the impact of future developments in artificial general intelligence on the military readiness and economic competitiveness of the United States.

(b) SCENARIOS.—

(1) IN GENERAL.—In conducting the study required by subsection (a), the Secretary shall analyze multiple scenarios in which a specified artificial intelligence capability is assumed to exist and the goal is to understand what the implications would be on the United States military and the broader United States economy.

(2) LEVELS OF CAPABILITY.—Each scenario analyzed under paragraph (1) shall assume the existence of a certain level of capability to perform intellectual or physical tasks using software or hardware, but without human involvement, and may assume a specific cost of this artificial intelligence capability, such as the ability to perform all job tasks that a typical human would perform at a specified price.

(3) DYNAMIC CAPABILITIES.—Scenarios analyzed under this subsection may allow the capabilities of artificial intelligence systems to increase over time instead of remaining fixed.

(c) PROPERTIES.—The study conducted under subsection (a) shall have the following properties:

(1) A taxonomy of levels of artificial general intelligence. To the degree possible, such taxonomy shall be developed in conjunction with relevant experts in the Federal Government or outside of government and shall be as consistent as possible with any similar taxonomy developed by such experts.

(2) At least one scenario under subsection (b) shall assume the existence of an artificial general intelligence system that is more intelligent than any human.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the findings of the Secretary with respect to the study conducted under subsection (a).

(2) FORM.—The report submitted pursuant to paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) BRIEFING.—Not later than 30 days after the date of the submittal of the report under subsection (d), the Secretary shall provide the congressional defense committees a briefing on the main findings of the Secretary with respect to the study conducted under subsection (a).

SA 3074. Mr. HEINRICH (for himself, Mr. ROUNDS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 XXXI, add the following:

SEC. 3123. ARTIFICIAL INTELLIGENCE AND NATIONAL NUCLEAR SECURITY.

(a) REQUIREMENTS ON COMMERCIAL ARTIFICIAL INTELLIGENCE PROVIDERS.—

(1) IN GENERAL.—Any commercial cloud computing service that provides unclassified

access to artificial intelligence systems on its platform, and which in general offers software services in a classified computing environment to the National Nuclear Security Administration or the Department of Defense, shall, at the request of the Administrator, offer a particular artificial intelligence system in a classified computing environment at no cost to the National Nuclear Security Administration, upon a determination by the Administrator that the specified artificial intelligence system is relevant for performing evaluations of risks posed to national nuclear security by that artificial intelligence system, or similar artificial intelligence systems.

(2) ASSISTANCE.—Developers of any such artificial intelligence systems shall provide any necessary design and engineering assistance necessary to support the usage of those systems in the classified computing environment.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall provide to the congressional defense committees a classified briefing that includes—

(1) a description of the work performed by the National Nuclear Security Administration in response to Executive Order 14110 (88 Fed. Reg. 75191; relating to safe, secure, and trustworthy development and use of artificial intelligence) and the evaluations conducted pursuant to subsection (a) to understand the national security risks posed by artificial intelligence;

(2) a description of the extent to which commercial and open source artificial intelligence systems can generate sensitive or classified information about nuclear weapons, and whether any such systems are developed using classified information;

(3) a description of the status of authorities for running commercial and open source artificial intelligence systems on classified computational infrastructure;

(4) a summary of potential risk mitigation and response options in the event that Restricted Data (as that term is defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) is discovered on, or generated by, commercial or open source artificial intelligence systems;

(5) recommendations regarding the infrastructure and personnel needed to continue to evaluate the national security risks of artificial intelligence systems; and

(6) recommendations on the legal authorities needed by the National Nuclear Security Administration to address national security risks of artificial intelligence systems.

SA 3075. Mr. THUNE (for Mr. LEE) submitted an amendment intended to be proposed by Mr. THUNE to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Kids Online Safety and Privacy Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—KIDS ONLINE SAFETY

Sec. 101. Definitions.
Sec. 102. Duty of care.
Sec. 103. Safeguards for minors.
Sec. 104. Disclosure.
Sec. 105. Transparency.
Sec. 106. Research on social media and minors.
Sec. 107. Market research.
Sec. 108. Age verification study and report.
Sec. 109. Guidance.
Sec. 110. Enforcement.
Sec. 111. Kids online safety council.
Sec. 112. Effective date.
Sec. 113. Rules of construction and other matters.

TITLE II—CHILDREN AND TEEN'S ONLINE PRIVACY

Sec. 201. Online collection, use, disclosure, and deletion of personal information of children and teens.
Sec. 202. Study and reports of mobile and online application oversight and enforcement.
Sec. 203. GAO study.
Sec. 204. Severability.

TITLE III—ELIMINATING USELESS REPORTS

Sec. 301. Sunsets for agency reports.

TITLE IV—SCREEN ACT

Sec. 401. Short title.
Sec. 402. Findings; sense of Congress.
Sec. 403. Definitions.
Sec. 404. Technology verification measures.
Sec. 405. Consultation requirements.
Sec. 406. Commission requirements.
Sec. 407. Enforcement.
Sec. 408. GAO report.
Sec. 409. Severability clause.

TITLE I—KIDS ONLINE SAFETY

SEC. 101. DEFINITIONS.

In this title:

(1) CHILD.—The term ''child'' means an individual who is under the age of 13.

(2) COMPULSIVE USAGE.—The term ''compulsive usage'' means any response stimulated by external factors that causes an individual to engage in repetitive behavior reasonably likely to cause psychological distress.

(3) COVERED PLATFORM.—

(A) IN GENERAL.—The term ''covered platform'' means an online platform, online video game, messaging application, or video streaming service that connects to the internet and that is used, or is reasonably likely to be used, by a minor.

(B) EXCEPTIONS.—The term ''covered platform'' does not include—

(i) an entity acting in its capacity as a provider of—

(I) a common carrier service subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and all Acts amendatory thereof and supplementary thereto;

(II) a broadband internet access service (as such term is defined for purposes of section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation);

(III) an email service;

(IV) a teleconferencing or video conferencing service that allows reception and transmission of audio or video signals for real-time communication, provided that—

(aa) the service is not an online platform, including a social media service or social network; and

(bb) the real-time communication is initiated by using a unique link or identifier to facilitate access; or

(V) a wireless messaging service, including such a service provided through short messaging service or multimedia messaging service protocols, that is not a component of, or linked to, an online platform and where the predominant or exclusive function is direct messaging consisting of the transmission of text, photos or videos that are sent by electronic means, where messages are transmitted from the sender to a recipient, and are not posted within an online platform or publicly;

(ii) an organization not organized to carry on business for its own profit or that of its members;

(iii) any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education;

(iv) a library (as defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)));

(v) a news or sports coverage website or app where—

(I) the inclusion of video content on the website or app is related to the website or app's own gathering, reporting, or publishing of news content or sports coverage; and

(II) the website or app is not otherwise an online platform;

(vi) a product or service that primarily functions as business-to-business software, a cloud storage, file sharing, or file collaboration service, provided that the product or service is not an online platform; or

(vii) a virtual private network or similar service that exists solely to route internet traffic between locations.

(4) DESIGN FEATURE.—The term ''design feature'' means any feature or component of a covered platform that will encourage or increase the frequency, time spent, or activity of minors on the covered platform. Design features include—

(A) infinite scrolling or auto play;

(B) rewards for time spent on the platform;

(C) notifications;

(D) personalized recommendation systems;

(E) in-game purchases; or

(F) appearance altering filters.

(5) GEOLOCATION.—The term ''geolocation'' means information sufficient to identify street name and name of a city or town.

(6) INDIVIDUAL-SPECIFIC ADVERTISING TO MINORS.—

(A) IN GENERAL.—The term ''individual-specific advertising to minors'' means advertising or any other effort to market a product or service that is directed to a specific minor or a device that is linked or reasonably linkable to a minor based on—

(i) the personal data of—

(I) the minor; or

(II) a group of minors who are similar in sex, age, income level, race, or ethnicity to the specific minor to whom the product or service is marketed;

(ii) profiling of a minor or group of minors; or

(iii) a unique identifier of the device.

(B) EXCLUSIONS.—The term ''individual-specific advertising to minors'' shall not include—

(i) advertising or marketing to an individual or the device of an individual in response to the individual's specific request for information or feedback, such as a minor's current search query;

(ii) contextual advertising, such as when an advertisement is displayed based on the content of the covered platform on which the advertisement appears and does not vary based on personal data related to the viewer;

(iii) processing personal data solely for measuring or reporting advertising or content performance, reach, or frequency, including independent measurement;

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a covered platform that knows an individual is under the age of 17 from delivering advertising or marketing that is age-appropriate for the individual involved and intended for a child or teen audience (as applicable), so long as the covered platform does not use any personal data other than whether the user is under the age of 17 to deliver such advertising or marketing.

(7) KNOW OR KNOWS.—The term ''know'' or ''knows'' means to have actual knowledge or

knowledge fairly implied on the basis of objective circumstances.

(8) MENTAL HEALTH DISORDER.—The term ''mental health disorder'' has the meaning given the term ''mental disorder'' in the Diagnostic and Statistical Manual of Mental Health Disorders, 5th Edition (or the most current successor edition).

(9) MICROTRANSACTION.—

(A) IN GENERAL.—The term ''microtransaction'' means a purchase made in an online video game (including a purchase made using a virtual currency that is purchasable or redeemable using cash or credit or that is included as part of a paid subscription service).

(B) INCLUSIONS.—Such term includes a purchase involving surprise mechanics, new characters, or in-game items.

(C) EXCLUSIONS.—Such term does not include—

(i) a purchase made in an online video game using a virtual currency that is earned through gameplay and is not otherwise purchasable or redeemable using cash or credit or included as part of a paid subscription service; or

(ii) a purchase of additional levels within the game or an overall expansion of the game.

(10) MINOR.—The term ''minor'' means an individual who is under the age of 17.

(11) ONLINE PLATFORM.—The term ''online platform'' means any public-facing website, online service, online application, or mobile application that predominantly provides a community forum for user generated content, such as sharing videos, images, games, audio files, or other content, including a social media service, social network, or virtual reality environment.

(12) ONLINE VIDEO GAME.—The term ''online video game'' means a video game, including an educational video game, that connects to the internet and that—

(A) allows a user to—

(i) create and upload content other than content that is incidental to gameplay, such as character or level designs created by the user, preselected phrases, or short interactions with other users;

(ii) engage in microtransactions within the game; or

(iii) communicate with other users; or

(B) incorporates individual-specific advertising to minors.

(13) PARENT.—The term ''parent'' has the meaning given that term in section 1302 of the Children's Online Privacy Protection Act (15 U.S.C. 6501).

(14) PERSONAL DATA.—The term ''personal data'' has the same meaning as the term ''personal information'' as defined in section 1302 of the Children's Online Privacy Protection Act (15 U.S.C. 6501).

(15) PERSONALIZED RECOMMENDATION SYSTEM.—The term ''personalized recommendation system'' means a fully or partially automated system used to suggest, promote, or rank content, including other users, hashtags, or posts, based on the personal data of users. A recommendation system that suggests, promotes, or ranks content based solely on the user's language, city or town, or age shall not be considered a personalized recommendation system.

(16) SEXUAL EXPLOITATION AND ABUSE.—The term ''sexual exploitation and abuse'' means any of the following:

(A) Coercion and enticement, as described in section 2422 of title 18, United States Code.

(B) Child sexual abuse material, as described in sections 2251, 2252, 2252A, and 2260 of title 18, United States Code.

(C) Trafficking for the production of images, as described in section 2251A of title 18, United States Code.

(D) Sex trafficking of children, as described in section 1591 of title 18, United States Code.

(17) USER.—The term ''user'' means, with respect to a covered platform, an individual who registers an account or creates a profile on the covered platform.

SEC. 102. DUTY OF CARE.

(a) PREVENTION OF HARM TO MINORS.—A covered platform shall exercise reasonable care in the creation and implementation of any design feature to prevent and mitigate the following harms to minors:

(1) Consistent with evidence-informed medical information, content that is distributed with the intent to exacerbate the following mental health disorders: anxiety, depression, eating disorders, substance use disorders, and suicidal behaviors.

(2) Patterns of use that indicate or encourage addiction-like behaviors by minors.

(3) Physical violence, online bullying, and harassment of the minor.

(4) Sexual exploitation and abuse of minors.

(5) Promotion and marketing of narcotic drugs (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol.

(6) Promotion and marketing of obscene matter (as that term is used in section 1470 of title 18, United States Code).

(7) Predatory, unfair, or deceptive marketing practices, or other financial harms.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to require a covered platform to prevent or preclude any minor from—

(1) deliberately and independently searching for, or specifically requesting, content; or

(2) accessing resources and information regarding the prevention or mitigation of the harms described in subsection (a).

SEC. 103. SAFEGUARDS FOR MINORS.

(a) SAFEGUARDS FOR MINORS.—

(1) SAFEGUARDS.—A covered platform shall provide a user or visitor that the covered platform knows is a minor with readily-accessible and easy-to-use safeguards to, as applicable—

(A) limit the ability of other users or visitors to communicate with the minor;

(B) prevent other users or visitors, whether registered or not, from viewing the minor's personal data collected by or shared on the covered platform, in particular restricting public access to personal data;

(C) limit design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform, such as infinite scrolling, auto playing, rewards for time spent on the platform, notifications, and other design features that result in compulsive usage of the covered platform by the minor;

(D) control personalized recommendation systems, including the ability for a minor to have at least 1 of the following options—

(i) opt out of such personalized recommendation systems, while still allowing the display of content based on a chronological format; or

(ii) limit types or categories of recommendations from such systems; and

(E) restrict the sharing of the geolocation of the minor and provide notice regarding the tracking of the minor's geolocation.

(2) OPTIONS.—A covered platform shall provide a user that the covered platform knows is a minor with readily-accessible and easy-to-use options to—

(A) delete the minor's account and delete any personal data collected from, or shared by, the minor on the covered platform; or

(B) limit the amount of time spent by the minor on the covered platform.

(3) DEFAULT SAFEGUARD SETTINGS FOR MINORS.—A covered platform shall provide that, in the case of a user or visitor that the platform knows is a minor, the default setting for any safeguard described under paragraph (1) shall be the option available on the platform that provides the most protective level of control that is offered by the platform over privacy and safety for that user or visitor.

(b) PARENTAL TOOLS.—

(1) TOOLS.—A covered platform shall provide readily-accessible and easy-to-use settings for parents to support a user that the platform knows is a minor with respect to the user's use of the platform.

(2) REQUIREMENTS.—The parental tools provided by a covered platform shall include—

(A) the ability to manage a minor's privacy and account settings, including the safeguards and options established under subsection (a), in a manner that allows parents to—

(i) view the privacy and account settings; and

(ii) in the case of a user that the platform knows is a child, change and control the privacy and account settings;

(B) the ability to restrict purchases and financial transactions by the minor, where applicable; and

(C) the ability to view metrics of total time spent on the covered platform and restrict time spent on the covered platform by the minor.

(3) NOTICE TO MINORS.—A covered platform shall provide clear and conspicuous notice to a user when the tools described in this subsection are in effect and what settings or controls have been applied.

(4) DEFAULT TOOLS.—A covered platform shall provide that, in the case of a user that the platform knows is a child, the tools required under paragraph (1) shall be enabled by default.

(5) APPLICATION TO EXISTING ACCOUNTS.—If, prior to the effective date of this subsection, a covered platform provided a parent of a user that the platform knows is a child with notice and the ability to enable the parental tools described under this subsection in a manner that would otherwise comply with this subsection, and the parent opted out of enabling such tools, the covered platform is not required to enable such tools with respect to such user by default when this subsection takes effect.

(c) REPORTING MECHANISM.—

(1) REPORTS SUBMITTED BY PARENTS, MINORS, AND SCHOOLS.—A covered platform shall provide—

(A) a readily-accessible and easy-to-use means to submit reports to the covered platform of harms to a minor;

(B) an electronic point of contact specific to matters involving harms to a minor; and

(C) confirmation of the receipt of such a report and, within the applicable time period described in paragraph (2), a substantive response to the individual that submitted the report.

(2) TIMING.—A covered platform shall establish an internal process to receive and substantively respond to such reports in a reasonable and timely manner, but in no case later than—

(A) 10 days after the receipt of a report, if, for the most recent calendar year, the platform averaged more than 10,000,000 active users on a monthly basis in the United States;

(B) 21 days after the receipt of a report, if, for the most recent calendar year, the platform averaged less than 10,000,000 active users on a monthly basis in the United States; and

(C) notwithstanding subparagraphs (A) and (B), if the report involves an imminent

threat to the safety of a minor, as promptly as needed to address the reported threat to safety.

(d) ADVERTISING OF ILLEGAL PRODUCTS.—A covered platform shall not facilitate the advertising of narcotic drugs (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol to an individual that the covered platform knows is a minor.

(e) RULES OF APPLICATION.—

(1) ACCESSIBILITY.—With respect to safeguards and parental tools described under subsections (a) and (b), a covered platform shall provide—

(A) information and control options in a clear and conspicuous manner that takes into consideration the differing ages, capacities, and developmental needs of the minors most likely to access the covered platform and does not encourage minors or parents to weaken or disable safeguards or parental tools;

(B) readily-accessible and easy-to-use controls to enable or disable safeguards or parental tools, as appropriate; and

(C) information and control options in the same language, form, and manner as the covered platform provides the product or service used by minors and their parents.

(2) DARK PATTERNS PROHIBITION.—It shall be unlawful for any covered platform to design, modify, or manipulate a user interface of a covered platform with the purpose or substantial effect of subverting or impairing user autonomy, decision-making, or choice with respect to safeguards or parental tools required under this section.

(3) TIMING CONSIDERATIONS.—

(A) NO INTERRUPTION TO GAMEPLAY.—Subsections (a)(1)(C) and (b)(3) shall not require an online video game to interrupt the natural sequence of game play, such as progressing through game levels or finishing a competition.

(B) APPLICATION OF CHANGES TO OFFLINE DEVICES OR ACCOUNTS.—If a user's device or user account does not have access to the internet at the time of a change to parental tools, a covered platform shall apply changes the next time the device or user is connected to the internet.

(4) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) prevent a covered platform from taking reasonable measures to—

(i) block, detect, or prevent the distribution of unlawful, obscene, or other harmful material to minors as described in section 102(a); or

(ii) block or filter spam, prevent criminal activity, or protect the security of a platform or service;

(B) require the disclosure of a minor's browsing behavior, search history, messages, contact list, or other content or metadata of their communications;

(C) prevent a covered platform from using a personalized recommendation system to display content to a minor if the system only uses information on—

(i) the language spoken by the minor;

(ii) the city the minor is located in; or

(iii) the minor's age; or

(D) prevent an online video game from disclosing a username or other user identification for the purpose of competitive gameplay or to allow for the reporting of users.

(f) DEVICE OR CONSOLE CONTROLS.—

(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a covered platform from integrating its products or service with, or duplicate controls or tools provided by, third-party systems, including operating systems or gaming consoles, to meet the requirements imposed under subsections (a) and (b) relating to safeguards for minors and parental tools, provided that—

(A) the controls or tools meet such requirements; and

(B) the minor or parent is provided sufficient notice of the integration and use of the parental tools.

(2) PRESERVATION OF PROTECTIONS.—In the event of a conflict between the controls or tools of a third-party system, including operating systems or gaming consoles, and a covered platform, the covered platform is not required to override the controls or tools of a third-party system if it would undermine the protections for minors from the safeguards or parental tools imposed under subsections (a) and (b).

SEC. 104. DISCLOSURE.

(a) NOTICE.—

(1) REGISTRATION OR PURCHASE.—Prior to registration or purchase of a covered platform by an individual that the platform knows is a minor, the platform shall provide clear, conspicuous, and easy-to-understand—

(A) notice of the policies and practices of the covered platform with respect to personal data and safeguards for minors;

(B) information about how to access the safeguards and parental tools required under section 103; and

(C) notice about whether the covered platform uses or makes available to minors a product, service, or design feature, including any personalized recommendation system, that poses any heightened risk of harm to minors.

(2) NOTIFICATION.—

(A) NOTICE AND ACKNOWLEDGMENT.—In the case of an individual that a covered platform knows is a child, the platform shall additionally provide information about the parental tools and safeguards required under section 103 to a parent of the child and obtain verifiable parental consent (as defined in section 1302(9) of the Children's Online Privacy Protection Act (15 U.S.C. 6501(9))) from the parent prior to the initial use of the covered platform by the child.

(B) REASONABLE EFFORT.—A covered platform shall be deemed to have satisfied the requirement described in subparagraph (A) if the covered platform is in compliance with the requirements of the Children's Online Privacy Protection Act (15 U.S.C. 6501 et seq.) to use reasonable efforts (taking into consideration available technology) to provide a parent with the information described in subparagraph (A) and to obtain verifiable parental consent as required.

(3) CONSOLIDATED NOTICES.—For purposes of this title, a covered platform may consolidate the process for providing information under this subsection and obtaining verifiable parental consent or the consent of the minor involved (as applicable) as required under this subsection with its obligations to provide relevant notice and obtain verifiable consent under the Children's Online Privacy Protection Act (15 U.S.C. 6501 et seq.).

(4) GUIDANCE.—The Federal Trade Commission may issue guidance to assist covered platforms in complying with the specific notice requirements of this subsection.

(b) PERSONALIZED RECOMMENDATION SYSTEM.—A covered platform that operates a personalized recommendation system shall set out in its terms and conditions, in a clear, conspicuous, and easy-to-understand manner—

(1) an overview of how such personalized recommendation system is used by the covered platform to provide information to minors, including how such systems use the personal data of minors; and

(2) information about options for minors or their parents to opt out of or control the personalized recommendation system (as applicable).

(c) ADVERTISING AND MARKETING INFORMATION AND LABELS.—

(1) INFORMATION AND LABELS.—A covered platform that facilitates advertising aimed at users that the platform knows are minors shall provide clear, conspicuous, and easy-to-understand labels and information, which can be provided through a link to another web page or disclosure, to minors on advertisements regarding—

(A) the name of the product, service, or brand and the subject matter of an advertisement;

(B) if the covered platform engages in individual-specific advertising to minors, why a particular advertisement is directed to a specific minor, including material information about how the minor's personal data is used to direct the advertisement to the minor; and

(C) whether particular media displayed to the minor is an advertisement or marketing material, including disclosure of endorsements of products, services, or brands made for commercial consideration by other users of the platform.

(2) GUIDANCE.—The Federal Trade Commission may issue guidance to assist covered platforms in complying with the requirements of this subsection, including guidance about the minimum level of information and labels for the disclosures required under paragraph (1).

(d) RESOURCES FOR PARENTS AND MINORS.—A covered platform shall provide to minors and parents clear, conspicuous, easy-to-understand, and comprehensive information in a prominent location, which may include a link to a web page, regarding—

(1) its policies and practices with respect to personal data and safeguards for minors; and

(2) how to access the safeguards and tools required under section 103.

(e) RESOURCES IN ADDITIONAL LANGUAGES.—A covered platform shall ensure, to the extent practicable, that the disclosures required by this section are made available in the same language, form, and manner as the covered platform provides any product or service used by minors and their parents.

SEC. 105. TRANSPARENCY.

(a) IN GENERAL.—Subject to subsection (b), not less frequently than once a year, a covered platform shall issue a public report describing the reasonably foreseeable risks of harms to minors and assessing the prevention and mitigation measures taken to address such risk based on an independent, third-party audit conducted through reasonable inspection of the covered platform.

(b) SCOPE OF APPLICATION.—The requirements of this section shall apply to a covered platform if—

(1) for the most recent calendar year, the platform averaged more than 10,000,000 active users on a monthly basis in the United States; and

(2) the platform predominantly provides a community forum for user-generated content and discussion, including sharing videos, images, games, audio files, discussion in a virtual setting, or other content, such as acting as a social media platform, virtual reality environment, or a social network service.

(c) CONTENT.—

(1) TRANSPARENCY.—The public reports required of a covered platform under this section shall include—

(A) an assessment of the extent to which the platform is likely to be accessed by minors;

(B) a description of the commercial interests of the covered platform in use by minors;

(C) an accounting, based on the data held by the covered platform, of—

(i) the number of users using the covered platform that the platform knows to be minors in the United States;

(ii) the median and mean amounts of time spent on the platform by users known to be minors in the United States who have accessed the platform during the reporting year on a daily, weekly, and monthly basis; and

(iii) the amount of content being accessed by users that the platform knows to be minors in the United States that is in English, and the top 5 non-English languages used by users accessing the platform in the United States;

(D) an accounting of total reports received regarding, and the prevalence (which can be based on scientifically valid sampling methods using the content available to the covered platform in the normal course of business) of content related to, the harms described in section 102(a), disaggregated by category of harm and language, including English and the top 5 non-English languages used by users accessing the platform from the United States (as identified under subparagraph (C)(iii)); and

(E) a description of any material breaches of parental tools or assurances regarding minors, representations regarding the use of the personal data of minors, and other matters regarding non-compliance with this title.

(2) REASONABLY FORESEEABLE RISK OF HARM TO MINORS.—The public reports required of a covered platform under this section shall include—

(A) an assessment of the reasonably foreseeable risk of harms to minors posed by the covered platform, specifically identifying those physical, mental, developmental, or financial harms described in section 102(a);

(B) a description of whether and how the covered platform uses design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform, such as infinite scrolling, auto playing, rewards for time spent on the platform, notifications, and other design features that result in compulsive usage of the covered platform by the minor;

(C) a description of whether, how, and for what purpose the platform collects or processes categories of personal data that may cause reasonably foreseeable risk of harms to minors;

(D) an evaluation of the efficacy of safeguards for minors and parental tools under section 103, and any issues in delivering such safeguards and the associated parental tools;

(E) an evaluation of any other relevant matters of public concern over risk of harms to minors associated with the use of the covered platform; and

(F) an assessment of differences in risk of harm to minors across different English and non-English languages and efficacy of safeguards in those languages.

(3) MITIGATION.—The public reports required of a covered platform under this section shall include, for English and the top 5 non-English languages used by users accessing the platform from the United States (as identified under paragraph (2)(C)(iii)))—

(A) a description of the safeguards and parental tools available to minors and parents on the covered platform;

(B) a description of interventions by the covered platform when it had or has reason to believe that harms to minors could occur;

(C) a description of the prevention and mitigation measures intended to be taken in response to the known and emerging risks identified in its assessment of reasonably foreseeable risks of harms to minors, including steps taken to—

(i) prevent harms to minors, including adapting or removing design features or addressing through parental tools;

(ii) provide the most protective level of control over privacy and safety by default; and

(iii) adapt recommendation systems to mitigate reasonably foreseeable risk of harms to minors, as described in section 102(a);

(D) a description of internal processes for handling reports and automated detection mechanisms for harms to minors, including the rate, timeliness, and effectiveness of responses under the requirement of section 103(c);

(E) the status of implementing prevention and mitigation measures identified in prior assessments; and

(F) a description of the additional measures to be taken by the covered platform to address the circumvention of safeguards for minors and parental tools.

(d) REASONABLE INSPECTION.—In conducting an inspection of the reasonably foreseeable risk of harm to minors under this section, an independent, third-party auditor shall—

(1) take into consideration the function of personalized recommendation systems;

(2) consult parents and youth experts, including youth and families with relevant past or current experience, public health and mental health nonprofit organizations, health and development organizations, and civil society with respect to the prevention of harms to minors;

(3) conduct research based on experiences of minors that use the covered platform, including reports under section 103(c) and information provided by law enforcement;

(4) take account of research, including research regarding design features, marketing, or product integrity, industry best practices, or outside research;

(5) consider indicia or inferences of age of users, in addition to any self-declared information about the age of users; and

(6) take into consideration differences in risk of reasonably foreseeable harms and effectiveness of safeguards across English and non-English languages.

(e) COOPERATION WITH INDEPENDENT, THIRD-PARTY AUDIT.—To facilitate the report required by subsection (c), a covered platform shall—

(1) provide or otherwise make available to the independent third-party conducting the audit all information and material in its possession, custody, or control that is relevant to the audit;

(2) provide or otherwise make available to the independent third-party conducting the audit access to all network, systems, and assets relevant to the audit; and

(3) disclose all relevant facts to the independent third-party conducting the audit, and not misrepresent in any manner, expressly or by implication, any relevant fact.

(f) PRIVACY SAFEGUARDS.—

(1) IN GENERAL.—In issuing the public reports required under this section, a covered platform shall take steps to safeguard the privacy of its users, including ensuring that data is presented in a de-identified, aggregated format such that it is not reasonably linkable to any user.

(2) RULE OF CONSTRUCTION.—This section shall not be construed to require the disclosure of information that will lead to material vulnerabilities for the privacy of users or the security of a covered platform's service or create a significant risk of the violation of Federal or State law.

(3) DEFINITION OF DE-IDENTIFIED.—As used in this subsection, the term ''de-identified'' means data that does not identify and is not linked or reasonably linkable to a device that is linked or reasonably linkable to an individual, regardless of whether the information is aggregated

(g) LOCATION.—The public reports required under this section should be posted by a covered platform on an easy to find location on a publicly-available website.

SEC. 106. RESEARCH ON SOCIAL MEDIA AND MINORS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) NATIONAL ACADEMY.—The term ''National Academy'' means the National Academy of Sciences.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) RESEARCH ON SOCIAL MEDIA HARMS.—Not later than 12 months after the date of enactment of this Act, the Commission shall seek to enter into a contract with the National Academy, under which the National Academy shall conduct no less than 5 scientific, comprehensive studies and reports on the risk of harms to minors by use of social media and other online platforms, including in English and non-English languages.

(c) MATTERS TO BE ADDRESSED.—In contracting with the National Academy, the Commission, in consultation with the Secretary, shall seek to commission separate studies and reports, using the Commission's authority under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)), on the relationship between social media and other online platforms as defined in this title on the following matters:

(1) Anxiety, depression, eating disorders, and suicidal behaviors.

(2) Substance use disorders and the use of narcotic drugs, tobacco products, gambling, or alcohol by minors.

(3) Sexual exploitation and abuse.

(4) Addiction-like use of social media and design factors that lead to unhealthy and harmful overuse of social media.

(d) ADDITIONAL STUDY.—Not earlier than 4 years after enactment, the Commission shall seek to enter into a contract with the National Academy under which the National Academy shall conduct an additional study and report covering the matters described in subsection (c) for the purposes of providing additional information, considering new research, and other matters.

(e) CONTENT OF REPORTS.— The comprehensive studies and reports conducted pursuant to this section shall seek to evaluate impacts and advance understanding, knowledge, and remedies regarding the harms to minors posed by social media and other online platforms, and may include recommendations related to public policy.

(f) ACTIVE STUDIES.—If the National Academy is engaged in any active studies on the matters described in subsection (c) at the time that it enters into a contract with the Commission to conduct a study under this section, it may base the study to be conducted under this section on the active study, so long as it otherwise incorporates the requirements of this section.

(g) COLLABORATION.—In designing and conducting the studies under this section, the Commission, the Secretary, and the National Academy shall consult with the Surgeon General and the Kids Online Safety Council.

(h) ACCESS TO DATA.—

(1) FACT-FINDING AUTHORITY.—The Commission may issue orders under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) to require covered platforms to provide reports, data, or answers in writing as necessary to conduct the studies required under this section.

(2) SCOPE.—In exercising its authority under paragraph (1), the Commission may

issue orders to no more than 5 covered platforms per study under this section.

(3) CONFIDENTIAL ACCESS.—Notwithstanding section 6(f) or 21 of the Federal Trade Commission Act (15 U.S.C. 46, 57b–2), the Commission shall enter in agreements with the National Academy to share appropriate information received from a covered platform pursuant to an order under such subsection (b) for a comprehensive study under this section in a confidential and secure manner, and to prohibit the disclosure or sharing of such information by the National Academy. Nothing in this paragraph shall be construed to preclude the disclosure of any such information if authorized or required by any other law.

SEC. 107. MARKET RESEARCH.

(a) MARKET RESEARCH BY COVERED PLATFORMS.—The Federal Trade Commission, in consultation with the Secretary of Commerce, shall issue guidance for covered platforms seeking to conduct market- and product-focused research on minors. Such guidance shall include—

(1) a standard consent form that provides minors and their parents a clear, conspicuous, and easy-to-understand explanation of the scope and purpose of the research to be conducted that is available in English and the top 5 non-English languages used in the United States;

(2) information on how to obtain informed consent from the parent of a minor prior to conducting such market- and product-focused research; and

(3) recommendations for research practices for studies that may include minors, disaggregated by the age ranges of 0-5, 6-9, 10-12, and 13-16.

(b) TIMING.—The Federal Trade Commission shall issue such guidance not later than 18 months after the date of enactment of this Act. In doing so, they shall seek input from members of the public and the representatives of the Kids Online Safety Council established under section 111.

SEC. 108. AGE VERIFICATION STUDY AND REPORT.

(a) STUDY.—The Secretary of Commerce, in coordination with the Federal Communications Commission and the Federal Trade Commission, shall conduct a study evaluating the most technologically feasible methods and options for developing systems to verify age at the device or operating system level.

(b) CONTENTS.—Such study shall consider —

(1) the benefits of creating a device or operating system level age verification system;

(2) what information may need to be collected to create this type of age verification system;

(3) the accuracy of such systems and their impact or steps to improve accessibility, including for individuals with disabilities;

(4) how such a system or systems could verify age while mitigating risks to user privacy and data security and safeguarding minors' personal data, emphasizing minimizing the amount of data collected and processed by covered platforms and age verification providers for such a system;

(5) the technical feasibility, including the need for potential hardware and software changes, including for devices currently in commerce and owned by consumers; and

(6) the impact of different age verification systems on competition, particularly the risk of different age verification systems creating barriers to entry for small companies.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the agencies described in subsection (a) shall submit a report containing the results of the study conducted under such subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 109. GUIDANCE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission, in consultation with the Kids Online Safety Council established under section 111, shall issue guidance to—

(1) provide information and examples for covered platforms and auditors regarding the following, with consideration given to differences across English and non-English languages—

(A) identifying design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform;

(B) safeguarding minors against the possible misuse of parental tools;

(C) best practices in providing minors and parents the most protective level of control over privacy and safety;

(D) using indicia or inferences of age of users for assessing use of the covered platform by minors;

(E) methods for evaluating the efficacy of safeguards set forth in this title; and

(F) providing additional parental tool options that allow parents to address the harms described in section 102(a); and

(2) outline conduct that does not have the purpose or substantial effect of subverting or impairing user autonomy, decision-making, or choice, or of causing, increasing, or encouraging compulsive usage for a minor, such as—

(A) de minimis user interface changes derived from testing consumer preferences, including different styles, layouts, or text, where such changes are not done with the purpose of weakening or disabling safeguards or parental tools;

(B) algorithms or data outputs outside the control of a covered platform; and

(C) establishing default settings that provide enhanced privacy protection to users or otherwise enhance their autonomy and decision-making ability.

(b) GUIDANCE ON KNOWLEDGE STANDARD.—Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission shall issue guidance to provide information, including best practices and examples, for covered platforms to understand how the Commission would determine whether a covered platform ''had knowledge fairly implied on the basis of objective circumstances'' for purposes of this title.

(c) LIMITATION ON FEDERAL TRADE COMMISSION GUIDANCE.—

(1) EFFECT OF GUIDANCE.—No guidance issued by the Federal Trade Commission with respect to this title shall—

(A) confer any rights on any person, State, or locality; or

(B) operate to bind the Federal Trade Commission or any court, person, State, or locality to the approach recommended in such guidance.

(2) USE IN ENFORCEMENT ACTIONS.—In any enforcement action brought pursuant to this title, the Federal Trade Commission or a State attorney general, as applicable—

(A) shall allege a violation of a provision of this title; and

(B) may not base such enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with guidance issued by the Federal Trade Commission with respect to this title, unless the practices are alleged to violate a provision of this title.

For purposes of enforcing this title, State attorneys general shall take into account any guidance issued by the Commission under subsection (b).

SEC. 110. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of this title shall be treated as a violation of a rule defining an unfair or deceptive act or practice 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 Federal Trade Commission (referred to in this section as the ''Commission'') shall enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates this title 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.).

(3) AUTHORITY PRESERVED.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

(b) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—

(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that a covered platform has violated or is violating section 103, 104, or 105, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States or a State court of appropriate jurisdiction to—

(i) enjoin any practice that violates section 103, 104, or 105;

(ii) enforce compliance with section 103, 104, or 105;

(iii) on behalf of residents of the State, obtain damages, restitution, or other compensation, each of which shall be distributed in accordance with State law; or

(iv) obtain such other relief as the court may consider to be appropriate.

(B) NOTICE.—

(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Commission—

(I) written notice of that action; and

(II) a copy of the complaint for that action.

(ii) EXEMPTION.—

(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph if the attorney general of the State determines that it is not feasible to provide the notice described in that clause before the filing of the action.

(II) NOTIFICATION.—In an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(2) INTERVENTION.—

(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Commission shall have the right to intervene in the action that is the subject of the notice.

(B) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under paragraph (1), it shall have the right—

(i) to be heard with respect to any matter that arises in that action; and

(ii) to file a petition for appeal.

(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(4) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of this title, no State may, during the pendency of that action, institute a separate action under paragraph (1) against any defendant named in the complaint in the action instituted by or on behalf of the Commission for that violation.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) a State court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1) in a district court of the United States, process may be served wherever defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) LIMITATION.—A violation of section 102 shall not form the basis of liability in any action brought by the attorney general of a State under a State law.

SEC. 111. KIDS ONLINE SAFETY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall establish and convene the Kids Online Safety Council for the purpose of providing advice on matters related to this title.

(b) PARTICIPATION.—The Kids Online Safety Council shall include diverse participation from—

(1) academic experts, health professionals, and members of civil society with expertise in mental health, substance use disorders, harm reduction as it relates to early exposures to pornographic material, and the prevention of harms to minors;

(2) representatives in academia and civil society with specific expertise in privacy, free expression, access to information, and civil liberties;

(3) parents and youth representation;

(4) representatives of covered platforms;

(5) representatives of the National Telecommunications and Information Administration, the National Institute of Standards and Technology, the Federal Trade Commission, the Department of Justice, and the Department of Health and Human Services;

(6) State attorneys general or their designees acting in State or local government;

(7) educators; and

(8) representatives of faith-based organizations.

(c) ACTIVITIES.—The matters to be addressed by the Kids Online Safety Council shall include—

(1) identifying emerging or current risks of harms to minors associated with online platforms;

(2) recommending measures and methods for assessing, preventing, and mitigating harms to minors online;

(3) recommending methods and themes for conducting research regarding online harms to minors, including in English and non-English languages; and

(4) recommending best practices and clear, consensus-based technical standards for transparency reports and audits, as required under this title, including methods, criteria, and scope to promote overall accountability.

(d) NON-APPLICABILITY OF FACA.—The Kids Online Safety Council shall not be subject to chapter 10 of title 5, United States Code (commonly referred to as the "Federal Advisory Committee Act").

SEC. 112. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 113. RULES OF CONSTRUCTION AND OTHER MATTERS.

(a) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall be construed to—

(1) preempt section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974") or other Federal or State laws governing student privacy;

(2) preempt the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.) or any rule or regulation promulgated under such Act;

(3) authorize any action that would conflict with section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)); or

(4) expand or limit the scope of section 230 of the Communications Act of 1934 (commonly known as "section 230 of the Communications Decency Act of 1996") (47 U.S.C. 230).

(b) DETERMINATION OF "FAIRLY IMPLIED ON THE BASIS OF OBJECTIVE CIRCUMSTANCES".—For purposes of enforcing this title, in making a determination as to whether covered platform has knowledge fairly implied on the basis of objective circumstances that a specific user is a minor, the Federal Trade Commission or a State attorney general shall rely on competent and reliable evidence, taking into account the totality of the circumstances, including whether a reasonable and prudent person under the circumstances would have known that the user is a minor.

(c) PROTECTIONS FOR PRIVACY.—Nothing in this title, including a determination described in subsection (b), shall be construed to require—

(1) the affirmative collection of any personal data with respect to the age of users that a covered platform is not already collecting in the normal course of business; or

(2) a covered platform to implement an age gating or age verification functionality.

(d) COMPLIANCE.—Nothing in this title shall be construed to restrict a covered platform's ability to—

(1) cooperate with law enforcement agencies regarding activity that the covered platform reasonably and in good faith believes may violate Federal, State, or local laws, rules, or regulations;

(2) comply with a lawful civil, criminal, or regulatory inquiry, subpoena, or summons by Federal, State, local, or other government authorities; or

(3) investigate, establish, exercise, respond to, or defend against legal claims.

(e) APPLICATION TO VIDEO STREAMING SERVICES.—A video streaming service shall be deemed to be in compliance with this title if it predominantly consists of news, sports, entertainment, or other video programming content that is preselected by the provider and not user-generated, and—

(1) any chat, comment, or interactive functionality is provided incidental to, directly related to, or dependent on provision of such content;

(2) if such video streaming service requires account owner registration and is not predominantly news or sports, the service includes the capability—

(A) to limit a minor's access to the service, which may utilize a system of age-rating;

(B) to limit the automatic playing of on-demand content selected by a personalized recommendation system for an individual that the service knows is a minor;

(C) to provide an individual that the service knows is a minor with readily-accessible and easy-to-use options to delete an account held by the minor and delete any personal data collected from the minor on the service, or, in the case of a service that allows a parent to create a profile for a minor, to allow a parent to delete the minor's profile, and to delete any personal data collected from the minor on the service;

(D) for a parent to manage a minor's privacy and account settings, and restrict purchases and financial transactions by a minor, where applicable;

(E) to provide an electronic point of contact specific to matters described in this paragraph;

(F) to offer a clear, conspicuous, and easy-to-understand notice of its policies and practices with respect to personal data and the capabilities described in this paragraph; and

(G) when providing on-demand content, to employ measures that safeguard against serving advertising for narcotic drugs (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol directly to the account or profile of an individual that the service knows is a minor.

(f) APPLICATION TO PARTICULAR VIEWPOINTS.—Nothing in this title shall be construed to require a covered platform to alter a design feature in such a manner that would result in particular viewpoints being throttled, suppressed, or censored.

TITLE II—CHILDREN AND TEEN'S ONLINE PRIVACY

SEC. 201. ONLINE COLLECTION, USE, DISCLOSURE, AND DELETION OF PERSONAL INFORMATION OF CHILDREN AND TEENS.

(a) DEFINITIONS.—Section 1302 of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) OPERATOR.—The term 'operator'—

"(A) means any person—

"(i) who, for commercial purposes, in interstate or foreign commerce operates or provides a website on the internet, an online service, an online application, or a mobile application; and

"(ii) who—

"(I) collects or maintains, either directly or through a service provider, personal information from or about the users of that website, service, or application;

"(II) allows another person to collect personal information directly from users of that website, service, or application (in which case, the operator is deemed to have collected the information); or

"(III) allows users of that website, service, or application to publicly disclose personal information (in which case, the operator is deemed to have collected the information); and

"(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).";

(2) in paragraph (4)—

(A) by amending subparagraph (A) to read as follows:

"(A) the release of personal information collected from a child or teen by an operator for any purpose, except where the personal information is provided to a person other than an operator who—

"(i) provides support for the internal operations of the website, online service, online application, or mobile application of the operator, excluding any activity relating to individual-specific advertising to children or teens; and

"(ii) does not disclose or use that personal information for any other purpose; and"; and

(B) in subparagraph (B)—

(i) by inserting ''or teen'' after ''child'' each place the term appears;

(ii) by striking ''website or online service'' and inserting ''website, online service, online application, or mobile application''; and

(iii) by striking ''actual knowledge'' and inserting ''actual knowledge or knowledge fairly implied on the basis of objective circumstances'';

(3) by striking paragraph (8) and inserting the following:

''(8) PERSONAL INFORMATION.—

''(A) IN GENERAL.—The term 'personal information' means individually identifiable information about an individual collected online, including—

''(i) a first and last name;

''(ii) a home or other physical address including street name and name of a city or town;

''(iii) an e-mail address;

''(iv) a telephone number;

''(v) a Social Security number;

''(vi) any other identifier that the Commission determines permits the physical or online contacting of a specific individual;

''(vii) a persistent identifier that can be used to recognize a specific child or teen over time and across different websites, online services, online applications, or mobile applications, including but not limited to a customer number held in a cookie, an Internet Protocol (IP) address, a processor or device serial number, or unique device identifier, but excluding an identifier that is used by an operator solely for providing support for the internal operations of the website, online service, online application, or mobile application;

''(viii) a photograph, video, or audio file where such file contains a specific child's or teen's image or voice;

''(ix) geolocation information;

''(x) information generated from the measurement or technological processing of an individual's biological, physical, or physiological characteristics that is used to identify an individual, including—

''(I) fingerprints;

''(II) voice prints;

''(III) iris or retina imagery scans;

''(IV) facial templates;

''(V) deoxyribonucleic acid (DNA) information; or

''(VI) gait; or

''(xi) information linked or reasonably linkable to a child or teen or the parents of that child or teen (including any unique identifier) that an operator collects online from the child or teen and combines with an identifier described in this subparagraph.

''(B) EXCLUSION.—The term 'personal information' shall not include an audio file that contains a child's or teen's voice so long as the operator—

''(i) does not request information via voice that would otherwise be considered personal information under this paragraph;

''(ii) provides clear notice of its collection and use of the audio file and its deletion policy in its privacy policy;

''(iii) only uses the voice within the audio file solely as a replacement for written words, to perform a task, or engage with a website, online service, online application, or mobile application, such as to perform a search or fulfill a verbal instruction or request; and

''(iv) only maintains the audio file long enough to complete the stated purpose and then immediately deletes the audio file and does not make any other use of the audio file prior to deletion.

''(C) SUPPORT FOR THE INTERNAL OPERATIONS OF A WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(vii), the term 'support for the internal operations of a website, online service, online application, or mobile application' means those activities necessary to—

''(I) maintain or analyze the functioning of the website, online service, online application, or mobile application;

''(II) perform network communications;

''(III) authenticate users of, or personalize the content on, the website, online service, online application, or mobile application;

''(IV) serve contextual advertising, provided that any persistent identifier is only used as necessary for technical purposes to serve the contextual advertisement, or cap the frequency of advertising;

''(V) protect the security or integrity of the user, website, online service, online application, or mobile application;

''(VI) ensure legal or regulatory compliance, or

''(VII) fulfill a request of a child or teen as permitted by subparagraphs (A) through (C) of section 1303(b)(2).

''(ii) CONDITION.—Except as specifically permitted under clause (i), information collected for the activities listed in clause (i) cannot be used or disclosed to contact a specific individual, including through individual-specific advertising to children or teens, to amass a profile on a specific individual, in connection with processes that encourage or prompt use of a website or online service, or for any other purpose.'';

(4) by amending paragraph (9) to read as follows:

''(9) VERIFIABLE CONSENT.—The term 'verifiable consent' means any reasonable effort (taking into consideration available technology), including a request for authorization for future collection, use, and disclosure described in the notice, to ensure that, in the case of a child, a parent of the child, or, in the case of a teen, the teen—

''(A) receives direct notice of the personal information collection, use, and disclosure practices of the operator; and

''(B) before the personal information of the child or teen is collected, freely and unambiguously authorizes—

''(i) the collection, use, and disclosure, as applicable, of that personal information; and

''(ii) any subsequent use of that personal information.'';

(5) in paragraph (10)—

(A) in the paragraph header, by striking ''WEBSITE OR ONLINE SERVICE DIRECTED TO CHILDREN'' and inserting ''WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION DIRECTED TO CHILDREN'';

(B) by striking ''website or online service'' each place it appears and inserting ''website, online service, online application, or mobile application''; and

(C) by adding at the end the following new subparagraph:

''(C) RULE OF CONSTRUCTION.—In considering whether a website, online service, online application, or mobile application, or portion thereof, is directed to children, the Commission shall apply a totality of circumstances test and will also consider competent and reliable empirical evidence regarding audience composition and evidence regarding the intended audience of the website, online service, online application, or mobile application.''; and

(6) by adding at the end the following:

''(13) CONNECTED DEVICE.—The term 'connected device' means a device that is capable of connecting to the internet, directly or indirectly, or to another connected device.

''(14) ONLINE APPLICATION.—The term 'online application'—

''(A) means an internet-connected software program; and

''(B) includes a service or application offered via a connected device.

''(15) MOBILE APPLICATION.—The term 'mobile application'—

''(A) means a software program that runs on the operating system of—

''(i) a cellular telephone;

''(ii) a tablet computer; or

''(iii) a similar portable computing device that transmits data over a wireless connection; and

''(B) includes a service or application offered via a connected device.

''(16) GEOLOCATION INFORMATION.—The term 'geolocation information' means information sufficient to identify a street name and name of a city or town.

''(17) TEEN.—The term 'teen' means an individual who has attained age 13 and is under the age of 17.

''(18) INDIVIDUAL-SPECIFIC ADVERTISING TO CHILDREN OR TEENS.—

''(A) IN GENERAL.—The term 'individual-specific advertising to children or teens' means advertising or any other effort to market a product or service that is directed to a specific child or teen or a connected device that is linked or reasonably linkable to a child or teen based on—

''(i) the personal information from—

''(I) the child or teen; or

''(II) a group of children or teens who are similar in sex, age, household income level, race, or ethnicity to the specific child or teen to whom the product or service is marketed;

''(ii) profiling of a child or teen or group of children or teens; or

''(iii) a unique identifier of the connected device.

''(B) EXCLUSIONS.—The term 'individual-specific advertising to children or teens' shall not include—

''(i) advertising or marketing to an individual or the device of an individual in response to the individual's specific request for information or feedback, such as a child's or teen's current search query;

''(ii) contextual advertising, such as when an advertisement is displayed based on the content of the website, online service, online application, mobile application, or connected device in which the advertisement appears and does not vary based on personal information related to the viewer; or

''(iii) processing personal information solely for measuring or reporting advertising or content performance, reach, or frequency, including independent measurement.

''(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit an operator with actual knowledge or knowledge fairly implied on the basis of objective circumstances that a user is under the age of 17 from delivering advertising or marketing that is age-appropriate and intended for a child or teen audience, so long as the operator does not use any personal information other than whether the user is under the age of 17.''.

(b) ONLINE COLLECTION, USE, DISCLOSURE, AND DELETION OF PERSONAL INFORMATION OF CHILDREN AND TEENS.—Section 1303 of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6502) is amended—

(1) by striking the heading and inserting the following: ''**ONLINE COLLECTION, USE, DISCLOSURE, AND DELETION OF PERSONAL INFORMATION OF CHILDREN AND TEENS.**'';

(2) in subsection (a)—

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

''(1) IN GENERAL.—It is unlawful for an operator of a website, online service, online application, or mobile application directed to

children or for any operator of a website, online service, online application, or mobile application with actual knowledge or knowledge fairly implied on the basis of objective circumstances that a user is a child or teen—

''(A) to collect personal information from a child or teen in a manner that violates the regulations prescribed under subsection (b);

''(B) except as provided in subparagraphs (B) and (C) of section 1302(18), to collect, use, disclose to third parties, or maintain personal information of a child or teen for purposes of individual-specific advertising to children or teens (or to allow another person to collect, use, disclose, or maintain such information for such purpose);

''(C) to collect the personal information of a child or teen except when the collection of the personal information is—

''(i) consistent with the context of a particular transaction or service or the relationship of the child or teen with the operator, including collection necessary to fulfill a transaction or provide a product or service requested by the child or teen; or

''(ii) required or specifically authorized by Federal or State law; or

''(D) to store or transfer the personal information of a child or teen outside of the United States unless the operator provides direct notice to the parent of the child, in the case of a child, or to the teen, in the case of a teen, that the child's or teen's personal information is being stored or transferred outside of the United States; or

''(E) to retain the personal information of a child or teen for longer than is reasonably necessary to fulfill a transaction or provide a service requested by the child or teen except as required or specifically authorized by Federal or State law.''; and

(B) in paragraph (2)—

(i) in the header, by striking ''PARENT'' and inserting '''PARENT OR TEEN' ''

(ii) by striking ''Notwithstanding paragraph (1)'' and inserting ''Notwithstanding paragraph (1)(A)'';

(iii) by striking ''of such a website or online service''; and

(iv) by striking ''subsection (b)(1)(B)(iii) to the parent of a child'' and inserting ''subsection (b)(1)(B)(iv) to the parent of a child or under subsection (b)(1)(C)(iv) to a teen'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''operator of any website'' and all that follows through ''from a child'' and inserting ''operator of a website, online service, online application, or mobile application directed to children or that has actual knowledge or knowledge fairly implied on the basis of objective circumstances that a user is a child or teen'';

(II) in clause (i)—

(aa) by striking ''notice on the website'' and inserting ''clear and conspicuous notice on the website'';

(bb) by inserting ''or teens'' after ''children'';

(cc) by striking '', and the operator's'' and inserting '', the operator's''; and

(dd) by striking ''; and'' and inserting '', the rights and opportunities available to the parent of the child or teen under subparagraphs (B) and (C), and the procedures or mechanisms the operator uses to ensure that personal information is not collected from children or teens except in accordance with the regulations promulgated under this paragraph;'';

(III) in clause (ii)—

(aa) by striking ''parental'';

(bb) by inserting ''or teens'' after ''children'';

(cc) by striking the semicolon at the end and inserting ''; and''; and

(IV) by inserting after clause (ii) the following new clause:

''(iii) to obtain verifiable consent from a parent of a child or from a teen before using or disclosing personal information of the child or teen for any purpose that is a material change from the original purposes and disclosure practices specified to the parent of the child or the teen under clause (i);'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''website or online service'' and inserting ''operator'';

(II) in clause (i), by inserting ''and the method by which the operator obtained the personal information, and the purposes for which the operator collects, uses, discloses, and retains the personal information'' before the semicolon;

(III) in clause (ii)—

(aa) by inserting ''to delete personal information collected from the child or content or information submitted by the child to a website, online service, online application, or mobile application and'' after ''the opportunity at any time''; and

(bb) by striking ''; and'' and inserting a semicolon;

(IV) by redesignating clause (iii) as clause (iv) and inserting after clause (ii) the following new clause:

''(iii) the opportunity to challenge the accuracy of the personal information and, if the parent of the child establishes the inaccuracy of the personal information, to have the inaccurate personal information corrected;''; and

(V) in clause (iv), as so redesignated, by inserting '', if such information is available to the operator at the time the parent makes the request'' before the semicolon;

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(iv) by inserting after subparagraph (B) the following new subparagraph:

''(C) require the operator to provide, upon the request of a teen under this subparagraph who has provided personal information to the operator, upon proper identification of that teen—

''(i) a description of the specific types of personal information collected from the teen by the operator, the method by which the operator obtained the personal information, and the purposes for which the operator collects, uses, discloses, and retains the personal information;

''(ii) the opportunity at any time to delete personal information collected from the teen or content or information submitted by the teen to a website, online service, online application, or mobile application and to refuse to permit the operator's further use or maintenance in retrievable form, or online collection, of personal information from the teen;

''(iii) the opportunity to challenge the accuracy of the personal information and, if the teen establishes the inaccuracy of the personal information, to have the inaccurate personal information corrected; and

''(iv) a means that is reasonable under the circumstances for the teen to obtain any personal information collected from the teen, if such information is available to the operator at the time the teen makes the request;'';

(v) in subparagraph (D), as so redesignated—

(I) by striking ''a child's'' and inserting ''a child's or teen's''; and

(II) by inserting ''or teen'' after ''the child''; and

(vi) by amending subparagraph (E), as so redesignated, to read as follows:

''(E) require the operator to establish, implement, and maintain reasonable security practices to protect the confidentiality, integrity, and accessibility of personal information of children or teens collected by the operator, and to protect such personal information against unauthorized access.'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''verifiable parental consent'' and inserting ''verifiable consent'';

(ii) in subparagraph (A)—

(I) by inserting ''or teen'' after ''collected from a child'';

(II) by inserting ''or teen'' after ''request from the child''; and

(III) by inserting ''or teen or to contact another child or teen'' after ''to recontact the child'';

(iii) in subparagraph (B)—

(I) by striking ''parent or child'' and inserting ''parent or teen''; and

(II) by striking ''parental consent'' each place the term appears and inserting ''verifiable consent'';

(iv) in subparagraph (C)—

(I) in the matter preceding clause (i), by inserting ''or teen'' after ''child'' each place the term appears;

(II) in clause (i)—

(aa) by inserting ''or teen'' after ''child'' each place the term appears; and

(bb) by inserting ''or teen, as applicable,'' after ''parent'' each place the term appears; and

(III) in clause (ii)—

(aa) by striking ''without notice to the parent'' and inserting ''without notice to the parent or teen, as applicable,''; and

(bb) by inserting ''or teen'' after ''child'' each place the term appears; and

(v) in subparagraph (D)—

(I) in the matter preceding clause (i), by inserting ''or teen'' after ''child'' each place the term appears;

(II) in clause (ii), by inserting ''or teen'' after ''child''; and

(III) in the flush text following clause (iii)—

(aa) by inserting ''or teen, as applicable,'' after ''parent'' each place the term appears; and

(bb) by inserting ''or teen'' after ''child'';

(C) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

''(3) APPLICATION TO OPERATORS ACTING UNDER AGREEMENTS WITH EDUCATIONAL AGENCIES OR INSTITUTIONS.—The regulations may provide that verifiable consent under paragraph (1)(A)(ii) is not required for an operator that is acting under a written agreement with an educational agency or institution (as defined in section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g(a)(3)) that, at a minimum, requires the—

''(A) operator to—

''(i) limit its collection, use, and disclosure of the personal information from a child or teen to solely educational purposes and for no other commercial purposes;

''(ii) provide the educational agency or institution with a notice of the specific types of personal information the operator will collect from the child or teen, the method by which the operator will obtain the personal information, and the purposes for which the operator will collect, use, disclose, and retain the personal information;

''(iii) provide the educational agency or institution with a link to the operator's online notice of information practices as required under subsection (b)(1)(A)(i); and

''(iv) provide the educational agency or institution, upon request, with a means to review the personal information collected from a child or teen, to prevent further use or maintenance or future collection of personal information from a child or teen, and to delete personal information collected from a

child or teen or content or information submitted by a child or teen to the operator's website, online service, online application, or mobile application;

''(B) representative of the educational agency or institution to acknowledge and agree that they have authority to authorize the collection, use, and disclosure of personal information from children or teens on behalf of the educational agency or institution, along with such authorization, their name, and title at the educational agency or institution; and

''(C) educational agency or institution to—

''(i) provide on its website a notice that identifies the operator with which it has entered into a written agreement under this subsection and provides a link to the operator's online notice of information practices as required under paragraph (1)(A)(i);

''(ii) provide the operator's notice regarding its information practices, as required under subparagraph (A)(ii), upon request, to a parent, in the case of a child, or a parent or teen, in the case of a teen; and

''(iii) upon the request of a parent, in the case of a child, or a parent or teen, in the case of a teen, request the operator provide a means to review the personal information from the child or teen and provide the parent, in the case of a child, or parent or teen, in the case of the teen, a means to review the personal information.'';

(D) by amending paragraph (4), as so redesignated, to read as follows:

''(4) TERMINATION OF SERVICE.—The regulations shall permit the operator of a website, online service, online application, or mobile application to terminate service provided to a child whose parent has refused, or a teen who has refused, under the regulations prescribed under paragraphs (1)(B)(ii) and (1)(C)(ii), to permit the operator's further use or maintenance in retrievable form, or future online collection of, personal information from that child or teen.''; and

(E) by adding at the end the following new paragraphs:

''(5) CONTINUATION OF SERVICE.—The regulations shall prohibit an operator from discontinuing service provided to a child or teen on the basis of a request by the parent of the child or by the teen, under the regulations prescribed under subparagraph (B) or (C) of paragraph (1), respectively, to delete personal information collected from the child or teen, to the extent that the operator is capable of providing such service without such information.

''(6) RULE OF CONSTRUCTION.—A request made pursuant to subparagraph (B) or (C) of paragraph (1) to delete or correct personal information of a child or teen shall not be construed—

''(A) to limit the authority of a law enforcement agency to obtain any content or information from an operator pursuant to a lawfully executed warrant or an order of a court of competent jurisdiction;

''(B) to require an operator or third party delete or correct information that—

''(i) any other provision of Federal or State law requires the operator or third party to maintain; or

''(ii) was submitted to the website, online service, online application, or mobile application of the operator by any person other than the user who is attempting to erase or otherwise eliminate the content or information, including content or information submitted by the user that was republished or resubmitted by another person; or

''(C) to prohibit an operator from—

''(i) retaining a record of the deletion request and the minimum information necessary for the purposes of ensuring compliance with a request made pursuant to subparagraph (B) or (C);

''(ii) preventing, detecting, protecting against, or responding to security incidents, identity theft, or fraud, or reporting those responsible for such actions;

''(iii) protecting the integrity or security of a website, online service, online application or mobile application; or

''(iv) ensuring that the child's or teen's information remains deleted.

''(7) COMMON VERIFIABLE CONSENT MECHANISM.—

''(A) IN GENERAL.—

''(i) FEASIBILITY OF MECHANISM.—The Commission shall assess the feasibility, with notice and public comment, of allowing operators the option to use a common verifiable consent mechanism that fully meets the requirements of this title.

''(ii) REQUIREMENTS.—The feasibility assessment described in clause (i) shall consider whether a single operator could use a common verifiable consent mechanism to obtain verifiable consent, as required under this title, from a parent of a child or from a teen on behalf of multiple, listed operators that provide a joint or related service.

''(B) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives with the findings of the assessment required by subparagraph (A).

''(C) REGULATIONS.—If the Commission finds that the use of a common verifiable consent mechanism is feasible and would meet the requirements of this title, the Commission shall issue regulations to permit the use of a common verifiable consent mechanism in accordance with the findings outlined in such report.'';

(4) in subsection (c), by striking ''a regulation prescribed under subsection (a)'' and inserting ''subparagraph (B), (C), (D), or (E) of subsection (a)(1), or of a regulation prescribed under subsection (b),''; and

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

''(d) RELATIONSHIP TO STATE LAW.—The provisions of this title shall preempt any State law, rule, or regulation only to the extent that such State law, rule, or regulation conflicts with a provision of this title. Nothing in this title shall be construed to prohibit any State from enacting a law, rule, or regulation that provides greater protection to children or teens than the provisions of this title.''.

(c) SAFE HARBORS.—Section 1304 of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6503) is amended—

(1) in subsection (b)(1), by inserting ''and teens'' after ''children''; and

(2) by adding at the end the following:

''(d) PUBLICATION.—

''(1) IN GENERAL.—Subject to the restrictions described in paragraph (2), the Commission shall publish on the internet website of the Commission any report or documentation required by regulation to be submitted to the Commission to carry out this section.

''(2) RESTRICTIONS ON PUBLICATION.—The restrictions described in section 6(f) and section 21 of the Federal Trade Commission Act (15 U.S.C. 46(f), 57b–2) applicable to the disclosure of information obtained by the Commission shall apply in same manner to the disclosure under this subsection of information obtained by the Commission from a report or documentation described in paragraph (1).''.

(d) ACTIONS BY STATES.—Section 1305 of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6504) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''section 1303(a)(1) or'' before ''any regulation''; and

(B) in subparagraph (B), by inserting ''section 1303(a)(1) or'' before ''the regulation''; and

(2) in subsection (d)—

(A) by inserting ''section 1303(a)(1) or'' before ''any regulation''; and

(B) by inserting ''section 1303(a)(1) or'' before ''that regulation''.

(e) ADMINISTRATION AND APPLICABILITY OF ACT.—Section 1306 of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6505) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking '', in the case of'' and all that follows through ''the Board of Directors of the Federal Deposit Insurance Corporation;'' and inserting the following: ''by the appropriate Federal banking agency, with respect to any insured depository institution (as those terms are defined in section 3 of that Act (12 U.S.C. 1813));''; and

(B) by striking paragraph (2) and redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(2) in subsection (d)—

(A) by inserting ''section 1303(a)(1) or'' before ''a rule''; and

(B) by striking ''such rule'' and inserting ''section 1303(a)(1) or a rule of the Commission under section 1303''; and

(3) by adding at the end the following new subsections:

''(f) DETERMINATION OF WHETHER AN OPERATOR HAS KNOWLEDGE FAIRLY IMPLIED ON THE BASIS OF OBJECTIVE CIRCUMSTANCES.—

''(1) RULE OF CONSTRUCTION.—For purposes of enforcing this title or a regulation promulgated under this title, in making a determination as to whether an operator has knowledge fairly implied on the basis of objective circumstances that a specific user is a child or teen, the Commission or State attorneys general shall rely on competent and reliable evidence, taking into account the totality of the circumstances, including whether a reasonable and prudent person under the circumstances would have known that the user is a child or teen. Nothing in this title, including a determination described in the preceding sentence, shall be construed to require an operator to—

''(A) affirmatively collect any personal information with respect to the age of a child or teen that an operator is not already collecting in the normal course of business; or

''(B) implement an age gating or age verification functionality.

''(2) COMMISSION GUIDANCE.—

''(A) IN GENERAL.—Within 180 days of enactment, the Commission shall issue guidance to provide information, including best practices and examples for operators to understand the Commission's determination of whether an operator has knowledge fairly implied on the basis of objective circumstances that a user is a child or teen.

''(B) LIMITATION.—No guidance issued by the Commission with respect to this title shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this title, the Commission or State attorney general, as applicable, shall allege a specific violation of a provision of this title. The Commission or State attorney general, as applicable, may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidance, unless the practices allegedly violate this title. For purposes of

enforcing this title or a regulation promulgated under this title, State attorneys general shall take into account any guidance issued by the Commission under subparagraph (A).

''(g) ADDITIONAL REQUIREMENT.—Any regulations issued under this title shall include a description and analysis of the impact of proposed and final Rules on small entities per the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.).''.

SEC. 202. STUDY AND REPORTS OF MOBILE AND ONLINE APPLICATION OVERSIGHT AND ENFORCEMENT.

(a) OVERSIGHT REPORT.—Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission 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 on the processes of platforms that offer mobile and online applications for ensuring that, of those applications that are websites, online services, online applications, or mobile applications directed to children, the applications operate in accordance with—

(1) this title, the amendments made by this title, and rules promulgated under this title; and

(2) rules promulgated by the Commission under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) relating to unfair or deceptive acts or practices in marketing.

(b) ENFORCEMENT REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Federal Trade Commission 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 addresses, at a minimum—

(1) the number of actions brought by the Commission during the reporting year to enforce the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501) (referred to in this subsection as the ''Act'') and the outcome of each such action;

(2) the total number of investigations or inquiries into potential violations of the Act; during the reporting year;

(3) the total number of open investigations or inquiries into potential violations of the Act as of the time the report is submitted;

(4) the number and nature of complaints received by the Commission relating to an allegation of a violation of the Act during the reporting year; and

(5) policy or legislative recommendations to strengthen online protections for children and teens.

SEC. 203. GAO STUDY.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on the privacy of teens who use financial technology products. Such study shall—

(1) identify the type of financial technology products that teens are using;

(2) identify the potential risks to teens' privacy from using such financial technology products; and

(3) determine whether existing laws are sufficient to address such risks to teens' privacy.

(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 204. SEVERABILITY.

If any provision of this title, or an amendment made by this title, is determined to be unenforceable or invalid, the remaining provisions of this title and the amendments made by this title shall not be affected.

TITLE III—ELIMINATING USELESS REPORTS

SEC. 301. SUNSETS FOR AGENCY REPORTS.

(a) IN GENERAL.—Section 1125 of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by striking subsections (a) and (b) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) BUDGET JUSTIFICATION MATERIALS.—The term 'budget justification materials' has the meaning given the term in section 3(b)(2) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109–282).

''(2) PLAN OR REPORT.—The term 'plan or report' means any plan or report submitted to Congress, any committee of Congress, or subcommittee thereof, by not less than 1 agency—

''(A) in accordance with Federal law; or

''(B) at the direction or request of a congressional report.

''(3) RECURRING PLAN OR REPORT.—The term 'recurring plan or report' means a plan or report submitted on a recurring basis.

''(4) RELEVANT CONGRESSIONAL COMMITTEE.—The term 'relevant congressional committee'—

''(A) means a congressional committee to which a recurring plan or report is required to be submitted; and

''(B) does not include any plan or report that is required to be submitted solely to the Committee on Armed Services of the House of Representatives or the Senate.

''(b) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—

''(1) IN GENERAL.—The head of each agency shall include in the budget justification materials of the agency the following:

''(A) Subject to paragraphs (2) and (3), the following:

''(i) A list of each recurring plan or report submitted by the agency.

''(ii) An identification of whether the recurring plan or report listed in clause (i) was included in the most recent report issued by the Clerk of the House of Representatives concerning the reports that any agency is required by law or directed or requested by a committee report to make to Congress, any committee of Congress, or subcommittee thereof.

''(iii) If applicable, the unique alphanumeric identifier for the recurring plan or report as required by section 7243(b)(1)(C)(vii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263).

''(iv) The identification of any recurring plan or report the head of the agency determines to be outdated or duplicative.

''(B) With respect to each recurring plan or report identified in subparagraph (A)(iv), the following:

''(i) A recommendation on whether to sunset, modify, consolidate, or reduce the frequency of the submission of the recurring plan or report.

''(ii) A citation to each provision of law or directive or request in a congressional report that requires or requests the submission of the recurring plan or report.

''(iii) A list of the relevant congressional committees for the recurring plan or report.

''(C) A justification explaining, with respect to each recommendation described in subparagraph (B)(i) relating to a recurring plan or report—

''(i) why the head of the agency made the recommendation, which may include an estimate of the resources expended by the agency to prepare and submit the recurring plan or report; and

''(ii) the understanding of the head of the agency of the purpose of the recurring plan or report.

''(2) AGENCY CONSULTATION.—

''(A) IN GENERAL.—In preparing the list required under paragraph (1)(A), if, in submitting a recurring plan or report, an agency is required to coordinate or consult with another agency or entity, the head of the agency submitting the recurring plan or report shall consult with the head of each agency or entity with whom consultation or coordination is required.

''(B) INCLUSION IN LIST.—If, after a consultation under subparagraph (A), the head of each agency or entity consulted under that subparagraph agrees that a recurring plan or report is outdated or duplicative, the head of the agency required to submit the recurring plan or report shall—

''(i) include the recurring plan or report in the list described in paragraph (1)(A); and

''(ii) identify each agency or entity with which the head of the agency is required to coordinate or consult in submitting the recurring plan or report.

''(C) DISAGREEMENT.—If the head of any agency or entity consulted under subparagraph (A) does not agree that a recurring plan or report is outdated or duplicative, the head of the agency required to submit the recurring plan or report shall not include the recurring plan or report in the list described in paragraph (1)(A).

''(3) GOVERNMENT-WIDE OR MULTI-AGENCY PLAN AND REPORT SUBMISSIONS.—With respect to a recurring plan or report required to be submitted by not less than 2 agencies, the Director of the Office of Management and Budget shall—

''(A) determine whether the requirement to submit the recurring plan or report is outdated or duplicative; and

''(B) make recommendations to Congress accordingly.

''(4) PLAN AND REPORT SUBMISSIONS CONFORMITY TO THE ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT.—With respect to an agency recommendation, citation, or justification made under subparagraph (B) or (C) of paragraph (1) or a recommendation by the Director of the Office of Management and Budget under paragraph (3), the agency or Director, as applicable, shall also provide this information to the Director of the Government Publishing Office in conformity with the agency submission requirements under section 7244(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; chapter 41 of title 44 note) in conformity with guidance issued by the Director of the Office of Management and Budget under section 7244(b) of such Act.

''(c) RULE OF CONSTRUCTION ON AGENCY REQUIREMENTS.—Nothing in this section shall be construed to exempt the head of an agency from a requirement to submit a recurring plan or report.''; and

(3) in subsection (d), as so redesignated, by striking ''in the budget of the United States Government, as provided by section 1105(a)(37)'' and inserting ''in the budget justification materials of each agency''.

(b) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended by striking paragraph (39).

(c) CONFORMITY TO THE ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT.—

(1) AMENDMENT.—Subsections (a) and (b) of section 7244 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; chapter 41 of title 44, United States Code, note), are amended to read as follows:

''(a) SUBMISSION OF ELECTRONIC COPIES OF REPORTS.—Not earlier than 30 days or later than 60 days after the date on which a congressionally mandated report is submitted to either House of Congress or to any committee of Congress or subcommittee thereof, the head of the Federal agency submitting the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 7243(b)(1) with respect to the congressionally mandated report. Notwithstanding section 7246, nothing in this subtitle shall relieve a Federal agency of any other requirement to publish the congressionally mandated report on the online portal of the Federal agency or otherwise submit the congressionally mandated report to Congress or specific committees of Congress, or subcommittees thereof.

''(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this subsection and periodically thereafter as appropriate, the Director of the Office of Management and Budget, in consultation with the Director, shall issue guidance to agencies on the implementation of this subtitle as well as the requirements of section 1125(b) of title 31, United States Code.''.

(2) UPDATED OMB GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue updated guidance to agencies to ensure that the requirements under subsections (a) and (b) of section 1125 of title 31, United States Code, as amended by this Act, for agency submissions of recommendations and justifications for plans and reports to sunset, modify, consolidate, or reduce the frequency of the submission of are also submitted as a separate attachment in conformity with the agency submission requirements of electronic copies of reports submitted by agencies under section 7244(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; chapter 41 of title 44, United States Code, note) for publication on the online portal established under section 7243 of such Act.

TITLE IV—SCREEN ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Shielding Children's Retinas from Egregious Exposure on the Net Act'' or the ''SCREEN Act''.

SEC. 402. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Over the 3 decades preceding the date of enactment of this Act, Congress has passed several bills to protect minors from access to online pornographic content, including title V of the Telecommunications Act of 1996 (Public Law 104–104) (commonly known as the ''Communications Decency Act''), section 231 of the Communications Act of 1934 (47 U.S.C. 231) (commonly known as the ''Child Online Protection Act''), and the Children's Internet Protection Act (title XVII of division B of Public Law 106–554).

(2) With the exception of the Children's Internet Protection Act (title XVII of division B of Public Law 106–554), the Supreme Court of the United States has struck down the previous efforts of Congress to shield children from pornographic content, finding that such legislation constituted a ''compelling government interest'' but that it was not the least restrictive means to achieve such interest. In Ashcroft v. ACLU, 542 U.S. 656 (2004), the Court even suggested at the time that ''blocking and filtering software'' could conceivably be a ''primary alternative'' to the requirements passed by Congress.

(3) In the nearly 2 decades since the Supreme Court of the United States suggested the use of ''blocking and filtering software'', such technology has proven to be ineffective in protecting minors from accessing online pornographic content. The Kaiser Family Foundation has found that filters do not work on 1 in 10 pornography sites accessed intentionally and 1 in 3 pornography sites that are accessed unintentionally. Further, it has been proven that children are able to bypass ''blocking and filtering'' software by employing strategic searches or measures to bypass the software completely.

(4) Additionally, Pew Research has revealed studies showing that only 39 percent of parents use blocking or filtering software for their minor's online activities, meaning that 61 percent of children only have restrictions on their internet access when they are at school or at a library.

(5) 17 States have now recognized pornography as a public health hazard that leads to a broad range of individual harms, societal harms, and public health impacts.

(6) It is estimated that 80 percent of minors between the ages of 12 to 17 have been exposed to pornography, with 54 percent of teenagers seeking it out. The internet is the most common source for minors to access pornography with pornographic websites receiving more web traffic in the United States than Twitter, Netflix, Pinterest, and LinkedIn combined.

(7) Exposure to online pornography has created unique psychological effects for minors, including anxiety, addiction, low self-esteem, body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among minors to engage in risky sexual behavior.

(8) The Supreme Court of the United States has recognized on multiple occasions that Congress has a ''compelling government interest'' to protect the physical and psychological well-being of minors, which includes shielding them from ''indecent'' content that may not necessarily be considered ''obscene'' by adult standards.

(9) Because ''blocking and filtering software'' has not produced the results envisioned nearly 2 decades ago, it is necessary for Congress to pursue alternative policies to enable the protection of the physical and psychological well-being of minors.

(10) The evolution of our technology has now enabled the use of age verification technology that is cost efficient, not unduly burdensome, and can be operated narrowly in a manner that ensures only adults have access to a website's online pornographic content.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) shielding minors from access to online pornographic content is a compelling government interest that protects the physical and psychological well-being of minors; and

(2) requiring interactive computer services that are in the business of creating, hosting, or making available pornographic content to enact technological measures that shield minors from accessing pornographic content on their platforms is the least restrictive means for Congress to achieve its compelling government interest.

SEC. 403. DEFINITIONS.

In this title:

(1) CHILD PORNOGRAPHY; MINOR.—The terms ''child pornography'' and ''minor'' have the meanings given those terms in section 2256 of title 18, United States Code.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) COVERED PLATFORM.—The term ''covered platform''—

(A) means an entity—

(i) that is an interactive computer service;

(ii) that—

(I) is engaged in interstate or foreign commerce; or

(II) purposefully avails itself of the United States market or a portion thereof; and

(iii) for which it is in the regular course of the trade or business of the entity to create, host, or make available content that meets the definition of harmful to minors under paragraph (4) and that is provided by the entity, a user, or other information content provider, with the objective of earning a profit; and

(B) includes an entity described in subparagraph (A) regardless of whether—

(i) the entity earns a profit on the activities described in subparagraph (A)(iii); or

(ii) creating, hosting, or making available content that meets the definition of harmful to minors under paragraph (4) is the sole source of income or principal business of the entity.

(4) HARMFUL TO MINORS.—The term ''harmful to minors'', with respect to a picture, image, graphic image file, film, videotape, or other visual depiction, means that the picture, image, graphic image file, film, videotape, or other depiction—

(A)(i) taken as a whole and with respect to minors, appeals to the prurient interest in nudity, sex, or excretion;

(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and

(iii) taken as a whole, lacks serious, literary, artistic, political, or scientific value as to minors;

(B) is obscene; or

(C) is child pornography.

(5) INFORMATION CONTENT PROVIDER; INTERACTIVE COMPUTER SERVICE.—The terms ''information content provider'' and ''interactive computer service'' have the meanings given those terms in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(6) SEXUAL ACT; SEXUAL CONTACT.—The terms ''sexual act'' and ''sexual contact'' have the meanings given those terms in section 2246 of title 18, United States Code.

(7) TECHNOLOGY VERIFICATION MEASURE.—The term ''technology verification measure'' means technology that—

(A) employs a system or process to determine whether it is more likely than not that a user of a covered platform is a minor; and

(B) prevents access by minors to any content on a covered platform.

(8) TECHNOLOGY VERIFICATION MEASURE DATA.—The term ''technology verification measure data'' means information that—

(A) identifies, is linked to, or is reasonably linkable to an individual or a device that identifies, is linked to, or is reasonably linkable to an individual;

(B) is collected or processed for the purpose of fulfilling a request by an individual to access any content on a covered platform; and

(C) is collected and processed solely for the purpose of utilizing a technology verification measure and meeting the obligations imposed under this title.

SEC. 404. TECHNOLOGY VERIFICATION MEASURES.

(a) COVERED PLATFORM REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of this Act, a covered platform shall adopt and utilize technology verification measures on the platform to ensure that—

(1) users of the covered platform are not minors; and

(2) minors are prevented from accessing any content on the covered platform that is harmful to minors.

(b) REQUIREMENTS FOR AGE VERIFICATION MEASURES.—In order to comply with the requirement of subsection (a), the technology

verification measures adopted and utilized by a covered platform shall do the following:

(1) Use a technology verification measure in order to verify a user's age.

(2) Provide that requiring a user to confirm that the user is not a minor shall not be sufficient to satisfy the requirement of subsection (a).

(3) Make publicly available the verification process that the covered platform is employing to comply with the requirements under this title.

(4) Subject the Internet Protocol (IP) addresses, including known virtual proxy network IP addresses, of all users of a covered platform to the technology verification measure described in paragraph (1) unless the covered platform determines based on available technology that a user is not located within the United States.

(c) CHOICE OF VERIFICATION MEASURES.—A covered platform may choose the specific technology verification measures to employ for purposes of complying with subsection (a), provided that the technology verification measure employed by the covered platform meets the requirements of subsection (b) and prohibits a minor from accessing the platform or any information on the platform that is obscene, child pornography, or harmful to minors.

(d) USE OF THIRD PARTIES.—A covered platform may contract with a third party to employ technology verification measures for purposes of complying with subsection (a) but the use of such a third party shall not relieve the covered platform of its obligations under this title or from liability under this title.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a covered platform to submit to the Commission any information that identifies, is linked to, or is reasonably linkable to a user of the covered platform or a device that identifies, is linked to, or is reasonably linkable to a user of the covered platform.

(f) TECHNOLOGY VERIFICATION MEASURE DATA SECURITY.—A covered platform shall—

(1) establish, implement, and maintain reasonable data security to—

(A) protect the confidentiality, integrity, and accessibility of technology verification measure data collected by the covered platform or a third party employed by the covered platform; and

(B) protect such technology verification measure data against unauthorized access; and

(2) retain the technology verification measure data for no longer than is reasonably necessary to utilize a technology verification measure or what is minimally necessary to demonstrate compliance with the obligations under this title.

SEC. 405. CONSULTATION REQUIREMENTS.

In enforcing the requirements under section 404, the Commission shall consult with the following individuals, including with respect to the applicable standards and metrics for making a determination on whether a user of a covered platform is not a minor:

(1) Individuals with experience in computer science and software engineering.

(2) Individuals with experience in—

(A) advocating for online child safety; or

(B) providing services to minors who have been victimized by online child exploitation.

(3) Individuals with experience in consumer protection and online privacy.

(4) Individuals who supply technology verification measure products or have expertise in technology verification measure solutions.

(5) Individuals with experience in data security and cryptography.

SEC. 406. COMMISSION REQUIREMENTS.

(a) IN GENERAL.—The Commission shall—

(1) conduct regular audits of covered platforms to ensure compliance with the requirements of section 404;

(2) make public the terms and processes for the audits conducted under paragraph (1), including the processes for any third party conducting an audit on behalf of the Commission;

(3) establish a process for each covered platform to submit only such documents or other materials as are necessary for the Commission to ensure full compliance with the requirements of section 404 when conducting audits under this section; and

(4) prescribe the appropriate documents, materials, or other measures required to demonstrate full compliance with the requirements of section 404.

(b) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue guidance to assist covered platforms in complying with the requirements of section 404.

(2) LIMITATIONS ON GUIDANCE.—No guidance issued by the Commission with respect to this title shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this title, the Commission shall allege a specific violation of a provision of this title. The Commission may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate a provision of this title.

SEC. 407. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of section 404 shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall enforce section 404 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title.

(2) PRIVILEGES AND IMMUNITIES.—Any person who violates section 404 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.).

(3) AUTHORITY PRESERVED.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 408. GAO REPORT.

Not later than 2 years after the date on which covered platforms are required to comply with the requirement of section 404(a), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) an analysis of the effectiveness of the technology verification measures required under such section;

(2) an analysis of rates of compliance with such section among covered platforms;

(3) an analysis of the data security measures used by covered platforms in the age verification process;

(4) an analysis of the behavioral, economic, psychological, and societal effects of implementing technology verification measures;

(5) recommendations to the Commission on improving enforcement of section 404(a), if any; and

(6) recommendations to Congress on potential legislative improvements to this title, if any.

SEC. 409. SEVERABILITY CLAUSE.

If any provision of this Act, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remaining provisions of this Act, and the application of such provisions to any other person or circumstance, shall not be affected thereby.

SA 3076. Mr. MARSHALL (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—COOPER DAVIS AND DEVIN NORRING ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Cooper Davis and Devin Norring Act''.

SEC. ___02. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICES FOR CERTAIN CONTROLLED SUBSTANCES VIOLATIONS.

(a) AMENDMENTS TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part E of the Controlled Substances Act (21 U.S.C. 871 et seq.) is amended by adding at the end the following:

''REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICES FOR CERTAIN CONTROLLED SUBSTANCES VIOLATIONS

''SEC. 521. (a) DEFINITIONS.—In this section—

''(1) the term 'electronic communication service' has the meaning given that term in section 2510 of title 18, United States Code;

''(2) the term 'electronic mail address' has the meaning given that term in section 3 of the CAN-SPAM Act of 2003 (15 U.S.C. 7702);

''(3) the term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

''(4) the term 'provider' means an electronic communication service provider or remote computing service;

''(5) the term 'remote computing service' has the meaning given that term in section 2711 of title 18, United States Code; and

''(6) the term 'website' means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.

''(b) DUTY TO REPORT.—

''(1) GENERAL DUTY.—In order to reduce the proliferation of the unlawful sale, distribution, or manufacture (as applicable) of counterfeit substances and certain controlled substances, a provider shall, as soon as reasonably possible after obtaining actual knowledge of any facts or circumstances described in paragraph (2), and in any event not later than 60 days after obtaining such knowledge, submit to the Drug Enforcement Administration a report containing—

''(A) the mailing address, telephone number, facsimile number, and electronic mailing address of, and individual point of contact for, such provider;

''(B) information described in subsection (c) concerning such facts or circumstances; and

''(C) for purposes of subsection (j), information indicating whether the facts or circumstances were discovered through content moderation conducted by a human or via a

non-human method, including use of an algorithm, machine learning, or other means.

''(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances establishing that a crime is being or has already been committed involving—

''(A) creating, manufacturing, distributing, dispensing, or possession with intent to manufacture, distribute, or dispense—

''(i) fentanyl; or

''(ii) methamphetamine;

''(B) creating, manufacturing, distributing, dispensing, or possession with intent to manufacture, distribute, or dispense a counterfeit substance, including a counterfeit substance purporting to be a prescription drug; or

''(C) offering, dispensing, or administering an actual or purported prescription pain medication or prescription stimulant by any individual or entity that is not a practitioner or online pharmacy, including an individual or entity that falsely claims to be a practitioner or online pharmacy.

''(3) PERMITTED ACTIONS BASED ON REASONABLE BELIEF.—In order to reduce the proliferation of the unlawful sale, distribution, or manufacture (as applicable) of counterfeit substances and certain controlled substances, if a provider has a reasonable belief that facts or circumstances described in paragraph (2) exist, the provider may submit to the Drug Enforcement Administration a report described in paragraph (1).

''(c) CONTENTS OF REPORT.—

''(1) IN GENERAL.—To the extent the information is within the custody or control of a provider, the facts or circumstances included in each report under subsection (b)(1)—

''(A) shall include, to the extent that it is applicable and reasonably available, information relating to the account involved in the commission of a crime described in subsection (b)(2), such as the name, address, electronic mail address, user or account identification, Internet Protocol address, uniform resource locator, screen names or monikers for the account used or any other accounts associated with the account user, or any other identifying information, including self-reported identifying information, but not including the contents of a wire communication or electronic communication, as those terms are defined in section 2510 of title 18, United States Code, except as provided in subparagraph (B) of this paragraph; and

''(B) may, at the sole discretion of the provider, include the information described in paragraph (2) of this subsection.

''(2) OTHER INFORMATION.—The information referred to in paragraph (1)(B) is the following:

''(A) HISTORICAL REFERENCE.—Information relating to when and how a user, subscriber, or customer of a provider uploaded, transmitted, or received content relating to the report or when and how content relating to the report was reported to or discovered by the provider, including a date and time stamp and time zone.

''(B) GEOGRAPHIC LOCATION INFORMATION.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified address, or, if not reasonably available, at least one form of geographic identifying information, including area code or ZIP Code, provided by the user, subscriber, or customer, or stored or obtained by the provider, and any information as to whether a virtual private network was used.

''(C) DATA RELATING TO FACTS OR CIRCUMSTANCES.—Any data, including symbols, photos, video, icons, or direct messages, relating to activity involving the facts or circumstances described in subsection (b)(2) or other content relating to the crime.

''(D) COMPLETE COMMUNICATION.—The complete communication containing the information of the crime described in subsection (b)(2), including—

''(i) any data or information regarding the transmission of the communication; and

''(ii) any data or other digital files contained in, or attached to, the communication.

''(3) USER, SUBSCRIBER, OR CUSTOMER SUBMITTED REPORTS.—In the case of a report under subsection (b)(3), the provider may, at its sole discretion, include in the report information submitted to the provider by a user, subscriber, or customer alleging facts or circumstances described in subsection (b)(2) if the provider, upon review, has a reasonable belief that the alleged facts or circumstances exist.

''(d) HANDLING OF REPORTS.—Upon receipt of a report submitted under subsection (b), the Drug Enforcement Administration—

''(1) shall conduct a preliminary review of such report; and

''(2) after completing the preliminary review, shall—

''(A) conduct further investigation of the report, which may include making the report available to other Federal, State, or local law enforcement agencies involved in the investigation of crimes described in subsection (b)(2), if the Drug Enforcement Administration determines that the report facially contains sufficient information to warrant and permit further investigation; or

''(B) conclude that no further investigative steps are warranted or possible, or that insufficient evidence exists to make a determination, and close the report.

''(e) ATTORNEY GENERAL RESPONSIBILITIES.—

''(1) IN GENERAL.—The Attorney General shall enforce this section.

''(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General may designate a Federal law enforcement agency or agencies to which the Drug Enforcement Administration may forward a report under subsection (d).

''(3) DATA MINIMIZATION REQUIREMENTS.—The Attorney General shall take reasonable measures to—

''(A) limit the storage of a report submitted under subsection (b) and its contents to the amount that is necessary to carry out the investigation of crimes described in subsection (b)(2); and

''(B) store a report submitted under subsection (b) and its contents only as long as is reasonably necessary to carry out an investigation of crimes described in subsection (b)(2) or make the report available to other agencies under subsection (d)(2)(A), after which time the report and its contents shall be deleted unless the preservation of a report has future evidentiary value.

''(f) FAILURE TO COMPLY WITH REQUIREMENTS.—

''(1) CRIMINAL PENALTY.—

''(A) OFFENSE.—It shall be unlawful for a provider to knowingly fail to submit a report required under subsection (b)(1).

''(B) PENALTY.—A provider that violates subparagraph (A) shall be fined—

''(i) in the case of an initial violation, not more than $190,000; and

''(ii) in the case of any second or subsequent violation, not more than $380,000.

''(2) CIVIL PENALTY.—In addition to any other available civil or criminal penalty, a provider shall be liable to the United States Government for a civil penalty in an amount not less than $50,000 and not more than $100,000 if the provider knowingly submits a report under subsection (b) that—

''(A) contains materially false or fraudulent information; or

''(B) omits information described in subsection (c)(1)(A) that is reasonably available.

''(g) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to—

''(1) require a provider to monitor any user, subscriber, or customer of that provider;

''(2) require a provider to monitor the content of any communication of any person described in paragraph (1);

''(3) require a provider to affirmatively search, screen, or scan for facts or circumstances described in subsection (b)(2); or

''(4) permit actual knowledge to be proven based solely on a provider's decision not to engage in additional verification or investigation to discover facts and circumstances that are not readily apparent, so long as the provider does not deliberately blind itself to those violations.

''(h) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (d) shall not disclose any information contained in that report.

''(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—A law enforcement agency may disclose information in a report received under subsection (d)—

''(A) to an attorney for the government for use in the performance of the official duties of that attorney, including providing discovery to a defendant;

''(B) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

''(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

''(D) if the report discloses an apparent violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

''(E) to a defendant in a criminal case or the attorney for that defendant to the extent the information relates to a criminal charge pending against that defendant;

''(F) to a provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report;

''(G) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose; and

''(H) in order to facilitate the enforcement of the penalties authorized under subsection (f).

''(i) PRESERVATION.—

''(1) IN GENERAL.—

''(A) REQUEST TO PRESERVE CONTENTS.—

''(i) IN GENERAL.—Subject to clause (ii), for the purposes of this section, a completed submission by a provider of a report to the Drug Enforcement Administration under subsection (b)(1) shall be treated as a request to preserve the contents provided in the report, and any data or other digital files that are reasonably accessible and may provide context or additional information about the reported material or person, for 90 days after the submission to the Drug Enforcement Administration.

''(ii) LIMITATIONS ON EXTENSION OF PRESERVATION PERIOD.—

''(I) STORED COMMUNICATIONS ACT.—The Drug Enforcement Administration may not submit a request to a provider to continue preservation of the contents of a report or

other data described in clause (i) under section 2703(f) of title 18, United States Code, beyond the required period of preservation under clause (i) of this subparagraph unless the Drug Enforcement Administration has an active or pending investigation involving the user, subscriber, or customer account at issue in the report.

''(II) RULE OF CONSTRUCTION.—Nothing in subclause (I) shall preclude another Federal, State, or local law enforcement agency from seeking continued preservation of the contents of a report or other data described in clause (i) under section 2703(f) of title 18, United States Code.

''(B) NOTIFICATION TO USER.—A provider may not notify a user, subscriber, or customer of the provider of a preservation request described in subparagraph (A) unless—

''(i) the provider has notified the Drug Enforcement Administration of its intent to provide that notice; and

''(ii) 45 business days have elapsed since the notification under clause (i).

''(2) PROTECTION OF PRESERVED MATERIALS.—A provider preserving materials under this section shall maintain the materials in a secure location and take appropriate steps to limit access to the materials by agents or employees of the service to that access necessary to comply with the requirements of this subsection.

''(3) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703 of title 18, United States Code.

''(4) RELATION TO REPORTING REQUIREMENT.—Submission of a report as required by subsection (b)(1) does not satisfy the obligations under this subsection.

''(j) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Cooper Davis and Devin Norring Act, and annually thereafter, the Drug Enforcement Administration shall publish a report that includes, for the reporting period—

''(1) the total number of reports received from providers under subsection (b)(1);

''(2) the number of reports received under subsection (b)(1) disaggregated by—

''(A) the provider on whose electronic communication service or remote computing service the crime for which there are facts or circumstances occurred; and

''(B) the subsidiary of a provider, if any, on whose electronic communication service or remote computing service the crime for which there are facts or circumstances occurred;

''(3) the number of reports received under subsection (b)(1) that led to convictions in cases investigated by the Drug Enforcement Administration;

''(4) the number of reports received under subsection (b)(1) that lacked actionable information;

''(5) the number of reports received under subsection (b)(1) where the facts or circumstances of a crime were discovered through—

''(A) content moderation conducted by a human; or

''(B) a non-human method including use of an algorithm, machine learning, or other means;

''(6) the number of reports received under subsection (b)(1) that were made available to other law enforcement agencies, disaggregated by—

''(A) the number of reports made available to Federal law enforcement agencies;

''(B) the number of reports made available to State law enforcement agencies; and

''(C) the number of reports made available to local law enforcement agencies; and

''(7) the number of requests to providers to continue preservation of the contents of a report or other data described in subsection (i)(1)(A)(i) submitted by the Drug Enforcement Administration under section 2703(f) of title 18, United States Code.

''(k) PROHIBITION ON SUBMISSION OF USER, SUBSCRIBER, CUSTOMER, OR ANONYMOUS REPORTS BY LAW ENFORCEMENT.—

''(1) IN GENERAL.—No Federal, Tribal, State, or local law enforcement officer acting in an official capacity may submit a report to a provider or arrange for another individual to submit a report to a provider on behalf of the officer under this section.

''(2) REMEDY FOR VIOLATION.—No part of the contents of a provider's report made under subsection (b)(1) or (b)(3) and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof if that provider report resulted from an action prohibited by paragraph (1) of this subsection.

''(l) EXEMPTIONS.—Subsections (b) through (k) shall not apply to a provider of broadband internet access service, as that term is defined in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation), or a provider of a text messaging service, as that term is defined in section 227 of the Communications Act of 1934 (47 U.S.C. 227), insofar as the provider is acting as a provider of such service.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after the item relating to section 520 the following:

''Sec. 521. Reporting requirements of electronic communication service providers and remote computing services for certain controlled substances violations.''.

(b) CONFORMING AMENDMENTS TO STORED COMMUNICATIONS ACT.—

(1) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (8), by striking ''or'' at the end;

(ii) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(10) to the Drug Enforcement Administration, in connection with a report submitted thereto under section 521 of the Controlled Substances Act.''; and

(B) in subsection (c)—

(i) in paragraph (6), by striking ''or'' at the end;

(ii) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(8) to the Drug Enforcement Administration, in connection with a report submitted thereto under section 521 of the Controlled Substances Act.''.

(2) TECHNICAL AMENDMENT.—Paragraph (7) of section 2702(b) of title 18, United States Code, is amended to read as follows:

''(7) to a law enforcement agency if the contents—

''(A) were inadvertently obtained by the service provider; and

''(B) appear to pertain to the commission of a crime;''.

SEC. ____03. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of such a provision or amendment to any person or circumstance, is held to be unconstitutional, the remaining provisions of this Act and amendments made by this Act, and the application of such provision or amendment to any other person or circumstance, shall not be affected thereby.

SA 3077. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____ TARGETING CHILD PREDATORS.

(a) NONDISCLOSURE OF ADMINISTRATIVE SUBPOENAS.—Section 3486(a) of title 18, United States Code, is amended—

(1) by striking ''the Secretary of the Treasury'' each place it appears and inserting ''the Secretary of Homeland Security'';

(2) in paragraph (5), by striking ''ordered by a court''; and

(3) in paragraph (6)—

(A) in subparagraph (A), by striking ''A United States'' and inserting ''Except as provided in subparagraph (D), a United States''; and

(B) by adding at the end the following:

''(D)(i)(I) If a subpoena issued under this section as described in paragraph (1)(A)(i)(II) is accompanied by a certification under subclause (II) of this clause and notice of the right to judicial review under clause (iii) of this subparagraph, no recipient of such a subpoena shall disclose to any person that the Federal official who issued the subpoena has sought or obtained access to information or records under this section, for a period of 180 days.

''(II) The requirements of subclause (I) shall apply if the Federal official who issued the subpoena certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(aa) endangering the life or physical safety of an individual;

''(bb) flight from prosecution;

''(cc) destruction of or tampering with evidence;

''(dd) intimidation of potential witnesses; or

''(ee) otherwise seriously jeopardizing an investigation.

''(ii)(I) A recipient of a subpoena under this section as described in paragraph (1)(A)(i)(II) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(aa) those persons to whom disclosure is necessary in order to comply with the request;

''(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

''(cc) other persons as permitted by the Federal official who issued the subpoena.

''(II) A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a subpoena is issued under this section in the same manner as the person to whom the subpoena was issued.

''(III) Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

''(IV) At the request of the Federal official who issued the subpoena, any person making or intending to make a disclosure under item (aa) or (cc) of subclause (I) shall identify to the individual making the request under this clause the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(iii)(I) A nondisclosure requirement imposed under clause (i) shall be subject to judicial review under section 3486A.

''(II) A subpoena issued under this section as described in paragraph (1)(A)(i)(II), in connection with which a nondisclosure requirement under clause (i) is imposed, shall include notice of the availability of judicial review described in subclause (I).

''(iv) A nondisclosure requirement imposed under clause (i) may be extended in accordance with section 3486A(a)(4).''.

(b) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENTS.—

(1) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by inserting after section 3486 the following:

''§ 3486A. Judicial review of nondisclosure requirements

''(a) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a subpoena under section 3486 as described in subsection (a)(1)(A)(i)(II) of section 3486 wishes to have a court review a nondisclosure requirement imposed in connection with the subpoena, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a)(5) of section 3486.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant subpoena. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the subpoena is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the subpoena is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Federal official who issued the subpoena indicating that the absence of a prohibition of disclosure under this subsection may result in—

''(A) endangering the life or physical safety of an individual;

''(B) flight from prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses; or

''(E) otherwise seriously jeopardizing an investigation.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period may result in—

''(A) endangering the life or physical safety of an individual;

''(B) flight from prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses; or

''(E) otherwise seriously jeopardizing an investigation.

''(4) EXTENSION.—Upon a showing that the circumstances described in subparagraphs (A) through (E) of paragraph (3) continue to exist, a district court of the United States may issue an ex parte order extending a nondisclosure order imposed under this subsection or under section 3486(a)(6)(D) for additional periods of 180 days, or, if the court determines that the circumstances necessitate a longer period of nondisclosure, for additional periods which are longer than 180 days.

''(b) CLOSED HEARINGS.—In all proceedings under this section, subject to any right to an open hearing in a contempt proceeding, the court must close any hearing to the extent necessary to prevent an unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 3486. Petitions, filings, records, orders, certifications, and subpoenas must also be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a subpoena under section 3486.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3486 the following:

''3486A. Judicial review of nondisclosure requirements.''.

SA 3078. Mr. THUNE (for Mr. LEE) submitted an amendment intended to be proposed by Mr. Thune to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

Strike title I and insert the following:

TITLE I—KIDS ONLINE SAFETY

SEC. 101. DEFINITIONS.

In this title:

(1) CHILD.—The term ''child'' means an individual who is under the age of 13.

(2) COMPULSIVE USAGE.—The term ''compulsive usage'' means any response stimulated by external factors that causes an individual to engage in repetitive behavior reasonably likely to cause psychological distress.

(3) COVERED PLATFORM.—

(A) IN GENERAL.—The term ''covered platform'' means an online platform, online video game, messaging application, or video streaming service that connects to the internet and that is used, or is reasonably likely to be used, by a minor.

(B) EXCEPTIONS.—The term ''covered platform'' does not include—

(i) an entity acting in its capacity as a provider of—

(I) a common carrier service subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and all Acts amendatory thereof and supplementary thereto;

(II) a broadband internet access service (as such term is defined for purposes of section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation);

(III) an email service;

(IV) a teleconferencing or video conferencing service that allows reception and transmission of audio or video signals for real-time communication, provided that—

(aa) the service is not an online platform, including a social media service or social network; and

(bb) the real-time communication is initiated by using a unique link or identifier to facilitate access; or

(V) a wireless messaging service, including such a service provided through short messaging service or multimedia messaging service protocols, that is not a component of, or linked to, an online platform and where the predominant or exclusive function is direct messaging consisting of the transmission of text, photos or videos that are sent by electronic means, where messages are transmitted from the sender to a recipient, and are not posted within an online platform or publicly;

(ii) an organization not organized to carry on business for its own profit or that of its members;

(iii) any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education;

(iv) a library (as defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)));

(v) a news or sports coverage website or app where—

(I) the inclusion of video content on the website or app is related to the website or app's own gathering, reporting, or publishing of news content or sports coverage; and

(II) the website or app is not otherwise an online platform;

(vi) a product or service that primarily functions as business-to-business software, a cloud storage, file sharing, or file collaboration service, provided that the product or service is not an online platform; or

(vii) a virtual private network or similar service that exists solely to route internet traffic between locations.

(4) DESIGN FEATURE.—The term ''design feature'' means any feature or component of a covered platform that will encourage or increase the frequency, time spent, or activity of minors on the covered platform. Design features include—

(A) infinite scrolling or auto play;

(B) rewards for time spent on the platform;

(C) notifications;

(D) personalized recommendation systems;

(E) in-game purchases; or

(F) appearance altering filters.

(5) GEOLOCATION.—The term ''geolocation'' means information sufficient to identify street name and name of a city or town.

(6) INDIVIDUAL-SPECIFIC ADVERTISING TO MINORS.—

(A) IN GENERAL.—The term ''individual-specific advertising to minors'' means advertising or any other effort to market a product or service that is directed to a specific minor or a device that is linked or reasonably linkable to a minor based on—

(i) the personal data of—

(I) the minor; or

(II) a group of minors who are similar in sex, age, income level, race, or ethnicity to the specific minor to whom the product or service is marketed;

(ii) profiling of a minor or group of minors; or

(iii) a unique identifier of the device.

(B) EXCLUSIONS.—The term ''individual-specific advertising to minors'' shall not include—

(i) advertising or marketing to an individual or the device of an individual in response to the individual's specific request for information or feedback, such as a minor's current search query;

(ii) contextual advertising, such as when an advertisement is displayed based on the content of the covered platform on which the advertisement appears and does not vary based on personal data related to the viewer;

(iii) processing personal data solely for measuring or reporting advertising or content performance, reach, or frequency, including independent measurement;

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a covered platform that knows an individual is under the age of 17 from delivering advertising or marketing that is age-appropriate for the individual involved and intended for a child or teen audience (as applicable), so long as the covered platform does not use any personal data other than whether the user is under the age of 17 to deliver such advertising or marketing.

(7) KNOW OR KNOWS.—The term ''know'' or ''knows'' means to have actual knowledge or knowledge fairly implied on the basis of objective circumstances.

(8) MENTAL HEALTH DISORDER.—The term ''mental health disorder'' has the meaning given the term ''mental disorder'' in the Diagnostic and Statistical Manual of Mental Health Disorders, 5th Edition (or the most current successor edition).

(9) MICROTRANSACTION.—

(A) IN GENERAL.—The term ''microtransaction'' means a purchase made in an online video game (including a purchase made using a virtual currency that is purchasable or redeemable using cash or credit or that is included as part of a paid subscription service).

(B) INCLUSIONS.—Such term includes a purchase involving surprise mechanics, new characters, or in-game items.

(C) EXCLUSIONS.—Such term does not include—

(i) a purchase made in an online video game using a virtual currency that is earned through gameplay and is not otherwise purchasable or redeemable using cash or credit or included as part of a paid subscription service; or

(ii) a purchase of additional levels within the game or an overall expansion of the game.

(10) MINOR.—The term ''minor'' means an individual who is under the age of 17.

(11) ONLINE PLATFORM.—The term ''online platform'' means any public-facing website, online service, online application, or mobile application that predominantly provides a community forum for user generated content, such as sharing videos, images, games, audio files, or other content, including a social media service, social network, or virtual reality environment.

(12) ONLINE VIDEO GAME.—The term ''online video game'' means a video game, including an educational video game, that connects to the internet and that—

(A) allows a user to—

(i) create and upload content other than content that is incidental to gameplay, such as character or level designs created by the user, preselected phrases, or short interactions with other users;

(ii) engage in microtransactions within the game; or

(iii) communicate with other users; or

(B) incorporates individual-specific advertising to minors.

(13) PARENT.—The term ''parent'' has the meaning given that term in section 1302 of the Children's Online Privacy Protection Act (15 U.S.C. 6501).

(14) PERSONAL DATA.—The term ''personal data'' has the same meaning as the term ''personal information'' as defined in section 1302 of the Children's Online Privacy Protection Act (15 U.S.C. 6501).

(15) PERSONALIZED RECOMMENDATION SYSTEM.—The term ''personalized recommendation system'' means a fully or partially automated system used to suggest, promote, or rank content, including other users, hashtags, or posts, based on the personal data of users. A recommendation system that suggests, promotes, or ranks content based solely on the user's language, city or town, or age shall not be considered a personalized recommendation system.

(16) SEXUAL EXPLOITATION AND ABUSE.—The term ''sexual exploitation and abuse'' means any of the following:

(A) Coercion and enticement, as described in section 2422 of title 18, United States Code.

(B) Child sexual abuse material, as described in sections 2251, 2252, 2252A, and 2260 of title 18, United States Code.

(C) Trafficking for the production of images, as described in section 2251A of title 18, United States Code.

(D) Sex trafficking of children, as described in section 1591 of title 18, United States Code.

(17) USER.—The term ''user'' means, with respect to a covered platform, an individual who registers an account or creates a profile on the covered platform.

SEC. 102. DUTY OF CARE.

(a) PREVENTION OF HARM TO MINORS.—A covered platform shall exercise reasonable care in the creation and implementation of any design feature to prevent and mitigate the following harms to minors:

(1) Consistent with evidence-informed medical information, content that is distributed with the intent to exacerbate the following mental health disorders: anxiety, depression, eating disorders, substance use disorders, and suicidal behaviors.

(2) Patterns of use that indicate or encourage addiction-like behaviors by minors.

(3) Physical violence, online bullying, and harassment of the minor.

(4) Sexual exploitation and abuse of minors.

(5) Promotion and marketing of narcotic drugs (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol.

(6) Promotion and marketing of obscene matter (as that term is used in section 1470 of title 18, United States Code).

(7) Predatory, unfair, or deceptive marketing practices, or other financial harms.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to require a covered platform to prevent or preclude any minor from—

(1) deliberately and independently searching for, or specifically requesting, content; or

(2) accessing resources and information regarding the prevention or mitigation of the harms described in subsection (a).

SEC. 103. SAFEGUARDS FOR MINORS.

(a) SAFEGUARDS FOR MINORS.—

(1) SAFEGUARDS.—A covered platform shall provide a user or visitor that the covered platform knows is a minor with readily-accessible and easy-to-use safeguards to, as applicable—

(A) limit the ability of other users or visitors to communicate with the minor;

(B) prevent other users or visitors, whether registered or not, from viewing the minor's personal data collected by or shared on the covered platform, in particular restricting public access to personal data;

(C) limit design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform, such as infinite scrolling, auto playing, rewards for time spent on the platform, notifications, and other design features that result in compulsive usage of the covered platform by the minor;

(D) control personalized recommendation systems, including the ability for a minor to have at least 1 of the following options—

(i) opt out of such personalized recommendation systems, while still allowing the display of content based on a chronological format; or

(ii) limit types or categories of recommendations from such systems; and

(E) restrict the sharing of the geolocation of the minor and provide notice regarding the tracking of the minor's geolocation.

(2) OPTIONS.—A covered platform shall provide a user that the covered platform knows is a minor with readily-accessible and easy-to-use options to—

(A) delete the minor's account and delete any personal data collected from, or shared by, the minor on the covered platform; or

(B) limit the amount of time spent by the minor on the covered platform.

(3) DEFAULT SAFEGUARD SETTINGS FOR MINORS.—A covered platform shall provide that, in the case of a user or visitor that the platform knows is a minor, the default setting for any safeguard described under paragraph (1) shall be the option available on the platform that provides the most protective level of control that is offered by the platform over privacy and safety for that user or visitor.

(b) PARENTAL TOOLS.—

(1) TOOLS.—A covered platform shall provide readily-accessible and easy-to-use settings for parents to support a user that the platform knows is a minor with respect to the user's use of the platform.

(2) REQUIREMENTS.—The parental tools provided by a covered platform shall include—

(A) the ability to manage a minor's privacy and account settings, including the safeguards and options established under subsection (a), in a manner that allows parents to—

(i) view the privacy and account settings; and

(ii) in the case of a user that the platform knows is a child, change and control the privacy and account settings;

(B) the ability to restrict purchases and financial transactions by the minor, where applicable; and

(C) the ability to view metrics of total time spent on the covered platform and restrict time spent on the covered platform by the minor.

(3) NOTICE TO MINORS.—A covered platform shall provide clear and conspicuous notice to a user when the tools described in this subsection are in effect and what settings or controls have been applied.

(4) DEFAULT TOOLS.—A covered platform shall provide that, in the case of a user that the platform knows is a child, the tools required under paragraph (1) shall be enabled by default.

(5) APPLICATION TO EXISTING ACCOUNTS.—If, prior to the effective date of this subsection, a covered platform provided a parent of a user that the platform knows is a child with notice and the ability to enable the parental tools described under this subsection in a manner that would otherwise comply with this subsection, and the parent opted out of enabling such tools, the covered platform is not required to enable such tools with respect to such user by default when this subsection takes effect.

(c) REPORTING MECHANISM.—

(1) REPORTS SUBMITTED BY PARENTS, MINORS, AND SCHOOLS.—A covered platform shall provide—

(A) a readily-accessible and easy-to-use means to submit reports to the covered platform of harms to a minor;

(B) an electronic point of contact specific to matters involving harms to a minor; and

(C) confirmation of the receipt of such a report and, within the applicable time period described in paragraph (2), a substantive response to the individual that submitted the report.

(2) TIMING.—A covered platform shall establish an internal process to receive and substantively respond to such reports in a reasonable and timely manner, but in no case later than—

(A) 10 days after the receipt of a report, if, for the most recent calendar year, the platform averaged more than 10,000,000 active users on a monthly basis in the United States;

(B) 21 days after the receipt of a report, if, for the most recent calendar year, the platform averaged less than 10,000,000 active users on a monthly basis in the United States; and

(C) notwithstanding subparagraphs (A) and (B), if the report involves an imminent threat to the safety of a minor, as promptly as needed to address the reported threat to safety.

(d) ADVERTISING OF ILLEGAL PRODUCTS.—A covered platform shall not facilitate the advertising of narcotic drugs (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol to an individual that the covered platform knows is a minor.

(e) RULES OF APPLICATION.—

(1) ACCESSIBILITY.—With respect to safeguards and parental tools described under subsections (a) and (b), a covered platform shall provide—

(A) information and control options in a clear and conspicuous manner that takes into consideration the differing ages, capacities, and developmental needs of the minors most likely to access the covered platform and does not encourage minors or parents to weaken or disable safeguards or parental tools;

(B) readily-accessible and easy-to-use controls to enable or disable safeguards or parental tools, as appropriate; and

(C) information and control options in the same language, form, and manner as the covered platform provides the product or service used by minors and their parents.

(2) DARK PATTERNS PROHIBITION.—It shall be unlawful for any covered platform to design, modify, or manipulate a user interface of a covered platform with the purpose or substantial effect of subverting or impairing user autonomy, decision-making, or choice with respect to safeguards or parental tools required under this section.

(3) TIMING CONSIDERATIONS.—

(A) NO INTERRUPTION TO GAMEPLAY.—Subsections (a)(1)(C) and (b)(3) shall not require an online video game to interrupt the natural sequence of game play, such as progressing through game levels or finishing a competition.

(B) APPLICATION OF CHANGES TO OFFLINE DEVICES OR ACCOUNTS.—If a user's device or user account does not have access to the internet at the time of a change to parental tools, a covered platform shall apply changes the next time the device or user is connected to the internet.

(4) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) prevent a covered platform from taking reasonable measures to—

(i) block, detect, or prevent the distribution of unlawful, obscene, or other harmful material to minors as described in section 102(a); or

(ii) block or filter spam, prevent criminal activity, or protect the security of a platform or service;

(B) require the disclosure of a minor's browsing behavior, search history, messages, contact list, or other content or metadata of their communications;

(C) prevent a covered platform from using a personalized recommendation system to display content to a minor if the system only uses information on—

(i) the language spoken by the minor;

(ii) the city the minor is located in; or

(iii) the minor's age; or

(D) prevent an online video game from disclosing a username or other user identification for the purpose of competitive gameplay or to allow for the reporting of users.

(f) DEVICE OR CONSOLE CONTROLS.—

(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a covered platform from integrating its products or service with, or duplicate controls or tools provided by, third-party systems, including operating systems or gaming consoles, to meet the requirements imposed under subsections (a) and (b) relating to safeguards for minors and parental tools, provided that—

(A) the controls or tools meet such requirements; and

(B) the minor or parent is provided sufficient notice of the integration and use of the parental tools.

(2) PRESERVATION OF PROTECTIONS.—In the event of a conflict between the controls or tools of a third-party system, including operating systems or gaming consoles, and a covered platform, the covered platform is not required to override the controls or tools of a third-party system if it would undermine the protections for minors from the safeguards or parental tools imposed under subsections (a) and (b).

SEC. 104. DISCLOSURE.

(a) NOTICE.—

(1) REGISTRATION OR PURCHASE.—Prior to registration or purchase of a covered platform by an individual that the platform knows is a minor, the platform shall provide clear, conspicuous, and easy-to-understand—

(A) notice of the policies and practices of the covered platform with respect to personal data and safeguards for minors;

(B) information about how to access the safeguards and parental tools required under section 103; and

(C) notice about whether the covered platform uses or makes available to minors a product, service, or design feature, including any personalized recommendation system, that poses any heightened risk of harm to minors.

(2) NOTIFICATION.—

(A) NOTICE AND ACKNOWLEDGMENT.—In the case of an individual that a covered platform knows is a child, the platform shall additionally provide information about the parental tools and safeguards required under section 103 to a parent of the child and obtain verifiable parental consent (as defined in section 1302(9) of the Children's Online Privacy Protection Act (15 U.S.C. 6501(9))) from the parent prior to the initial use of the covered platform by the child.

(B) REASONABLE EFFORT.—A covered platform shall be deemed to have satisfied the requirement described in subparagraph (A) if the covered platform is in compliance with the requirements of the Children's Online Privacy Protection Act (15 U.S.C. 6501 et seq.) to use reasonable efforts (taking into consideration available technology) to provide a parent with the information described in subparagraph (A) and to obtain verifiable parental consent as required.

(3) CONSOLIDATED NOTICES.—For purposes of this title, a covered platform may consolidate the process for providing information under this subsection and obtaining verifiable parental consent or the consent of the minor involved (as applicable) as required under this subsection with its obligations to provide relevant notice and obtain verifiable consent under the Children's Online Privacy Protection Act (15 U.S.C. 6501 et seq.).

(4) GUIDANCE.—The Federal Trade Commission may issue guidance to assist covered platforms in complying with the specific notice requirements of this subsection.

(b) PERSONALIZED RECOMMENDATION SYSTEM.—A covered platform that operates a personalized recommendation system shall set out in its terms and conditions, in a clear, conspicuous, and easy-to-understand manner—

(1) an overview of how such personalized recommendation system is used by the covered platform to provide information to minors, including how such systems use the personal data of minors; and

(2) information about options for minors or their parents to opt out of or control the personalized recommendation system (as applicable).

(c) ADVERTISING AND MARKETING INFORMATION AND LABELS.—

(1) INFORMATION AND LABELS.—A covered platform that facilitates advertising aimed at users that the platform knows are minors shall provide clear, conspicuous, and easy-to-understand labels and information, which can be provided through a link to another web page or disclosure, to minors on advertisements regarding—

(A) the name of the product, service, or brand and the subject matter of an advertisement;

(B) if the covered platform engages in individual-specific advertising to minors, why a particular advertisement is directed to a specific minor, including material information about how the minor's personal data is used to direct the advertisement to the minor; and

(C) whether particular media displayed to the minor is an advertisement or marketing material, including disclosure of endorsements of products, services, or brands made for commercial consideration by other users of the platform.

(2) GUIDANCE.—The Federal Trade Commission may issue guidance to assist covered platforms in complying with the requirements of this subsection, including guidance about the minimum level of information and labels for the disclosures required under paragraph (1).

(d) RESOURCES FOR PARENTS AND MINORS.—A covered platform shall provide to minors and parents clear, conspicuous, easy-to-understand, and comprehensive information in a prominent location, which may include a link to a web page, regarding—

(1) its policies and practices with respect to personal data and safeguards for minors; and

(2) how to access the safeguards and tools required under section 103.

(e) RESOURCES IN ADDITIONAL LANGUAGES.—A covered platform shall ensure, to the extent practicable, that the disclosures required by this section are made available in the same language, form, and manner as the covered platform provides any product or service used by minors and their parents.

SEC. 105. TRANSPARENCY.

(a) IN GENERAL.—Subject to subsection (b), not less frequently than once a year, a covered platform shall issue a public report describing the reasonably foreseeable risks of harms to minors and assessing the prevention and mitigation measures taken to address such risk based on an independent, third-party audit conducted through reasonable inspection of the covered platform.

(b) SCOPE OF APPLICATION.—The requirements of this section shall apply to a covered platform if—

(1) for the most recent calendar year, the platform averaged more than 10,000,000 active users on a monthly basis in the United States; and

(2) the platform predominantly provides a community forum for user-generated content and discussion, including sharing videos, images, games, audio files, discussion in a virtual setting, or other content, such as acting as a social media platform, virtual reality environment, or a social network service.

(c) CONTENT.—

(1) TRANSPARENCY.—The public reports required of a covered platform under this section shall include—

(A) an assessment of the extent to which the platform is likely to be accessed by minors;

(B) a description of the commercial interests of the covered platform in use by minors;

(C) an accounting, based on the data held by the covered platform, of—

(i) the number of users using the covered platform that the platform knows to be minors in the United States;

(ii) the median and mean amounts of time spent on the platform by users known to be minors in the United States who have accessed the platform during the reporting year on a daily, weekly, and monthly basis; and

(iii) the amount of content being accessed by users that the platform knows to be minors in the United States that is in English, and the top 5 non-English languages used by users accessing the platform in the United States;

(D) an accounting of total reports received regarding, and the prevalence (which can be based on scientifically valid sampling methods using the content available to the covered platform in the normal course of business) of content related to, the harms described in section 102(a), disaggregated by category of harm and language, including English and the top 5 non-English languages used by users accessing the platform from the United States (as identified under subparagraph (C)(iii)); and

(E) a description of any material breaches of parental tools or assurances regarding minors, representations regarding the use of the personal data of minors, and other matters regarding non-compliance with this title.

(2) REASONABLY FORESEEABLE RISK OF HARM TO MINORS.—The public reports required of a covered platform under this section shall include—

(A) an assessment of the reasonably foreseeable risk of harms to minors posed by the covered platform, specifically identifying those physical, mental, developmental, or financial harms described in section 102(a);

(B) a description of whether and how the covered platform uses design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform, such as infinite scrolling, auto playing, rewards for time spent on the platform, notifications, and other design features that result in compulsive usage of the covered platform by the minor;

(C) a description of whether, how, and for what purpose the platform collects or processes categories of personal data that may cause reasonably foreseeable risk of harms to minors;

(D) an evaluation of the efficacy of safeguards for minors and parental tools under section 103, and any issues in delivering such safeguards and the associated parental tools;

(E) an evaluation of any other relevant matters of public concern over risk of harms to minors associated with the use of the covered platform; and

(F) an assessment of differences in risk of harm to minors across different English and non-English languages and efficacy of safeguards in those languages.

(3) MITIGATION.—The public reports required of a covered platform under this section shall include, for English and the top 5 non-English languages used by users accessing the platform from the United States (as identified under paragraph (2)(C)(iii)))—

(A) a description of the safeguards and parental tools available to minors and parents on the covered platform;

(B) a description of interventions by the covered platform when it had or has reason to believe that harms to minors could occur;

(C) a description of the prevention and mitigation measures intended to be taken in response to the known and emerging risks identified in its assessment of reasonably foreseeable risks of harms to minors, including steps taken to—

(i) prevent harms to minors, including adapting or removing design features or addressing through parental tools;

(ii) provide the most protective level of control over privacy and safety by default; and

(iii) adapt recommendation systems to mitigate reasonably foreseeable risk of harms to minors, as described in section 102(a);

(D) a description of internal processes for handling reports and automated detection mechanisms for harms to minors, including the rate, timeliness, and effectiveness of responses under the requirement of section 103(c);

(E) the status of implementing prevention and mitigation measures identified in prior assessments; and

(F) a description of the additional measures to be taken by the covered platform to address the circumvention of safeguards for minors and parental tools.

(d) REASONABLE INSPECTION.—In conducting an inspection of the reasonably foreseeable risk of harm to minors under this section, an independent, third-party auditor shall—

(1) take into consideration the function of personalized recommendation systems;

(2) consult parents and youth experts, including youth and families with relevant past or current experience, public health and mental health nonprofit organizations, health and development organizations, and civil society with respect to the prevention of harms to minors;

(3) conduct research based on experiences of minors that use the covered platform, including reports under section 103(c) and information provided by law enforcement;

(4) take account of research, including research regarding design features, marketing, or product integrity, industry best practices, or outside research;

(5) consider indicia or inferences of age of users, in addition to any self-declared information about the age of users; and

(6) take into consideration differences in risk of reasonably foreseeable harms and effectiveness of safeguards across English and non-English languages.

(e) COOPERATION WITH INDEPENDENT, THIRD-PARTY AUDIT.—To facilitate the report required by subsection (c), a covered platform shall—

(1) provide or otherwise make available to the independent third-party conducting the audit all information and material in its possession, custody, or control that is relevant to the audit;

(2) provide or otherwise make available to the independent third-party conducting the audit access to all network, systems, and assets relevant to the audit; and

(3) disclose all relevant facts to the independent third-party conducting the audit, and not misrepresent in any manner, expressly or by implication, any relevant fact.

(f) PRIVACY SAFEGUARDS.—

(1) IN GENERAL.—In issuing the public reports required under this section, a covered platform shall take steps to safeguard the privacy of its users, including ensuring that data is presented in a de-identified, aggregated format such that it is not reasonably linkable to any user.

(2) RULE OF CONSTRUCTION.—This section shall not be construed to require the disclosure of information that will lead to material vulnerabilities for the privacy of users or the security of a covered platform's service or create a significant risk of the violation of Federal or State law.

(3) DEFINITION OF DE-IDENTIFIED.—As used in this subsection, the term ''de-identified'' means data that does not identify and is not linked or reasonably linkable to a device that is linked or reasonably linkable to an individual, regardless of whether the information is aggregated

(g) LOCATION.—The public reports required under this section should be posted by a covered platform on an easy to find location on a publicly-available website.

SEC. 106. RESEARCH ON SOCIAL MEDIA AND MINORS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) NATIONAL ACADEMY.—The term ''National Academy'' means the National Academy of Sciences.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) RESEARCH ON SOCIAL MEDIA HARMS.—Not later than 12 months after the date of enactment of this Act, the Commission shall seek to enter into a contract with the National Academy, under which the National Academy shall conduct no less than 5 scientific, comprehensive studies and reports on the risk of harms to minors by use of social media and other online platforms, including in English and non-English languages.

(c) MATTERS TO BE ADDRESSED.—In contracting with the National Academy, the Commission, in consultation with the Secretary, shall seek to commission separate studies and reports, using the Commission's authority under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)), on the relationship between social media and other online platforms as defined in this title on the following matters:

(1) Anxiety, depression, eating disorders, and suicidal behaviors.

(2) Substance use disorders and the use of narcotic drugs, tobacco products, gambling, or alcohol by minors.

(3) Sexual exploitation and abuse.

(4) Addiction-like use of social media and design factors that lead to unhealthy and harmful overuse of social media.

(d) ADDITIONAL STUDY.—Not earlier than 4 years after enactment, the Commission shall seek to enter into a contract with the National Academy under which the National Academy shall conduct an additional study and report covering the matters described in subsection (c) for the purposes of providing additional information, considering new research, and other matters.

(e) CONTENT OF REPORTS.— The comprehensive studies and reports conducted pursuant to this section shall seek to evaluate impacts and advance understanding, knowledge, and remedies regarding the harms to minors posed by social media and other online platforms, and may include recommendations related to public policy.

(f) ACTIVE STUDIES.—If the National Academy is engaged in any active studies on the matters described in subsection (c) at the time that it enters into a contract with the Commission to conduct a study under this section, it may base the study to be conducted under this section on the active study, so long as it otherwise incorporates the requirements of this section.

(g) COLLABORATION.—In designing and conducting the studies under this section, the

Commission, the Secretary, and the National Academy shall consult with the Surgeon General and the Kids Online Safety Council.

(h) ACCESS TO DATA.—

(1) FACT-FINDING AUTHORITY.—The Commission may issue orders under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) to require covered platforms to provide reports, data, or answers in writing as necessary to conduct the studies required under this section.

(2) SCOPE.—In exercising its authority under paragraph (1), the Commission may issue orders to no more than 5 covered platforms per study under this section.

(3) CONFIDENTIAL ACCESS.—Notwithstanding section 6(f) or 21 of the Federal Trade Commission Act (15 U.S.C. 46, 57b–2), the Commission shall enter in agreements with the National Academy to share appropriate information received from a covered platform pursuant to an order under such subsection (b) for a comprehensive study under this section in a confidential and secure manner, and to prohibit the disclosure or sharing of such information by the National Academy. Nothing in this paragraph shall be construed to preclude the disclosure of any such information if authorized or required by any other law.

SEC. 107. MARKET RESEARCH.

(a) MARKET RESEARCH BY COVERED PLATFORMS.—The Federal Trade Commission, in consultation with the Secretary of Commerce, shall issue guidance for covered platforms seeking to conduct market- and product-focused research on minors. Such guidance shall include—

(1) a standard consent form that provides minors and their parents a clear, conspicuous, and easy-to-understand explanation of the scope and purpose of the research to be conducted that is available in English and the top 5 non-English languages used in the United States;

(2) information on how to obtain informed consent from the parent of a minor prior to conducting such market- and product-focused research; and

(3) recommendations for research practices for studies that may include minors, disaggregated by the age ranges of 0-5, 6-9, 10-12, and 13-16.

(b) TIMING.—The Federal Trade Commission shall issue such guidance not later than 18 months after the date of enactment of this Act. In doing so, they shall seek input from members of the public and the representatives of the Kids Online Safety Council established under section 111.

SEC. 108. AGE VERIFICATION STUDY AND REPORT.

(a) STUDY.—The Secretary of Commerce, in coordination with the Federal Communications Commission and the Federal Trade Commission, shall conduct a study evaluating the most technologically feasible methods and options for developing systems to verify age at the device or operating system level.

(b) CONTENTS.—Such study shall consider —

(1) the benefits of creating a device or operating system level age verification system;

(2) what information may need to be collected to create this type of age verification system;

(3) the accuracy of such systems and their impact or steps to improve accessibility, including for individuals with disabilities;

(4) how such a system or systems could verify age while mitigating risks to user privacy and data security and safeguarding minors' personal data, emphasizing minimizing the amount of data collected and processed by covered platforms and age verification providers for such a system;

(5) the technical feasibility, including the need for potential hardware and software changes, including for devices currently in commerce and owned by consumers; and

(6) the impact of different age verification systems on competition, particularly the risk of different age verification systems creating barriers to entry for small companies.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the agencies described in subsection (a) shall submit a report containing the results of the study conducted under such subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 109. GUIDANCE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission, in consultation with the Kids Online Safety Council established under section 111, shall issue guidance to—

(1) provide information and examples for covered platforms and auditors regarding the following, with consideration given to differences across English and non-English languages—

(A) identifying design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform;

(B) safeguarding minors against the possible misuse of parental tools;

(C) best practices in providing minors and parents the most protective level of control over privacy and safety;

(D) using indicia or inferences of age of users for assessing use of the covered platform by minors;

(E) methods for evaluating the efficacy of safeguards set forth in this title; and

(F) providing additional parental tool options that allow parents to address the harms described in section 102(a); and

(2) outline conduct that does not have the purpose or substantial effect of subverting or impairing user autonomy, decision-making, or choice, or of causing, increasing, or encouraging compulsive usage for a minor, such as—

(A) de minimis user interface changes derived from testing consumer preferences, including different styles, layouts, or text, where such changes are not done with the purpose of weakening or disabling safeguards or parental tools;

(B) algorithms or data outputs outside the control of a covered platform; and

(C) establishing default settings that provide enhanced privacy protection to users or otherwise enhance their autonomy and decision-making ability.

(b) GUIDANCE ON KNOWLEDGE STANDARD.—Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission shall issue guidance to provide information, including best practices and examples, for covered platforms to understand how the Commission would determine whether a covered platform ''had knowledge fairly implied on the basis of objective circumstances'' for purposes of this title.

(c) LIMITATION ON FEDERAL TRADE COMMISSION GUIDANCE.—

(1) EFFECT OF GUIDANCE.—No guidance issued by the Federal Trade Commission with respect to this title shall—

(A) confer any rights on any person, State, or locality; or

(B) operate to bind the Federal Trade Commission or any court, person, State, or locality to the approach recommended in such guidance.

(2) USE IN ENFORCEMENT ACTIONS.—In any enforcement action brought pursuant to this title, the Federal Trade Commission or a State attorney general, as applicable—

(A) shall allege a violation of a provision of this title; and

(B) may not base such enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with guidance issued by the Federal Trade Commission with respect to this title, unless the practices are alleged to violate a provision of this title.

For purposes of enforcing this title, State attorneys general shall take into account any guidance issued by the Commission under subsection (b).

SEC. 110. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of this title shall be treated as a violation of a rule defining an unfair or deceptive act or practice 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 Federal Trade Commission (referred to in this section as the ''Commission'') shall enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates this title 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.).

(3) AUTHORITY PRESERVED.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

(b) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—

(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that a covered platform has violated or is violating section 103, 104, or 105, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States or a State court of appropriate jurisdiction to—

(i) enjoin any practice that violates section 103, 104, or 105;

(ii) enforce compliance with section 103, 104, or 105;

(iii) on behalf of residents of the State, obtain damages, restitution, or other compensation, each of which shall be distributed in accordance with State law; or

(iv) obtain such other relief as the court may consider to be appropriate.

(B) NOTICE.—

(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Commission—

(I) written notice of that action; and

(II) a copy of the complaint for that action.

(ii) EXEMPTION.—

(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph if the attorney general of the State determines that it is not feasible to provide the notice described in that clause before the filing of the action.

(II) NOTIFICATION.—In an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(2) INTERVENTION.—

(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Commission shall have

the right to intervene in the action that is the subject of the notice.

(B) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under paragraph (1), it shall have the right—

(i) to be heard with respect to any matter that arises in that action; and

(ii) to file a petition for appeal.

(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(4) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of this title, no State may, during the pendency of that action, institute a separate action under paragraph (1) against any defendant named in the complaint in the action instituted by or on behalf of the Commission for that violation.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) a State court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1) in a district court of the United States, process may be served wherever defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) LIMITATION.—A violation of section 102 shall not form the basis of liability in any action brought by the attorney general of a State under a State law.

SEC. 111. KIDS ONLINE SAFETY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall establish and convene the Kids Online Safety Council for the purpose of providing advice on matters related to this title.

(b) PARTICIPATION.—The Kids Online Safety Council shall include diverse participation from—

(1) academic experts, health professionals, and members of civil society with expertise in mental health, substance use disorders, harm reduction as it relates to early exposures to pornographic material, and the prevention of harms to minors;

(2) representatives in academia and civil society with specific expertise in privacy, free expression, access to information, and civil liberties;

(3) parents and youth representation;

(4) representatives of covered platforms;

(5) representatives of the National Telecommunications and Information Administration, the National Institute of Standards and Technology, the Federal Trade Commission, the Department of Justice, and the Department of Health and Human Services;

(6) State attorneys general or their designees acting in State or local government;

(7) educators; and

(8) representatives of faith-based organizations.

(c) ACTIVITIES.—The matters to be addressed by the Kids Online Safety Council shall include—

(1) identifying emerging or current risks of harms to minors associated with online platforms;

(2) recommending measures and methods for assessing, preventing, and mitigating harms to minors online;

(3) recommending methods and themes for conducting research regarding online harms to minors, including in English and non-English languages; and

(4) recommending best practices and clear, consensus-based technical standards for transparency reports and audits, as required under this title, including methods, criteria, and scope to promote overall accountability.

(d) NON-APPLICABILITY OF FACA.—The Kids Online Safety Council shall not be subject to chapter 10 of title 5, United States Code (commonly referred to as the ''Federal Advisory Committee Act'').

SEC. 112. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 113. RULES OF CONSTRUCTION AND OTHER MATTERS.

(a) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall be construed to—

(1) preempt section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ''Family Educational Rights and Privacy Act of 1974'') or other Federal or State laws governing student privacy;

(2) preempt the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.) or any rule or regulation promulgated under such Act;

(3) authorize any action that would conflict with section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)); or

(4) expand or limit the scope of section 230 of the Communications Act of 1934 (commonly known as ''section 230 of the Communications Decency Act of 1996'') (47 U.S.C. 230).

(b) DETERMINATION OF ''FAIRLY IMPLIED ON THE BASIS OF OBJECTIVE CIRCUMSTANCES''.—For purposes of enforcing this title, in making a determination as to whether covered platform has knowledge fairly implied on the basis of objective circumstances that a specific user is a minor, the Federal Trade Commission or a State attorney general shall rely on competent and reliable evidence, taking into account the totality of the circumstances, including whether a reasonable and prudent person under the circumstances would have known that the user is a minor.

(c) PROTECTIONS FOR PRIVACY.—Nothing in this title, including a determination described in subsection (b), shall be construed to require—

(1) the affirmative collection of any personal data with respect to the age of users that a covered platform is not already collecting in the normal course of business; or

(2) a covered platform to implement an age gating or age verification functionality.

(d) COMPLIANCE.—Nothing in this title shall be construed to restrict a covered platform's ability to—

(1) cooperate with law enforcement agencies regarding activity that the covered platform reasonably and in good faith believes may violate Federal, State, or local laws, rules, or regulations;

(2) comply with a lawful civil, criminal, or regulatory inquiry, subpoena, or summons by Federal, State, local, or other government authorities; or

(3) investigate, establish, exercise, respond to, or defend against legal claims.

(e) APPLICATION TO VIDEO STREAMING SERVICES.—A video streaming service shall be deemed to be in compliance with this title if it predominantly consists of news, sports, entertainment, or other video programming content that is preselected by the provider and not user-generated, and—

(1) any chat, comment, or interactive functionality is provided incidental to, directly related to, or dependent on provision of such content;

(2) if such video streaming service requires account owner registration and is not predominantly news or sports, the service includes the capability—

(A) to limit a minor's access to the service, which may utilize a system of age-rating;

(B) to limit the automatic playing of on-demand content selected by a personalized recommendation system for an individual that the service knows is a minor;

(C) to provide an individual that the service knows is a minor with readily-accessible and easy-to-use options to delete an account held by the minor and delete any personal data collected from the minor on the service, or, in the case of a service that allows a parent to create a profile for a minor, to allow a parent to delete the minor's profile, and to delete any personal data collected from the minor on the service;

(D) for a parent to manage a minor's privacy and account settings, and restrict purchases and financial transactions by a minor, where applicable;

(E) to provide an electronic point of contact specific to matters described in this paragraph;

(F) to offer a clear, conspicuous, and easy-to-understand notice of its policies and practices with respect to personal data and the capabilities described in this paragraph; and

(G) when providing on-demand content, to employ measures that safeguard against serving advertising for narcotic drugs (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol directly to the account or profile of an individual that the service knows is a minor.

(f) APPLICATION TO PARTICULAR VIEWPOINTS.—Nothing in this title shall be construed to require a covered platform to alter a design feature in such a manner that would result in particular viewpoints being throttled, suppressed, or censored.

SA 3079. Mr. THUNE (for Mr. LEE) submitted an amendment intended to be proposed by Mr. Thune to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

After title III, add the following:

TITLE IV—SCREEN ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Shielding Children's Retinas from Egregious Exposure on the Net Act'' or the ''SCREEN Act''.

SEC. 402. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Over the 3 decades preceding the date of enactment of this Act, Congress has passed several bills to protect minors from access to online pornographic content, including title V of the Telecommunications Act of 1996 (Public Law 104–104) (commonly known as the ''Communications Decency Act''), section 231 of the Communications Act of 1934 (47 U.S.C. 231) (commonly known as the ''Child Online Protection Act''), and the Children's Internet Protection Act (title XVII of division B of Public Law 106–554).

(2) With the exception of the Children's Internet Protection Act (title XVII of division B of Public Law 106–554), the Supreme Court of the United States has struck down

the previous efforts of Congress to shield children from pornographic content, finding that such legislation constituted a ''compelling government interest'' but that it was not the least restrictive means to achieve such interest. In Ashcroft v. ACLU, 542 U.S. 656 (2004), the Court even suggested at the time that ''blocking and filtering software'' could conceivably be a ''primary alternative'' to the requirements passed by Congress.

(3) In the nearly 2 decades since the Supreme Court of the United States suggested the use of ''blocking and filtering software'', such technology has proven to be ineffective in protecting minors from accessing online pornographic content. The Kaiser Family Foundation has found that filters do not work on 1 in 10 pornography sites accessed intentionally and 1 in 3 pornography sites that are accessed unintentionally. Further, it has been proven that children are able to bypass ''blocking and filtering'' software by employing strategic searches or measures to bypass the software completely.

(4) Additionally, Pew Research has revealed studies showing that only 39 percent of parents use blocking or filtering software for their minor's online activities, meaning that 61 percent of children only have restrictions on their internet access when they are at school or at a library.

(5) 17 States have now recognized pornography as a public health hazard that leads to a broad range of individual harms, societal harms, and public health impacts.

(6) It is estimated that 80 percent of minors between the ages of 12 to 17 have been exposed to pornography, with 54 percent of teenagers seeking it out. The internet is the most common source for minors to access pornography with pornographic websites receiving more web traffic in the United States than Twitter, Netflix, Pinterest, and LinkedIn combined.

(7) Exposure to online pornography has created unique psychological effects for minors, including anxiety, addiction, low self-esteem, body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among minors to engage in risky sexual behavior.

(8) The Supreme Court of the United States has recognized on multiple occasions that Congress has a ''compelling government interest'' to protect the physical and psychological well-being of minors, which includes shielding them from ''indecent'' content that may not necessarily be considered ''obscene'' by adult standards.

(9) Because ''blocking and filtering software'' has not produced the results envisioned nearly 2 decades ago, it is necessary for Congress to pursue alternative policies to enable the protection of the physical and psychological well-being of minors.

(10) The evolution of our technology has now enabled the use of age verification technology that is cost efficient, not unduly burdensome, and can be operated narrowly in a manner that ensures only adults have access to a website's online pornographic content.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) shielding minors from access to online pornographic content is a compelling government interest that protects the physical and psychological well-being of minors; and

(2) requiring interactive computer services that are in the business of creating, hosting, or making available pornographic content to enact technological measures that shield minors from accessing pornographic content on their platforms is the least restrictive means for Congress to achieve its compelling government interest.

SEC. 403. DEFINITIONS.

In this title:

(1) CHILD PORNOGRAPHY; MINOR.—The terms ''child pornography'' and ''minor'' have the meanings given those terms in section 2256 of title 18, United States Code.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) COVERED PLATFORM.—The term ''covered platform''—

(A) means an entity—

(i) that is an interactive computer service;

(ii) that—

(I) is engaged in interstate or foreign commerce; or

(II) purposefully avails itself of the United States market or a portion thereof; and

(iii) for which it is in the regular course of the trade or business of the entity to create, host, or make available content that meets the definition of harmful to minors under paragraph (4) and that is provided by the entity, a user, or other information content provider, with the objective of earning a profit; and

(B) includes an entity described in subparagraph (A) regardless of whether—

(i) the entity earns a profit on the activities described in subparagraph (A)(iii); or

(ii) creating, hosting, or making available content that meets the definition of harmful to minors under paragraph (4) is the sole source of income or principal business of the entity.

(4) HARMFUL TO MINORS.—The term ''harmful to minors'', with respect to a picture, image, graphic image file, film, videotape, or other visual depiction, means that the picture, image, graphic image file, film, videotape, or other depiction—

(A)(i) taken as a whole and with respect to minors, appeals to the prurient interest in nudity, sex, or excretion;

(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and

(iii) taken as a whole, lacks serious, literary, artistic, political, or scientific value as to minors;

(B) is obscene; or

(C) is child pornography.

(5) INFORMATION CONTENT PROVIDER; INTERACTIVE COMPUTER SERVICE.—The terms ''information content provider'' and ''interactive computer service'' have the meanings given those terms in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(6) SEXUAL ACT; SEXUAL CONTACT.—The terms ''sexual act'' and ''sexual contact'' have the meanings given those terms in section 2246 of title 18, United States Code.

(7) TECHNOLOGY VERIFICATION MEASURE.—The term ''technology verification measure'' means technology that—

(A) employs a system or process to determine whether it is more likely than not that a user of a covered platform is a minor; and

(B) prevents access by minors to any content on a covered platform.

(8) TECHNOLOGY VERIFICATION MEASURE DATA.—The term ''technology verification measure data'' means information that—

(A) identifies, is linked to, or is reasonably linkable to an individual or a device that identifies, is linked to, or is reasonably linkable to an individual;

(B) is collected or processed for the purpose of fulfilling a request by an individual to access any content on a covered platform; and

(C) is collected and processed solely for the purpose of utilizing a technology verification measure and meeting the obligations imposed under this title.

SEC. 404. TECHNOLOGY VERIFICATION MEASURES.

(a) COVERED PLATFORM REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of this Act, a covered platform shall adopt and utilize technology verification measures on the platform to ensure that—

(1) users of the covered platform are not minors; and

(2) minors are prevented from accessing any content on the covered platform that is harmful to minors.

(b) REQUIREMENTS FOR AGE VERIFICATION MEASURES.—In order to comply with the requirement of subsection (a), the technology verification measures adopted and utilized by a covered platform shall do the following:

(1) Use a technology verification measure in order to verify a user's age.

(2) Provide that requiring a user to confirm that the user is not a minor shall not be sufficient to satisfy the requirement of subsection (a).

(3) Make publicly available the verification process that the covered platform is employing to comply with the requirements under this title.

(4) Subject the Internet Protocol (IP) addresses, including known virtual proxy network IP addresses, of all users of a covered platform to the technology verification measure described in paragraph (1) unless the covered platform determines based on available technology that a user is not located within the United States.

(c) CHOICE OF VERIFICATION MEASURES.—A covered platform may choose the specific technology verification measures to employ for purposes of complying with subsection (a), provided that the technology verification measure employed by the covered platform meets the requirements of subsection (b) and prohibits a minor from accessing the platform or any information on the platform that is obscene, child pornography, or harmful to minors.

(d) USE OF THIRD PARTIES.—A covered platform may contract with a third party to employ technology verification measures for purposes of complying with subsection (a) but the use of such a third party shall not relieve the covered platform of its obligations under this title or from liability under this title.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a covered platform to submit to the Commission any information that identifies, is linked to, or is reasonably linkable to a user of the covered platform or a device that identifies, is linked to, or is reasonably linkable to a user of the covered platform.

(f) TECHNOLOGY VERIFICATION MEASURE DATA SECURITY.—A covered platform shall—

(1) establish, implement, and maintain reasonable data security to—

(A) protect the confidentiality, integrity, and accessibility of technology verification measure data collected by the covered platform or a third party employed by the covered platform; and

(B) protect such technology verification measure data against unauthorized access; and

(2) retain the technology verification measure data for no longer than is reasonably necessary to utilize a technology verification measure or what is minimally necessary to demonstrate compliance with the obligations under this title.

SEC. 405. CONSULTATION REQUIREMENTS.

In enforcing the requirements under section 404, the Commission shall consult with the following individuals, including with respect to the applicable standards and metrics for making a determination on whether a user of a covered platform is not a minor:

(1) Individuals with experience in computer science and software engineering.

(2) Individuals with experience in—

(A) advocating for online child safety; or

(B) providing services to minors who have been victimized by online child exploitation.

(3) Individuals with experience in consumer protection and online privacy.

(4) Individuals who supply technology verification measure products or have expertise in technology verification measure solutions.

(5) Individuals with experience in data security and cryptography.

SEC. 406. COMMISSION REQUIREMENTS.

(a) IN GENERAL.—The Commission shall—

(1) conduct regular audits of covered platforms to ensure compliance with the requirements of section 404;

(2) make public the terms and processes for the audits conducted under paragraph (1), including the processes for any third party conducting an audit on behalf of the Commission;

(3) establish a process for each covered platform to submit only such documents or other materials as are necessary for the Commission to ensure full compliance with the requirements of section 404 when conducting audits under this section; and

(4) prescribe the appropriate documents, materials, or other measures required to demonstrate full compliance with the requirements of section 404.

(b) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue guidance to assist covered platforms in complying with the requirements of section 404.

(2) LIMITATIONS ON GUIDANCE.—No guidance issued by the Commission with respect to this title shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this title, the Commission shall allege a specific violation of a provision of this title. The Commission may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate a provision of this title.

SEC. 407. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of section 404 shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall enforce section 404 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title.

(2) PRIVILEGES AND IMMUNITIES.—Any person who violates section 404 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.).

(3) AUTHORITY PRESERVED.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 408. GAO REPORT.

Not later than 2 years after the date on which covered platforms are required to comply with the requirement of section 404(a), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) an analysis of the effectiveness of the technology verification measures required under such section;

(2) an analysis of rates of compliance with such section among covered platforms;

(3) an analysis of the data security measures used by covered platforms in the age verification process;

(4) an analysis of the behavioral, economic, psychological, and societal effects of implementing technology verification measures;

(5) recommendations to the Commission on improving enforcement of section 404(a), if any; and

(6) recommendations to Congress on potential legislative improvements to this title, if any.

SEC. 409. SEVERABILITY CLAUSE.

If any provision of this Act, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remaining provisions of this Act, and the application of such provisions to any other person or circumstance, shall not be affected thereby.

SA 3080. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—TAKE IT DOWN ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act'' or the ''TAKE IT DOWN Act''.

SEC. 402. CRIMINAL PROHIBITION ON INTENTIONAL DISCLOSURE OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) by redesignating subsection (h) as subsection (i); and

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

''(h) INTENTIONAL DISCLOSURE OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.—

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

''(A) CONSENT.—The term 'consent' means an affirmative, conscious, and voluntary authorization made by an individual free from force, fraud, duress, misrepresentation, or coercion.

''(B) DEEPFAKE.—The term 'deepfake' means a video or image that is generated or substantially modified using machine-learning techniques or any other computer-generated or machine-generated means to falsely depict an individual's appearance or conduct within an intimate visual depiction.

''(C) IDENTIFIABLE INDIVIDUAL.—

''(i) IN GENERAL.—The term 'identifiable individual' means an individual—

''(I) who appears in whole or in part in an intimate visual depiction; and

''(II) whose face, likeness, or other distinguishing characteristic (including a unique birthmark or other recognizable feature) is displayed in connection with such intimate visual depiction.

''(ii) APPEARS.—For purposes of clause (i), an individual appears in an intimate visual depiction if—

''(I) the individual is actually the individual identified in the intimate visual depiction; or

''(II) a deepfake of the individual is used to realistically depict the individual such that a reasonable person would believe the individual is actually depicted in the intimate visual depiction.

''(D) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' has the meaning given the term in section 230.

''(E) INTIMATE VISUAL DEPICTION.—The term 'intimate visual depiction' has the meaning given such term in section 1309 of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851).

''(F) MINOR.—The term 'minor' means any individual under the age of 18 years.

''(2) OFFENSE.—

''(A) INVOLVING ADULTS.—Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish an intimate visual depiction of an identifiable individual who is not a minor if—

''(i) the intimate visual depiction was obtained or created under circumstances in which the person knew or reasonably should have known the identifiable individual had a reasonable expectation of privacy;

''(ii) what is depicted was not voluntarily exposed by the identifiable individual in a public or commercial setting;

''(iii) what is depicted is not a matter of public concern; and

''(iv) publication of the intimate visual depiction—

''(I) is intended to cause harm; or

''(II) causes harm, including psychological, financial, or reputational harm, to the identifiable individual.

''(B) INVOLVING MINORS.—Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish an intimate visual depiction of an identifiable individual who is a minor with intent to—

''(i) abuse, humiliate, harass, or degrade the minor; or

''(ii) arouse or gratify the sexual desire of any person.

''(C) EXCEPTIONS.—Subparagraphs (A) and (B) shall not apply to—

''(i) a lawfully authorized investigative, protective, or intelligence activity of—

''(I) a law enforcement agency of the United States, a State, or a political subdivision of a State; or

''(II) an intelligence agency of the United States;

''(ii) a disclosure made reasonably and in good faith—

''(I) to a law enforcement officer or agency;

''(II) as part of a document production or filing associated with a legal proceeding;

''(III) as part of medical education, diagnosis, or treatment or for a legitimate medical, scientific, or education purpose; or

''(IV) in the reporting of unlawful content or unsolicited or unwelcome conduct or in pursuance of a legal, professional, or other lawful obligation; or

''(V) to seek support or help with respect to the receipt of an unsolicited intimate visual depiction;

''(iii) a disclosure reasonably intended to assist the identifiable individual; or

''(iv) a person who possesses or publishes an intimate visual depiction of himself or herself engaged in nudity or sexually explicit conduct (as that term is defined in section 2256(2)(A) of title 18, United States Code).

''(3) PENALTIES.—

''(A) OFFENSES INVOLVING ADULTS.—Any person who violates paragraph (2)(A) shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(B) OFFENSES INVOLVING MINORS.—Any person who violates paragraph (2)(B) shall be fined under title 18, United States Code, imprisoned not more than 3 years, or both.

''(4) RULES OF CONSTRUCTION.—For purposes of paragraph (2)—

''(A) the fact that the identifiable individual provided consent for the creation of the intimate visual depiction shall not establish that the individual provided consent for the publication of the intimate visual depiction; and

''(B) the fact that the identifiable individual disclosed the intimate visual depiction to another individual shall not establish that the identifiable individual provided consent for the publication of the intimate visual depiction by the person alleged to have violated paragraph (2).

''(5) THREATS.—Any person who intentionally threatens to commit an offense under paragraph (2) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be punished as provided in paragraph (3).

''(6) FORFEITURE.—

''(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of subparagraph (2), shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that the person forfeit to the United States—

''(i) any material distributed in violation of that paragraph;

''(ii) the person's interest in property, real or personal, constituting or derived from any gross proceeds of the violation, or any property traceable to such property, obtained or retained directly or indirectly as a result of the violation; and

''(iii) any personal property of the person used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the violation.

''(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), shall apply to the criminal forfeiture of property under subparagraph (A).

''(7) RESTITUTION.—The court shall order restitution for an offense under paragraph (2) in the same manner as under section 2264 of title 18, United States Code.''.

(b) DEFENSES.—Section 223(e)(1) of the Communications Act of 1934 (47 U.S.C. 223(e)(1)) is amended by striking ''or (d)'' and inserting '', (d), or (h)''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Subsection (i) of section 223 of the Communications Act of 1934 (47 U.S.C. 223), as so redesignated by subsection (a), is amended by inserting ''DEFINITIONS.—'' before ''For purposes of this section''.

SEC. 403. NOTICE AND REMOVAL OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—

(1) NOTICE AND REMOVAL PROCESS.—

(A) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, a covered platform shall establish a process whereby an identifiable individual (or an authorized representative of such individual) may—

(i) notify the covered platform of an intimate visual depiction published on the covered platform that—

(I) includes a depiction of the identifiable individual; and

(II) was published without the consent of the identifiable individual; and

(ii) submit a request for the covered platform to remove such intimate visual depiction.

(B) REQUIREMENTS.—A notification and request for removal of an intimate visual depiction submitted under the process established under subparagraph (A) shall include, in writing—

(i) a physical or electronic signature of the identifiable individual (or an authorized representative of such individual);

(ii) an identification of the intimate visual depiction of the identifiable individual; and

(iii) a brief statement that the identifiable individual has a good faith belief that any intimate visual depiction identified under clause (ii) is not consensual, including any relevant information for the covered platform to determine the intimate visual depiction was published without the consent of the identifiable individual.

(2) NOTICE OF PROCESS.—A covered platform shall provide on the platform a clear and conspicuous notice of the notice and removal process established under paragraph (1)(A).

(3) REMOVAL OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.—Upon receiving a valid removal request from an identifiable individual (or an authorized representative of such individual) using the process described in paragraph (1)(A)(ii), a covered platform shall remove the intimate visual depiction and make reasonable efforts to remove any identical copies of such depiction as soon as possible, but not later than 48 hours after receiving such request.

(4) LIMITATION ON LIABILITY.—A covered platform shall not be liable for any claim based on the covered platform's good faith disabling of access to, or removal of, material claimed to be a nonconsensual intimate visual depiction based on facts or circumstances from which the unlawful publishing of an intimate visual depiction is apparent, regardless of whether the intimate visual depiction is ultimately determined to be unlawful or not.

(b) ENFORCEMENT BY THE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (D), 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 who violates this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) AUTHORITY PRESERVED.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

(D) SCOPE OF JURISDICTION.—Notwithstanding sections 4, 5(a)(2), or 6 of the Federal Trade Commission Act (15 U.S.C. 44, 45(a)(2), 46), or any jurisdictional limitation of the Commission, the Commission shall also enforce this section in the same manner provided in subparagraph (A), with respect to organizations that are not organized to carry on business for their own profit or that of their members.

SEC. 404. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) CONSENT; DEEPFAKE; IDENTIFIABLE INDIVIDUAL; INTIMATE VISUAL DEPICTION.—The terms ''consent'', ''deepfake'', ''identifiable individual'', ''intimate visual depiction'', and ''minor'' have the meaning given such terms in section 223(h) of the Communications Act of 1934 (47 U.S.C. 223), as added by section 402.

(3) COVERED PLATFORM.—

(A) IN GENERAL.—The term ''covered platform'' means a website, online service, online application, or mobile application that—

(i) serves the public; and

(ii) primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files.

(B) EXCLUSIONS.—The term ''covered platform'' shall not include the following:

(i) A provider of broadband internet access service (as described in section 8.1(b) of title 47, Code of Federal Regulations, or successor regulation).

(ii) Electronic mail.

(iii) An online service, application, or website—

(I) that consists primarily of content that is not user generated but is preselected by the provider of such online service, application, or website; and

(II) for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described in subclause (I).

SA 3081. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6, line 25, strike ''or'' and all that follows through ''circumstances'' on page 7, line 2.

SA 3082. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, 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 shall be construed to grant the Federal Trade Commission or the Kids Online Safety Council the authority to promulgate regulations or issue guidance beyond those required to prevent the targeted abuse of minors.

SA 3083. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, 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.

All speech protected by the First Amendment of the Constitution shall be exempt from all regulations and restrictions imposed by this Act.

SA 3084. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, 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, nor any regulation promulgated or guidance issued by the Federal Trade Commission or the Kids Online Safety Council, shall be construed to exceed the regulations and requirements applicable to broadcast television.

SA 3085. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, 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, nor any regulation promulgated thereunder by the Federal Trade Commission or the Kids Online Safety Council, shall be construed to apply to political, social, or religious speech.

SA 3086. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102.

SA 3087. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kids Online Safety and Privacy Act''.

SEC. 2. RESEARCH ON SOCIAL MEDIA AND MINORS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) NATIONAL ACADEMY.—The term ''National Academy'' means the National Academy of Sciences.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) RESEARCH ON SOCIAL MEDIA HARMS.—Not later than 12 months after the date of enactment of this Act, the Commission shall seek to enter into a contract with the National Academy, under which the National Academy shall conduct no less than 5 scientific, comprehensive studies and reports on the risk of harms to minors by use of social media and other online platforms, including in English and non-English languages.

(c) MATTERS TO BE ADDRESSED.—In contracting with the National Academy, the Commission, in consultation with the Secretary, shall seek to commission separate studies and reports, using the Commission's authority under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)), on the relationship between social media and other online platforms as defined in this subtitle on the following matters:

(1) Anxiety, depression, eating disorders, and suicidal behaviors.

(2) Substance use disorders and the use of narcotic drugs, tobacco products, gambling, or alcohol by minors.

(3) Sexual exploitation and abuse.

(4) Addiction-like use of social media and design factors that lead to unhealthy and harmful overuse of social media.

(d) ADDITIONAL STUDY.—Not earlier than 4 years after enactment, the Commission shall seek to enter into a contract with the National Academy under which the National Academy shall conduct an additional study and report covering the matters described in subsection (c) for the purposes of providing additional information, considering new research, and other matters.

(e) CONTENT OF REPORTS.— The comprehensive studies and reports conducted pursuant to this section shall seek to evaluate impacts and advance understanding, knowledge, and remedies regarding the harms to minors posed by social media and other online platforms, and may include recommendations related to public policy.

(f) ACTIVE STUDIES.—If the National Academy is engaged in any active studies on the matters described in subsection (c) at the time that it enters into a contract with the Commission to conduct a study under this section, it may base the study to be conducted under this section on the active study, so long as it otherwise incorporates the requirements of this section.

(g) COLLABORATION.—In designing and conducting the studies under this section, the Commission, the Secretary, and the National Academy shall consult with the Surgeon General and the Kids Online Safety Council.

(h) ACCESS TO DATA.—

(1) FACT-FINDING AUTHORITY.—The Commission may issue orders under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) to require covered platforms to provide reports, data, or answers in writing as necessary to conduct the studies required under this section.

(2) SCOPE.—In exercising its authority under paragraph (1), the Commission may issue orders to no more than 5 covered platforms per study under this section.

(3) CONFIDENTIAL ACCESS.—Notwithstanding section 6(f) or 21 of the Federal Trade Commission Act (15 U.S.C. 46, 57b–2), the Commission shall enter in agreements with the National Academy to share appropriate information received from a covered platform pursuant to an order under such subsection (b) for a comprehensive study under this section in a confidential and secure manner, and to prohibit the disclosure or sharing of such information by the National Academy. Nothing in this paragraph shall be construed to preclude the disclosure of any such information if authorized or required by any other law.

SEC. 3. AGE VERIFICATION STUDY AND REPORT.

(a) STUDY.—The Secretary of Commerce, in coordination with the Federal Communications Commission and the Federal Trade Commission, shall conduct a study evaluating the most technologically feasible methods and options for developing systems to verify age at the device or operating system level.

(b) CONTENTS.—Such study shall consider—

(1) the benefits of creating a device or operating system level age verification system;

(2) what information may need to be collected to create this type of age verification system;

(3) the accuracy of such systems and their impact or steps to improve accessibility, including for individuals with disabilities;

(4) how such a system or systems could verify age while mitigating risks to user privacy and data security and safeguarding minors' personal data, emphasizing minimizing the amount of data collected and processed by covered platforms and age verification providers for such a system;

(5) the technical feasibility, including the need for potential hardware and software changes, including for devices currently in commerce and owned by consumers; and

(6) the impact of different age verification systems on competition, particularly the risk of different age verification systems creating barriers to entry for small companies.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the agencies described in subsection (a) shall submit a report containing the results of the study conducted under such subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SA 3088. Ms. KLOBUCHAR (for herself and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—FULFILLING PROMISES TO AFGHAN ALLIES

SEC. 401. DEFINITIONS.

In this title:

(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 Homeland Security and Governmental Affairs of the Senate;

(F) the Committee on the Judiciary of the House of Representatives;

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Committee on Armed Services of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

(J) the Committee on Homeland Security 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) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) 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) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by section 406(a).

(5) 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.

(6) 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. 402. SUPPORT FOR AFGHAN ALLIES OUTSIDE 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 the Secretary of State considers necessary.

SEC. 403. 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 and 216A of the Immigration and Nationality Act (8 U.S.C. 1186a, 1186b), 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;

(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—

(I) such parole has not been terminated by the Secretary upon written notice; and

(II) the alien did not enter the United States at a location between ports of entry along the southwest land border; and

(E) is admissible to the United States as an immigrant under the applicable immigration laws, including eligibility for waivers of grounds of inadmissibility to the extent provided by the immigration laws and the terms of this section.

(b) CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.—

(1) ADJUSTMENT OF STATUS TO CONDITIONAL PERMANENT RESIDENT STATUS.—Beginning on the date of the enactment of this Act, the Secretary—

(A) may adjust the status of each eligible individual to that of an alien lawfully admitted for permanent residence status, subject to the procedures established by the Secretary to determine eligibility for conditional permanent resident status; and

(B) shall create for each eligible individual who is granted adjustment of status under this section 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, or July 30, 2021, whichever is later,

unless the Secretary determines, on a case-by-case basis, that such individual is inadmissible under any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility as provided by this title or by the immigration laws.

(2) CONDITIONAL BASIS.—An individual who obtains lawful permanent resident status under this section shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(c) CONDITIONAL PERMANENT RESIDENT STATUS DESCRIBED.—

(1) ASSESSMENT.—

(A) IN GENERAL.—Before granting conditional permanent resident status to an eligible individual under subsection (b)(1), the Secretary 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 inadmissible under any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility under paragraph (2)(C) or the immigration laws.

(B) CONSULTATION.—In conducting an assessment under subparagraph (A), the Secretary may consult with the head of any other relevant agency and review the holdings of any such agency.

(2) REMOVAL OF CONDITIONS.—

(A) IN GENERAL.—Not earlier than the date described in subparagraph (B), the Secretary may remove the conditional basis of the status of an individual granted conditional permanent resident status under this section unless the Secretary determines, on a case-by-case basis, that such individual is inadmissible under any ground of inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and is not eligible for a waiver of such grounds of inadmissibility under subparagraph (C) or the immigration laws.

(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 the 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), to determine eligibility for conditional permanent resident status under subsection (b) or removal of conditions under this paragraph, the Secretary may waive the application of the grounds of inadmissibility under 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 may not waive under clause (i) the application of subparagraphs (C) through (E) and (G) through (H) of paragraph (2), or paragraph (3), of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to expand or limit any other waiver authority applicable under the immigration laws to an individual who is otherwise eligible for adjustment of status.

(D) TIMELINE.—Not later than 180 days after the date described in subparagraph (B), the Secretary shall, to the greatest extent practicable, remove conditions as to all individuals granted conditional permanent resident status under this section who are eligible for removal of conditions.

(3) TREATMENT OF CONDITIONAL BASIS OF STATUS PERIOD FOR PURPOSES OF NATURALIZATION.—An individual in conditional permanent resident status under this section 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, provided that, no alien granted conditional permanent resident status shall be naturalized unless the alien's conditions have been removed under this section.

(d) TERMINATION OF CONDITIONAL PERMANENT RESIDENT STATUS.—Conditional permanent resident status shall terminate on, as applicable—

(1) the date on which the Secretary removes the conditions pursuant to subsection (c)(2), on which date the alien shall be lawfully admitted for permanent residence without conditions;

(2) the date on which the Secretary determines that the alien was not an eligible individual under subsection (a)(2) as of the date that such conditional permanent resident status was granted, on which date of the Secretary's determination the alien shall no longer be an alien lawfully admitted for permanent residence; or

(3) the date on which the Secretary determines pursuant to subsection (c)(2) that the alien is not eligible for removal of conditions, on which date the alien shall no longer be an alien lawfully admitted for permanent residence.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary at any time to place in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) any alien who has conditional permanent resident status under this section, if the alien is deportable under section 237 of such Act (8 U.S.C. 1227) under a ground of deportability applicable to an alien who has been lawfully admitted for permanent residence.

(f) PAROLE EXPIRATION TOLLED.—The expiration date of a period of parole shall not apply to an individual under consideration for conditional permanent resident status under this section, until such time as the Secretary has determined whether to issue conditional permanent resident status.

(g) PERIODIC NONADVERSARIAL MEETINGS.—

(1) IN GENERAL.—Not later than 180 days after the date on which an individual is conferred conditional permanent resident status under this section, and periodically thereafter, the Office of Refugee Resettlement shall make available opportunities for the individual to participate in a nonadversarial meeting, during which an official of the Office of Refugee Resettlement (or an agency funded by the Office) shall—

(A) on request by the individual, assist the individual in a referral or application for applicable benefits administered by the Department of Health and Human Services and completing any applicable paperwork; and

(B) answer any questions regarding eligibility for other benefits administered by the United States Government.

(2) NOTIFICATION OF REQUIREMENTS.—Not later than 7 days before the date on which a meeting under paragraph (1) is scheduled to occur, the Secretary of Health and Human

Services shall provide notice to the individual that includes the date of the scheduled meeting and a description of the process for rescheduling the meeting.

(3) CONDUCT OF MEETING.—The Secretary of Health and Human Services shall implement practices to ensure that—

(A) meetings under paragraph (1) are conducted in a nonadversarial manner; and

(B) interpretation and translation services are provided to individuals granted conditional permanent resident status under this section who have limited English proficiency.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to prevent an individual from electing to have counsel present during a meeting under paragraph (1); or

(B) in the event that an individual declines to participate in such a meeting, to affect the individual's conditional permanent resident status under this section or eligibility to have conditions removed in accordance with this section.

(h) CONSIDERATION.—Except with respect to an application for naturalization and the benefits described in subsection (p), an individual in conditional permanent resident status under this section 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.

(i) NOTIFICATION OF REQUIREMENTS.—Not later than 90 days after the date on which the status of an individual is adjusted to that of conditional permanent resident status under this section, the Secretary shall provide notice to such individual with respect to the provisions of this section, including subsection (c)(1) (relating to the conduct of assessments) and subsection (g) (relating to periodic nonadversarial meetings).

(j) APPLICATION FOR NATURALIZATION.—The Secretary shall establish procedures whereby an individual who would otherwise be eligible to apply for naturalization but for having conditional permanent resident status, may be considered for naturalization coincident with removal of conditions under subsection (c)(2).

(k) ADJUSTMENT OF STATUS DATE.—

(1) IN GENERAL.—An alien described in paragraph (2) shall be regarded as lawfully admitted for permanent residence as of the date the alien was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is described in subparagraphs (A), (B), and (D) of subsection (a)(2), and whose status was adjusted to that of an alien lawfully admitted for permanent residence on or after July 30, 2021, but on or before the date of the enactment of this Act; or

(B) is an eligible individual whose status is then adjusted to that of an alien lawfully admitted for permanent residence after the date of the enactment of this Act under any provision of the immigration laws other than this section.

(l) PARENTS AND LEGAL GUARDIANS OF UNACCOMPANIED CHILDREN.—A parent or legal guardian of an eligible individual shall be eligible to obtain status as an alien lawfully admitted for permanent residence on a conditional basis if—

(1) the eligible individual—

(A) was under 18 years of age on the date on which the eligible individual was granted conditional permanent resident status under this section; and

(B) was not accompanied by at least one parent or guardian on the date the eligible individual was admitted or paroled into the United States; and

(2) such parent or legal guardian was admitted or paroled into the United States after the date referred to in paragraph (1)(B).

(m) GUIDANCE.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary 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 issuance of guidance under paragraph (1), the Secretary 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''), or any other law relating to rulemaking or information collection, shall not apply to the guidance issued under this paragraph.

(n) ASYLUM CLAIMS.—

(1) IN GENERAL.—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.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit an eligible individual from seeking or receiving asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158).

(o) PROHIBITION ON FEES.—The Secretary 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 conditional permanent resident status; or

(2) an employment authorization document.

(p) 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 is under consideration for, 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 5-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 whose status is adjusted under section 403 of the Kids Online Safety and Privacy Act to that of an alien lawfully admitted for permanent residence or to that of an alien lawfully admitted for permanent residence on a conditional basis.''.

(q) 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 individual is otherwise entitled.

(r) EXEMPTION FROM NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Aliens granted conditional permanent resident status or lawful permanent resident 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 conditional permanent resident status or lawful permanent resident 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).

(s) EFFECT ON OTHER APPLICATIONS.—Notwithstanding any other provision of law, in the interest of efficiency, the Secretary may pause consideration of any application or request for an immigration benefit pending adjudication so as to prioritize consideration of adjustment of status to an alien lawfully admitted for permanent residence on a conditional basis under this section.

(t) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General, the Secretary of Health and Human Services, the Secretary, and the Secretary of State such sums as are necessary to carry out this section.

SEC. 404. REFUGEE PROCESSES FOR CERTAIN AT-RISK AFGHAN ALLIES.

(a) DEFINITION OF AFGHAN ALLY.—

(1) IN GENERAL.—In this section, the term ''Afghan ally'' means an alien who is a citizen or national of Afghanistan, or in the case of an alien having no nationality, an alien who last habitually resided in Afghanistan, who—

(A) was—

(i) a member of—

(I) the special operations forces of the Afghanistan National Defense and Security Forces;

(II) the Afghanistan National Army Special Operations Command;

(III) the Afghan Air Force; or

(IV) the Special Mission Wing of Afghanistan;

(ii) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(I) a cadet or instructor at the Afghanistan National Defense University; and

(II) 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, counterterrorism, or counternarcotics;

(v) an individual associated with the former Afghan Ministry of Defense, Ministry of Interior Affairs, or court system, and who was involved in the investigation, prosecution or detention of combatants or members of the Taliban or criminal networks affiliated with the Taliban;

(vi) an individual employed in the former justice sector in Afghanistan as a judge, prosecutor, or investigator who was engaged in rule of law activities for which the United States provided funding or training; or

(vii) 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; or

(B) provided service to an entity or organization described in subparagraph (A) 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.

(2) INCLUSIONS.—For purposes of this section, 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.

(b) REFUGEE STATUS FOR AFGHAN ALLIES.—

(1) DESIGNATION AS REFUGEES OF SPECIAL HUMANITARIAN CONCERN.—Afghan allies shall be considered refugees of special humanitarian concern under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), until the later of 10 years after the date of enactment of this Act or upon determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that such designation is no longer in the interest of the United States.

(2) THIRD COUNTRY PRESENCE NOT REQUIRED.—Notwithstanding section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), the Secretary of State and the Secretary shall, to the greatest extent possible, conduct remote refugee processing for an Afghan ally located in Afghanistan.

(c) AFGHAN ALLIES REFERRAL PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Secretary of Defense, in consultation with the Secretary of State, shall establish a process by which an individual may apply to the Secretary of Defense for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program; and

(B) the head of any appropriate department or agency that conducted operations in Afghanistan during the period beginning on December 22, 2001, and ending on September 1, 2021, in consultation with the Secretary of State, may establish a process by which an individual may apply to the head of the appropriate department or agency for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program.

(2) APPLICATION SYSTEM.—

(A) IN GENERAL.—The process established under paragraph (1) shall—

(i) include the development and maintenance of a secure online portal through which applicants may provide information verifying their status as Afghan allies and upload supporting documentation; and

(ii) allow—

(I) an applicant to submit his or her own application;

(II) a designee of an applicant to submit an application on behalf of the applicant; and

(III) in the case of an applicant who is outside the United States, the submission of an application regardless of where the applicant is located.

(B) USE BY OTHER AGENCIES.—The Secretary of Defense—

(i) may enter into arrangements with the head of any other appropriate department or agency so as to allow the application system established under subparagraph (A) to be used by such department or agency; and

(ii) shall notify the Secretary of State of any such arrangement.

(3) REVIEW PROCESS.—As soon as practicable after receiving a request for classification and referral described in paragraph (1), the head of the appropriate department or agency shall—

(A) 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 or agency who has personal knowledge of the eligibility of the applicant for such classification and referral; and

(iii) the data holdings of the department or agency and other cooperating interagency partners, including as applicable 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

(B)(i) in a case in which the head of the department or agency determines that the applicant is an Afghan ally without significant derogatory information, refer the Afghan ally to the United States Refugee Admissions Program as a refugee; and

(ii) include with such referral—

(I) any service record concerned, if available;

(II) if the applicant provides a service record, any information that helps verify the service record concerned; and

(III) any biometrics for the applicant.

(4) REVIEW PROCESS FOR DENIAL OF REQUEST FOR REFERRAL.—

(A) IN GENERAL.—In the case of an applicant with respect to whom the head of the appropriate department or agency denies a request for classification and referral based on a determination that the applicant is not an Afghan ally or based on derogatory information—

(i) the head of the department or agency 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 head of the department or agency for each such denial.

(B) DEADLINE FOR APPEAL.—An appeal under clause (ii) of subparagraph (A) shall be submitted—

(i) not more than 120 days after the date on which the applicant concerned receives notice under clause (i) of that subparagraph; or

(ii) on any date thereafter, at the discretion of the head of the appropriate department or agency.

(C) REQUEST TO REOPEN.—

(i) IN GENERAL.—An applicant who receives a denial under subparagraph (A) may submit a request to reopen a request for classification and referral under the process established under paragraph (1) 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 head of the appropriate department or agency may deny subsequent requests to reopen submitted by the same applicant.

(5) FORM AND CONTENT OF REFERRAL.—To the extent practicable, the head of the appropriate department or agency shall ensure that referrals made under this subsection—

(A) conform to requirements established by the Secretary of State for form and content; and

(B) are complete and include sufficient contact information, supporting documentation, and any other material the Secretary of State or the Secretary consider necessary or helpful in determining whether an applicant is entitled to refugee status.

(6) TERMINATION.—The application process and referral system under this subsection shall terminate upon the later of 1 year before the termination of the designation under subsection (b)(1) or on the date of a joint determination by the Secretary of State and the Secretary of Defense, in consultation with the Secretary, that such termination is in the national interest of the United States.

(d) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, the Secretary of State, or the head of any appropriate department or agency referring Afghan allies under this section may not charge any fee in connection with a request for a classification and referral as a refugee under this section.

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) REPRESENTATION.—An alien applying for admission to the United States under 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.

(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 has been classified as an Afghan ally and has been referred as a refugee under 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 solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for each of fiscal years 2024 through 2034 to carry out this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to inhibit the Secretary of State from accepting refugee referrals from any entity.

SEC. 405. IMPROVING EFFICIENCY AND OVERSIGHT OF REFUGEE AND SPECIAL IMMIGRANT PROCESSING.

(a) ACCEPTANCE OF FINGERPRINT CARDS AND SUBMISSIONS OF BIOMETRICS.—In addition to the methods authorized under the heading relating to the Immigration and Naturalization Service under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Public Law 105–119, 111 Stat. 2448; 8 U.S.C. 1103 note), and other applicable law, and subject to such safeguards as the Secretary, in consultation with the Secretary of State or the Secretary of Defense, as appropriate, shall prescribe to ensure the integrity of the biometric collection (which shall include verification of identity by comparison of such fingerprints with fingerprints taken by or under the direct supervision of the Secretary prior to or at the time of the individual's application for admission to the United States), the Secretary may, in the case of any application for any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), accept fingerprint cards or any other submission of biometrics—

(1) prepared by international or nongovernmental organizations under an appropriate

agreement with the Secretary or the Secretary of State;

(2) prepared by employees or contractors of the Department of Homeland Security or the Department of State; or

(3) provided by an agency (as defined under section 3502 of title 44, United States Code).

(b) STAFFING.—

(1) VETTING.—The Secretary of State, the Secretary, the Secretary of Defense, and any other agency authorized to carry out the vetting process under this title, shall each ensure sufficient staffing, and request the resources necessary, to efficiently and adequately carry out the vetting of applicants for—

(A) referral to the United States Refugee Admissions Program, consistent with the determinations established under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) special immigrant status.

(2) REFUGEE RESETTLEMENT.—The Secretary of Health and Human Services shall ensure sufficient staffing to efficiently provide assistance under chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) to refugees resettled in the United States.

(c) REMOTE PROCESSING.—Notwithstanding any other provision of law, the Secretary of State and the Secretary shall employ remote processing capabilities for refugee processing under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), including secure digital file transfers, videoconferencing and teleconferencing capabilities, remote review of applications, remote interviews, remote collection of signatures, waiver of the applicant's appearance or signature (other than a final appearance and verification by the oath of the applicant prior to or at the time of the individual's application for admission to the United States), waiver of signature for individuals under 5 years old, and any other capability the Secretary of State and the Secretary consider appropriate, secure, and likely to reduce processing wait times at particular facilities.

(d) MONTHLY ARRIVAL REPORTS.—With respect to monthly reports issued by the Secretary of State relating to United States Refugee Admissions Program arrivals, the Secretary of State shall report—

(1) the number of monthly admissions of refugees, disaggregated by priorities; and

(2) the number of Afghan allies admitted as refugees.

(e) INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.—

(1) 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'')—

(A) to develop and oversee the implementation of the strategy and contingency plan described in subparagraph (A)(i) of paragraph (4); and

(B) to submit the report, and provide a briefing on the report, as described in subparagraphs (A) and (B) of paragraph (4).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall include—

(i) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(ii) any other Federal Government official designated by the President.

(B) RELEVANT FEDERAL AGENCY DEFINED.—In this paragraph, the term ''relevant Federal agency'' means—

(i) the Department of State;

(ii) the Department Homeland Security;

(iii) the Department of Defense;

(iv) the Department of Health and Human Services;

(v) the Department of Justice; and

(vi) the Office of the Director of National Intelligence.

(3) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(4) DUTIES.—

(A) REPORT.—

(i) 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.

(ii) ELEMENTS.—The report required under clause (i) shall include—

(I) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(aa) such nationals in Afghanistan and such nationals in a third country;

(bb) type of specified application; and

(cc) 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 or classification as an Afghan ally;

(III) with respect to the strategy required under subparagraph (A)(i)(I)—

(aa) the estimated number of nationals of Afghanistan described in such subparagraph;

(bb) a description of the process for safely resettling such nationals of Afghanistan;

(cc) 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;

(dd) 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 to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(ee) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(ff) an estimate of the cost to fully implement the strategy; and

(gg) any other matter the Task Force considers relevant to the implementation of the strategy;

(IV) with respect to the contingency plan required by clause (i)(II)—

(aa) 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;

(bb) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(cc) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(dd) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund;

(ee) any other matter the Task Force considers relevant to the implementation of the contingency plan; and

(V) a strategy for the efficient processing of all Afghan special immigrant visa applications and appeals, including—

(aa) a review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process;

(bb) 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 title during the several years after the date of the enactment of this Act;

(cc) an assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas in appropriate circumstances and consistent with applicable laws; and

(dd) 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.

(iii) FORM.—The report required under clause (i) shall be submitted in unclassified form but may include a classified annex.

(B) BRIEFING.—Not later than 60 days after submitting the report required by clause (i), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(5) TERMINATION.—The Task Force shall remain in effect until the later of—

(A) the date on which the strategy required under paragraph (4)(A)(i)(I) has been fully implemented;

(B) the date of a determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that a task force is no longer necessary for the implementation of subparagraphs (A) and (B) of paragraph (1); or

(C) the date that is 10 years after the date of the enactment of this Act.

(f) IMPROVING CONSULTATION WITH CONGRESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

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

''(4)(A) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number

of refugees so determined, the number of aliens who were granted asylum in the previous year.

''(B) In making a determination under paragraph (1), the President shall consider the information in the most recently published projected global resettlement needs report published by the United Nations High Commissioner for Refugees.'';

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

''(2) A description of the number and allocation of the refugees to be admitted, including the expected allocation by region, and an analysis of the conditions within the countries from which they came.''; and

(3) by adding at the end the following—

''(g) QUARTERLY REPORTS ON ADMISSIONS.—Not later than 30 days after the last day of each quarter beginning the fourth quarter of fiscal year 2024, the President shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

''(1) REFUGEES ADMITTED.—

''(A) The number of refugees admitted to the United States during the preceding quarter.

''(B) The cumulative number of refugees admitted to the United States during the applicable fiscal year, as of the last day of the preceding quarter.

''(C) The number of refugees expected to be admitted to the United States during the remainder of the applicable fiscal year.

''(D) The number of refugees from each region admitted to the United States during the preceding quarter.

''(2) REFUGEE APPLICANTS WITH PENDING SECURITY CHECKS.—

''(A) The number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been requested during the preceding quarter, and the number of aliens, by nationality, for whom the check was pending beyond 30 days.

''(B) The number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been pending for more than 180 days.

''(3) CIRCUIT RIDES.—

''(A) For the preceding quarter—

''(i) the number of Refugee Corps officers deployed on circuit rides and the overall number of Refugee Corps officers;

''(ii) the number of individuals interviewed—

''(I) on each circuit ride; and

''(II) at each circuit ride location;

''(iii) the number of circuit rides; and

''(iv) for each circuit ride, the duration of the circuit ride.

''(B) For the subsequent 2 quarters—

''(i) the number of circuit rides planned; and

''(ii) the number of individuals planned to be interviewed.

''(4) PROCESSING.—

''(A) For refugees admitted to the United States during the preceding quarter, the average number of days between—

''(i) the date on which an individual referred to the United States Government as a refugee applicant is interviewed by the Secretary of Homeland Security; and

''(ii) the date on which such individual is admitted to the United States.

''(B) For refugee applicants interviewed by the Secretary of Homeland Security in the preceding quarter, the approval, denial, recommended approval, recommended denial, and hold rates for the applications for admission of such individuals, disaggregated by nationality.''.

SEC. 406. SUPPORT FOR CERTAIN VULNERABLE AFGHANS RELATING TO EMPLOYMENT BY OR ON BEHALF OF THE UNITED STATES.

(a) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L)(iii), by adding a semicolon at the end;

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

(C) 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).''.

(2) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by paragraph (1), 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 subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall not exceed 10,000.

(D) DURATION OF AUTHORITY.—The authority to issue visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) 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.

(b) CERTAIN AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) 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)''.

(c) EXTENSION OF SPECIAL IMMIGRANT VISA PROGRAM UNDER AFGHAN ALLIES PROTECTION ACT OF 2009.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) 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''; and

(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, 2024'' and inserting ''January 31, 2030''.

(d) AUTHORIZATION OF VIRTUAL INTERVIEWS.—Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8;) 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.''.

(e) QUARTERLY REPORTS.—Paragraph (12) of section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended is amended to read as follows:

''(12) QUARTERLY REPORTS.—

''(A) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the FAA Reauthorization Act of 2024 and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes the following:

''(i) For the preceding quarter—

''(I) a description of improvements made to the processing of special immigrant visas and refugee processing for citizens and nationals of Afghanistan;

''(II) the number of new Afghan referrals to the United States Refugee Admissions Program, disaggregated by referring entity;

''(III) the number of interviews of Afghans conducted by U.S. Citizenship and Immigration Services, disaggregated by the country in which such interviews took place;

''(IV) the number of approvals and the number of denials of refugee status requests for Afghans;

''(V) the number of total admissions to the United States of Afghan refugees;

''(VI) number of such admissions, disaggregated by whether the refugees come from within, or outside of, Afghanistan;

''(VII) the average processing time for citizens and nationals of Afghanistan who are applicants;

''(VIII) the number of such cases processed within such average processing time; and

''(IX) the number of denials issued with respect to applications by citizens and nationals of Afghanistan.

''(ii) The number of applications by citizens and nationals of Afghanistan for refugee referrals pending as of the date of submission of the report.

''(iii) A description of the efficiency improvements made in the process by which applications for special immigrant visas under this subsection are processed, including information described in clauses (iii) through (viii) of paragraph (11)(B).

''(B) FORM OF REPORT.—Each report required by subparagraph (A) shall be submitted in unclassified form but may contain a classified annex.

''(C) PUBLIC POSTING.—The Secretary of State shall publish on the website of the Department of State the unclassified portion of each report submitted under subparagraph (A).''.

(f) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, 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) section 602 of 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) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1).

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) 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 under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1), protection or to immediately remove such alien from Afghanistan, if possible.

(4) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States 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.

SEC. 407. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date that is 10 years thereafter, the Secretary 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. 1151(b)(2)(A)(i) and 1153(a)), respectively.

SEC. 408. REPORTING.

(a) QUARTERLY REPORTS.—Beginning on January 1, 2028, not less frequently than quarterly, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for the preceding quarter—

(1) the number of individuals granted conditional permanent resident status under section 403, disaggregated by the number of such individuals for whom conditions have been removed;

(2) the number of individuals granted conditional permanent resident status under section 403 who have been determined to be ineligible for removal of conditions (and the reasons for such determination); and

(3) the number of individuals granted conditional permanent resident status under section 403 for whom no such determination has been made (and the reasons for the lack of such determination).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Secretary, in consultation with the Attorney General, shall submit to the appropriate committees of Congress a report that includes for the preceding year, with respect to individuals granted conditional permanent resident status under section 403—

(1) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(2) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(2) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(3) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(3) the number of final orders of removal issued pursuant to proceedings described in paragraphs (1) and (2), disaggregated by each applicable ground of deportability;

(4) the number of such individuals for whom such proceedings are pending, disaggregated by each applicable ground of deportability; and

(5) a review of the available options for removal from the United States, including any changes in the feasibility of such options during the preceding year.

SEC. 409. RULE OF CONSTRUCTION.

Except as expressly described in this title or an amendment made by this title, nothing in this title or an amendment made by this title may be construed to modify, expand, or limit any law or authority to process or admit refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or applicants for an immigrant visa under the immigration laws.

SA 3089. Mr. SCHMITT submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RIGHT OF ACTION AGAINST FEDERAL EMPLOYEES FOR VIOLATIONS OF RIGHTS SECURED BY THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(a) DEFINITION.—In this section, the term ''Federal employee'' means an individual, other than the President or the Vice President, who occupies a position in any agency or instrumentality in the executive branch of the Federal Government, including in any independent agency in that branch.

(b) LIABILITY.—

(1) IN GENERAL.—A Federal employee who, under color of any statute, ordinance, regulation, custom, or usage, of the United States, subjects, or causes to be subjected, any citizen of the United States or any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the First Amendment to the Constitution of the United States, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

(2) EXCEPTION.—Under paragraph (1), a Federal employee may not bring suit against the agency or instrumentality employing the Federal employee, or against the Federal Government, for conduct that is within the scope of the employment relationship.

(c) ATTORNEY'S FEES.—In any action or proceeding to enforce this section, the court, in the discretion of the court, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) SEVERABILITY.—If any provision of this section, or the application of a provision of this section to any person or circumstance, is held to be unconstitutional, the remainder of this section, and the application of the provisions of this section to any person or circumstance, shall not be affected by that holding.

SA 3090. Mr. COTTON (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOCUS ON LEARNING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Focus on Learning Act''.

(b) DEFINITIONS.—In this section:

(1) ESEA TERMS.—The terms ''child with a disability'', ''elementary school'', ''English learner'', ''local educational agency'', and ''secondary school'' have the meaning given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) MOBILE DEVICE.—The term ''mobile device'' means any personal mobile telephone or other portable electronic communication device with which a user engages in a call or writes or sends a message or any device in which the user plays a game or watches a video, except that such term does not include school-issued devices.

(3) SCHOOL ENVIRONMENT FREE OF MOBILE DEVICES.—The term ''school environment free of mobile devices'' means an elementary school or secondary school in which mobile devices of students are kept in a secure container that is controlled by a school administrator.

(4) SCHOOL HOURS.—The term ''school hours'' means regular school hours for instruction, including lunch periods, free periods on school grounds, and time between classroom instruction.

(c) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary of Education, in consultation

with the Secretary of Health and Human Services, shall complete a study regarding the use of mobile devices in elementary schools and secondary schools nationwide, including—

(A) the impact of such use on—

(i) student learning and academic achievement;

(ii) student educational outcomes and engagement;

(iii) student mental health;

(iv) classroom instruction; and

(v) school climate and student behavior; and

(B) an analysis of data collected from participating schools in the pilot program under subsection (d).

(2) REPORT.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall submit a report to Congress containing the results of the study conducted under paragraph (1), and shall make such report publicly available.

(d) PILOT PROGRAM.—

(1) PROGRAM ESTABLISHED.—The Secretary of Education shall establish a pilot program, through which the Secretary of Education shall award grants to local educational agencies to enable participating schools served by such agencies (referred to in this section as ''participating schools'') to purchase secure containers and install lockers in order to create a school environment free of mobile devices.

(2) APPLICATION.—A local educational agency desiring to participate in the program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(A) an assurance that such local educational agency will identify and select participating schools in a manner that engages the students, parents, educators, principal, school leaders, and specialized instructional support personnel, of such schools;

(B) an assurance that each participating school will have a communication system (which may be mobile devices) allowing teachers, administrators, and staff to communicate with each other and with local emergency responders;

(C) an assurance that each participating school will have a clear process for students to be able to contact their parents;

(D) the policy of each participating school on mobile device use during school hours as of the date of the application; and

(E) a description of what each participating school's new policy on mobile device use during school hours will be upon beginning participation in the pilot program under this subsection.

(3) SELECTION.—The Secretary of Education shall select local educational agency applicants for participation in the pilot program based on the Secretary of Education's determination that the applicant's participation will likely yield helpful information relevant to testing a school environment free of mobile devices.

(4) EXEMPTIONS.—Participating schools may, while maintaining a school environment free of mobile devices, allow exemptions such that mobile devices may be used during school hours—

(A) to monitor or treat health conditions;

(B) by students who are children with disabilities; and

(C) by students who are English learners for translation purposes.

(5) PARENTAL NOTIFICATION.—Each local educational agency that applies for participation in the pilot program under this subsection shall—

(A) notify parents of students enrolled in elementary schools and secondary schools that are served by the agency and that may become participating schools—

(i) not less than 30 days before submitting an application under this section; and

(ii) upon receipt of a grant award under this section; and

(B) solicit feedback from such parents before applying for the grant about the local educational agency's desire to implement a school environment free of mobile devices.

(6) ADMINISTRATIVE EXPENSES.—The Secretary of Education may use not more than 2 percent of the amounts made available to carry out this subsection for administrative expenses, data collection, and carrying out the study required under subsection (c).

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $5,000,000 for the period of fiscal years 2024 through 2028.

SA 3091. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—KNOW YOUR APP ACT

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Know Your App Act''.

SEC. 1002. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Minors engaging with internet-linked applications face heightened susceptibility to privacy risks and potential exploitation through those applications. It is crucial for parents and guardians to possess comprehensive knowledge about the applications being accessed so that they can make informed decisions to protect their children.

(2) Many users are unaware of the country of origin of the applications they download and use, as well as the data handling practices of the developers behind those applications. This lack of transparency can lead to potential risks for users, including exposure to foreign government surveillance, data breaches, and privacy violations. Users have a right to know baseline information on the country of origin so that they can personally make decisions to mitigate the threat to their personal and biometric information.

(3) The potential for foreign governments to access user data through internet-linked applications presents national security risks. These risks may include the collection of sensitive information, espionage, and potential influence over critical infrastructure.

(4) Increasing transparency and providing users with the necessary information to make informed decisions about the applications they download can help protect consumer privacy and security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that covered companies and developers already posses the information necessary to provide adequate transparency to consumers.

SEC. 1003. PUBLIC LISTING OF COUNTRY OF ORIGIN OF APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) APPLICATION.—The term ''application'' means a software application or electronic service that may be run or directed by a user on a computer, a mobile device, or any other general purpose computing device.

(2) APPLICATION STORE.—The term ''application store'' means a publicly available website, software application, electronic service, or platform provided by a device manufacturer that—

(A) distributes applications from third-party developers to users of a computer, a mobile device, or any other general purpose computing device; and

(B) has more than 20,000,000 users in the United States.

(3) APPLICATION STORE PAGE.—The term ''application store page'' means the individual, dedicated listing page within an application store that serves as the primary source of information on a specific application and provides detailed information about the application, including the name of the application, the developer, a description, user ratings and reviews, screenshots or previews, pricing, and system requirements.

(4) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(5) BENEFICIAL OWNER.—The term ''beneficial owner'' —

(A) means, with respect to a developer of an application, an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

(i) exercises substantial control over the developer; or

(ii) owns or controls not less than 25 percent of the ownership interests of the developer; and

(B) does not include—

(i) a minor child, as defined in the State in which the entity is formed, if the information of the parent or guardian of the minor child is reported in accordance with this section;

(ii) an individual acting as a nominee, intermediary, custodian, or agent on behalf of another individual;

(iii) an individual acting solely as an employee of a corporation, limited liability company, or other similar entity and whose control over or economic benefits from such entity is derived solely from the employment status of the individual;

(iv) an individual whose only interest in a corporation, limited liability company, or other similar entity is through a right of inheritance; or

(v) a creditor of a corporation, limited liability company, or other similar entity, unless the creditor meets the requirements of subparagraph (A).

(6) COUNTRY OF CONCERN.—The term ''country of concern'' means a country that is on the list described in section 1004.

(7) COUNTRY OF ORIGIN.—The term ''country of origin''—

(A) with respect to the developer of an application, means the country in which the developer is headquartered or principally operates; and

(B) with respect to the beneficial owner of the developer of an application—

(i) except as provided in clause (ii), means the country from which the beneficial owner principally exercises control over the developer; and

(ii) if the beneficial owner exercises any control over the developer from a country of concern, means that country.

(8) COVERED COMPANY.—The term ''covered company'' means any person, entity, or organization that owns, controls, or operates an application store that serves customers in the United States.

(9) DEVELOPER.—The term ''developer'' means a person that creates, owns, or controls an application and is responsible for the design, development, maintenance, and distribution of the application to end users through an application store.

(10) PRIMARY COUNTRY OF ORIGIN.—The term ''primary country of origin'', with respect to an application—

(A) except as provided in subparagraph (B), means the country of origin of the developer of the application; and

(B) if the country of origin of the beneficial owner of the developer of the application is a country of concern, means that country.

(11) PROMINENT DISPLAY.—The term ''prominent display'', with respect to an application store page, means a banner that is immediately and clearly visible when the application store page is accessed.

(b) REQUIREMENTS.—

(1) PUBLIC LISTING.—The Assistant Secretary shall require a covered company to publicly list, in a prominent display on the application store page, the primary country of origin of each application distributed through an application store owned, controlled, or operated by the covered company.

(2) PROTECTIONS REGARDING CERTAIN FOREIGN COUNTRIES.—

(A) FILTER FOR CERTAIN APPLICATIONS.—The Assistant Secretary shall require a covered company to provide users of the covered company's application store with the option to filter out applications whose primary country of origin is a country of concern.

(B) DISCLAIMER FOR CERTAIN APPLICATIONS.—The Assistant Secretary shall require that if the primary country of origin of an application is a country of concern, a covered company that distributes the application through an application store shall provide a disclaimer, in a prominent display on the application store page, that data from the application could be accessed by a foreign government.

(3) UPDATE OF INFORMATION.—

(A) IN GENERAL.—The Assistant Secretary shall require a developer to notify a covered company whose application store distributes the developer's application of any change in—

(i) the country of origin of the developer;

(ii) the beneficial owner of the developer; or

(iii) the country of origin of the beneficial owner of the developer.

(B) DEVELOPER CERTIFICATION.—

(i) IN GENERAL.—The Assistant Secretary shall require a developer to certify to each covered company that owns, controls, or operates an application store through which the developer's application is distributed, not less frequently than annually, that the information displayed on the application store page with respect to the application, including primary country of origin and beneficial ownership, is up-to-date.

(ii) VIOLATIONS.—If a developer violates clause (i)—

(I) the covered company shall issue the developer a series of not fewer than 3 warnings over a period of not more than 90 days; and

(II) if the developer does not correct the violation by the date that is 90 days after the date on which the first warning is issued under subclause (I), the covered company shall remove the application of the developer from the application store.

(4) REPORTING MECHANISM.—The Assistant Secretary shall require a covered company to establish a mechanism that—

(A) allows a user of the covered company's application store, an employee of a developer whose application is distributed through the covered company's application store, or an associated third party to report a potential violation of this subsection by a developer, including incorrect information displayed on the application store page; and

(B) allows a report under subparagraph (A) to be made anonymously.

(5) WRITTEN POLICY FOR APPEALS OF REMOVALS.—The Assistant Secretary shall require a covered company to establish, for any application store owned, controlled, or operated by the covered company, a clear written policy for how a developer can appeal the removal of an application from the application store and have the application be reinstated.

SEC. 1004. LIST OF FOREIGN COUNTRIES WITH NATIONAL LAWS RESULTING IN GOVERNMENT CONTROL OVER APPLICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury and the Secretary of Commerce shall jointly develop and submit to Congress a list of each foreign country that has in effect a national law that may subject a developer or application to control by the government of the country over content moderation, algorithm design, or user data transfers.

(b) PUBLICATION.—With respect to the list developed under subsection (a)—

(1) the Secretary of the Treasury shall make the list publicly available on the website of the Department of the Treasury; and

(2) the Secretary of Commerce shall make the list publicly available on the website of the Department of Commerce.

SEC. 1005. LIMITATION OF ENFORCEMENT AND REGULATION.

The Assistant Secretary of Commerce for Communications and Information may not exercise any enforcement authority or regulatory authority over a covered company or developer that is not provided under this division, including through rulemaking.

SEC. 1006. ENFORCEMENT.

The Attorney General may bring a civil action in an appropriate district court of the United States against any covered company that violates this division.

SA 3092. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 title XV, add the following:

Subtitle E—Licensing Aerospace Units to New Commercial Heights Act of 2024

SEC. 1549. SHORT TITLE.

This subtitle may be cited as the ''Licensing Aerospace Units to New Commercial Heights Act of 2024'' or the ''LAUNCH Act''.

SEC. 1550. STREAMLINING REGULATIONS RELATING TO COMMERCIAL SPACE LAUNCH AND REENTRY REQUIREMENTS.

(a) EVALUATION OF IMPLEMENTATION OF PART 450.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation (referred to in this subtitle as the ''Secretary'') shall evaluate the implementation of part 450 of title 14, Code of Federal Regulations (in this section referred to as ''part 450'') and the impacts of part 450 on the commercial spaceflight industry.

(2) ELEMENTS.—The evaluation required by paragraph (1) shall include an assessment of—

(A) whether increased uncertainty in the commercial spaceflight industry has resulted from the implementation of part 450;

(B) whether part 450 has resulted in operational delays to emerging launch programs; and

(C) whether timelines for reviews have changed, including an assessment of the impact of the incremental review process on those timelines and the root cause for multiple reviews, if applicable.

(3) REPORT REQUIRED.—Not later than 90 days after completing the review required by paragraph (1), the Secretary 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 report that includes—

(A) the findings of the review;

(B) recommendations for reducing delays and inefficiencies resulting from part 450 that do not rely solely on additional personnel or funding; and

(C) an estimate for a timeline and funding for implementing the recommendations described in subparagraph (B).

(b) RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Secretary shall consider establishing a Space Transportation Rulemaking Committee, comprised of established and emerging United States commercial space launch and reentry services providers (including providers that hold, and providers that have applied for but not yet received, licenses issued under chapter 509 of title 51, United States Code)—

(A) to facilitate industry participation in developing recommendations for amendments to part 450 to address the challenges identified in conducting the review required by subsection (a) or under paragraph (2) of section 50905(d) of title 51, United States Code (as added by subsection (d)(3)); and

(B) to provide a long-term forum for the United States commercial spaceflight industry to share perspectives relating to regulations affecting the industry.

(2) PREVENTION OF DUPLICATIVE EFFORTS.—The Secretary shall ensure that a Space Transportation Rulemaking Committee established under this subsection does not provide services or make efforts that are duplicative of the services provided and efforts made by the Commercial Space Transportation Advisory Committee.

(c) ENCOURAGEMENT OF INNOVATION.—The Secretary shall, on an ongoing basis, determine whether any requirements for a license issued under chapter 509 of title 51, United States Code, can be modified or eliminated to encourage innovative new technologies and operations.

(d) MODIFICATIONS TO REQUIREMENTS AND PROCEDURES FOR LICENSE APPLICATIONS.—

(1) CONSIDERATION OF SAFETY RATIONALES OF LICENSE APPLICANTS.—Section 50905(a)(2) of title 51, United States Code, is amended—

(A) by striking ''Secretary may'' inserting the following: ''Secretary—

''(A) may'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) shall accept a reasonable safety rationale proposed by an applicant for a license under this chapter, including new approaches, consistent with paragraph (1).''.

(2) FACILITATION OF LICENSE APPLICATIONS AND ASSISTANCE TO APPLICANTS.—Section 50905(a) of title 51, United States Code, is amended by adding at the end the following:

''(3) In carrying out paragraph (1), the Secretary shall assign a licensing team lead to each applicant for a license under this chapter to assist the applicant in streamlining the process for reviewing and approving the license application.''.

(3) STREAMLINING OF REVIEW PROCESSES.—Section 50905(d) of title 51, United States Code, is amended by striking the end period and inserting the following: '', including by—

''(1) adjudicating determinations with respect to such applications and revisions to

such determinations in a timely manner as part of the incremental review process under section 450.33 of title 14, Code of Federal Regulations (or a successor regulation); and

''(2) eliminating and streamlining duplicative review processes with other agencies, particularly relating to the use of Federal ranges or requirements to use the assets of Federal ranges.''.

SEC. 1551. DIRECT HIRE FOR OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall use direct hire authorities [(as such authorities existed on the day before the date of the enactment of this Act)] [*SLC Note: Could you let me know what your intent is with this phrase? Are such authorities being amended by some provision of the NDAA such that you are intending to create a savings provision? Or is this language from some other source that does that, and I should delete the bracketed phrase?*] to hire individuals on a noncompetitive basis for positions related to space launch and reentry licensing and permit activities.

(b) ANNUAL REPORT.—Not less frequently than annually, the Administrator of the Federal Aviation Administration 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 an annual report on the use of direct hiring authorities to fill such positions within the Federal Aviation Administration related to commercial space launch and reentry [licensing and permit activities].

SEC. 1552. FLIGHT SAFETY ANALYSIS WORKFORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) flight safety analysis is critical to maintaining a high level of public safety for commercial space launches from, and reentries to, Federal ranges;

(2) significant expertise in flight safety analysis exists within the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration; and

(3) the increasing pace of commercial launch and reentries requires greater cooperation among the Secretary of Defense, the Secretary, and the Administrator of the National Aeronautics and Space Administration to support commercial launch and reentry activities at Federal ranges.

(b) REPORT.—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 Administrator of the National Aeronautics and Space Administration, shall submit to the appropriate committees of Congress a report that identifies roles, responsibilities, expertise, and knowledge that exists within the executive branch of the Federal Government relating to analysis of flight safety systems for space launch and reentry activities.

(c) MEMORANDUM OF UNDERSTANDING.—Upon completion of the report required by subsection (b), the Secretary may enter into memorandum of understanding with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration to allow Federal range personnel to support flight safety analysis required for the licensing of commercial space launch and reentry activities.

SEC. 1553. STREAMLINING LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS.

(a) CLARIFICATION OF REMOTE SENSING REGULATORY AUTHORITY OVER CERTAIN IMAGING SYSTEMS.—Section 60121(a)(2) of title 51, United States Code, is amended by adding at the end the following: ''Instruments determined by the Secretary in writing to be used primarily for mission assurance or other technical purposes shall not be considered to be conducting remote sensing. Instruments used primarily for mission assurance or other technical purposes are instruments used to support the health of the launch vehicle or the operator's spacecraft or the safety of the operator's space operations, including instruments used to support on-board self-monitoring for technical assurance, flight reliability, spaceflight safety, navigation, attitude control, separation events, payload deployments, or instruments collecting self-images.''.

(b) FACILITATION OF LICENSE APPLICATIONS AND ASSISTANCE TO APPLICANTS.—

(1) IN GENERAL.—Section 60121 of title 51, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

''(d) ASSIGNMENT OF DEDICATED LICENSING OFFICER.—The Secretary shall assign a licensing officer to oversee the application of the applicant for a license under subsection (a). The licensing officer shall assist the applicant by facilitating the application process, minimizing license conditions, and expediting the review and approval of the application, to the extent authorized by law.''.

(2) CONFORMING AMENDMENT.—Section 60122(b)(3) of title 51, United States Code, is amended by striking ''section 60121(e)'' and inserting ''section 60121(f)''.

(c) TRANSPARENCY AND EXPEDITIOUS REVIEW OF LICENSES.—In carrying out the authorities under subchapter III of chapter 601 of title 51, United States Code, the Secretary shall—

(1) provide transparency to and engagement with applicants throughout the licensing process, including by stating with specificity to the applicant or licensee what basis caused the tiering determination of the license;

(2) minimize the timelines for review of commercial remote sensing licensing applications; and

(3) not less frequently than annually, reevaluate the criteria for the tiering of satellite systems, with a goal of expeditiously recategorizing Tier 3 systems to a lower tier without temporary license conditions.

SEC. 1554. GAO REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States 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 report on the policies, regulations, and practices of the Department of Commerce (referred to in this section as the ''Department'') with respect to the private remote sensing space industry.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the extent to which such licensing policies, regulations, and practices of the Department promote or inhibit a robust domestic private remote sensing industry, including any restrictions that impede innovative remote sensing capabilities.

(2) Recommendations on changes to policies, regulations, and practices for consideration by the Secretary of Commerce to promote United States industry leadership in private remote sensing capabilities, including recommendations for—

(A) determining whether the costs to industry outweigh the benefits of conducting on-site ground station visits, and possible alternatives to ensuring compliance;

(B) assessing the information in a license application that should be treated as a material fact and the justification for such treatment;

(C) incorporating industry feedback into Department policies, regulations, and practices; and

(D) increasing Department transparency by—

(i) ensuring the wide dissemination of Department guidance;

(ii) providing clear application instructions; and

(iii) establishing written precedent of Department actions.

SA 3093. Mr. ROMNEY (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 IX, add the following:

Subtitle C—Expansion of Authorities of Office of Strategic Capital

SEC. 931. SHORT TITLE.

This subtitle may be cited as the ''Investing in Our Defense Act of 2024''.

SEC. 932. AUTHORIZATION TO MAKE EQUITY INVESTMENTS.

(a) IN GENERAL.—Section 149 of title 10, United States Code, as amended by section 913, is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) EQUITY INVESTMENTS.—

''(1) IN GENERAL.—To the extent and in such amounts as are specifically provided in advance in appropriations Acts for the purposes described in this subsection, the Office may, as a minority investor, support eligible investments with funds or use other mechanisms for the purpose of purchasing, and may make and fund commitments to purchase, invest in, make pledges in respect of, or otherwise acquire, equity or quasi-equity securities or shares or financial interests of any entity, upon such terms and conditions as the Director may determine.

''(2) LIMITATIONS ON EQUITY INVESTMENTS.—

''(A) PER PROJECT LIMIT.—The aggregate amount of support provided under this subsection with respect to any eligible investment shall not exceed 20 percent of the aggregate amount of all equity investment made to the project at the time that the Office approves support for the eligible investment.

''(B) TOTAL LIMIT.—Support provided under this subsection shall be limited to not more than 35 percent of the aggregate exposure of the Office on the date on which the support is provided.

''(3) SALES AND LIQUIDATION OF SUPPORT.—The Office shall seek to sell and liquidate any support for an eligible investment provided under this subsection as soon as commercially feasible, commensurate with other similar investors in the project and taking into consideration the national security interests of the United States.

''(4) TIMETABLE.—The Office shall create an eligible investment-specific timetable for support provided under paragraph (1).''.

(b) CONFORMING AMENDMENT.—Subsection (f)(1) of such section, as redesignated by subsection (a), is further amended by inserting

'', equity investment'' after ''loan guarantee''.

SEC. 933. AUTHORIZATION TO COLLECT FEES FOR PROVIDING CAPITAL INVESTMENTS.

Section 149 of title 10, United States Code, as amended by section 932, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FEE AUTHORITY.—The Director may charge and collect fees for providing capital assistance in amounts to be determined by the Director. Such fees, once collected, may be used only for the purposes and to the extent provided in advance by appropriations Acts.''.

SA 3094. Mr. CRAMER (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1095. PROHIBITION ON IMPLEMENTATION OF REGULATION RELATING TO DISCLOSURE OF GREENHOUSE GAS EMISSIONS AND CLIMATE-RELATED FINANCIAL RISK.

None of the funds authorized to be appropriated by this Act may be used to finalize, promulgate, or implement the rule proposed by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to ''Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk'' (87 Fed. Reg. 68312; published November 14, 2022), or to propose, promulgate, or implement any substantially similar rule or policy.

SA 3095. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Section 1286(c)(9)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) is amended, in the matter preceding clause (i), by inserting ''and research'' after ''academic''.

SA 3096. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. PLAIN WRITING APPLICATION REQUIREMENTS FOR SOLICITATION OF SUBCONTRACTORS.

(a) IN GENERAL.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (6)—

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

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

(C) by adding at the end the following:

''(J) a representation that—

''(i) the offeror or bidder will communicate all solicitations of subcontracts in plain writing (as defined in section 3 of the Plain Writing Act of 2010 (Public Law 111–274; 124 Stat. 2861)) so that the solicitation is easily understood by small business concerns seeking to obtain a subcontracting opportunity from the offeror or bidder; and

''(ii) the offeror or bidder will include the plain writing requirement described in clause (i) in all subcontracts that offer subcontracting opportunities.''; and

(2) by adding at the end the following:

''(18) COMPLIANCE WITH PLAIN WRITING REQUIREMENT.—If the Administrator determines that a prime contractor failed to communicate any solicitation of a subcontract in plain writing in accordance with paragraph (6)(J), the prime contractor shall communicate a new solicitation of the subcontract in plain writing not later than 30 days after the date on which the Administrator made that determination.''.

(b) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate regulations to carry out paragraphs (6)(J) and (18) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)), as added by subsection (a).

SA 3097. Mr. SCOTT of Florida (for himself and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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___. DEFINITION OF CUSTOMS WATERS.

(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'' the first place it appears 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'' the first place it appears 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 3098. Mr. SCOTT of Florida (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. COUNTERING CCP DRONES.

(a) DETERMINATION OF WHETHER UNMANNED AIRCRAFT SYSTEMS MANUFACTURERS ARE CHINESE MILITARY COMPANIES.—Pursuant to the annual review required under section 1260H(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113 note), the Secretary of Defense shall determine if any entity that manufactures or assembles unmanned aircraft systems (as defined in section 44801 of title 49, United States Code), or any subsidiary, parent, affiliate, or successor of such an entity, should be identified under such section 1260H(a) as a Chinese military company operating directly or indirectly in the United States.

(b) ADDITION OF CERTAIN EQUIPMENT AND SERVICES OF DJI TECHNOLOGIES AND AUTEL ROBOTICS TO COVERED COMMUNICATIONS EQUIPMENT AND SERVICES LIST.—

(1) IN GENERAL.—Section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) is amended—

(A) in subsection (c), by adding at the end the following:

''(5) The communications equipment or service being—

''(A) communications or video surveillance equipment produced or provided by—

''(i) Shenzhen Da-Jiang Innovations Sciences and Technologies Company Limited (commonly known as 'DJI Technologies');

''(ii) Autel Robotics; or

''(iii) with respect to an entity described in clause (i) or (ii) (referred to in this clause as a 'named entity')—

''(I) any subsidiary, affiliate, or partner of the named entity;

''(II) any entity in a joint venture with the named entity; or

''(III) any entity to which the named entity has issued a license to produce or provide that telecommunications or video surveillance equipment; or

''(B) telecommunications or video surveillance services, including software, provided by an entity described in subparagraph (A) or using equipment described in that subparagraph.

''(6)(A) The communications equipment or service being any communications equipment or service produced or provided by an entity—

''(i) that is a subsidiary, affiliate, or partner of an entity that produces or provides any communications equipment or service described in any of paragraphs (1) through (5) (referred to in this subparagraph as a 'covered entity');

''(ii) that is in a joint venture with a covered entity; or

''(iii) to which a covered entity has issued a license to produce or provide that communications equipment or service.

''(B) An executive branch interagency body described in paragraph (1) may submit to the Commission a petition to have an entity recognized as an entity to which subparagraph (A) applies.''; and

(B) by adding at the end the following:

''(e) INAPPLICABILITY TO AUTHORIZED INTELLIGENCE ACTIVITIES.—

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

''(2) INAPPLICABILITY.—Notwithstanding any other provision of this section, an action by the Commission under subsection (b)(1) based on a determination made under paragraph (5) or (6) of subsection (c) shall not apply with respect to any—

''(A) activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.);

''(B) activity of an element of the intelligence community relating to intelligence; or

''(C) activity of, or procurement by, an element of the intelligence community in support of an activity relating to intelligence.''.

(2) CONFORMING AMENDMENTS.—Section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) is amended by striking ''paragraphs (1) through (4)'' each place that term appears and inserting ''paragraphs (1) through (6)''.

(3) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall take effect on the date that is 180 days after the date of enactment of this Act.

(c) FIRST RESPONDER SECURE DRONE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—

(i) IN GENERAL.—The term ''eligible entity'' means an agency of an entity described in clause (ii) that has as a primary responsibility the maintenance of public safety.

(ii) ENTITY DESCRIBED.—An entity described in this clause is any of the following:

(I) Each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(II) A political subdivision, including a unit of local government, of an entity described in subclause (I).

(III) A Tribal Government.

(B) ELIGIBLE SMALL UNMANNED AIRCRAFT SYSTEM.—The term ''eligible small unmanned aircraft system'' means a small unmanned aircraft system, as defined in part 107 of title 14, Code of Federal Regulations (or any successor regulation), that—

(i) was not designed, manufactured, or assembled, in whole or in part, by a foreign entity of concern; or

(ii) does not include software or 1 or more critical components from a foreign entity of concern.

(C) 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).

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(E) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

(2) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, in coordination with the Attorney General, to be known as the First Responder Secure Drone Program, to provide grants to eligible entities to facilitate the use of eligible small unmanned aircraft systems.

(3) USE OF GRANT AMOUNTS.—An eligible entity may use a grant provided under this subsection to—

(A) purchase or lease eligible small unmanned aircraft systems;

(B) purchase or lease software, training, and other services reasonably associated with the purchase or lease of eligible small unmanned aircraft systems; and

(C) dispose of unmanned aircraft systems owned by the eligible entity.

(4) RESTRICTIONS ON GRANT USES.—In administering grants under this program, the Secretary, in coordination with the Attorney General, shall ensure funds are used in a manner that safeguards civil liberties and mitigates cybersecurity risks concerning the operation and use of the eligible small unmanned aircraft system.

(5) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require, including an assurance that the eligible entity or any contractor of the eligible entity, will comply with relevant Federal regulations.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the allowable costs of a project carried out using a grant provided under this subsection shall not exceed 50 percent of the total allowable project costs.

(B) WAIVER.—The Secretary may increase the Federal share under subparagraph (A) to up to 75 percent if an eligible entity—

(i) submits a written application to the Secretary requesting an increase in the Federal share; and

(ii) demonstrates that the additional assistance is necessary to facilitate the acceptance and full use of a grant under this subsection, due to circumstances such as alleviating economic hardship, meeting additional workforce needs, or any other uses that the Secretary determines to be appropriate.

(7) SUNSET OF PROGRAM.—The program established under this subsection shall end on the date that is the earlier of—

(A) the date on which all appropriations authorized under paragraph (7) are expended; and

(B) the date that is 2 years after the date of enactment of this Act.

SA 3099. Mr. DURBIN (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 in title III, add the following:

SEC. 324. CENTERS OF EXCELLENCE FOR ASSESSING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES IN WATER SOURCES AND PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCE REMEDIATION SOLUTIONS.

(a) PURPOSE.—The purpose of this section is to dedicate resources to advancing, and expanding access to, perfluoroalkyl or polyfluoroalkyl substance detection and remediation science, research, and technologies through the establishment of Centers of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions.

(b) ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—The Administrator shall—

(A) select from among the applications submitted under paragraph (2)(A) an eligible research university, an eligible rural university, and a National Laboratory applying jointly for the establishment of centers, to be known as the ''Centers of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions'', which shall be a tri-institutional collaboration between the eligible research university, eligible rural university, and National Laboratory co-applicants (in this section referred to as the ''Centers''); and

(B) guide the eligible research university, eligible rural university, and National Laboratory in the establishment of the Centers.

(2) APPLICATIONS.—

(A) IN GENERAL.—An eligible research university, eligible rural university, and National Laboratory desiring to establish the Centers shall jointly submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(B) CRITERIA.—In evaluating applications submitted under subparagraph (A), the Administrator shall only consider applications that—

(i) include evidence of an existing partnership between not fewer than two of the co-applicants that is dedicated to supporting and expanding shared scientific goals with a clear pathway to collaborating on furthering science and research relating to perfluoroalkyl or polyfluoroalkyl substances;

(ii) demonstrate a history of collaboration between not fewer than two of the co-applicants on the advancement of shared research capabilities, including instrumentation and research infrastructure relating to perfluoroalkyl or polyfluoroalkyl substances;

(iii) indicate that the co-applicants have the capacity to expand education and research opportunities for undergraduate and graduate students to prepare a generation of experts in sciences relating to perfluoroalkyl or polyfluoroalkyl substances;

(iv) demonstrate that the National Laboratory co-applicant is equipped to scale up

newly discovered materials and methods for perfluoroalkyl or polyfluoroalkyl substance detection and perfluoroalkyl or polyfluoroalkyl substance removal processes for low-risk, cost-effective, and validated commercialization; and

(v) identify one or more staff members of each co-applicant who—

(I) have expertise in sciences relevant to perfluoroalkyl or polyfluoroalkyl substance detection and remediation; and

(II) have been jointly selected, and will be jointly appointed, by the co-applicants to lead and carry out the purposes of the Centers.

(3) TIMING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Centers shall be established not later than one year after the date of the enactment of this Act.

(B) DELAY.—If the Administrator determines that a delay in the establishment of the Centers is necessary, the Administrator—

(i) not later than the date specified in subparagraph (A), shall submit a notification to the appropriate committees of Congress explaining the necessity of the delay; and

(ii) shall ensure that the Centers are established not later than three years after the date of the enactment of this Act.

(4) COORDINATION.—The Administrator shall carry out paragraph (1) in coordination with other relevant officials of the Federal Government as the Administrator determines appropriate.

(c) DUTIES AND CAPABILITIES OF THE CENTERS.—

(1) IN GENERAL.—The Centers shall develop and maintain—

(A) capabilities for measuring perfluoroalkyl or polyfluoroalkyl substance contamination in drinking water, ground water, and any other relevant environmental, municipal, industrial, or residential water samples using methods certified by the Environmental Protection Agency; and

(B) capabilities for—

(i) evaluating emerging perfluoroalkyl or polyfluoroalkyl substance removal and destruction technologies and methods; and

(ii) benchmarking those technologies and methods relative to existing technologies and methods.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Centers shall, at a minimum—

(i) develop instruments and personnel capable of analyzing perfluoroalkyl or polyfluoroalkyl substance contamination in water using—

(I) the method described by the Environmental Protection Agency in the document entitled ''Method 533: Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem mass Spectrometry'' (commonly known as ''EPA Method 533'');

(II) the method described by the Environmental Protection Agency in the document entitled ''Method 537.1: Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)'' (commonly known as ''EPA Method 537.1'');

(III) any updated or future method developed by the Environmental Protection Agency; and

(IV) any other method the Administrator considers relevant;

(ii) develop and maintain capabilities for evaluating the removal of perfluoroalkyl or polyfluoroalkyl substances from water using newly developed adsorbents or membranes;

(iii) develop and maintain capabilities to evaluate the degradation of perfluoroalkyl or polyfluoroalkyl substances in water or other media;

(iv) make the capabilities and instruments developed under clauses (i) through (iii) available to researchers throughout the regions in which the Centers are located; and

(v) make reliable perfluoroalkyl or polyfluoroalkyl substance measurement capabilities and instruments available to municipalities and individuals in the regions in which the Centers are located at reasonable cost.

(B) OPEN-ACCESS RESEARCH.—The Centers shall provide open access to the research findings of the Centers.

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Administrator may, as the Administrator determines to be necessary, use staff and other resources from other Federal agencies in carrying out this section.

(e) REPORTS.—

(1) REPORT ON ESTABLISHMENT OF CENTERS.—Not later than one year after the date of the establishment of the Centers under subsection (b), the Administrator, in coordination with the Centers, shall submit to the appropriate committees of Congress a report describing—

(A) the establishment of the Centers; and

(B) the activities of the Centers since the date on which the Centers were established.

(2) ANNUAL REPORTS.—Not later than one year after the date on which the report under paragraph (1) is submitted, and annually thereafter until the date on which the Centers are terminated under subsection (f), the Administrator, in coordination with the Centers, shall submit to the appropriate committees of Congress a report describing—

(A) the activities of the Centers during the year covered by the report; and

(B) any policy, research, or funding recommendations relating to the purposes or activities of the Centers.

(f) TERMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Centers shall terminate on October 1, 2034.

(2) EXTENSION.—If the Administrator, in consultation with the Centers, determines that the continued operation of the Centers beyond the date described in paragraph (1) is necessary to advance science and technologies to address perfluoroalkyl or polyfluoroalkyl substance contamination—

(A) the Administrator shall submit to the appropriate committees of Congress—

(i) a notification of that determination; and

(ii) a description of the funding necessary for the Centers to continue in operation and fulfill their purpose; and

(B) subject to the availability of funds, may extend the duration of the Centers for such time as the Administrator determines to be appropriate.

(g) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 2025 for the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program of the Department of Defense, $25,000,000 shall be made available to the Administrator to carry out this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts made available under paragraph (1) shall remain available to the Administrator for the purposes specified in that paragraph until September 30, 2033.

(3) ADMINISTRATIVE COSTS.—Not more than four percent of the amounts made available to the Administrator under paragraph (1) shall be used for the administrative costs of carrying out this section.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term the ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) ELIGIBLE RESEARCH UNIVERSITY.—The term ''eligible research university'' means an institution of higher education that—

(A) has annual research expenditures of not less than $750,000,000; and

(B) is located near a population center of not fewer than 5,000,000 individuals.

(4) ELIGIBLE RURAL UNIVERSITY.—The term ''eligible rural university'' means an institution of higher education that is—

(A) located in one of the five States with the lowest population density as determined by data from the most recent census;

(B) a member of the National Security Innovation Network in the Rocky Mountain Region; and

(C) in proximity to the geographic center of the United States, as determined by the Administrator.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) 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).

SA 3100. Mr. HICKENLOOPER (for himself and Mr. MARSHALL) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 865. SBIC MAXIMUM LEVERAGE EXCLUSION.

(a) SHORT TITLE.—This section may be cited as the ''Investing in All of America Act of 2024''.

(b) DEFINITIONS.—Section 103(9) of the Small Business Investment Act of 1958 (15 U.S.C. 662(9)) is amended—

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

(2) in subparagraph (B)(iii)—

(A) in subclause (I), by striking ''established prior to October 1, 1987'';

(B) in subclause (II)—

(i) by striking ''or'' and inserting '', a''; and

(ii) by inserting '', or a foundation, endowment, or trust of a college or university'' after ''pension plan''; and

(C) in subclause (III), by striking the semicolon at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) for the purpose of approval by the Administrator of any request for leverage, does not include any funds obtained directly or indirectly from any Federal, State or local government or any government agency or instrumentality, except for funds described in subclause (I), (II), or (III) of subparagraph (B)(iii).''.

(c) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended—

(1) in subparagraph (A)(i), by striking ''300'' and inserting ''200'';

(2) in subparagraph (C)—

(A) in the heading—

(i) by inserting ''OR RURAL'' after ''LOW-INCOME''; and

(ii) by inserting ''OR CRITICAL TECHNOLOGY AREAS'' after ''GEOGRAPHIC AREAS'';

(B) in clause (i)—

(i) by striking ''(i) In calculating'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (iii), in calculating'';

(ii) by inserting ''or companies'' after ''of a company'';

(iii) by striking ''subparagraph (A)'' and inserting ''subparagraphs (A) and (B)'';

(iv) by striking ''equity'';

(v) by striking ''the company in a smaller enterprise'' and all that follows and inserting the following: ''the company or companies in—

''(I) a smaller enterprise located in a low-income geographic area (as defined in section 351) or in a rural area; or''; and

(vi) by adding at the end the following new subclause:

''(II) a small business concern in an area of critical technology (as defined in section 4801 of title 10, United States Code) vital to maintaining the national security of the United States.'';

(C) by amending clause (ii) to read as follows:

''(ii) LIMITATION.—While maintaining the limitation of subparagraph (A)(i) and consistent with a leverage determination ratio issued pursuant to section 301(c), the aggregate amount excluded for a company or companies under clause (i) from the calculation of the outstanding leverage of such company or companies for the purposes of subparagraphs (A) and (B) may not exceed the lesser of 50 percent of the private capital of such company or companies or $125,000,000.''; and

(D) by amending clause (iii) to read as follows:

''(iii) PROSPECTIVE APPLICABILITY.—An investment by a licensee is eligible for exclusion from the calculation of outstanding leverage under clause (i) only if such investment is made by such licensee after the date of enactment of the Investing in All of America Act of 2024.''; and

(3) by adding at the end the following new subparagraphs:

''(E) ANNUAL ADJUSTMENT.—The Administrator shall adjust the dollar amounts described in subparagraphs (A) and (B)—

''(i) on the date of the enactment of this subparagraph, by a percentage equal to the percentage (if any) by which the Consumer Price Index (all items; United States city average), as published by the Bureau of Labor Statistics, increased during the period—

''(I) beginning on December 18, 2015, and ending on the date of the enactment of this subparagraph, for subparagraph (B); and

''(II) beginning on June 21, 2018, and ending on the date of the enactment of this subparagraph, for subparagraph (A); and

''(ii) on the date that is one year after the date of the enactment of this subparagraph, and annually thereafter, by a percentage equal to the percentage (if any) by which the Consumer Price Index (all items; United States city average), as published by the Bureau of Labor Statistics, increased during the one-year period preceding the date of the adjustment under this clause.''.

(d) REPORT.—Not later than June 30 of the first year beginning after the date of enactment of this Act, and annually thereafter, the Administrator of the Small Business Administration 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 on the results of the exclusion under subparagraph (C) of section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)), as amended by subsection (c), including the economic activity generated and jobs directly and indirectly created by the exclusion.

SA 3101. Mr. COONS (for himself, Mr. GRAHAM, Mr. TILLIS, Mr. KING, Mr. HEINRICH, Mr. WHITEHOUSE, Mr. BOOZMAN, Mr. RICKETTS, Mr. KAINE, Mr. SCOTT of South Carolina, Mr. CRAPO, Mrs. SHAHEEN, Mr. KELLY, Ms. HIRONO, and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 G—United States Foundation for International Conservation

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''United States Foundation for International Conservation Act of 2024''.

SEC. 1292. 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 Appropriations of the Senate;

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

(D) the Committee on Appropriations of the House of Representatives.

(2) BOARD.—The term ''Board'' means the Board of Directors established pursuant to section 1294(a).

(3) ELIGIBLE COUNTRY.—The term ''eligible country'' means any country described in section 1297(b).

(4) ELIGIBLE PROJECT.—The term ''eligible project'' means any project described in section 1297(a)(2).

(5) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director of the Foundation hired pursuant to section 1294(b).

(6) FOUNDATION.—The term ''Foundation'' means the United States Foundation for International Conservation established pursuant to section 1293(a).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 1293. UNITED STATES FOUNDATION FOR INTERNATIONAL CONSERVATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish the United States Foundation for International Conservation, which shall be operated as a charitable, nonprofit corporation.

(2) INDEPENDENCE.—The Foundation is not an agency or instrumentality of the United States Government.

(3) TAX-EXEMPT STATUS.—The Board shall take all necessary and appropriate steps to ensure that the Foundation is an organization described in subsection (c) of section 501 of the Internal Revenue Code of 1986, which exempt the organization from taxation under subsection (a) of such section.

(4) TERMINATION OF OPERATIONS.—The Foundation shall terminate operations on the date that is 10 years after the date on which the Foundation becomes operational, in accordance with—

(A) a plan for winding down the activities of the Foundation that the Board shall submit to the appropriate congressional committees not later than 180 days before such termination date; and

(B) the bylaws established pursuant to section 1294(b)(13).

(b) PURPOSES.—The purposes of the Foundation are—

(1) to provide grants for the responsible management of designated priority primarily protected and conserved areas in eligible countries that have a high degree of biodiversity or species and ecosystems of significant ecological value;

(2) to promote responsible, long-term management of primarily protected and conserved areas and their contiguous buffer zones;

(3) to incentivize, leverage, accept, and effectively administer governmental and nongovernmental funds, including donations from the private sector, to increase the availability and predictability of financing for responsible, long-term management of primarily protected and conserved areas in eligible countries;

(4) to help close critical gaps in public international conservation efforts in eligible countries by—

(A) increasing private sector investment, including investments from philanthropic entities; and

(B) collaborating with partners providing bilateral and multilateral financing to support enhanced coordination, including public and private funders, partner governments, local protected areas authorities, and private and nongovernmental organization partners;

(5) to identify and financially support viable projects that—

(A) promote responsible, long-term management of primarily protected and conserved areas and their contiguous buffer zones in eligible countries, including support for the management of terrestrial, coastal, freshwater, and marine protected areas, parks, community conservancies, Indigenous reserves, conservation easements, and biological reserves; and

(B) provide effective area-based conservation measures, consistent with best practices and standards for environmental and social safeguards; and

(6) to coordinate with, consult, and otherwise support and assist, governments, private sector entities, local communities, Indigenous Peoples, and other stakeholders in eligible countries in undertaking biodiversity conservation activities—

(A) to achieve measurable and enduring biodiversity conservation outcomes; and

(B) to improve local security, governance, food security, and economic opportunities.

(c) PLAN OF ACTION.—

(1) IN GENERAL.—Not later than 6 months after the establishment of the Foundation, the Executive Director shall submit for approval from the Board an initial 3-year Plan of Action to implement the purposes of this subtitle, including—

(A) a description of the priority actions to be undertaken by the Foundation over the proceeding 3-year period, including a timeline for implementation of such priority actions;

(B) descriptions of the processes and criteria by which—

(i) eligible countries, in which eligible projects may be selected to receive assistance under this subtitle, will be identified;

(ii) grant proposals for Foundation activities in eligible countries will be developed, evaluated, and selected; and

(iii) grant implementation will be monitored and evaluated;

(C) the projected staffing and budgetary requirements of the Foundation during the proceeding 3-year period.

(D) a plan to maximize commitments from private sector entities to fund the Foundation.

(2) SUBMISSION.—The Executive Director shall submit the initial Plan of Action to the appropriate congressional committees not later than 5 days after the Plan of Action is approved by the Board.

(3) UPDATES.—The Executive Director shall annually update the Plan of Action and submit each such updated plan to the appropriate congressional committees not later that 5 days after the update plan is approved by the Board.

SEC. 1294. GOVERNANCE OF THE FOUNDATION.

(a) EXECUTIVE DIRECTOR.—There shall be in the Foundation an Executive Director, who shall—

(1) manage the Foundation; and

(2) report to, and be under the direct authority, of the Board.

(b) BOARD OF DIRECTORS.—

(1) GOVERNANCE.—The Foundation shall be governed by a Board of Directors, which—

(A) shall perform the functions specified to be carried out by the Board under this subtitle; and

(B) may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(2) MEMBERSHIP.—The Board shall be composed of—

(A) the Secretary, the Administrator of the United States Agency for International Development, the Secretary of the Interior, the Chief of the United States Forest Service, and the head of one other relevant Federal department or agency, as determined by the Secretary, or the Senate-confirmed designees of such officials; and

(B) 8 other individuals, who shall be appointed by the Secretary, in consultation with the members of the Board described in subparagraph (A), the Speaker and Minority Leader of the House of Representatives, and the President Pro Tempore and Minority Leader of the Senate, of whom—

(i) 4 members shall be private-sector donors making financial contributions to the Foundation; and

(ii) 4 members shall be independent experts who, in addition to meeting the qualification requirements described in paragraph (3), represent diverse points of view and diverse geographies, to the maximum extent practicable.

(3) QUALIFICATIONS.—Each member of the Board appointed pursuant to paragraph (2)(B) shall be knowledgeable and experienced in matters relating to—

(A) international development;

(B) protected area management and the conservation of global biodiversity, fish and wildlife, ecosystem restoration, adaptation, and resilience; and

(C) grantmaking in support of international conservation.

(4) POLITICAL AFFILIATION.—Not more than 5 of the members appointed to the Board pursuant to paragraph (2)(B) may be affiliated with the same political party.

(5) CONFLICTS OF INTEREST.—Any individual with business interests, financial holdings, or controlling interests in any entity that has sought support, or is receiving support, from the Foundation may not be appointed to the Board during the 5-year period immediately preceding such appointment.

(6) CHAIRPERSON.—The Board shall elect, from among its members, a Chairperson, who shall serve for a 2-year term.

(7) TERMS; VACANCIES.—

(A) TERMS.—

(i) IN GENERAL.—The term of service of each member of the Board appointed pursuant to paragraph (2)(B) shall be not more than 5 years.

(ii) INITIAL APPOINTED DIRECTORS.—Of the initial members of the Board appointed pursuant to paragraph (2)(B)—

(I) 4 members, including at least 2 private-sector donors making financial contributions to the Foundation, shall serve for 4 years; and

(II) 4 members shall serve for 5 years, as determined by the Chairperson of the Board.

(B) VACANCIES.—Any vacancy in the Board—

(i) shall be filled in the manner in which the original appointment was made; and

(ii) shall not affect the power of the remaining appointed members of the Board to execute the duties of the Board.

(8) QUORUM.—A majority of the current membership of the Board, including the Secretary or the Secretary's designee, shall constitute a quorum for the transaction of Foundation business.

(9) MEETINGS.—

(A) IN GENERAL.—The Board shall meet not less frequently than annually at the call of the Chairperson. Such meetings may be in person, virtual, or hybrid.

(B) INITIAL MEETING.—Not later than 60 days after the Board is established pursuant to section 1293(a), the Secretary of State shall convene a meeting of the ex-officio members of the Board and the appointed members of the Board to incorporate the Foundation.

(C) REMOVAL.—Any member of the Board appointed pursuant to paragraph (2)(B) who misses 3 consecutive regularly scheduled meetings may be removed by a majority vote of the Board.

(10) REIMBURSEMENT OF EXPENSES.—

(A) IN GENERAL.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred in the performance of the duties of the Foundation.

(B) LIMITATION.—Expenses incurred outside the United States may be reimbursed under this paragraph if at least 2 members of the Board concurrently incurred such expenses. Such reimbursements—

(i) shall be available exclusively for actual costs incurred by members of the Board up to the published daily per diem rate for lodging, meals, and incidentals; and

(ii) shall not include first-class, business-class, or travel in any class other than economy class or coach class.

(C) OTHER EXPENSES.—All other expenses, including salaries for officers and staff of the Foundation, shall be established by a majority vote of the Board, as proposed by the Executive Director on no less than an annual basis.

(11) NOT FEDERAL EMPLOYEES.—Appointment as a member of the Board and employment by the Foundation does not constitute employment by, or the holding of an office of, the United States for purposes of any Federal law.

(12) DUTIES.—The Board shall—

(A) establish bylaws for the Foundation in accordance with paragraph (13);

(B) provide overall direction for the activities of the Foundation and establish priority activities;

(C) carry out any other necessary activities of the Foundation;

(D) evaluate the performance of the Executive Director;

(E) take steps to limit the administrative expenses of the Foundation; and

(F) not less frequently than annually, consult and coordinate with stakeholders qualified to provide advice, assistance, and information regarding effective protected and conserved area management.

(13) BYLAWS.—

(A) IN GENERAL.—The bylaws required to be established under paragraph (12)(A) shall include—

(i) the specific duties of the Executive Director;

(ii) policies and procedures for the selection of members of the Board and officers, employees, agents, and contractors of the Foundation;

(iii) policies, including ethical standards, for—

(I) the acceptance, solicitation, and disposition of donations and grants to the Foundation; and

(II) the disposition of assets of the Foundation upon the dissolution of the Foundation;

(iv) policies that subject all implementing partners, employees, fellows, trainees, and other agents of the Foundation (including ex-officio members of the Board and appointed members of the Board) to stringent ethical and conflict of interest standards;

(v) removal and exclusion procedures for implementing partners, employees, fellows, trainees, and other agents of the Foundation (including ex-officio members of the Board and appointed members of the Board) who fail to uphold the ethical and conflict of interest standards established pursuant to clause (iii);

(vi) policies for winding down the activities of the Foundation upon its dissolution, including a plan—

(I) to return unspent appropriations to the Treasury of the United States; and

(II) to donate unspent private and philanthropic contributions to projects that align with the goals and requirements described in section 1297;

(vii) policies for vetting implementing partners and grantees to ensure the Foundation does not provide grants to for profit entities whose primary objective is activities other than conservation activities; and

(viii) clawback policies and procedures to be incorporated into grant agreements to ensure compliance with the policies referred to in clause (vii).

(B) REQUIREMENTS.—The Board shall ensure that the bylaws of the Foundation and the activities carried out under such bylaws do not—

(i) reflect unfavorably on the ability of the Foundation to carry out activities in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee employed by, or involved in, a governmental agency or program.

(c) FOUNDATION STAFF.—Officers and employees of the Foundation—

(1) may not be employees of, or hold any office in, the United States Government;

(2) may not serve in the employ of any nongovernmental organization, project, or person related to or affiliated with any grantee of the Foundation while employed by the Foundation;

(3) may not receive compensation from any other source for work performed in carrying out the duties of the Foundation while employed by the Foundation; and

(4) should not receive a salary at a rate that is greater than the maximum rate of basic pay authorized for positions at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) LIMITATION AND CONFLICTS OF INTERESTS.—

(1) POLITICAL PARTICIPATION.—The Foundation may not—

(A) lobby for political or policy issues; or

(B) participate or intervene in any political campaign in any country.

(2) FINANCIAL INTERESTS.—As determined by the Board and set forth in the bylaws established pursuant to subsection (b)(13), and consistent with best practices, any member of the Board or officer or employee of the Foundation shall be prohibited from participating, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of such member of the Board, or officer or employee of the Foundation, not including such member's Foundation expenses and compensation; and

(B) the interests of any corporation, partnership, entity, or organization in which such member of the Board, officer, or employee has any fiduciary obligation or direct or indirect financial interest.

(3) RECUSALS.—Any member of the Board that has a business, financial, or familial interest in an organization or community seeking support from the Foundation shall recuse himself or herself from all deliberations, meetings, and decisions concerning the consideration and decision relating to such support.

(4) PROJECT INELIGIBILITY.—The Foundation may not provide support to individuals or entities with business, financial, or familial ties to—

(A) a current member of the Board; or

(B) a former member of the Board during the 5-year period immediately following the last day of the former member's term on the Board.

SEC. 1295. CORPORATE POWERS AND OBLIGATIONS OF THE FOUNDATION.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—The Foundation—

(A) may conduct business in foreign countries;

(B) shall have its principal offices in the Washington, D.C. metropolitan area; and

(C) shall continuously maintain a designated agent in Washington, D.C. who is authorized to accept notice or service of process on behalf of the Foundation.

(2) NOTICE AND SERVICE OF PROCESS.—The serving of notice to, or service of process upon, the agent referred to in paragraph (1)(C), or mailed to the business address of such agent, shall be deemed as service upon, or notice to, the Foundation.

(3) AUDITS.—The Foundation shall be subject to the general audit authority of the Comptroller General of the United States under section 3523 of title 31, United States Code.

(b) AUTHORITIES.—In addition to powers explicitly authorized under this subtitle, the Foundation, in order to carry out the purposes described in section 1293(b), shall have the usual powers of a corporation headquartered in Washington, D.C., including the authority—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, or real or personal property or any income derived from such gift or property, or other interest in such gift or property located in the United States;

(2) to acquire by donation, gift, devise, purchase, or exchange any real or personal property or interest in such property located in the United States;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income derived from such property located in the United States;

(4) to complain and defend itself in any court of competent jurisdiction (except that the members of the Board shall not be personally liable, except for gross negligence);

(5) to enter into contracts or other arrangements with public agencies, private organizations, and persons and to make such payments as may be necessary to carry out the purposes of such contracts or arrangements; and

(6) to award grants for eligible projects, in accordance with section 1297.

(c) LIMITATION OF PUBLIC LIABILITY.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation. The Federal Government shall be held harmless from any damages or awards ordered by a court against the Foundation.

SEC. 1296. SAFEGUARDS AND ACCOUNTABILITY.

(a) SAFEGUARDS.—The Foundation shall develop, and incorporate into any agreement for support provided by the Foundation, appropriate safeguards, policies, and guidelines, consistent with United States law and best practices and standards for environmental and social safeguards.

(b) INDEPENDENT ACCOUNTABILITY MECHANISM.—

(1) IN GENERAL.—The Secretary, or the Secretary's designee, shall establish a transparent and independent accountability mechanism, consistent with best practices, which shall provide—

(A) a compliance review function that assesses whether Foundation-supported projects adhere to the requirements developed pursuant to subsection (a);

(B) a dispute resolution function for resolving and remedying concerns between complainants and project implementers regarding the impacts of specific Foundation-supported projects with respect to such standards; and

(C) an advisory function that reports to the Board on projects, policies, and practices.

(2) DUTIES.—The accountability mechanism shall—

(A) report annually to the Board and the appropriate congressional committees regarding the Foundation's compliance with best practices and standards in accordance with paragraph (1)(A) and the nature and resolution of any complaint;

(B)(i) have permanent staff, led by an independent accountability official, to conduct compliance reviews and dispute resolutions and perform advisory functions; and

(ii) maintain a roster of experts to serve such roles, to the extent needed; and

(C) hold a public comment period lasting not fewer than 60 days regarding the initial design of the accountability mechanism.

(c) INTERNAL ACCOUNTABILITY.—The Foundation shall establish an ombudsman position at a senior level of executive staff as a confidential, neutral source of information and assistance to anyone affected by the activities of the Foundation.

(d) ANNUAL REVIEW.—The Secretary shall, periodically, but not less frequent than annually, review assistance provided by the Foundation for the purpose of implementing section 1293(b) to ensure consistency with the provisions under section 620M of Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

SEC. 1297. PROJECTS AND GRANTS.

(a) PROJECT FUNDING REQUIREMENTS.—

(1) IN GENERAL.—The Foundation shall—

(A) provide grants to support eligible projects described in paragraph (3) that advance its mission to enable effective management of primarily protected and conserved areas and their contiguous buffer zones in eligible countries;

(B) advance effective landscape or seascape approaches to conservation that include buffer zones, wildlife dispersal and corridor areas, and other effective area-based conservation measures; and

(C) not purchase, own, or lease land, including conservation easements, in eligible countries.

(2) ELIGIBLE ENTITIES.—Eligible entities shall include—

(A) not-for-profit organizations with demonstrated expertise in protected and conserved area management and economic development;

(B) governments of eligible partner countries, as determined by subsection (b), with the exception of governments and government entities that are prohibited from receiving grants from the Foundation pursuant to section 1298; and

(C) Indigenous and local communities in such eligible countries.

(3) ELIGIBLE PROJECTS.—Eligible projects shall include projects that—

(A) focus on supporting—

(i) transparent and effective long-term management of primarily protected or conserved areas and their contiguous buffer zones in countries described in subsection (b), including terrestrial, coastal, and marine protected or conserved areas, parks, community conservancies, Indigenous reserves, conservation easements, and biological reserves; and

(ii) other effective area-based conservation measures;

(B) are cost-matched at a ratio of not less than $2 from sources other than the United States for every $1 made available under this subtitle;

(C) are subject to long-term binding memoranda of understanding with the governments of eligible countries and local communities—

(i) to ensure that local populations have access, resource management responsibilities, and the ability to pursue permissible, sustainable economic activity on affected lands; and

(ii) that may be signed by governments in such eligible countries to ensure free, prior, and informed consent of affected communities;

(D) incorporate a set of key performance and impact indicators;

(E) demonstrate robust local community engagement, with the completion of appropriate environmental and social due diligence, including—

(i) free, prior, and informed consent of Indigenous Peoples and relevant local communities;

(ii) inclusive governance structures; and

(iii) effective grievance mechanisms;

(F) create economic opportunities for local communities, including through—

(i) equity and profit-sharing;

(ii) cooperative management of natural resources;

(iii) employment activities; and

(iv) other related economic growth activities;

(G) leverage stable baseline funding for the effective management of the primarily protected or conserved area project; and

(H) to the extent possible—

(i) are viable and prepared for implementation; and

(ii) demonstrate a plan to strengthen the capacity of, and transfer skills to, local institutions to manage the primarily protected or conserved area before or after grant funding is exhausted.

(b) ELIGIBLE COUNTRIES.—

(1) IN GENERAL.—Pursuant to the Plan of Action required under section 1293(c), and before awarding any grants or entering into any project agreements for any fiscal year, the Board shall conduct a review to identify eligible countries in which the Foundation

may fund projects. Such review shall consider countries that—

(A) are low-income, lower middle-income, or upper-middle-income economies (as defined by the International Bank for Reconstruction and Development and the International Development Association);

(B) have—

(i) a high degree of threatened or at-risk biological diversity; or

(ii) species or ecosystems of significant importance, including threatened or endangered species or ecosystems at risk of degradation or destruction;

(C) have demonstrated a commitment to conservation through verifiable actions, such as protecting lands and waters through the gazettement of national parks, community conservancies, marine reserves and protected areas, forest reserves, or other legally recognized forms of place-based conservation; and

(D) are not ineligible to receive United States foreign assistance pursuant to any other provision of law, including laws identified in section 1298.

(2) IDENTIFICATION OF ELIGIBLE COUNTRIES.—Not later than 5 days after the date on which the Board determines which countries are eligible to receive assistance under this subtitle for a fiscal year, the Executive Director shall—

(A) submit a report to the appropriate congressional committees that includes—

(i) a list of all such eligible countries, as determined through the review process described in paragraph (1); and

(ii) a detailed justification for each such eligibility determination, including—

(I) an analysis of why the eligible country would be suitable for partnership;

(II) an evaluation of the eligible partner country's interest in and ability to participate meaningfully in proposed Foundation activities, including an evaluation of such eligible country's prospects to substantially benefit from Foundation assistance;

(III) an estimation of each such eligible partner country's commitment to conservation; and

(IV) an assessment of the capacity and willingness of the eligible country to enact or implement reforms that might be necessary to maximize the impact and effectiveness of Foundation support; and

(B) publish the information contained in the report described in subparagraph (A) in the Federal Register.

(c) GRANTMAKING.—

(1) IN GENERAL.—In order to maximize program effectiveness, the Foundation shall—

(A) coordinate with other international public and private donors to the greatest extent practicable and appropriate;

(B) seek additional financial and nonfinancial contributions and commitments for its projects from governments in eligible countries;

(C) strive to generate a partnership mentality among all participants, including public and private funders, host governments, local protected areas authorities, and private and nongovernmental organization partners;

(D) prioritize investments in communities with low levels of economic development to the greatest extent practicable and appropriate; and

(E) consider the eligible partner country's planned and dedicated resources to the proposed project and the eligible entity's ability to successfully implement the project.

(2) GRANT CRITERIA.—Foundation grants—

(A) shall fund eligible projects that enhance the management of well-defined primarily protected or conserved areas and the systems of such conservation areas in eligible countries;

(B) should support adequate baseline funding for eligible projects in eligible countries to be sustained for not less than 10 years;

(C) should, during the grant period, demonstrate progress in achieving clearly defined key performance indicators (as defined in the grant agreement), which may include—

(i) the protection of biological diversity;

(ii) the protection of native flora and habitats, such as trees, forests, wetlands, grasslands, mangroves, coral reefs, and sea grass;

(iii) community-based economic growth indicators, such as improved land tenure, increases in beneficiaries participating in related economic growth activities, and sufficient income from conservation activities being directed to communities in project areas;

(iv) improved management of the primarily protected or conserved area covered by the project, as documented through the submission of strategic plans or annual reports to the Foundation; and

(v) the identification of additional revenue sources or sustainable financing mechanisms to meet the recurring costs of management of the primarily protected or conserved areas; and

(D) shall be terminated if the Board determines that the project is not—

(i) meeting applicable requirements under this subtitle; or

(ii) making progress in achieving the key performance indicators defined in the grant agreement.

SEC. 1298. PROHIBITION OF SUPPORT FOR CERTAIN GOVERNMENTS.

(a) IN GENERAL.—The Foundation may not provide support for any government, or any entity owned or controlled by a government, if the Secretary has determined that such government—

(1) has repeatedly provided support for acts of international terrorism, as determined under—

(A) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (22 U.S.C. 4813(c)(1)(A)(i));

(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;

(2) has been identified pursuant to 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; or

(3) has failed the ''control of corruption'' indicator, as determined by the Millennium Challenge Corporation, within any of the preceding 3 years of the intended grant;

(b) PROHIBITION OF SUPPORT FOR SANCTIONED PERSONS.—The Foundation may not engage in any dealing 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 or by the Secretary of the Treasury.

(c) PROHIBITION OF SUPPORT FOR ACTIVITIES SUBJECT TO SANCTIONS.—The Foundation shall require any person receiving support to certify that such person, and any entity owned or controlled by such person, is in compliance with all United States sanctions laws and regulations.

SEC. 1299. ANNUAL REPORT.

Not later than 360 days after the date of the enactment of this Act, and annually thereafter while the Foundation continues to operate, the Executive Director of the Foundation shall submit a report to the appropriate congressional committees that describes—

(1) the goals of the Foundation;

(2) the programs, projects, and activities supported by the Foundation;

(3) private and governmental contributions to the Foundation; and

(4) the standardized criteria utilized to determine the programs and activities supported by the Foundation, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved for each project.

SEC. 1299A. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—In addition to amounts authorized to be appropriated to carry out international conservation and biodiversity programs under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), and subject to the limitations set forth in subsections (b) and (c), there is authorized to be appropriated to the Foundation to carry out the purposes of this subtitle—

(1) $1,000,000 for fiscal year 2025; and

(2) not more than $100,000,000 for each of the fiscal years 2026 through 2034.

(b) COST MATCHING REQUIREMENT.—Amounts appropriated pursuant to subsection (a) may only be made available to grantees to the extent the Foundation or such grantees secure funding for an eligible project from sources other than the United States Government in an amount that is not less than twice the amount received in grants for such project pursuant to section 1297.

(c) ADMINISTRATIVE COSTS.—The administrative costs of the Foundation shall come from sources other than the United States Government.

(d) PROHIBITION ON USE OF GRANT AMOUNTS FOR LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation pursuant to section 1297 may not be used for any activity intended to influence legislation pending before the Congress of the United States.

SA 3102. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 XV, add the following:

SEC. 1549. CLASSIFICATION REFORM FOR TRANSPARENCY ACT OF 2024.

(a) SHORT TITLE.—This section may be cited as the ''Classification Reform for Transparency Act of 2024''.

(b) DEFINITIONS.—In this section:

(1) CLASSIFICATION.—The term ''classification'' means the act or process by which information is determined to be classified information.

(2) CLASSIFICATION SYSTEM.—The term ''classification system'' means the system of the Federal Government for classification and declassification.

(3) CLASSIFIED INFORMATION.—The term ''classified information'' has the meaning given the term ''classified information of the United States'' in section 1924(c) of title 18, United States Code.

(4) DECLASSIFICATION.—The term ''declassification'' means the authorized change in the status of information from classified information to unclassified information.

(5) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given such term in section 105 of title 5, United States Code.

(6) 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 Federal Government.

(c) AUTOMATIC EXPIRATION OF CLASSIFICATION STATUS.—

(1) AUTOMATIC EXPIRATION.—

(A) IN GENERAL.—Subject to paragraph (2), the classification marking on any information that is more than 50 years old shall be considered expired, and the information shall be considered unclassified.

(B) EFFECTIVE DATE.—Subparagraph (A) shall take effect on the date that is 3 years after the date of the enactment of this Act.

(2) AUTHORITY TO EXEMPT.—The President may, as the President considers appropriate, exempt specific information from the requirement of paragraph (1)(A) pursuant to a request received by the President pursuant to paragraph (3).

(3) REQUESTS FOR EXEMPTIONS.—In extraordinary cases, the head of an Executive agency may request from the President an exemption to the requirement of paragraph (1)(A) for specific information that reveals—

(A) the identity of a human source or human intelligence source in a case in which the source or a relative of the source is alive and disclosure would present a clear danger to the safety of the source or relative;

(B) a key design concept of a weapon of mass destruction; or

(C) information that would result in critical harm to ongoing or future operations.

(4) NOTIFICATION.—

(A) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this paragraph, the term ''appropriate committee of Congress'' means—

(i) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Oversight and Accountability and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) IN GENERAL.—If an exemption is requested pursuant to paragraph (3), the President shall, not later than 30 days after the date on which the President approves or rejects the requested exemption, submit to Congress, including the appropriate committees of Congress, notice of such approval or rejection.

(C) CONTENTS.—Each notice submitted pursuant to subparagraph (B) for an approval or rejection shall include a justification for the approval or rejection.

(D) FORM.—To the degree practicable, each notice submitted pursuant to subparagraph (B) shall be submitted in unclassified form.

(d) REFORMS OF THE CLASSIFICATION SYSTEM.—

(1) DECLASSIFICATION UPON REQUEST OF CONGRESS.—

(A) IN GENERAL.—Not later than 90 days after the date on which the head of an Executive agency receives a request from a chair, vice-chair, or ranking member of an appropriate committee of Congress for declassification of specific information in the possession of the Executive agency, the head of the Executive agency shall—

(i) review the information for declassification; and

(ii) provide the member of Congress—

(I) the declassified information or document; or

(II) notice that, pursuant to review under clause (i), the information is not being declassified, along with a justification for not declassifying the information.

(B) COMPLEX OR LENGTHY REQUESTS.—In a case in which the head of an Executive agency receives a request as described in subparagraph (A) and the head determines that such request is particularly complex or lengthy, such paragraph shall be applied by substituting ''180 days'' for ''90 days''.

(2) MANDATORY DECLASSIFICATION REVIEW FOR MATTERS IN THE PUBLIC INTEREST.—The President shall require that the mandatory declassification review process established pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, include—

(A) a process by which members of the public may request declassification of information in cases in which—

(i) the information meets the standards for classification; and

(ii) the public interest in disclosure would outweigh the national security harm that could reasonably be expected to result from disclosure of the information; and

(B) an expedited process for consideration of declassification of information in cases in which there is urgency to inform the public concerning actual or alleged Federal Government activity.

(3) IDENTIFICATION OF HARM TO NATIONAL SECURITY.—At the time of original classification, in addition to the identifications and markings required by section 1.6 of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, the original classification authority shall identify in writing the specific harm to national security that could reasonably be expected to result from disclosure.

(4) CONGRESSIONAL AUTHORITY TO RELEASE INFORMATION.—Nothing in this section shall be deemed in conflict with, or to otherwise impede the authority of, Congress under clause 3 of section 5 of article I of the Constitution of the United States to release information in its possession, and such information so released shall be deemed declassified or otherwise released in full.

SA 3103. Mr. CARPER (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 E—ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 2024

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Economic Development Reauthorization Act of 2024''.

TITLE LI—PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 5101. FINDINGS AND DECLARATIONS.

Section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is amended to read as follows:

''SEC. 2. FINDINGS AND DECLARATIONS.

''(a) FINDINGS.—Congress finds that—

''(1) there continue to be areas of the United States—

''(A) experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes; and

''(B) facing sudden and severe economic dislocations because of structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), impacts from natural disasters, and transitioning industries, including energy generation, steel production, and mining;

''(2) economic growth in the States, cities, and rural areas of the United States is produced by expanding economic opportunities, expanding free enterprise through trade, promoting resilience in public infrastructure, creating conditions for job creation, job retention, and business development, and by capturing the opportunities to lead the industries of the future, including advanced technologies, clean energy production, and advanced manufacturing technologies;

''(3) the goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

''(A) creating an environment that promotes economic activity by improving and expanding modern public infrastructure;

''(B) promoting job creation, retention, and workforce readiness through increased innovation, productivity, and entrepreneurship; and

''(C) empowering local and regional communities experiencing chronic high unemployment, underemployment, low labor force participation, and low per capita income to develop private sector business and attract increased private sector capital investment;

''(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private State, regional, Tribal, and local organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity;

''(5) in order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, Tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements;

''(6) Federal economic development efforts will be more effective if the efforts are coordinated with, and build on, the trade, workforce investment, scientific research, environmental protection, transportation, and technology programs of the United States, including through the consolidation and alignment of plans and strategies to promote effective economic development;

''(7) rural communities face unique challenges in addressing infrastructure needs, sometimes lacking the necessary tax base for required upgrades, and often encounter limited financing options and capacity, which can impede new development and long-term economic growth; and

''(8) assisting communities and regions in becoming more resilient to the effects of extreme weather threats and events will promote economic development and job creation.

''(b) DECLARATIONS.—In order to promote a strong, growing, resilient, competitive, and secure economy throughout the United States, the opportunity to pursue, and be employed in, high-quality jobs with family-sustaining wages, and to live in communities that enable business creation and wealth, Congress declares that—

''(1) assistance under this Act should be made available to both rural- and urban-distressed communities;

''(2) local communities should work in partnership with neighboring communities, States, Indian tribes, and the Federal Government to increase the capacity of the local

communities to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy;

''(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets; and

''(4) assistance under this Act should be made available to modernize and promote recycling, promote the productive reuse of abandoned industrial facilities and the redevelopment of brownfields, and invest in public assets that support travel and tourism and outdoor recreation.''.

SEC. 5102. DEFINITIONS.

(a) IN GENERAL.—Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (1) through (12) as paragraphs (3), (4), (5), (6), (7), (8), (9), (12), (13), (14), (16), and (17), respectively;

(2) by inserting before paragraph (3) (as so redesignated) the following:

''(1) BLUE ECONOMY.—The term 'blue economy' means the sustainable use of marine, lake, or other aquatic resources in support of economic development objectives.

''(2) CAPACITY BUILDING.—The term 'capacity building' includes all activities associated with early stage community-based project formation and conceptualization, prior to project predevelopment activity, including grants to local community organizations for planning participation, community outreach and engagement activities, research, and mentorship support to move projects from formation and conceptualization to project predevelopment.'';

(3) in paragraph (5) (as so redesignated), in subparagraph (A)(i), by striking ''to the extent appropriate'' and inserting ''to the extent determined appropriate by the Secretary'';

(4) in paragraph (6) (as so redesignated), in subparagraph (A)—

(A) in clause (v), by striking ''or'' at the end;

(B) in clause (vi), by striking the period at end and inserting a semicolon; and

(C) by adding at the end the following:

''(vii) an economic development organization; or

''(viii) a public-private partnership for public infrastructure.'';

(5) by inserting after paragraph (9) (as so redesignated) the following:

''(10) OUTDOOR RECREATION.—The term 'outdoor recreation' means all recreational activities, and the economic drivers of those activities, that occur in nature-based environments outdoors.

''(11) PROJECT PREDEVELOPMENT.—The term 'project predevelopment' means a measure required to be completed before the initiation of a project, including—

''(A) planning and community asset mapping;

''(B) training;

''(C) technical assistance and organizational development;

''(D) feasibility and market studies;

''(E) demonstration projects; and

''(F) other predevelopment activities determined by the Secretary to be appropriate.'';

(6) by striking paragraph (12) (as so redesignated) and inserting the following:

''(12) REGIONAL COMMISSION.—The term 'Regional Commission' means any of the following:

''(A) The Appalachian Regional Commission established by section 14301(a) of title 40, United States Code.

''(B) The Delta Regional Authority established by section 382B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–1(a)(1)).

''(C) The Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277).

''(D) The Great Lakes Authority established by section 15301(a)(4) of title 40, United States Code.

''(E) The Mid-Atlantic Regional Commission established by section 15301(a)(5) of title 40, United States Code.

''(F) The Northern Border Regional Commission established by section 15301(a)(3) of title 40, United States Code.

''(G) The Northern Great Plains Regional Authority established by section 383B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(a)(1)).

''(H) The Southeast Crescent Regional Commission established by section 15301(a)(1) of title 40, United States Code.

''(I) The Southern New England Regional Commission established by section 15301(a)(6) of title 40, United States Code.

''(J) The Southwest Border Regional Commission established by section 15301(a)(2) of title 40, United States Code.'';

(7) by inserting after paragraph (14) (as so redesignated) the following:

''(15) TRAVEL AND TOURISM.—The term 'travel and tourism' means any economic activity that primarily serves to encourage recreational or business travel in or to the United States.''; and

(8) in paragraph (17) (as so redesignated), by striking ''established as a University Center for Economic Development under section 207(a)(2)(D)'' and inserting ''established under section 207(c)(1)''.

(b) CONFORMING AMENDMENT.—Section 207(a)(3) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)(3)) is amended by striking ''section 3(4)(A)(vi)'' and inserting ''section 3(6)(A)(vi)''.

SEC. 5103. INCREASED COORDINATION.

Section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3133) is amended by striking subsection (b) and inserting the following:

''(b) MEETINGS.—

''(1) IN GENERAL.—To carry out subsection (a), or for any other purpose relating to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.

''(2) REGIONAL COMMISSIONS.—

''(A) IN GENERAL.—In addition to meetings described in paragraph (1), not later than 1 year after the date of enactment of the Economic Development Reauthorization Act of 2024, and not less frequently than every 2 years thereafter, the Secretary shall convene a meeting with the Regional Commissions in furtherance of subsection (a).

''(B) ATTENDEES.—The attendees for a meeting convened under this paragraph shall consist of—

''(i) the Secretary, acting through the Assistant Secretary of Commerce for Economic Development, serving as Chair;

''(ii) the Federal Cochairpersons of the Regional Commissions, or their designees; and

''(iii) the State Cochairpersons of the Regional Commissions, or their designees.

''(C) PURPOSE.—The purposes of a meeting convened under this paragraph shall include—

''(i) to enhance coordination between the Economic Development Administration and the Regional Commissions in carrying out economic development programs;

''(ii) to reduce duplication of efforts by the Economic Development Administration and the Regional Commissions in carrying out economic development programs;

''(iii) to develop best practices and strategies for fostering regional economic development; and

''(iv) any other purposes as determined appropriate by the Secretary.

''(D) REPORT.—Where applicable and pursuant to subparagraph (C), not later than 1 year after a meeting under this paragraph, the Secretary shall prepare and make publicly available a report detailing, at a minimum—

''(i) the planned actions by the Economic Development Administration and the Regional Commissions to enhance coordination or reduce duplication of efforts and a timeline for implementing those actions; and

''(ii) any best practices and strategies developed.''.

SEC. 5104. GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.

(a) IN GENERAL.—Section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''or for the improvement of waste management and recycling systems'' after ''development facility''; and

(B) in paragraph (2), by inserting ''increasing the resilience'' after ''expansion,'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''successful establishment or expansion'' and inserting ''successful establishment, expansion, or retention,''; and

(B) in subparagraph (C), by inserting ''and underemployed'' after ''unemployed'';

(3) by redesignating subsection (c) as subsection (d); and

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

''(c) ADDITIONAL CONSIDERATIONS.—In awarding grants under subsection (a) and subject to the criteria in subsection (b), the Secretary may also consider the extent to which a project would—

''(1) lead to economic diversification in the area, or a part of the area, in which the project is or will be located;

''(2) address and mitigate impacts from extreme weather events, including development of resilient infrastructure, products, and processes;

''(3) benefit highly rural communities without adequate tax revenues to invest in long-term or costly infrastructure;

''(4) increase access to high-speed broadband;

''(5) support outdoor recreation to spur economic development, with a focus on rural communities;

''(6) promote job creation or retention relative to the population of the impacted region with outsized significance;

''(7) promote travel and tourism; or

''(8) promote blue economy activities.''.

SEC. 5105. GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) is amended—

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

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

''(d) ADMINISTRATIVE EXPENSES.—Administrative expenses that may be paid with a grant under this section include—

''(1) expenses related to carrying out the planning process described in subsection (b);

''(2) expenses related to project predevelopment;

''(3) expenses related to updating economic development plans to align with other applicable State, regional, or local planning efforts; and

''(4) expenses related to hiring professional staff to assist communities in—

''(A) project predevelopment and implementing projects and priorities included in—

''(i) a comprehensive economic development strategy; or

''(ii) an economic development planning grant;

''(B) identifying and using other Federal, State, and Tribal economic development programs;

''(C) leveraging private and philanthropic investment;

''(D) preparing disaster coordination and preparation plans; and

''(E) carrying out economic development and predevelopment activities in accordance with professional economic development best practices.''; and

(3) in subsection (e) (as so redesignated), in paragraph (4)—

(A) in subparagraph (E), by striking ''; and'' and inserting ''(including broadband);'';

(B) by redesignating subparagraph (F) as subparagraph (G); and

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

''(F) address and mitigate impacts of extreme weather; and''.

SEC. 5106. COST SHARING.

(a) IN GENERAL.—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended—

(1) in subsection (a)(1), by striking ''50'' and inserting ''60'';

(2) in subsection (b)—

(A) by striking ''In determining'' and inserting the following:

''(1) IN GENERAL.—In determining''; and

(B) by adding at the end the following:

''(2) REGIONAL COMMISSION FUNDS.—Notwithstanding any other provision of law, any funds contributed by a Regional Commission for a project under this title may be considered to be part of the non-Federal share of the costs of the project.''; and

(3) in subsection (c)—

(A) in paragraph (2), by inserting ''or can otherwise document that no local matching funds are reasonably obtainable'' after ''or political subdivision'';

(B) in paragraph (3)—

(i) by striking ''section 207'' and inserting ''section 203 or 207''; and

(ii) by striking ''project if'' and all that follows through the period at the end and inserting ''project.''; and

(C) by adding at the end the following:

''(4) DISASTER ASSISTANCE.—In the case of a grant provided under section 209 for a project for economic recovery in response to a major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary may increase the Federal share under paragraph (1) up to 100 percent of the total cost of the project.

''(5) SMALL COMMUNITIES.—In the case of a grant to a political subdivision of a State (as described in section 3(6)(A)(iv)) that has a population of fewer than 10,000 residents and meets 1 or more of the eligibility criteria described in section 301(a), the Secretary may increase the Federal share under paragraph (1) up to 100 percent of the total cost of the project.''.

(b) CONFORMING AMENDMENT.—Section 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3233) is amended—

(1) by striking subsection (b); and

(2) by striking the section designation and heading and all that follows through ''In addition'' in subsection (a) and inserting the following:

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS FOR DISASTER ECONOMIC RECOVERY ACTIVITIES.

''In addition''.

SEC. 5107. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146) is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) the per capita income levels, the labor force participation rate, and the extent of underemployment in eligible areas; and''; and

(2) in paragraph (4), by inserting ''and retention'' after ''creation''.

SEC. 5108. RESEARCH AND TECHNICAL ASSISTANCE; UNIVERSITY CENTERS.

Section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147) is amended—

(1) in subsection (a)(2)(A), by inserting '', project predevelopment,'' after ''planning''; and

(2) by adding at the end the following:

''(c) UNIVERSITY CENTERS.—

''(1) ESTABLISHMENT.—In accordance with subsection (a)(2)(D), the Secretary may make grants to institutions of higher education to serve as university centers.

''(2) GEOGRAPHIC COVERAGE.—The Secretary shall ensure that the network of university centers established under this subsection provides services in each State.

''(3) DUTIES.—To the maximum extent practicable, a university center established under this subsection shall—

''(A) collaborate with other university centers;

''(B) collaborate with economic development districts and other relevant Federal economic development technical assistance and service providers to provide expertise and technical assistance to develop, implement, and support comprehensive economic development strategies and other economic development planning at the local, regional, and State levels, with a focus on innovation, entrepreneurship, workforce development, and regional economic development;

''(C) provide technical assistance, business development, and technology transfer services to businesses in the area served by the university center;

''(D) establish partnerships with 1 or more commercialization intermediaries that are public or nonprofit technology transfer organizations eligible to receive a grant under section 602 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–9);

''(E) promote local and regional capacity building; and

''(F) provide to communities and regions assistance relating to data collection and analysis and other research relating to economic conditions and vulnerabilities that can inform economic development and adjustment strategies.

''(4) CONSIDERATION.—In making grants under this subsection, the Secretary shall consider the significant role of regional public universities in supporting economic development in distressed communities through the planning and the implementation of economic development projects and initiatives.''.

SEC. 5109. INVESTMENT PRIORITIES.

Title II of the Public Works and Economic Development Act of 1965 is amended by inserting after section 207 (42 U.S.C. 3147) the following:

''SEC. 208. INVESTMENT PRIORITIES.

''(a) IN GENERAL.—Subject to subsection (b), for a project to be eligible for assistance under this title, the project shall be consistent with 1 or more of the following investment priorities:

''(1) CRITICAL INFRASTRUCTURE.—Economic development planning or implementation projects that support development of public facilities, including basic public infrastructure, transportation infrastructure, or telecommunications infrastructure.

''(2) WORKFORCE.—Economic development planning or implementation projects that—

''(A) support job skills training to meet the hiring needs of the area in which the project is to be carried out and that result in well-paying jobs; or

''(B) otherwise promote labor force participation.

''(3) INNOVATION AND ENTREPRENEURSHIP.—Economic development planning or implementation projects that—

''(A) support the development of innovation and entrepreneurship-related infrastructure;

''(B) promote business development and lending; or

''(C) foster the commercialization of new technologies that are creating technology-driven businesses and high-skilled, well-paying jobs of the future.

''(4) ECONOMIC RECOVERY RESILIENCE.—Economic development planning or implementation projects that enhance the ability of an area to withstand and recover from adverse short-term or long-term changes in economic conditions, including effects from industry contractions or impacts from natural disasters.

''(5) MANUFACTURING.—Economic development planning or implementation projects that encourage job creation, business expansion, technology and capital upgrades, and productivity growth in manufacturing, including efforts that contribute to the competitiveness and growth of domestic suppliers or the domestic production of innovative, high-value products and production technologies.

''(b) CONDITIONS.—If the Secretary plans to use an investment priority that is not described in subsection (a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification that explains the basis for using that investment priority.

''(c) SAVINGS CLAUSE.—Nothing in this section waives any other requirement of this Act.''.

SEC. 5110. GRANTS FOR ECONOMIC ADJUSTMENT.

Section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5)—

(i) by inserting '', travel and tourism, natural resource-based, blue economy, or agricultural'' after ''manufacturing''; and

(ii) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(6) economic dislocation in the steel industry due to the closure of a steel plant, primary steel economy contraction events (including temporary layoffs and shifts to part-time work), or job losses in the steel industry or associated with the departure or contraction of the steel industry, for help in economic restructuring of the communities.'';

(2) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(3) by inserting after section (c) the following:

''(d) ASSISTANCE TO COAL COMMUNITIES.—

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

''(A) COAL ECONOMY.—The term 'coal economy' means the complete supply chain of coal-reliant industries, including—

''(i) coal mining;
''(ii) coal-fired power plants;
''(iii) transportation or logistics; and
''(iv) manufacturing.
''(B) CONTRACTION EVENT.—The term 'contraction event' means the closure of a facility or a reduction in activity relating to a coal-reliant industry, including an industry described in any of clauses (i) through (iv) of subparagraph (A).
''(2) AUTHORIZATION.—On the application of an eligible recipient, the Secretary may make grants for projects in areas adversely impacted by a contraction event in the coal economy.
''(3) ELIGIBILITY.—
''(A) IN GENERAL.—In carrying out this subsection, the Secretary shall determine the eligibility of an area based on whether the eligible recipient can reasonably demonstrate that the area—
''(i) has been adversely impacted by a contraction event in the coal economy within the previous 25 years; or
''(ii) will be adversely impacted by a contraction event in the coal economy.
''(B) PROHIBITION.—No regulation or other policy of the Secretary may limit the eligibility of an eligible recipient for a grant under this subsection based on the date of a contraction event except as provided in subparagraph (A)(i).
''(C) DEMONSTRATING ADVERSE IMPACT.—For the purposes of this paragraph, an eligible recipient may demonstrate an adverse impact by demonstrating—
''(i) a loss in employment;
''(ii) a reduction in tax revenue; or
''(iii) any other factor, as determined to be appropriate by the Secretary.
''(e) ASSISTANCE TO NUCLEAR HOST COMMUNITIES.—
''(1) DEFINITIONS.—In this subsection:
''(A) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.
''(B) 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.
''(C) DECOMMISSION.—The term 'decommission' has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).
''(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 HOST COMMUNITY.—The term 'nuclear host community' means an eligible recipient 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 the Economic Development Reauthorization Act of 2024—
''(I) has ceased operations; or
''(II) has provided a written notification to the Commission that it will cease operations.
''(2) AUTHORIZATION.—On the application of an eligible recipient, the Secretary may make grants—
''(A) to assist with economic development in nuclear host communities; and
''(B) to fund community advisory boards in nuclear host 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 methodology to ensure, to the maximum extent practicable, geographic diversity among grant recipients under this subsection.''.

SEC. 5111. RENEWABLE ENERGY PROGRAM.

Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is amended—
(1) in the section heading, by striking ''**BRIGHTFIELDS DEMONSTRATION**'' and inserting ''**RENEWABLE ENERGY**'';
(2) by striking subsection (a) and inserting the following:
''(a) DEFINITION OF RENEWABLE ENERGY SITE.—In this section, the term 'renewable energy site' means a brownfield site that is redeveloped through the incorporation of 1 or more renewable energy technologies, including solar, wind, geothermal, ocean, and emerging, but proven, renewable energy technologies.'';
(3) in subsection (b)—
(A) in the subsection heading, by striking ''DEMONSTRATION PROGRAM'' and inserting ''ESTABLISHMENT'';
(B) in the matter preceding paragraph (1), by striking ''brightfield'' and inserting ''renewable energy''; and
(C) in paragraph (1), by striking ''solar energy technologies'' and inserting ''renewable energy technologies described in subsection (a),''; and
(4) by striking subsection (d).

SEC. 5112. WORKFORCE TRAINING GRANTS.

Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

''SEC. 219. WORKFORCE TRAINING GRANTS.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants to support the development and expansion of innovative workforce training programs through sectoral partnerships leading to quality jobs and the acquisition of equipment or construction of facilities to support workforce development activities.
''(b) ELIGIBLE USES.—Funds from a grant under this section may be used for—
''(1) acquisition or development of land and improvements to house workforce training activities;
''(2) acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such a facility, including related equipment and machinery;
''(3) acquisition of machinery or equipment to support workforce training activities;
''(4) planning, technical assistance, and training;
''(5) sector partnerships development, program design, and program implementation; and
''(6) in the case of an eligible recipient that is a State, subject to subsection (c), a State program to award career scholarships to train individuals for employment in critical industries with high demand and vacancies necessary for further economic development of the applicable State that—
''(A) requires significant post-secondary training; but
''(B) does not require a post-secondary degree.
''(c) CAREER SCHOLARSHIPS STATE GRANT PROGRAM.—
''(1) IN GENERAL.—The Secretary may award grants to States for the purpose described in subsection (b)(6).
''(2) APPLICATION.—To be eligible to receive a grant under this subsection, the Chief Executive of a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include, at a minimum, the following:
''(A) A method for identifying critical industry sectors driving in-State economic growth that face staffing challenges for in-demand jobs and careers.
''(B) A governance structure for the implementation of the program established by the State, including defined roles for the consortia of agencies of such State, at a minimum, to include the State departments of economic development, labor, and education, or the State departments or agencies with jurisdiction over those matters.
''(C) A strategy for recruiting participants from at least 1 community that meets 1 or more of the criteria described in section 301(a).
''(D) A plan for how the State will develop a tracking system for eligible programs, participant enrollment, participant outcomes, and an application portal for individual participants.
''(3) SELECTION.—The Secretary shall award not more than 1 grant under this subsection to any State.
''(4) ELIGIBLE USES.—A grant under this subsection may be used for—
''(A) necessary costs to carry out the matters described in this subsection, including tuition and stipends for individuals that receive a career scholarship grant, subject to the requirements described in paragraph (6); and
''(B) program implementation, planning, technical assistance, or training.
''(5) FEDERAL SHARE.—Notwithstanding section 204, the Federal share of the cost of any award carried out with a grant made under this subsection shall not exceed 70 percent.
''(6) PARTICIPANT AMOUNTS.—A State shall ensure that grant funds provided under this subsection to each individual that receives a career scholarship grant under the program established by the applicable State is the lesser of the following amounts:
''(A) In a case in which the individual is also eligible for a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for enrollment at the applicable training program for any award year of the training program, $11,000 minus the amount of the awarded Federal Pell Grant.
''(B) For an individual not described in paragraph (1), the lesser of—
''(i) $11,000; and
''(ii) the total cost of the training program in which the individual is enrolled, including tuition, fees, career navigation services, textbook costs, expenses related to assessments and exams for certification or licensure, equipment costs, and wage stipends (in the case of a training program that is an earn-and-learn program).
''(d) COORDINATION.—The Secretary shall coordinate the development of new workforce development models with the Secretary of Labor and the Secretary of Education.''.

SEC. 5113. CONGRESSIONAL NOTIFICATION REQUIREMENTS.

Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 5112) is amended by adding at the end the following:

"SEC. 220. CONGRESSIONAL NOTIFICATION REQUIREMENTS.

"(a) IN GENERAL.—In the case of a project described in subsection (b), the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice, in accordance with subsection (c), of the award of a grant for the project not less than 3 business days before notifying an eligible recipient of their selection for that award.

"(b) PROJECTS DESCRIBED.—A project referred to in subsection (a) is a project that the Secretary has selected to receive a grant administered by the Economic Development Administration in an amount not less than $100,000.

"(c) REQUIREMENTS.—A notification under subsection (a) shall include—

"(1) the name of the project;

"(2) the name of the applicant;

"(3) the region in which the project is to be carried out;

"(4) the State in which the project is to be carried out;

"(5) the amount of the grant awarded;

"(6) a description of the project; and

"(7) any additional information, as determined to be appropriate by the Secretary.

"(d) PUBLIC AVAILABILITY.—The Secretary shall make a notification under subsection (a) publicly available not later than 60 days after the date on which the Secretary provides the notice.".

SEC. 5114. SPECIFIC FLEXIBILITIES RELATED TO DEPLOYMENT OF HIGH-SPEED BROADBAND.

Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 5113) is amended by adding at the end the following:

"SEC. 221. HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.

"(a) DEFINITIONS.—In this section:

"(1) BROADBAND PROJECT.—The term 'broadband project' means, for the purposes of providing, extending, expanding, or improving high-speed broadband service to further the goals of this Act—

"(A) planning, technical assistance, or training;

"(B) the acquisition or development of land; or

"(C) the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of facilities, including related machinery, equipment, contractual rights, and intangible property.

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' includes—

"(A) a public-private partnership; and

"(B) a consortium formed for the purpose of providing, extending, expanding, or improving high-speed broadband service between 1 or more eligible recipients and 1 or more for-profit organizations.

"(3) HIGH-SPEED BROADBAND.—The term 'high-speed broadband' means the provision of 2-way data transmission with sufficient downstream and upstream speeds to end users to permit effective participation in the economy and to support economic growth, as determined by the Secretary.

"(b) BROADBAND PROJECTS.—

"(1) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants under this title for broadband projects, which shall be subject to the provisions of this section.

"(2) CONSIDERATIONS.—In reviewing applications submitted under paragraph (1), the Secretary shall take into consideration geographic diversity of grants provided, including consideration of underserved markets, in addition to data requested in paragraph (3).

"(3) DATA REQUESTED.—In reviewing an application submitted under paragraph (1), the Secretary shall request from the Federal Communications Commission, the Administrator of the National Telecommunications and Information Administration, the Secretary of Agriculture, and the Appalachian Regional Commission data on—

"(A) the level and extent of broadband service that exists in the area proposed to be served; and

"(B) the level and extent of broadband service that will be deployed in the area proposed to be served pursuant to another Federal program.

"(4) INTEREST IN REAL OR PERSONAL PROPERTY.—For any broadband project carried out by an eligible recipient that is a public-private partnership or consortium, the Secretary shall require that title to any real or personal property acquired or improved with grant funds, or if the recipient will not acquire title, another possessory interest acceptable to the Secretary, be vested in a public partner or eligible nonprofit organization or association for the useful life of the project, after which title may be transferred to any member of the public-private partnership or consortium in accordance with regulations promulgated by the Secretary.

"(5) PROCUREMENT.—Notwithstanding any other provision of law, no person or entity shall be disqualified from competing to provide goods or services related to a broadband project on the basis that the person or entity participated in the development of the broadband project or in the drafting of specifications, requirements, statements of work, or similar documents related to the goods or services to be provided.

"(6) BROADBAND PROJECT PROPERTY.—

"(A) IN GENERAL.—The Secretary may permit a recipient of a grant for a broadband project to grant an option to acquire real or personal property (including contractual rights and intangible property) related to that project to a third party on such terms as the Secretary determines to be appropriate, subject to the condition that the option may only be exercised after the Secretary releases the Federal interest in the property.

"(B) TREATMENT.—The grant or exercise of an option described in subparagraph (A) shall not constitute a redistribution of grant funds under section 217.

"(c) NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of the cost of a broadband project, the Secretary may provide credit toward the non-Federal share for the present value of allowable contributions over the useful life of the broadband project, subject to the condition that the Secretary may require such assurances of the value of the rights and of the commitment of the rights as the Secretary determines to be appropriate.".

SEC. 5115. CRITICAL SUPPLY CHAIN SITE DEVELOPMENT GRANT PROGRAM.

Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 5114) is amended by adding at the end the following:

"SEC. 222. CRITICAL SUPPLY CHAIN SITE DEVELOPMENT GRANT PROGRAM.

"(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants under the 'Critical Supply Chain Site Development grant program' (referred to in this section as the 'grant program') to carry out site development or expansion projects for the purpose of making the site ready for manufacturing projects.

"(b) CONSIDERATIONS.—In providing a grant to an eligible recipient under the grant program, the Secretary may consider whether—

"(1) the proposed improvements to the site will improve economic conditions for rural areas, Tribal communities, or areas that meet 1 or more of the criteria described in section 301(a);

"(2) the project is consistent with regional economic development plans, which may include a comprehensive economic development strategy;

"(3) the eligible recipient has initiatives to prioritize job training and workforce development; and

"(4) the project supports industries determined by the Secretary to be of strategic importance to the national or economic security of the United States.

"(c) PRIORITY.—In awarding grants to eligible recipients under the grant program, the Secretary shall give priority to eligible recipients that propose to carry out a project that—

"(1) has State, local, private, or nonprofit funds being contributed to assist with site development efforts; and

"(2) if the site development or expansion project is carried out, will result in a demonstrated interest in the site by commercial entities or other entities.

"(d) USE OF FUNDS.—A grant provided under the grant program may be used for the following activities relating to the development or expansion of a site:

"(1) Investments in site utility readiness, including—

"(A) construction of on-site utility infrastructure;

"(B) construction of last-mile infrastructure, including road infrastructure, water infrastructure, power infrastructure, broadband infrastructure, and other physical last-mile infrastructure;

"(C) site grading; and

"(D) other activities to extend public utilities or services to a site, as determined appropriate by the Secretary.

"(2) Investments in site readiness, including—

"(A) land assembly;

"(B) environmental reviews;

"(C) zoning;

"(D) design;

"(E) engineering; and

"(F) permitting.

"(3) Investments in workforce development and sustainability programs, including job training and retraining programs.

"(4) Investments to ensure that disadvantaged communities have access to on-site jobs.

"(e) PROHIBITION.—In awarding grants under the grant program, the Secretary shall not require an eligible recipient to demonstrate that a private company or investment has selected the site for development or expansion.".

SEC. 5116. UPDATED DISTRESS CRITERIA AND GRANT RATES.

Section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)) is amended by striking paragraph (3) and inserting the following:

"(3) UNEMPLOYMENT, UNDEREMPLOYMENT, OR ECONOMIC ADJUSTMENT PROBLEMS.—The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment, underemployment, or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

"(4) LOW MEDIAN HOUSEHOLD INCOME.—The area has a median household income of 80 percent or less of the national average.

"(5) WORKFORCE PARTICIPATION.—The area has—

"(A) a labor force participation rate of 90 percent or less of the national average; or

"(B) a prime-age employment gap of 5 percent or more.

''(6) EXPECTED ECONOMIC DISLOCATION AND DISTRESS FROM ENERGY INDUSTRY TRANSITIONS.—The area is an area that is expected to experience actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions from energy industries that are experiencing accelerated contraction.''.

SEC. 5117. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended—

(1) in subsection (a)(3)(A), by inserting ''including to mitigate and adapt to extreme weather,'' after ''enhances and protects the environment,''; and

(2) by adding at the end the following:

''(d) EXCEPTION.—This section shall not apply to grants awarded under section 207 or grants awarded under section 209(c)(2) that are regional in scope.''.

SEC. 5118. OFFICE OF TRIBAL ECONOMIC DEVELOPMENT.

Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191 et seq.) is amended by adding at the end the following:

''SEC. 508. OFFICE OF TRIBAL ECONOMIC DEVELOPMENT.

''(a) ESTABLISHMENT.—There is established within the Economic Development Administration an Office of Tribal Economic Development (referred to in this section as the 'Office').

''(b) PURPOSES.—The purposes of the Office shall be—

''(1) to coordinate all Tribal economic development activities carried out by the Secretary;

''(2) to help Tribal communities access economic development assistance programs, including the assistance provided under this Act;

''(3) to coordinate Tribal economic development strategies and efforts with other Federal agencies; and

''(4) to be a participant in any negotiated rulemakings or consultations relating to, or having an impact on, projects, programs, or funding that benefit Tribal communities.

''(c) TRIBAL ECONOMIC DEVELOPMENT STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Economic Development Reauthorization Act of 2024, the Office shall initiate a Tribal consultation process to develop, and not less frequently than every 3 years thereafter, update, a strategic plan for Tribal economic development for the Economic Development Administration.

''(2) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of the Economic Development Reauthorization Act of 2024 and not less frequently than every 3 years thereafter, the Office shall submit to Congress the strategic plan for Tribal economic development developed under paragraph (1).

''(d) OUTREACH.—The Secretary shall establish a publicly facing website to help provide a comprehensive, single source of information for Indian tribes, Tribal leaders, Tribal businesses, and citizens in Tribal communities to better understand and access programs that support economic development in Tribal communities, including the economic development programs administered by Federal agencies or departments other than the Department.

''(e) DEDICATED STAFF.—The Secretary shall ensure that the Office has sufficient staff to carry out all outreach activities under this section.''.

SEC. 5119. OFFICE OF DISASTER RECOVERY AND RESILIENCE.

Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191 et seq.) (as amended by section 5118) is amended by adding at the end the following:

''SEC. 509. OFFICE OF DISASTER RECOVERY AND RESILIENCE.

''(a) ESTABLISHMENT.—The Secretary shall establish an Office of Disaster Recovery and Resilience—

''(1) to direct and implement the post-disaster economic recovery responsibilities of the Economic Development Administration pursuant to subsections (c)(2) and (e) of section 209 and section 703;

''(2) to direct and implement economic recovery and enhanced resilience support function activities as directed under the National Disaster Recovery Framework; and

''(3) support long-term economic recovery in communities in which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or otherwise impacted by an event of national significance, as determined by the Secretary, through—

''(A) convening and deploying an economic development assessment team;

''(B) hosting or attending convenings related to identification of additional Federal, State, local, and philanthropic entities and resources;

''(C) exploring potential flexibilities related to existing awards;

''(D) provision of technical assistance through staff or contractual resources; and

''(E) other activities determined by the Secretary to be appropriate.

''(b) APPOINTMENT AND COMPENSATION AUTHORITIES.—

''(1) APPOINTMENT.—The Secretary is authorized to appoint such temporary personnel as may be necessary to carry out the responsibilities of the Office of Disaster Recovery and Resilience, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, governing appointments in the competitive service and compensation of personnel.

''(2) CONVERSION OF EMPLOYEES.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Secretary is authorized to convert a temporary employee appointed under this subsection to a permanent appointment in the competitive service in the Economic Development Administration under merit promotion procedures if—

''(A) the employee has served continuously for at least 2 years under 1 or more appointments under this subsection; and

''(B) the employee's performance has been at an acceptable level of performance throughout the period or periods referred to in subparagraph (A).

''(3) COMPENSATION.—An individual converted under this subsection shall become a career-conditional employee, unless the employee has already completed the service requirements for career tenure.

''(c) DISASTER TEAM.—

''(1) ESTABLISHMENT.—As soon as practicable after the date of enactment of this section, the Secretary shall establish a disaster team (referred to in this section as the 'disaster team') for the deployment of individuals to carry out responsibilities of the Office of Disaster Recovery and Resilience after a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and the Department has been activated by the Federal Emergency Management Agency.

''(2) MEMBERSHIP.—

''(A) DESIGNATION OF STAFF.—As soon as practicable after the date of enactment of this section, the Secretary shall designate to serve on the disaster team—

''(i) employees of the Office of Disaster Recovery and Resilience;

''(ii) employees of the Department who are not employees of the Economic Development Administration; and

''(iii) in consultation with the heads of other Federal agencies, employees of those agencies, as appropriate.

''(B) CAPABILITIES.—In designating individuals under subparagraph (A), the Secretary shall ensure that the disaster team includes a sufficient quantity of—

''(i) individuals who are capable of deploying rapidly and efficiently to respond to major disasters and emergencies; and

''(ii) highly trained full-time employees who will lead and manage the disaster team.

''(3) TRAINING.—The Secretary shall ensure that appropriate and ongoing training is provided to members of the disaster team to ensure that the members are adequately trained regarding the programs and policies of the Economic Development Administration relating to post-disaster economic recovery efforts.

''(4) EXPENSES.—In carrying out this section, the Secretary may—

''(A) use, with or without reimbursement, any service, equipment, personnel, or facility of any Federal agency with the explicit support of that agency, to the extent such use does not impair or conflict with the authority of the President or the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to direct Federal agencies in any major disaster or emergency declared under that Act; and

''(B) provide members of the disaster team with 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, while away from the home or regular place of business of the member in the performance of services for, or relating to, the disaster team.''.

SEC. 5120. ESTABLISHMENT OF TECHNICAL ASSISTANCE LIAISONS.

Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191 et seq.) (as amended by section 5119) is amended by adding at the end the following:

''SEC. 510. TECHNICAL ASSISTANCE LIAISONS.

''(a) IN GENERAL.—A Regional Director of a regional office of the Economic Development Administration may designate a staff member to act as a 'Technical Assistance Liaison' for any State served by the regional office.

''(b) ROLE.—A Technical Assistance Liaison shall—

''(1) work in coordination with an Economic Development Representative to provide technical assistance, in addition to technical assistance under section 207, to eligible recipients that are underresourced communities, as determined by the Technical Assistance Liaison, that submit applications for assistance under title II; and

''(2) at the request of an eligible recipient that submitted an application for assistance under title II, provide technical feedback on unsuccessful grant applications.

''(c) TECHNICAL ASSISTANCE.—The Secretary may enter into a contract or cooperative agreement with an eligible recipient for the purpose of providing technical assistance to eligible recipients that are underresourced communities that have submitted or may submit an application for assistance under this Act.''.

SEC. 5121. ANNUAL REPORT TO CONGRESS.

Section 603(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by inserting ''areas'' after ''rural''; and

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

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4)(A) include a list of all of the grants provided by the Economic Development Administration for projects located in, or that primarily benefit, rural areas;

''(B) an explanation of the process used to determine how each project referred to in subparagraph (A) would benefit a rural area; and

''(C) a certification that each project referred to in subparagraph (A)—

''(i) is located in a rural area; or

''(ii) will primarily benefit a rural area.''.

SEC. 5122. ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Economic Development Administration should continue to promote access to economic development assistance programs of that agency through the use of Economic Development Representatives in underresourced communities, particularly coal communities.

(b) ECONOMIC DEVELOPMENT REPRESENTATIVES.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary of Commerce shall maintain, or restore, as necessary, State-level Economic Development Representative positions occupied as of October 1, 2023.

(2) CONTINUATION.—For each State in which there is an Economic Development Representative position as of October 1, 2023, the Secretary of Commerce shall ensure that—

(A) that State continues to have that coverage from an Economic Development Representative who is located within that State; and

(B) the Economic Development Representative position located within that State is dedicated solely to addressing the economic needs of that State.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the implementation of this section by the Economic Development Administration.

SEC. 5123. MODERNIZATION OF ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce (referred to in this section as the ''Secretary'') shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the efforts of the Secretary to facilitate efficient, timely, and predictable environmental reviews of projects funded by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), including through expanded use of categorical exclusions, environmental assessments, or programmatic environmental impact statements.

(b) REQUIREMENTS.—In completing the report under subsection (a), the Secretary shall—

(1) describe the actions the Secretary will take to implement the amendments to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) made by section 321 of the Fiscal Responsibility Act of 2023 (Public Law 118–5; 137 Stat. 38);

(2) describe the existing categorical exclusions most frequently used by the Secretary to streamline the environmental review of projects funded by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.); and

(3) consider—

(A) the adoption of additional categorical exclusions, including those used by other Federal agencies, that would facilitate the environmental review of projects funded by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(B) the adoption of new programmatic environmental impact statements that would facilitate the environmental review of projects funded by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.); and

(C) agreements with other Federal agencies that would facilitate a more efficient process for the environmental review of projects funded by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

(c) RULEMAKING.—Not later than 2 years after the submission of the report under subsection (a), the Secretary shall promulgate a final rule implementing, to the maximum extent practicable, measures considered by the Secretary under subsection (b) that are necessary to streamline the environmental review of projects funded by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

SEC. 5124. GAO REPORT ON ECONOMIC DEVELOPMENT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) REGIONAL COMMISSION.—The term ''Regional Commission'' has the meaning given the term in section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122).

(b) REPORT.—Not later than September 30, 2026, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates economic development programs administered by the Economic Development Administration and the Regional Commissions.

(c) CONTENTS.—In carrying out the report under subsection (b), the Comptroller General shall—

(1) evaluate the impact of programs described in that subsection on economic outcomes, including job creation and retention, the rate of unemployment and underemployment, labor force participation, and private investment leveraged;

(2) describe efforts by the Economic Development Administration and the Regional Commissions to document the impact of programs described in that subsection on economic outcomes described in paragraph (1);

(3) describe efforts by the Economic Development Administration and the Regional Commissions to carry out coordination activities described in section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3133);

(4) consider other factors, as determined to be appropriate by the Comptroller General of the United States, to assess the effectiveness of programs described in subsection (b); and

(5) make legislative recommendations for improvements to programs described in subsection (b) as applicable.

SEC. 5125. GAO REPORT ON ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS AND POLICIES.

(a) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) SMALL COMMUNITY.—The term ''small community'' means a community of less than 10,000 year-round residents.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates economic development regulations and policies administered by the Economic Development Administration that have hindered the ability of communities to apply for and administer Economic Development Administration grants.

(c) CONTENTS.—In carrying out the report under subsection (b), the Comptroller General shall—

(1) review regulations and grant application processes promulgated by the Assistant Secretary of Commerce for Economic Development;

(2) evaluate the technical capacity of eligible recipients (as defined in section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122)) to apply for Economic Development Administration grants;

(3) provide recommendations for improving the administration and timely disbursement of grants awarded by the Economic Development Administration, including for improving the communication with grantees regarding timelines for disbursement of funds;

(4) identify barriers to small communities applying for Economic Development Administration grants, in consultation with—

(A) State economic development representatives;

(B) secretaries of State departments of economic development;

(C) representatives for small communities that have received Economic Development Administration grants; and

(D) representatives for small communities that have never applied for Economic Development Administration grants; and

(5) provide recommendations for simplifying and easing the ability for grant applicants to navigate the Economic Development Administration grant application process, including through a review of regulations, including environmental regulations, not in the jurisdiction of the Economic Development Administration to identify possible grant application process improvements.

SEC. 5126. GAO STUDY ON RURAL COMMUNITIES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the ''Comptroller General'') shall conduct a study to evaluate the impacts of funding provided by the Economic Development Administration to distressed communities (as described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a))) located in rural areas.

(b) CONTENTS.—In carrying out the study under subsection (a), the Comptroller General shall—

(1) identify not less than 5 geographically diverse distressed communities in rural areas; and

(2) for each distressed community identified under paragraph (1), examine the impacts of funding provided by the Economic Development Administration on—

(A) the local jobs and unemployment of the community; and

(B) the availability of affordable housing in the community.

(c) REPORT.—On completion of the study under subsection (a), the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study and any recommendations that result from the study.

SEC. 5127. GENERAL AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231) is amended—

(1) by redesignating subsection (b) as subsection (k); and

(2) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—There are authorized to be appropriated to carry out section 201, to remain available until expended—

''(1) $170,000,000 for fiscal year 2025;

''(2) $195,000,000 for fiscal year 2026;

''(3) $220,000,000 for fiscal year 2027;

''(4) $245,000,000 for fiscal year 2028; and

''(5) $270,000,000 for fiscal year 2029.

''(b) GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to carry out section 203, to remain available until expended—

''(1) $90,000,000 for fiscal year 2025;

''(2) $100,000,000 for fiscal year 2026;

''(3) $110,000,000 for fiscal year 2027;

''(4) $120,000,000 for fiscal year 2028; and

''(5) $130,000,000 for fiscal year 2029.

''(c) GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—There are authorized to be appropriated to carry out section 207, to remain available until expended—

''(1) $25,000,000 for fiscal year 2025;

''(2) $30,000,000 for fiscal year 2026;

''(3) $35,000,000 for fiscal year 2027;

''(4) $40,000,000 for fiscal year 2028; and

''(5) $45,000,000 for fiscal year 2029.

''(d) GRANTS FOR ECONOMIC ADJUSTMENT.—There are authorized to be appropriated to carry out section 209 (other than subsections (d) and (e)), to remain available until expended—

''(1) $65,000,000 for fiscal year 2025;

''(2) $75,000,000 for fiscal year 2026;

''(3) $85,000,000 for fiscal year 2027;

''(4) $95,000,000 for fiscal year 2028; and

''(5) $105,000,000 for fiscal year 2029.

''(e) ASSISTANCE TO COAL COMMUNITIES.—There is authorized to be appropriated to carry out section 209(d) $75,000,000 for each of fiscal years 2025 through 2029, to remain available until expended.

''(f) ASSISTANCE TO NUCLEAR HOST COMMUNITIES.—There are authorized to be appropriated to carry out section 209(e), to remain available until expended—

''(1) to carry out paragraph (2)(A), $35,000,000 for each of fiscal years 2025 through 2029; and

''(2) to carry out paragraph (2)(B), $5,000,000 for each of fiscal years 2025 through 2027.

''(g) RENEWABLE ENERGY PROGRAM.—There is authorized to be appropriated to carry out section 218 $5,000,000 for each of fiscal years 2025 through 2029, to remain available until expended.

''(h) WORKFORCE TRAINING GRANTS.—There is authorized to be appropriated to carry out section 219 $50,000,000 for each of fiscal years 2025 through 2029, to remain available until expended, of which $10,000,000 for each of fiscal years 2025 through 2029 shall be used to carry out subsection (c) of that section.

''(i) CRITICAL SUPPLY CHAIN SITE DEVELOPMENT GRANT PROGRAM.—There is authorized to be appropriated to carry out section 222 $20,000,000 for each of fiscal years 2025 through 2029, to remain available until expended.

''(j) TECHNICAL ASSISTANCE LIAISONS.—There is authorized to be appropriated to carry out section 510 $5,000,000 for each of fiscal years 2025 through 2029, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231 et seq.) is amended by striking section 704.

SEC. 5128. TECHNICAL CORRECTION.

Section 1 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note; Public Law 89–136) is amended by striking subsection (b) and inserting the following:

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings and declarations.
''Sec. 3. Definitions.

''TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

''Sec. 101. Establishment of economic development partnerships.
''Sec. 102. Cooperation of Federal agencies.
''Sec. 103. Coordination.

''TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

''Sec. 201. Grants for public works and economic development.
''Sec. 202. Base closings and realignments.
''Sec. 203. Grants for planning and grants for administrative expenses.
''Sec. 204. Cost sharing.
''Sec. 205. Supplementary grants.
''Sec. 206. Regulations on relative needs and allocations.
''Sec. 207. Research and technical assistance; university centers.
''Sec. 208. Investment priorities.
''Sec. 209. Grants for economic adjustment.
''Sec. 210. Changed project circumstances.
''Sec. 211. Use of funds in projects constructed under projected cost.
''Sec. 212. Reports by recipients.
''Sec. 213. Prohibition on use of funds for attorney's and consultant's fees.
''Sec. 214. Special impact areas.
''Sec. 215. Performance awards.
''Sec. 216. Planning performance awards.
''Sec. 217. Direct expenditure or redistribution by recipient.
''Sec. 218. Renewable energy program.
''Sec. 219. Workforce training grants.
''Sec. 220. Congressional notification requirements.
''Sec. 221. High-Speed Broadband Deployment Initiative.
''Sec. 222. Critical supply chain site development grant program.

''TITLE III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

''Sec. 301. Eligibility of areas.
''Sec. 302. Comprehensive economic development strategies.

''TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

''Sec. 401. Designation of economic development districts.
''Sec. 402. Termination or modification of economic development districts.
''Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.
''Sec. 405. Assistance to parts of economic development districts not in eligible areas.

''TITLE V—ADMINISTRATION

''Sec. 501. Assistant Secretary for Economic Development.
''Sec. 502. Economic development information clearinghouse.
''Sec. 503. Consultation with other persons and agencies.
''Sec. 504. Administration, operation, and maintenance.
''Sec. 506. Performance evaluations of grant recipients.
''Sec. 507. Notification of reorganization.
''Sec. 508. Office of Tribal Economic Development.
''Sec. 509. Office of Disaster Recovery and Resilience.
''Sec. 510. Technical Assistance Liaisons.

''TITLE VI—MISCELLANEOUS

''Sec. 601. Powers of Secretary.
''Sec. 602. Maintenance of standards.
''Sec. 603. Annual report to Congress.
''Sec. 604. Delegation of functions and transfer of funds among Federal agencies.
''Sec. 605. Penalties.
''Sec. 606. Employment of expediters and administrative employees.
''Sec. 607. Maintenance and public inspection of list of approved applications for financial assistance.
''Sec. 608. Records and audits.
''Sec. 609. Relationship to assistance under other law.
''Sec. 610. Acceptance of certifications by applicants.
''Sec. 611. Brownfields redevelopment reports.
''Sec. 612. Savings clause.

''TITLE VII—FUNDING

''Sec. 701. General authorization of appropriations.
''Sec. 702. Authorization of appropriations for defense conversation activities.
''Sec. 703. Authorization of appropriations for disaster economic recovery activities.''.

TITLE LII—REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT

SEC. 5201. REGIONAL COMMISSION AUTHORIZATIONS.

Section 15751 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle $40,000,000 for each of fiscal years 2025 through 2029.''.

SEC. 5202. REGIONAL COMMISSION MODIFICATIONS.

(a) MEMBERSHIP OF COMMISSIONS.—Section 15301 of title 40, United States Code, is amended—

(1) in subsection (b)(2)(C)—

(A) by striking ''An alternate member'' and inserting the following:

''(i) IN GENERAL.—An alternate member''; and

(B) by adding at the end the following:

''(ii) STATE ALTERNATES.—If the alternate State member is unable to vote in accordance with clause (i), the alternate State member may delegate voting authority to a designee, subject to the condition that the executive director shall be notified, in writing, of the designation not less than 1 week before the applicable vote is to take place.''; and

(2) in subsection (f), by striking ''a Federal employee'' and inserting ''an employee''.

(b) DECISIONS OF COMMISSIONS.—Section 15302 of title 40, United States Code, is amended—

(1) in subsection (a), by inserting ''or alternate State members, including designees'' after ''State members''; and

(2) by striking subsection (c) and inserting the following:

''(c) QUORUMS.—

''(1) IN GENERAL.—Subject to paragraph (2), a Commission shall determine what constitutes a quorum for meetings of the Commission.

''(2) REQUIREMENTS.—Any quorum for meetings of a Commission shall include—

''(A) the Federal Cochairperson or the alternate Federal Cochairperson; and

''(B) a majority of State members or alternate State members, including designees (exclusive of members representing States delinquent under section 15304(c)(3)(C)).''.

(c) ADMINISTRATIVE POWERS AND EXPENSES OF COMMISSIONS.—Section 15304(a) of title 40, United States Code, is amended—

(1) in paragraph (5), by inserting '', which may be done without a requirement for the Commission to reimburse the agency or local government'' after ''status'';

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

''(8) collect fees for services provided and retain and expend such fees;'';

(4) in paragraph (9) (as so redesignated), by inserting ''leases (including the lease of office space for any term),'' after ''cooperative agreements,''; and

(5) in paragraph (10) (as so redesignated), by striking ''maintain a government relations office in the District of Columbia and''.

(d) MEETINGS OF COMMISSIONS.—Section 15305(b) of title 40, United States Code, is amended by striking ''with the Federal Cochairperson'' and all that follows through the period at the end and inserting the following: ''with—

''(1) the Federal Cochairperson; and

''(2) at least a majority of the State members or alternate State members (including designees) present in-person or via electronic means.''.

(e) ANNUAL REPORTS.—Section 15308(a) of title 40, United States Code, is amended by striking ''90'' and inserting ''180''.

SEC. 5203. TRANSFER OF FUNDS AMONG FEDERAL AGENCIES.

(a) IN GENERAL.—Chapter 153 of subtitle V of title 40, United States Code, is amended—

(1) by redesignating section 15308 as section 15309; and

(2) by inserting after section 15307 the following:

''§ 15308. Transfer of funds among Federal agencies

''(a) IN GENERAL.—Subject to subsection (c), for purposes of this subtitle, each Commission may transfer funds to and accept transfers of funds from other Federal agencies.

''(b) TRANSFER OF FUNDS TO OTHER FEDERAL AGENCIES.—Funds made available to a Commission may be transferred to other Federal agencies if the funds are used consistently with the purposes for which the funds were specifically authorized and appropriated.

''(c) TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.—Funds may be transferred to any Commission under this section if—

''(1) the statutory authority for the funds provided by the Federal agency does not expressly prohibit use of funds for authorities being carried out by a Commission; and

''(2) the Federal agency that provides the funds determines that the activities for which the funds are to be used are otherwise eligible for funding under such a statutory authority.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 153 of subtitle V of title 40, United States Code, is amended by striking the item relating to section 15308 and inserting the following:

''15308. Transfer of funds among Federal agencies.
''15309. Annual reports.''.

SEC. 5204. ECONOMIC AND INFRASTRUCTURE DEVELOPMENT GRANTS.

Section 15501 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (9) as paragraphs (6) through (11), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) in coordination with relevant Federal agencies, to design, build, implement, or update infrastructure to support resilience to extreme weather events;

''(5) to promote the production of housing to meet economic development and workforce needs;''; and

(2) in subsection (b), by striking ''(7)'' and inserting ''(9)''.

SEC. 5205. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Chapter 155 of subtitle V of title 40, United States Code, is amended by adding at the end the following:

''§ 15507. Payment of non-Federal share for certain Federal grant programs

''Amounts made available to carry out this subtitle shall be available for the payment of the non-Federal share for any project carried out under another Federal grant program—

''(1) for which a Commission is not the sole or primary funding source; and

''(2) that is consistent with the authorities of the applicable Commission.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 155 of subtitle V of title 40, United States Code, is amended by adding at the end the following:

''15507. Payment of non-Federal share for certain Federal grant programs.''.

SEC. 5206. NORTHERN BORDER REGIONAL COMMISSION AREA.

Section 15733 of title 40, United States Code, is amended—

(1) in paragraph (1), by inserting ''Lincoln,'' after ''Knox,'';

(2) in paragraph (2), by inserting ''Merrimack,'' after ''Grafton,''; and

(3) in paragraph (3), by inserting ''Wyoming,'' after ''Wayne,''.

SEC. 5207. SOUTHWEST BORDER REGIONAL COMMISSION AREA.

Section 15732 of title 40, United States Code, is amended—

(1) in paragraph (3)—

(A) by inserting ''Bernalillo,'' before ''Catron,'';

(B) by inserting ''Cibola, Curry, De Baca,'' after ''Chaves,'';

(C) by inserting ''Guadalupe,'' after ''Grant,'';

(D) by inserting ''Lea,'' after ''Hidalgo,'';

(E) by inserting ''Roosevelt,'' after ''Otero,''; and

(F) by striking ''and Socorro'' and inserting ''Socorro, Torrance, and Valencia''; and

(2) in paragraph (4)—

(A) by inserting ''Guadalupe,'' after ''Glasscock,''; and

(B) by striking ''Tom Green Upton,'' and inserting ''Tom Green, Upton,''.

SEC. 5208. GREAT LAKES AUTHORITY AREA.

Section 15734 of title 40, United States Code, is amended, in the matter preceding paragraph (1), by inserting ''the counties which contain, in part or in whole, the'' after ''consist of''.

SEC. 5209. ADDITIONAL REGIONAL COMMISSION PROGRAMS.

(a) IN GENERAL.—Subtitle V of title 40, United States Code, is amended by adding at the end the following:

''CHAPTER 159—ADDITIONAL REGIONAL COMMISSION PROGRAMS

''Sec.
''15901. State capacity building grant program.
''15902. Demonstration health projects.

''§ 15901. State capacity building grant program

''(a) DEFINITIONS.—In this section:

''(1) COMMISSION STATE.—The term 'Commission State' means a State that contains 1 or more eligible counties.

''(2) ELIGIBLE COUNTY.—The term 'eligible county' means a county described in subchapter II of chapter 157.

''(3) PROGRAM.—The term 'program' means a State capacity building grant program established by a Commission under subsection (b).

''(b) ESTABLISHMENT.—Each Commission shall establish a State capacity building grant program to provide grants to Commission States in the area served by the Commission for the purposes described in subsection (c).

''(c) PURPOSES.—The purposes of a program are to support the efforts of the Commission—

''(1) to better support business retention and expansion in eligible counties;

''(2) to create programs to encourage job creation and workforce development in eligible counties, including projects and activities, in coordination with other relevant Federal agencies, to strengthen the water sector workforce and facilitate the sharing of best practices;

''(3) to partner with universities in distressed counties (as designated under section 15702(a)(1))—

''(A) to strengthen the capacity to train new professionals in fields for which there is a shortage of workers;

''(B) to increase local capacity for project management, project execution, and financial management; and

''(C) to leverage funding sources;

''(4) to prepare economic and infrastructure plans for eligible counties;

''(5) to expand access to high-speed broadband in eligible counties;

''(6) to provide technical assistance that results in Commission investments in transportation, water, wastewater, and other critical infrastructure;

''(7) to promote workforce development to support resilient infrastructure projects;

''(8) to develop initiatives to increase the effectiveness of local development districts in eligible counties;

''(9) to implement new or innovative economic development practices that will better position eligible counties to compete in the global economy; and

''(10) to identify and address important regional impediments to prosperity and to leverage unique regional advantages to create economic opportunities for the region served by the Commission.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—Funds from a grant under a program may be used to support a project, program, or related expense of the Commission State in an eligible county.

''(2) LIMITATION.—Funds from a grant under a program shall not be used for—

''(A) the purchase of furniture, fixtures, or equipment;

''(B) the compensation of—

''(i) any State member of the Commission (as described in section 15301(b)(1)(B)); or

''(ii) any State alternate member of the Commission (as described in section 15301(b)(2)(B)); or

''(C) the cost of supplanting existing State programs.

''(e) ANNUAL WORK PLAN.—

''(1) IN GENERAL.—For each fiscal year, before providing a grant under a program, each Commission State shall provide to the Commission an annual work plan that includes the proposed use of the grant.

''(2) APPROVAL.—No grant under a program shall be provided to a Commission State unless the Commission has approved the annual work plan of the State.

''(f) AMOUNT OF GRANT.—

''(1) IN GENERAL.—The amount of a grant provided to a Commission State under a program for a fiscal year shall be based on the proportion that—

''(A) the amount paid by the Commission State (including any amounts paid on behalf of the Commission State by a nonprofit organization) for administrative expenses for the applicable fiscal year (as determined under section 15304(c)); bears to

''(B) the amount paid by all Commission States served by the Commission (including any amounts paid on behalf of a Commission State by a nonprofit organization) for administrative expenses for that fiscal year (as determined under that section).

''(2) REQUIREMENT.—To be eligible to receive a grant under a program for a fiscal year, a Commission State (or a nonprofit organization on behalf of the Commission State) shall pay the amount of administrative expenses of the Commission State for the applicable fiscal year (as determined under section 15304(c)).

''(3) APPROVAL.—For each fiscal year, a grant provided under a program shall be approved and made available as part of the approval of the annual budget of the Commission.

''(g) GRANT AVAILABILITY.—Funds from a grant under a program shall be available only during the fiscal year for which the grant is provided.

''(h) REPORT.—Each fiscal year, each Commission State shall submit to the relevant Commission and make publicly available a report that describes the use of the grant funds and the impact of the program in the Commission State.

''(i) CONTINUATION OF PROGRAM AUTHORITY FOR NORTHERN BORDER REGIONAL COMMISSION.—With respect to the Northern Border Regional Commission, the program shall be a continuation of the program under section 6304(c) of the Agriculture Improvement Act of 2018 (40 U.S.C. 15501 note; Public Law 115–334) (as in effect on the day before the date of enactment of this section).

''§ 15902. Demonstration health projects

''(a) PURPOSE.—To demonstrate the value of adequate health facilities and services to the economic development of the region, a Commission may make grants for the planning, construction, equipment, and operation of demonstration health, nutrition, and child care projects (referred to in this section as a 'demonstration health project'), including hospitals, regional health diagnostic and treatment centers, and other facilities and services necessary for the purposes of this section.

''(b) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section is—

''(1) an entity described in section 15501(a);

''(2) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(3) a hospital (as defined in section 1861 of the Social Security Act (42 U.S.C. 1395x)); or

''(4) a critical access hospital (as defined in that section).

''(c) PLANNING GRANTS.—

''(1) IN GENERAL.—A Commission may make grants for planning expenses necessary for the development and operation of demonstration health projects for the region served by the Commission.

''(2) MAXIMUM COMMISSION CONTRIBUTION.—The maximum Commission contribution for a demonstration health project that receives a grant under paragraph (1) shall be made in accordance with section 15501(d).

''(3) SOURCES OF ASSISTANCE.—A grant under paragraph (1) may be provided entirely from amounts made available to carry out this section or in combination with amounts provided under other Federal grant programs.

''(4) FEDERAL SHARE FOR GRANTS UNDER OTHER FEDERAL GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in other Federal grant programs, amounts made available to carry out this subsection may be used to increase the Federal share of another Federal grant up to the maximum contribution described in paragraph (2).

''(d) CONSTRUCTION AND EQUIPMENT GRANTS.—

''(1) IN GENERAL.—A grant under this section for construction or equipment of a demonstration health project may be used for—

''(A) costs of construction;

''(B) the acquisition of privately owned facilities—

''(i) not operated for profit; or

''(ii) previously operated for profit if the Commission finds that health services would not otherwise be provided in the area served by the facility if the acquisition is not made; and

''(C) the acquisition of initial equipment.

''(2) STANDARDS FOR MAKING GRANTS.—A grant under paragraph (1)—

''(A) shall be approved in accordance with section 15503; and

''(B) shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions in those laws relating to appropriation authorization ceilings or to allotments among the States.

''(3) MAXIMUM COMMISSION CONTRIBUTION.—The maximum Commission contribution for a demonstration health project that receives a grant under paragraph (1) shall be made in accordance with section 15501(d).

''(4) SOURCES OF ASSISTANCE.—A grant under paragraph (1) may be provided entirely from amounts made available to carry out this section or in combination with amounts provided under other Federal grant programs.

''(5) CONTRIBUTION TO INCREASED FEDERAL SHARE FOR OTHER FEDERAL GRANTS.—Notwithstanding any provision of law limiting the Federal share in another Federal grant program for the construction or equipment of a demonstration health project, amounts made available to carry out this subsection may be used to increase Federal grants for component facilities of a demonstration health project to a maximum of 90 percent of the cost of the facilities.

''(e) OPERATION GRANTS.—

''(1) IN GENERAL.—A grant under this section for the operation of a demonstration health project may be used for—

''(A) the costs of operation of the facility; and

''(B) initial operating costs, including the costs of attracting, training, and retaining qualified personnel.

''(2) STANDARDS FOR MAKING GRANTS.—A grant for the operation of a demonstration health project shall not be made unless the facility funded by the grant is—

''(A) publicly owned;

''(B) owned by a public or private nonprofit organization;

''(C) a private hospital described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

''(D) a private hospital that provides a certain amount of uncompensated care, as determined by the Commission, and applies for the grant in partnership with a State, local government, or Indian Tribe.

''(3) MAXIMUM COMMISSION CONTRIBUTION.—The maximum Commission contribution for a demonstration health project that receives a grant under paragraph (1) shall be made in accordance with section 15501(d).

''(4) SOURCES OF ASSISTANCE.—A grant under paragraph (1) may be provided entirely from amounts made available to carry out this section or in combination with amounts provided under other Federal grant programs for the operation of health-related facilities or the provision of health and child development services, including parts A and B of title IV and title XX of the Social Security Act (42 U.S.C. 601 et seq., 621 et seq., 1397 et seq.).

''(5) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share in the other Federal programs described in paragraph (4), amounts made available to carry out this subsection may be used to increase the Federal share of a grant under those programs up to the maximum contribution described in paragraph (3).

''(f) PRIORITY HEALTH PROGRAMS.—If a Commission elects to make grants under this section, the Commission shall establish specific regional health priorities for such grants that address—

''(1) addiction treatment and access to resources helping individuals in recovery;

''(2) workforce shortages in the healthcare industry; or

''(3) access to services for screening and diagnosing chronic health issues.''.

(b) REPEAL.—Section 6304(c) of the Agriculture Improvement Act of 2018 (40 U.S.C. 15501 note; Public Law 115–334) is repealed.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle V of title 40, United States Code, is amended by inserting after the item relating to chapter 157 the following:

''159. Additional Regional Commission Programs .... 15901''.

SEC. 5210. TRIBAL AND COLONIA PARTICIPATION IN SOUTHWEST BORDER REGION.

(a) IN GENERAL.—Chapter 155 of subtitle V of title 40, United States Code (as amended by section 5205(a)), is amended by adding at the end the following:

''§ 15508. Waiver of matching requirement for Indian tribes and colonias in Southwest Border Regional Commission programs

''(a) DEFINITION OF COLONIA.—

''(1) IN GENERAL.—In this section, the term 'colonia' means a community—

''(A) that is located—

''(i) in the State of Arizona, California, New Mexico, or Texas;

''(ii) not more than 150 miles from the border between the United States and Mexico; and

''(iii) outside a standard metropolitan statistical area that has a population exceeding 1,000,000;

''(B) that—

''(i) lacks a potable water supply;

''(ii) lacks an adequate sewage system; or

''(iii) lacks decent, safe, and sanitary housing; and

''(C) that has been treated or designated as a colonia by a Federal or State program.

''(b) WAIVER.—Notwithstanding any other provision of law, in the case of assistance provided to a colonia or an Indian tribe under this subtitle by the Southwest Border Regional Commission, the Federal share of the cost of the project carried out with that assistance may be up to 100 percent, as determined by the selection official, the State Cochairperson (or an alternate), and the Federal Cochairperson (or an alternate).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 155 of subtitle V of title 40, United States Code (as amended by section 5205(b)), is amended by inserting after the item relating to section 15507 the following:

''15508. Waiver of matching requirement for Indian tribes and colonias in Southwest Border Regional Commission programs.''.

SEC. 5211. ESTABLISHMENT OF MID-ATLANTIC REGIONAL COMMISSION.

(a) ESTABLISHMENT.—Section 15301(a) of title 40, United States Code, is amended by adding at the end the following:

''(5) The Mid-Atlantic Regional Commission.''.

(b) DESIGNATION OF REGION.—

(1) IN GENERAL.—Subchapter II of chapter 157 of title 40, United States Code, is amended by adding at the end the following:

''§ 15735. Mid-Atlantic Regional Commission.

''The region of the Mid-Atlantic Regional Commission shall include the following counties:

''(1) DELAWARE.—Each county in the State of Delaware.

''(2) MARYLAND.—Each county in the State of Maryland that is not already served by the Appalachian Regional Commission.

''(3) PENNSYLVANIA.—Each county in the Commonwealth of Pennsylvania that is not already served by the Appalachian Regional Commission.''.

(2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 157 of title 40, United States Code, is amended by adding at the end the following:

''15735. Mid-Atlantic Regional Commission.''.

(c) APPLICATION.—Section 15702(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) APPLICATION.—Paragraph (2) shall not apply to a county described in paragraph (2) or (3) of section 15735.''.

SEC. 5212. ESTABLISHMENT OF SOUTHERN NEW ENGLAND REGIONAL COMMISSION.

(a) ESTABLISHMENT.—Section 15301(a) of title 40, United States Code (as amended by section 5211(a)), is amended by adding at the end the following:

''(6) The Southern New England Regional Commission.''.

(b) DESIGNATION OF REGION.—

(1) IN GENERAL.—Subchapter II of chapter 157 of title 40, United States Code (as amended by section 5211(b)(1)), is amended by adding at the end the following:

''§ 15736. Southern New England Regional Commission

''The region of the Southern New England Regional Commission shall include the following counties:

''(1) RHODE ISLAND.—Each county in the State of Rhode Island.

''(2) CONNECTICUT.—The counties of Hartford, Middlesex, New Haven, New London, Tolland, and Windham in the State of Connecticut.

''(3) MASSACHUSETTS.—Each county in the Commonwealth of Massachusetts.''.

(2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 157 of title 40, United States Code (as amended by section 5211(b)(2)), is amended by adding at the end the following:

''15736. Southern New England Regional Commission.''.

(c) APPLICATION.—Section 15702(c)(3) of title 40, United States Code (as amended by section 5211(c)), is amended—

(1) by striking the period at the end and inserting ''; or'';

(2) by striking ''to a county'' and inserting the following: ''to—

''(A) a county''; and

(3) by adding at the end the following:

''(B) the Southern New England Regional Commission.''.

SEC. 5213. DENALI COMMISSION REAUTHORIZATION.

(a) REAUTHORIZATION.—Section 312(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended by striking ''$15,000,000 for each of fiscal years 2017 through 2021'' and inserting ''$35,000,000 for each of fiscal years 2025 through 2029''.

(b) POWERS OF THE COMMISSION.—Section 305 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in subsection (d), in the first sentence, by inserting ''enter into leases (including the lease of office space for any term),'' after ''award grants,''; and

(2) by adding at the end the following:

''(e) USE OF FUNDS TOWARD NON-FEDERAL SHARE OF CERTAIN PROJECTS.—Notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, the Commission may use amounts made available to the Commission for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.''.

(c) SPECIAL FUNCTIONS OF THE COMMISSION.—Section 307 of the Denali Commission Act of 1998 (42 U.S.C. 4321 note; Public Law 105–277) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (c) (as so redesignated), by inserting '', including interagency transfers,'' after ''payments''.

(d) CONFORMING AMENDMENT.—Section 309(c)(1) of the Denali Commission Act of 1998 (42 U.S.C. 4321 note; Public Law 105–277) is amended by inserting ''of Transportation'' after ''Secretary''.

SEC. 5214. DENALI HOUSING FUND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a nonprofit organization;

(B) a limited dividend organization;

(C) a cooperative organization;

(D) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

(E) a public entity, such as a municipality, county, district, authority, or other political subdivision of a State.

(2) FEDERAL COCHAIR.—The term ''Federal Cochair'' means the Federal Cochairperson of the Denali Commission.

(3) FUND.—The term ''Fund'' means the Denali Housing Fund established under subsection (b)(1).

(4) LOW-INCOME.—The term ''low-income'', with respect to a household means that the household income is less than 150 percent of the Federal poverty level for the State of Alaska.

(5) MODERATE-INCOME.—The term ''moderate-income'', with respect to a household, means that the household income is less than 250 percent of the Federal poverty level for the State of Alaska.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) DENALI HOUSING FUND.—

(1) ESTABLISHMENT.—There shall be established in the Treasury of the United States the Denali Housing Fund, to be administered by the Federal Cochair.

(2) SOURCE AND USE OF AMOUNTS IN FUND.—

(A) IN GENERAL.—Amounts allocated to the Federal Cochair for the purpose of carrying out this section shall be deposited in the Fund.

(B) USES.—The Federal Cochair shall use the Fund as a revolving fund to carry out the purposes of this section.

(C) INVESTMENT.—The Federal Cochair may invest amounts in the Fund that are not necessary for operational expenses in bonds or other obligations, the principal and interest of which are guaranteed by the Federal Government.

(D) GENERAL EXPENSES.—The Federal Cochair may charge the general expenses of carrying out this section to the Fund.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2025 through 2029.

(c) PURPOSES.—The purposes of this section are—

(1) to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low-income households and moderate-income households; and

(2) to provide housing for public employees.

(d) LOANS AND GRANTS.—

(1) IN GENERAL.—The Federal Cochair may provide grants and loans from the Fund to eligible entities under such terms and conditions the Federal Cochair may prescribe.

(2) PURPOSE.—The purpose of a grant or loan under paragraph (1) shall be for planning and obtaining federally insured mortgage financing or other financial assistance for housing construction or rehabilitation projects for low-income and moderate-income households in rural Alaska villages.

(e) PROVIDING AMOUNTS TO STATES FOR GRANTS AND LOANS.—The Federal Cochair may provide amounts to the State of Alaska, or political subdivisions thereof, for making the grants and loans described in subsection (d).

(f) LOANS.—

(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (d) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be for not more than 90 percent of that cost.

(2) INTEREST.—A loan under subsection (d) shall be made without interest, except that a loan made to an eligible entity established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for that type of project.

(3) PAYMENT.—

(A) IN GENERAL.—The Federal Cochair shall require payment of a loan made under this section under terms and conditions the Secretary may require by not later than the date of completion of the project.

(B) CANCELLATION.—For a loan other than a loan to an eligible entity established for profit, the Secretary may cancel any part of the debt with respect to a loan made under subsection (d) if the Secretary determines that a permanent loan to finance the project cannot be obtained in an amount adequate for repayment of a loan made under subsection (d).

(g) GRANTS.—

(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project described in this section that the Federal Cochair considers unrecoverable from the proceeds of a permanent loan made to finance the project—

(A) may not be made to an eligible entity established for profit; and

(B) may not exceed 90 percent of those expenses.

(2) SITE DEVELOPMENT COSTS AND OFFSITE IMPROVEMENTS.—

(A) IN GENERAL.—The Federal Cochair may make grants and commitments for grants

under terms and conditions the Federal Cochair may require to eligible entities for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, if the grant or commitment—

(i) is essential to ensuring that housing is constructed on the site in the future; and

(ii) otherwise meets the requirements for assistance under this section.

(B) MAXIMUM AMOUNTS.—The amount of a grant under this paragraph may not—

(i) with respect to the construction of housing, exceed 40 percent of the cost of the construction; and

(ii) with respect to the rehabilitation of housing, exceed 10 percent of the reasonable value of the rehabilitation, as determined by the Federal Cochair.

(h) INFORMATION, ADVICE, AND TECHNICAL ASSISTANCE.—The Federal Cochair may provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low-income or moderate-income households, or for public employees, in rural Alaska villages under this section.

SEC. 5215. DELTA REGIONAL AUTHORITY REAUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking ''$30,000,000 for each of fiscal years 2019 through 2023'' and inserting ''$40,000,000 for each of fiscal years 2025 through 2029''.

(b) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is repealed.

(c) FEES.—Section 382B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–1(e)) is amended—

(1) in paragraph (9)(C), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(11) collect fees for the Delta Doctors program of the Authority and retain and expend those fees.''.

(d) SUCCESSION.—Section 382B(h)(5)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–1(h)(5)(B)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) assuming the duties of the Federal cochairperson and the alternate Federal cochairperson for purposes of continuation of normal operations in the event that both positions are vacant; and''.

(e) INDIAN TRIBES.—Section 382C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–2(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', Indian Tribes,'' after ''States''; and

(2) in paragraph (1), by inserting '', Tribal,'' after ''State''.

SEC. 5216. NORTHERN GREAT PLAINS REGIONAL AUTHORITY REAUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 383N(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–12(a)) is amended by striking ''$30,000,000 for each of fiscal years 2008 through 2018'' and inserting ''$40,000,000 for each of fiscal years 2025 through 2029''.

(b) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–13) is repealed.

SA 3104. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 XV, add the following:

SEC. 1549. CLASSIFICATION REFORM FOR TRANSPARENCY ACT OF 2024.

(a) SHORT TITLE.—This section may be cited as the ''Classification Reform for Transparency Act of 2024''.

(b) DEFINITIONS.—In this section:

(1) CLASSIFICATION.—The term ''classification'' means the act or process by which information is determined to be classified information.

(2) CLASSIFICATION SYSTEM.—The term ''classification system'' means the system of the Federal Government for classification and declassification.

(3) CLASSIFIED INFORMATION.—The term ''classified information'' has the meaning given the term ''classified information of the United States'' in section 1924(c) of title 18, United States Code.

(4) DECLASSIFICATION.—The term ''declassification'' means the authorized change in the status of information from classified information to unclassified information.

(5) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given such term in section 105 of title 5, United States Code.

(6) 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 Federal Government.

(c) AUTOMATIC EXPIRATION OF CLASSIFICATION STATUS.—

(1) AUTOMATIC EXPIRATION.—

(A) IN GENERAL.—Subject to paragraph (2), the classification marking on any information that is more than 50 years old shall be considered expired, and the information shall be considered unclassified.

(B) EFFECTIVE DATE.—Subparagraph (A) shall take effect on the date that is 3 years after the date of the enactment of this Act.

(2) AUTHORITY TO EXEMPT.—The President may, as the President considers appropriate, exempt specific information from the requirement of paragraph (1)(A) pursuant to a request received by the President pursuant to paragraph (3).

(3) REQUESTS FOR EXEMPTIONS.—In extraordinary cases, the head of an Executive agency may request from the President an exemption to the requirement of paragraph (1)(A) for specific information that reveals—

(A) the identity of a human source or human intelligence source in a case in which the source or a relative of the source is alive and disclosure would present a clear danger to the safety of the source or relative;

(B) a key design concept of a weapon of mass destruction; or

(C) information that would result in critical harm to ongoing or future operations.

(4) NOTIFICATION.—

(A) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this paragraph, the term ''appropriate committee of Congress'' means—

(i) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Oversight and Accountability and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) IN GENERAL.—If an exemption is requested pursuant to paragraph (3), the President shall, not later than 30 days after the date on which the President approves or rejects the requested exemption, submit to Congress, including the appropriate committees of Congress, notice of such approval or rejection.

(C) CONTENTS.—Each notice submitted pursuant to subparagraph (B) for an approval or rejection shall include a justification for the approval or rejection.

(D) FORM.—To the degree practicable, each notice submitted pursuant to subparagraph (B) shall be submitted in unclassified form.

(d) REFORMS OF THE CLASSIFICATION SYSTEM.—

(1) DECLASSIFICATION UPON REQUEST OF CONGRESS.—

(A) IN GENERAL.—Not later than 90 days after the date on which the head of an Executive agency receives a request from a chair, vice-chair, or ranking member of an appropriate committee of Congress for declassification of specific information in the possession of the Executive agency, the head of the Executive agency shall—

(i) review the information for declassification; and

(ii) provide the member of Congress—

(I) the declassified information or document; or

(II) notice that, pursuant to review under clause (i), the information is not being declassified, along with a justification for not declassifying the information.

(B) COMPLEX OR LENGTHY REQUESTS.—In a case in which the head of an Executive agency receives a request as described in subparagraph (A) and the head determines that such request is particularly complex or lengthy, such paragraph shall be applied by substituting ''180 days'' for ''90 days''.

(2) MANDATORY DECLASSIFICATION REVIEW FOR MATTERS IN THE PUBLIC INTEREST.—The President shall require that the mandatory declassification review process established pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, include—

(A) a process by which members of the public may request declassification of information in cases in which—

(i) the information meets the standards for classification; and

(ii) the public interest in disclosure would outweigh the national security harm that could reasonably be expected to result from disclosure of the information; and

(B) an expedited process for consideration of declassification of information in cases in which there is urgency to inform the public concerning actual or alleged Federal Government activity.

(3) IDENTIFICATION OF HARM TO NATIONAL SECURITY.—At the time of original classification, in addition to the identifications and markings required by section 1.6 of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, the original classification authority shall identify in writing the specific harm to national security that could reasonably be expected to result from disclosure.

(4) CONGRESSIONAL AUTHORITY TO RELEASE INFORMATION.—Nothing in this section shall be deemed in conflict with, or to otherwise impede the authority of, Congress under

clause 3 of section 5 of article I of the Constitution of the United States to release information in its possession, and such information so released shall be deemed declassified or otherwise released in full.

SA 3105. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1439. CODIFICATION OF CERTAIN SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION.

(a) IN GENERAL.—United States sanctions provided for in the Executive orders specified in subsection (b), as in effect on the day before the date of the enactment of this Act shall remain in effect except as provided in subsection (c).

(b) EXECUTIVE ORDERS SPECIFIED.—Executive orders specified in this section are—

(1) Executive Order 13849 (22 U.S.C. 9521 note; relating to authorizing the implementation of certain sanctions set forth in the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.));

(2) Executive Order 13883 (22 U.S.C. 5605 note; relating to administration of proliferation sanctions and amendment of Executive Order 12851 (22 U.S.C. 2797 note; relating to the administration of proliferation sanctions, Middle East arms control, and related congressional reporting responsibilities));

(3) Executive Order 14024 (50 U.S.C. 1701 note; relating to blocking property with respect to specified harmful foreign activities of the Government of the Russian Federation);

(4) Executive Order 14039 (22 U.S.C. 9526 note; relating to blocking property with respect to certain Russian energy export pipelines);

(5) Executive Order 14065 (50 U.S.C. 1701 note; relating to blocking property of certain persons and prohibiting certain transactions with respect to continued Russian efforts to undermine the sovereignty and territorial integrity of Ukraine);

(6) Executive Order 14066 (50 U.S.C. 1701 note; relating to prohibiting certain imports and new investments with respect to continued Russian Federation efforts to undermine the sovereignty and territorial integrity of Ukraine);

(7) Executive Order 14068 (50 U.S.C. 1701 note; relating to prohibiting certain imports, exports, and new investment with respect to continued Russian Federation aggression);

(8) Executive Order 14071 (50 U.S.C. 1701 note; relating to prohibiting new investment in and certain services to the Russian Federation in response to continued Russian Federation aggression); and

(9) Executive Order 14114 (88 Fed. Reg. 89271; relating to taking additional steps with respect to the Russian Federation's harmful activities).

(c) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under subsection (a) with respect to a person if the President certifies to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that—

(1) such person—

(A) is not engaging in the activity that was the basis for such sanctions; or

(B) has taken significant, verifiable steps toward stopping the activity that was the basis for such sanctions; and

(2) the President has received reliable assurances that such person will not knowingly engage in any activity subject to sanctions in the future.

(d) EXCEPTIONS.—

(1) DEFINITIONS.—In this subsection:

(A) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given such term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(B) GOOD.—The term "good" means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(C) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(D) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—A requirement to block and prohibit all transactions in all property and interests in property referred to in subsection (b) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(3) EXCEPTION TO COMPLY WITH THE UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT ACTIVITIES.—Sanctions specified in subsection (b) shall not apply with respect to the admission of an alien to the United States 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 of the United States; or

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

(4) EXCEPTION TO COMPLY WITH INTELLIGENCE ACTIVITIES.—Sanctions specified in subsection (b) 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.

(5) HUMANITARIAN ASSISTANCE.—Sanctions specified in subsection (b) shall not apply to—

(A) the conduct or facilitation of a transaction for the provision of agricultural commodities, food, medicine, medical devices, humanitarian assistance, or for humanitarian purposes; or

(B) transactions that are necessary for, or related to, the activities described in subparagraph (A).

SA 3106. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1440. SUPPORTING DEMOCRATIC FORCES IN THE RUSSIAN FEDERATION BY AMPLIFYING THEIR VOICES AND ADVANCING THEIR ANTI-WAR AGENDA.

(a) DEFINITIONS.—In this section and in section 1440A:

(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) BELARUSIAN INDIVIDUAL IN EXILE.—The term "Belarusian individual in exile" means a Belarusian individual who has been unable to return to Belarus because of a credible threat of persecution.

(3) CREDIBLE THREAT OF PERSECUTION.—The term "credible threat of persecution" means a threat that causes an individual to have a reasonable fear of persecution as a result of the pro-democracy activity of that individual.

(4) PRO-DEMOCRACY.—

(A) PRO-DEMOCRACY ACTIVIST.—The term "pro-democracy activist" means an individual who advocates for democratic reform.

(B) PRO-DEMOCRACY ACTIVITY.—The term "pro-democracy activity" means activity taken to promote democracy.

(5) RUSSIAN INDIVIDUAL IN EXILE.—The term "Russian individual in exile" means a Russian individual who has been unable to return to the Russian Federation since February 24, 2022, because of a credible threat of persecution.

(6) SECRETARY.—The term "Secretary" means the Secretary of State.

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States has sought to support democracy in the Russian Federation and with Russian individuals since 1991, including through programming by the United States Agency for International Development (referred to in this subsection as "USAID") valued at $3,000,000,000 between 1992 and 2012 to support democracy, economic growth, health, women, and youth in the Russian regions.

(B) In May 1997, the North Atlantic Treaty Organization (referred to in this section as "NATO") and the Russian Federation signed the NATO-Russia Founding Act, which established a NATO-Russia Permanent Joint Council to build trust and communication between the two parties.

(C) Numerous nongovernmental organizations in the United States, including the National Endowment for Democracy, the American Councils, and the Institute of International Education have worked to support Russian individuals and build ties between the people of the United States and the Russian Federation.

(D) In 2012, the Russian Federation expelled the USAID, rejecting assistance meant to support Russian individuals and harming the United States-Russian Federation bilateral relationship.

(E) In May 2015, the Russian Federation enacted a law that permits Russian authorities to extrajudicially shut down foreign and international organizations operating in Russia by declaring them to be "undesirable". Russian authorities have since labeled as undesirable numerous nongovernmental organizations that have worked to strengthen the relationship between the United States and the Russian Federation, including the National Endowment for Democracy, the American Councils, and the Institute of International Education.

(F) The Russian Federation launched an illegal and unprovoked invasion of Ukraine in 2014 and a brutal, full-scale invasion of

Ukraine in 2022, which caused NATO to suspend cooperation with the Russian Federation.

(G) Russian opposition leader, pro-democracy activist, and anti-corruption campaigner Alexei Navalny died in a Russian prison on February 16, 2024, the day after he appeared in court in a healthy condition.

(H) Pulitzer Prize-winning human rights advocate, historian, and opposition leader Vladimir Kara-Murza is suffering from declining health while serving an illegal 25-year jail term that was imposed in retaliation for his support for democracy in the Russian Federation and his criticism of the Kremlin's war against Ukraine.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the efforts of the Russian Federation to isolate its people from the world, commit horrific war crimes in Ukraine, and violently crack down on dissent at home should be universally condemned; and

(B) Congress will continue its efforts to engage with and support Russian individuals, many of whom are opposed to the unjust war by the Russian Federation against Ukraine and believe in a democratic future for their country.

(c) RUSSIANS IN EXILE AFFAIRS UNIT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Administrator of USAID, in coordination with the heads of other relevant agencies and departments, shall submit a report to the appropriate congressional committees containing a plan for establishing a ''Russians in Exile Affairs Unit'' (referred to in this subsection as the ''Unit'').

(2) REQUIRED ELEMENTS.—The report required under paragraph (1) shall contain—

(A) a plan for establishing and staffing the Unit;

(B) a description of how the Department of State and USAID will carry out the responsibilities described in paragraph (3);

(C) the estimated annual appropriations required to carry out such responsibilities;

(D) 3 potential locations in Europe at which the headquarters of the Unit could be located;

(E) the advantages and disadvantages of establishing the Unit;

(F) an estimate of the number of Russian individuals in exile; and

(G) an assessment of Russian individuals in exile, including—

(i) the reasons such individuals left the Russian Federation, particularly in relation to—

(I) the invasion of Ukraine in 2022; and

(II) increased political repression in the Russian Federation;

(ii) how such individuals have been engaged since leaving the Russian Federation; and

(iii) how United States officials and intermediaries have communicated with such individuals since the invasion of Ukraine in 2022.

(3) DUTIES.—The Unit shall—

(A) facilitate communication and engagement with pro-democracy activists who are Russian individuals in exile;

(B) report on human rights issues that impact Russian individuals in exile;

(C) coordinate interagency and international efforts to combat Russian Federation-sponsored transnational repression;

(D) support Russian individuals in exile who remain outside the Russian Federation because of fear for their safety;

(E) lead engagement with European and Eurasian governments and private sector companies to resolve issues impacting Russian individuals in exile;

(F) assess challenges and develop solutions to problems faced by Russian individuals in exile, including—

(i) access to bank accounts, credit cards, and online payment platforms;

(ii) issuance of travel documents, visas, and work permits; and

(iii) the ability to use technology platforms owned by companies in the United States and Europe to communicate with Russian individuals;

(G) evaluate the feasibility of developing a ''whitelist''—

(i) to which a Russian pro-democracy activist can apply to be recognized by the Department of State as a credible Russian non-state actor; and

(ii) that the Secretary shall provide to social media companies, technology companies, financial institutions, academic institutions, and other stakeholders in the United States to encourage institutional engagement with the Russian pro-democracy activist community, including by—

(I) facilitating financial transactions;

(II) monetizing media content produced by pro-democratic activists in the Russian Federation; and

(III) purchasing political advertisements for distribution inside the Russian Federation;

(H) collect, facilitate, and assess evidence, presented by members of the Russian pro-democracy activist community, regarding significant human rights violations and corruption perpetrated by individuals connected to Vladimir Putin, including individuals who are responsible for implementing war by the Russian Federation against Ukraine and undermining democracy in the Russian Federation; and

(I) develop a data-driven approach to efficiently use resources to engage with Russian individuals in exile in the countries where they reside.

(d) SUPPORTING OPERATIONS OF INDEPENDENT MEDIA AND CIVIL SOCIETY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) state-sponsored Russian-language propaganda and disinformation in Eastern Europe and Central Asia sows discord and instrumentalizes Russian-speaking individuals to further disseminate propaganda and disinformation;

(B) professional independent journalism informed by local voices can provide Russian-speaking individuals with reliable, accurate information that will mitigate the harmful influence of Kremlin-aligned propaganda and disinformation; and

(C) because there is no clear dividing line between Russian individuals residing inside the Russian Federation and Russian individuals in exile because they are part of the same community of pro-democracy activists, assistance in the interest of benefitting future democracy in the Russian Federation may be channeled through Russian pro-democracy activists in exile, including support for the development and expansion of pro-democracy grassroots initiatives and a civic infrastructure that is no longer possible within the Russian Federation.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $40,000,000, for each of the fiscal years 2024 through 2027 to USAID and the Bureau for Democracy, Human Rights, and Labor of the Department of State to support independent media and civil society in Russia, Eastern Europe, and Central Asia that are providing reliable and fact-based news to Russian-speaking populations and furthering the development of pro-democracy activity within the country.

(e) PREVENTING WRONGFUL DETENTIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Office of the Special Presidential Envoy for Hostage Affairs, which was established by section 303 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741a), conducts crucially important work to bring home United States citizens who are wrongfully detained, including successfully securing the release from the Russian Federation of United States citizens Trevor Reed and Brittney Griner;

(B) United States citizens should not travel to the Russian Federation or other countries with a history of wrongfully detaining United States citizens in an attempt to gain leverage over the United States;

(C) the Russian Federation should immediately release the United States citizens and nationals who have been wrongfully detained in Russia, including Alsu Kurmasheva, Evan Gershkovich, Paul Whelan, and Vladimir Kara-Murza, and the United States Government should continuously pursue their release;

(D) Vladimir Kara-Murza and Alsu Kurmasheva meet the criteria for ''wrongful detention'' under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741 et seq.) and the United States should designate them accordingly; and

(E) the Russian Federation should meet the basic needs and respect the human rights of all United States citizens in its custody.

(2) DISCLOSURE AND ACKNOWLEDGMENT OF RISK BY AIR TRANSPORTATION PASSENGERS.—

(A) IN GENERAL.—Section 44907 of title 49, United States Code, is amended by adding at the end the following:

''(g) DISCLOSURE AND ACKNOWLEDGMENT OF RISK OF RUSSIAN FEDERATION WRONGFUL DETENTION.—Notwithstanding any other provision of law and without regard to whether the Secretary of Transportation conducts an assessment under subsection (a), takes other action under this section, or provides other notice under this section, each air carrier and foreign air carrier that provides passenger air transportation between the United States and the Russian Federation, and any online marketplace selling such passenger air transportation, shall, when issuing a ticket to a passenger for any travel itinerary that begins in the United States and concludes in, has a connecting flight within, or passes through the Russian Federation—

''(1) provide a warning about the history of the Russian Federation wrongfully detaining United States citizens and citizens of other countries; and

''(2) obtain an acknowledgment from each such passenger that the passenger understands the risk of possible wrongful detention for any travel itinerary that concludes in, has a connecting flight within, or passes through the Russian Federation.''.

(B) REPORT.—Section 44938(a) of title 49, United States Code, is amended—

(i) in paragraph (9), by striking ''and'' at the end;

(ii) by redesignating paragraph (10) as paragraph (11); and

(iii) by inserting after paragraph (9) the following:

''(10) an assessment of the activities carried out under section 44907(g) of this title; and''.

(C) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) shall take effect on the date that is 60 days after the date of enactment of this Act.

(f) STATUS OF EXILED RUSSIAN INDIVIDUALS IN EUROPE.—It is the sense of Congress that the Secretary should urge the European Commission of the European Union and

other relevant European government agencies to provide legal documentation to appropriately vetted Russian individuals in exile who face a credible threat of persecution in the Russian Federation.

(g) DIPLOMATIC MISSIONS FOR CONSULAR SERVICES.—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate at least 3 additional diplomatic missions to provide consular services for citizens of the Russian Federation in countries—

(1) that have direct flights from the Russian Federation or in which land borders with the Russian Federation remain passable; or

(2) in which large numbers of citizens of the Russian Federation who left the Russian Federation on or after February 24, 2022 reside.

(h) RECOGNITION OF EXPIRED RUSSIAN FEDERATION PASSPORTS.—Not later than 180 days after the date of the enactment of this Act, the United States shall implement a process for recognizing expired Russian Federation passports until the Secretary certifies to the appropriate congressional committees and to the Commissioner for U.S. Customs and Border Protection that it is safe for a Russian individual in exile to return to the Russian Federation or a diplomatic facility of the Russian Federation for document renewal.

SEC. 1440A. SUPPORTING BELARUSIAN DEMOCRATIC FORCES IN EXILE.

(a) FINDINGS.—Congress finds the following:

(1) Sviatlana Tsikhanouskaya was the apparent winner of the 2020 Belarusian presidential election, in which the people of Belarus voted in record numbers, in an impressive display of their commitment to democracy.

(2) Alyaksandr Lukashenka brutally cracked down upon the thousands of peaceful protestors that turned out in protest of election fraud by the Lukashenka regime, arbitrarily detaining more than 35,000 individuals and subjecting many of these individuals to torture.

(3) The Lukashenka regime continues to unjustly imprison more than 1,500 people, including opposition leaders Viktar Babaryka, Siarhei Tsikhanouski, Maria Kalesnikava, Radio Free Europe/Radio Liberty journalists Andrey Kuznechyk and Ihar Losik, and Ihar Losik's wife Darya Losik.

(4) The Lukashenka regime has facilitated the Russian Federation's illegal war against Ukraine, including by allowing the Russian Federation to fire ballistic missiles and launch offensive strikes against Ukraine from the territory of Belarus for the purpose of invading Ukraine.

(5) The Lukashenka regime has a policy of forcing Belarusian pro-democracy activists to return to Minsk for renewal of documents vital to maintaining their residency status in a safe third country, placing these Belarusians at risk of detention and torture.

(b) STATUS OF EXILED BELARUSIAN INDIVIDUALS IN EUROPE.—It is the sense of Congress that the Secretary should urge the European Commission of the European Union and other relevant European government agencies to provide legal documentation to appropriately vetted Belarusian individuals in exile who face a credible threat of persecution in Belarus.

(c) HELPING BELARUSIAN INDIVIDUALS FLEEING AUTHORITARIANISM.—

(1) STATELESSNESS DESIGNATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate citizens of Belarus as stateless persons for the purpose of processing visas for Belarusian citizens until the Secretary certifies to appropriate congressional committees that the United States has consular representation in Minsk.

(2) EXTENDED DOCUMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security shall develop a process for recognizing expired Belarusian passports until the Secretary certifies to the appropriate congressional committees and to the Commissioner for U.S. Customs and Border Protection that it is safe for a Belarusian individual in exile to return to Belarus for document renewal.

(3) REPORT.—Not later than 60 days after enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, shall submit a report outlining whether Belarus meets the criteria for a designation of temporary protected status under section 244 of the Immigration Act of 1990 (8 U.S.C. 1254a), and if so, whether the Secretary of Homeland Security intends to make such a designation.

SEC. 1440B. CODIFICATION OF CERTAIN SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION.

(a) IN GENERAL.—United States sanctions provided for in the Executive orders specified in subsection (b), as in effect on the day before the date of the enactment of this Act shall remain in effect except as provided in subsection (c).

(b) EXECUTIVE ORDERS SPECIFIED.—Executive orders specified in this section are—

(1) Executive Order 13849 (22 U.S.C. 9521 note; relating to authorizing the implementation of certain sanctions set forth in the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.));

(2) Executive Order 13883 (22 U.S.C. 5605 note; relating to administration of proliferation sanctions and amendment of Executive Order 12851 (22 U.S.C. 2797 note; relating to the administration of proliferation sanctions, Middle East arms control, and related congressional reporting responsibilities));

(3) Executive Order 14024 (50 U.S.C. 1701 note; relating to blocking property with respect to specified harmful foreign activities of the Government of the Russian Federation);

(4) Executive Order 14039 (22 U.S.C. 9526 note; relating to blocking property with respect to certain Russian energy export pipelines);

(5) Executive Order 14065 (50 U.S.C. 1701 note; relating to blocking property of certain persons and prohibiting certain transactions with respect to continued Russian efforts to undermine the sovereignty and territorial integrity of Ukraine);

(6) Executive Order 14066 (50 U.S.C. 1701 note; relating to prohibiting certain imports and new investments with respect to continued Russian Federation efforts to undermine the sovereignty and territorial integrity of Ukraine);

(7) Executive Order 14068 (50 U.S.C. 1701 note; relating to prohibiting certain imports, exports, and new investment with respect to continued Russian Federation aggression);

(8) Executive Order 14071 (50 U.S.C. 1701 note; relating to prohibiting new investment in and certain services to the Russian Federation in response to continued Russian Federation aggression); and

(9) Executive Order 14114 (88 Fed. Reg. 89271; relating to taking additional steps with respect to the Russian Federation's harmful activities).

(c) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under subsection (a) with respect to a person if the President certifies to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that—

(1) such person—

(A) is not engaging in the activity that was the basis for such sanctions; or

(B) has taken significant, verifiable steps toward stopping the activity that was the basis for such sanctions; and

(2) the President has received reliable assurances that such person will not knowingly engage in any activity subject to sanctions in the future.

(d) EXCEPTIONS.—

(1) DEFINITIONS.—In this subsection:

(A) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given such term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(B) GOOD.—The term "good" means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(C) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(D) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—A requirement to block and prohibit all transactions in all property and interests in property referred to in subsection (b) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(3) EXCEPTION TO COMPLY WITH THE UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT ACTIVITIES.—Sanctions specified in subsection (b) shall not apply with respect to the admission of an alien to the United States 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 of the United States; or

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

(4) EXCEPTION TO COMPLY WITH INTELLIGENCE ACTIVITIES.—Sanctions specified in subsection (b) 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.

(5) HUMANITARIAN ASSISTANCE.—Sanctions specified in subsection (b) shall not apply to—

(A) the conduct or facilitation of a transaction for the provision of agricultural commodities, food, medicine, medical devices, humanitarian assistance, or for humanitarian purposes; or

(B) transactions that are necessary for, or related to, the activities described in subparagraph (A).

SA 3107. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. IMPOSITION OF SANCTIONS WITH RESPECT TO SYSTEMATIC RAPE, COERCIVE ABORTION, FORCED STERILIZATION, OR INVOLUNTARY CONTRACEPTIVE IMPLANTATION IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) IN GENERAL.—Section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 22 U.S.C. 6901 note) is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following new subparagraph:

''(F) Systematic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation policies and practices.''.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a)—

(1) takes effect on the date of the enactment of this Act; and

(2) applies with respect to each report required by section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 submitted after such date of enactment.

SA 3108. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) AUTHORITY.—There is established an initiative, to be known as the ''Infrastructure Transaction and Assistance Network'', under which the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the heads of other relevant Federal agencies, as appropriate, shall carry out programs to advance the development of sustainable, transparent, and quality infrastructure globally in countries that are eligible for foreign assistance, by—

(1) strengthening the capacities of United States allies and partners to improve infrastructure project evaluation processes, regulatory and procurement environments, and infrastructure project preparation;

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) coordinating the provision of United States assistance for the development of infrastructure, including infrastructure that utilizes United States-manufactured goods and services, and catalyzing investment led by the private sector.

(b) TRANSACTION ADVISORY FUND.—As part of the Infrastructure Transaction and Assistance Network described under subsection (a), the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, and in consultation, as appropriate, with other Federal departments and agencies, shall provide support, including through the Transaction Advisory Fund, for advisory services to help boost the capacity of partner countries globally to evaluate contracts in line with international standards, including through providing services such as—

(1) legal services, including with the objectives of—

(A) minimizing opportunities for corrupt practices; and

(B) ensuring agreements are transparent, clear, and enforceable;

(2) project preparation and feasibility studies;

(3) debt sustainability analyses;

(4) bid or proposal evaluation; and

(5) other services relevant to advancing the development of sustainable, transparent, and quality infrastructure.

(c) INDO-PACIFIC STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the ''Infrastructure Transaction and Assistance Network'' described under subsection (a), the Secretary of State is authorized to provide support, including through the Indo-Pacific Strategic Infrastructure Fund, for technical assistance, project preparation, development, and execution, and other infrastructure project support in the countries of the Indo-Pacific region.

(2) JOINT INFRASTRUCTURE PROJECTS.—Funds authorized for the Indo-Pacific Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, the Export-Import Bank of the United States, the United States Trade and Development Agency, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Indo-Pacific Strategic Infrastructure Fund should be used to support strategic infrastructure projects.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2025 through 2029, $50,000,000 for the Transaction Advisory Fund and $100,000,000 for the Indo-Pacific Strategic Infrastructure Fund.

(e) STRATEGIC INFRASTRUCTURE DEFINED.—In this section, the term ''strategic infrastructure'' means infrastructure where a primary driver of United States national interest in such infrastructure is—

(1) to advance United States national security or economic security interest or those of the country in which the infrastructure is located; or

(2) to deny the People's Republic of China of ownership or control over such infrastructure.

SA 3109. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. GLOBAL STRATEGIC INFRASTRUCTURE INVESTMENT FUND.

(a) STRATEGIC INFRASTRUCTURE INVESTMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Global Strategic Infrastructure Fund'' (in this section referred to as the ''Fund'') for the Secretary of State to provide for assistance, including through contributions for strategic infrastructure projects globally as authorized under this section.

(2) APPROPRIATIONS.—In addition to amounts otherwise available for such purposes, there is appropriated to the Fund established in subsection (a)(1), out of amounts in the Treasury not otherwise appropriated—

(A) for fiscal year 2025, $400,000,000, to remain available until expended;

(B) for fiscal year 2026, $400,000,000, to remain available until expended;

(C) for fiscal year 2027, $400,000,000, to remain available until expended;

(D) for fiscal year 2028, $400,000,000, to remain available until expended; and

(E) for fiscal year 2029, $400,000,000, to remain available until expended.

(3) TRANSFER AUTHORITY.—Amounts in the Fund shall be transferred and merged with accounts within the Department of State, the United States Agency for International Development, the Export-Import Bank of the United States, the United States International Development Finance Corporation, the Millennium Challenge Corporation, and the United States Trade and Development Agency, as appropriate, to be used for such purposes.

(4) CONSULTATION.—The Secretary of State shall consult with the Administrator of the United States Agency for International Development on the allocations of the Fund.

(5) LOANS AND LOAN GUARANTEES.—Amounts transferred from the Fund to the Export-Import Bank and the United States International Development Finance Corporation, among other purposes, may be made available for the costs of direct loans and loan guarantees, including the cost of modifying such loans and loan guarantees, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) PRIORITIZATION.—In evaluating proposals for strategic infrastructure projects funded pursuant to subsection (a), the Secretary of State shall prioritize—

(1) projects that have the highest strategic value to the United States; and

(2) projects related to—

(A) strategic transport infrastructure, including ports, airports, railroads, and highways;

(B) energy infrastructure, technology, and supply chains, critical minerals, and related areas that align with the officially conveyed energy needs of partner countries and with the objective of maximizing such countries' energy access, energy security, energy transition, and resilience needs.

(C) secure information and communications technology networks and infrastructure to strengthen the potential for economic growth and to promote an open, interoperable, reliable, and secure internet; and

(D) global health security, including through infrastructure projects that increase the availability, accessibility, and affordability of health care in partner countries.

(c) STANDARDS.—In evaluating proposals for strategic infrastructure projects funded pursuant to subsection (a), the Secretary of State shall adhere to standards for sustainable, transparent, and quality infrastructure investment and ensure projects include opportunities to advance economic growth priorities in the partner country and support good governance and the rule of law.

(d) PROJECTS IN HIGH INCOME COUNTRIES.—Support provided under the Fund shall not be provided in countries with high-income economies (as those terms are defined by the World Bank) unless the President certifies to the appropriate committees of Congress that such support—

(1) is necessary to preempt or counter efforts by a strategic competitor of the United States to secure significant political or economic leverage or acquire national security-sensitive technologies or infrastructure in a country that is an ally or partner of the United States; and

(2) includes cost-sharing arrangements with partner countries to ensure effective burden-sharing and long-term sustainability.

(e) 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; and

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

(2) STRATEGIC INFRASTRUCTURE.—The term ''strategic infrastructure'' means infrastructure where a primary driver of United States national interest in such infrastructure is—

(A) to advance United States national security or economic security interest or those of the country in which the infrastructure is located; or

(B) to deny the People's Republic of China of ownership or control over such infrastructure.

SA 3110. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. AUTHORIZATION OF PARTNERSHIP FOR GLOBAL INFRASTRUCTURE AND INVESTMENT.

(a) ESTABLISHMENT.—There shall be an office at the Department of State to support the Partnership for Global Infrastructure and Investment, or a successor entity (hereafter, ''the Office''). The Office shall be led by a ''Coordinator for Global Infrastructure and Investment'' (hereafter, ''the Coordinator'') who shall be an official serving in a position to which the individual was appointed by the President, with the advice and consent of the United States Senate.

(b) AUTHORITY.—The Coordinator shall have the authority to convene the interagency on matters relating to its policy remit. The Office is authorized to deploy United States public and private sector capital and expertise for the purpose of mobilizing foreign public and private sector capital and expertise—

(1) to help identify and meet the strategic infrastructure needs of countries that are allies and partners of the United States; and

(2) to provide allies and partners of the United States with mutually beneficial strategic infrastructure investment solutions that are alternatives to exploitative, coercive, or harmful foreign infrastructure investments.

(c) PRIORITIZATION.—In evaluating proposals for strategic infrastructure projects funded through the Partnership for Global Infrastructure and Investment, the Secretary of State, in consultation with other departments and agencies as appropriate, should prioritize—

(1) projects that have the highest strategic value to the United States; and

(2) projects related to—

(A) strategic transport infrastructure, including ports, airports, intermodal transfer facilities, railroads, and highways;

(B) energy infrastructure, technology, and supply chains, critical minerals, and related areas that align with the energy needs of partner countries and with the objective of maximizing such countries' energy access, energy security, energy transition and modernization, and resilience needs.

(C) secure information and communications technology systems, networks, and infrastructure to strengthen the potential for economic growth and promote an open, interoperable, reliable, and secure Internet; and

(D) global health security, including through infrastructure projects that increase the availability, accessibility, and affordability of health care in partner countries.

(d) STANDARDS.—In carrying out the purposes described in subsection (b), the Secretary of State shall adhere to standards for sustainable, transparent, and quality infrastructure investment and ensure interventions include opportunities to advance economic growth priorities in relevant sectors in the partner country and support good governance and the rule of law.

(e) PROJECTS IN HIGH-INCOME COUNTRIES.—Support provided by the United States under the Partnership for Global Infrastructure and Investment shall not be provided in countries with high-income economies (as those terms are defined by the World Bank) unless the Secretary certifies to the appropriate congressional committees that such support—

(1) is necessary to attempt to preempt or counter efforts by a strategic competitor of the United States to secure significant political or economic leverage or acquire national security-sensitive technologies or infrastructure in a country that is an ally or partner of the United States; and

(2) includes cost-sharing arrangements with partner countries to ensure effective burden-sharing and long-term sustainability, including through the involvement of private sector investments.

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of two years, the Secretary of State, in consultation with the Administrator for the United States Agency for International Development and the heads of other Federal departments and agencies, as appropriate, shall submit a report to the appropriate committees of Congress that—

(A) identifies all current infrastructure projects supported by the Partnership for Global Infrastructure and Investment;

(B) describes how the Partnership for Global Infrastructure and Investment supported each project;

(C) explains the rationale of the United States and partner country interests served by the United States providing support to such projects, including as it relates to the priorities described in subsection (c);

(D) describes how the Partnership for Global Infrastructure and Investment cooperates with other entities in the United States Government that support infrastructure, including de-confliction of efforts; and

(E) to the extent possible, describes the estimated timeline for completion of the projects supported by the Partnership for Global Infrastructure and Investment.

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

(g) 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; and

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

(2) STRATEGIC INFRASTRUCTURE.—The term ''strategic infrastructure'' means infrastructure where a primary driver of United States national interest in such infrastructure is—

(A) to advance United States national security or economic security interest or those of the country in which the infrastructure is located; or

(B) to deny the People's Republic of China of ownership or control over such infrastructure.

SA 3111. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. STRENGTHENING PUBLIC REPORTING ON CORRUPTION.

(a) SENSE OF CONGRESS.— It is the sense of the Congress that—

(1) the PRC and its representatives are engaged in corruption across the globe, targeting public sector officials with the goal of inducing them to make official decisions that suit the interests of the PRC in exchange for personal financial gain;

(2) people across the globe do not want leaders who make deals to enrich themselves and their families in exchange for their country's natural resources or agreeing to take on onerous national debts and loans, which the nation will be forced to pay back; and

(3) uncovering and bringing to light evidence of this sort of corruption serves the objective of empowering people everywhere to bring such practices to end.

(b) AUTHORIZATION OF FUNDING FOR PUBLIC REPORTING ON CORRUPTION AND CORRUPT PRACTICES.—

(1) IN GENERAL.—The Secretary of State shall support and strengthen media and civil society initiatives to uncover and report on evidence of corruption, with a goal of bringing to light the corrupt practices of the PRC and its representatives in every region, and the local leaders who are accepting these payments.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated an additional $3,000,000 for each of fiscal years 2025 through 2029 for the Secretary of State to carry out this section.

SA 3112. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. INCLUSION OF SURVEILLANCE TECHNOLOGY ABUSE IN HUMAN RIGHTS REPORT.

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

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

''(h) SURVEILLANCE TECHNOLOGY.—

''(1) IN GENERAL.—The report required under subsection (d) shall to the extent feasible include a description of the use of foreign commercial spyware by the government of each country in which there are systematic acts of political repression, to conduct surveillance, including passive or active monitoring, against activists, journalists, opposition politicians, or other individuals

for the purposes of suppressing dissent or intimidating critics.

''(2) DEFINED TERM.—In this subsection, the term 'foreign commercial spyware' means the term referred to in section 6318 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263).''; and

(2) in section 502B (22 U.S.C. 2304)—

(A) by redesignating the second subsection designated subsection (i) as subsection (j); and

(B) by adding at the end the following new subsection:

''(k) SURVEILLANCE TECHNOLOGY.—

''(1) IN GENERAL.—The report required under subsection (b) shall to the extent feasible include a description of the use of foreign commercial spyware by the government of each country in which there are systematic acts of political repression, to conduct surveillance, including passive or active monitoring, against activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics.

''(2) DEFINED TERM.—In this subsection, the term 'foreign commercial spyware' means the term referred to in section 6318 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263).''.

SA 3113. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. PROTECTING HUMAN RIGHTS DEFENDERS AT THE UNITED NATIONS AND OTHER MULTILATERAL BODIES.

The Secretary of State and the United States Permanent Representative to the United Nations shall use the voice, vote, and influence of the United States at the United Nations and other multilateral bodies—

(1) to oppose efforts by the PRC and other authoritarian actors to prevent the full participation of civil society actors, including human rights defenders, and block the accreditation of non-governmental organizations at the United Nations and other multilateral bodies;

(2) to ensure that the United Nations bolsters the protection and safe participation of civil society actors who are subject to transnational repression, state-sponsored harassment, and reprisals by the PRC and other governments;

(3) to increase monitoring and reporting to identify and track reprisals against human rights defenders, who engage with the United Nations and other multilateral bodies;

(4) to oppose efforts by the PRC and other authoritarian actors to sponsor the participation of government-organized nongovernmental organizations in the Committee on Non-Governmental Organizations of United Nations Economic and Social Council, which organizations are used as instruments of the state, including to repress participation and debate by legitimate civil society actors;

(5) to support the use of targeted sanctions, censure of member states, and all diplomatic tools, including working with other foreign governments, available to hold accountable persons that engage in reprisals against human rights defenders; and

(6) to oppose efforts by the PRC to reduce funding for human rights monitoring and civilian protection posts within Security Council approved United Nations peacekeeping missions.

SA 3114. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. ASSISTANCE TO ADVANCE FOREIGN INVESTMENT SCREENING OF UNITED STATES ALLIES AND PARTNERS TO PROTECT NATIONAL INTERESTS.

(a) TECHNICAL ASSISTANCE TO FOREIGN PARTNERS.—The Secretary of State, in consultation with the Secretary of the Treasury and, as appropriate, the heads of other Federal departments and agencies as the President determines appropriate, shall offer to provide technical assistance to the governments of countries that are allies and partners of the United States in establishing or improving legislative and regulatory frameworks to screen foreign investment for national security risks that are, to the extent possible, similar to the frameworks set forth in section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565).

(b) ENGAGEMENT WITH FOREIGN PARTNERS.—In carrying out subsection (a), the Secretary of State, in consultation with the Secretary of the Treasury and, as appropriate, the heads of other Federal departments and agencies, shall actively encourage the government of each country that is an ally or partner of the United States—

(1) to establish transparent protocols for screening foreign investment that protect the national security interests of such country; and

(2) to make decisions on the basis of the potential national security risk of such investments.

(c) DIPLOMATIC ENGAGEMENT.—In providing the technical assistance described in subsection (b), the Secretary of State shall—

(1) consult closely with the intended recipient of such assistance to reach a mutual understanding regarding the scope and nature of the country's particular national security needs with respect to investment screening and the appropriate response to meet those needs, and take all reasonable care to ensure any screening process is transparent and national security-focused;

(2) encourage governments of countries receiving technical assistance to establish or improve the regulatory and legislative frameworks to screen foreign investment as described in subsection (b) to meet the security identified pursuant to paragraph (1); and

(3) prioritize the conduct of diplomatic engagement with government officials, including legislators, from countries whose cooperation in foreign investment screening is deemed by the Secretary to be critical to the interests of the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State for fiscal year 2025 $10,000,000 to carry out this section, which may be administered either by the Department of State or the United States Agency for International Development.

SA 3115. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. STRATEGIC PORTS INITIATIVE.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Chief Executive Officer of United States International Development Finance Corporation, the Trade and Development Agency, and other relevant Federal departments and agencies, as appropriate, shall carry out a program entitled the ''Strategic Ports Initiative'' for the following purposes:

(1) To provide training and technical assistance to partner country officials and institutions, and others, as appropriate, responsible for building, managing, and securing seaports, airports, and related infrastructure abroad.

(2) To identify ports and airports vulnerable to ownership or other forms of control by strategic competitors, including the PRC, and make recommendations for United States Government action.

(3) To contribute to United States Government diplomatic engagements and other efforts with partner countries and economies, and relevant and trusted private sector entities with respect to ownership or control of seaports and airports by strategic competitors, including the PRC.

(4) To generate priority countries and projects for United States assistance and investment, including through coordination with the Infrastructure Coordination Task Force established pursuant to section 161.

(5) To ensure that all Department of State initiatives, activities, and funding related to seaports and airports align with the national security interests of the United States and account for the vulnerabilities, technical constraints, and other national security implications of seaport and airport infrastructure to construction, ownership, operation, or other forms of direct and indirect control by strategic competitors, including the PRC.

(6) To ensure, to the greatest extent practicable, that projects supported by the United States use local labor and professional capacities, in contrast to infrastructure projects carried out by the PRC.

(7) To assist in identifying and promoting alternatives for port logistics data management systems currently offered by strategic competitors, including the PRC.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2025 through 2029, $6,000,000 to carry out the purposes of the Strategic Ports Initiative.

SA 3116. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. FINDINGS RELATED TO THE PEOPLE'S REPUBLIC OF CHINA'S INDUSTRIAL POLLUTION.

Congress makes the following findings:

(1) State-owned enterprises of the PRC are subject to the direction of both the state and the Chinese Communist Party (CCP), and the CCP strives to increase their influence over the global economy by pursuing predatory and exploitative trade, economic, and industrial practices designed to out-compete the United States and other market economies.

(2) The PRC's control of key components of critical global supply chains, including critical minerals, semiconductors, batteries, solar panels, and pharmaceuticals, as outlined in the Office of the Director of National Intelligence's February 2023 ''Annual Threat Assessment'', represents a direct threat to United States national security and harms global economic competition.

(3) The CCP's industrial strategy, as articulated in the Made in China 2025 plan, aims to dominate global manufacturing in crucial energy technologies, including advanced materials, batteries, and power equipment.

(4) The PRC, by far the world's largest polluter, accounts for approximately ⅓ of global carbon dioxide (CO_2) emissions according to the International Energy Administration and subsidizes its industries, manufacturers, and exports by neither implementing nor enforcing adequate environmental or labor protection standards.

(5) The PRC's industrial sectors like agriculture, mining, automotive production, and computer and electronics manufacturing emit 3 times more carbon dioxide as compared to the United States' same industrial sectors, and nearly 2 times more carbon dioxide than the global average of the production of comparable goods in other foreign countries, according to industry tracking data from the International Energy Agency.

(6) The CCP seeks to utilize the Belt and Road Initiative (BRI) and the Global Development Initiative (GDI) to increase the dependence of low-income and lower-middle income countries in Asia, Africa, Europe, and the Americas on the PRC at the expense of trapping such countries in long-term, high-polluting, debt-ridden, low-quality infrastructure projects that undermine developing countries' efforts to sustainably grow and industrialize their economies to maximize benefits and participation for their citizenry, while increasing global pollution.

(7) The United States—

(A) has adopted many environmental protections, including the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and more than 15 other major environmental protection laws that—

(i) add costs to the production of goods in order to secure the benefits of environmental protection and conservation efforts; and

(ii) serve to meaningfully decrease greenhouse gases such as carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated greenhouse gases;

(B) is the world's largest consumer market and its economy is highly integrated into the world; and

(C) bears responsibility to ensure that the United States market does not incentivize forum shopping for the production of goods to jurisdictions with low environmental standards to obtain a competitive cost advantage while undermining efforts to address transnational environmental and resource challenges as well as global public health.

(8) Any realistic pathway to substantially reduce global carbon emissions will require the PRC to be held accountable for its role as the world's largest polluter.

SA 3117. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. ENHANCING RESILIENT CRITICAL INFRASTRUCTURE IN THE PACIFIC ISLANDS.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy for the expansion, improvement, and protection of resilient critical infrastructure in the Pacific Islands.

(2) ELEMENTS.—The strategy and related programming under paragraph (1) shall—

(A) consider the—

(i) current and forecasted gaps in functionality of, and threats to, critical infrastructure in the Pacific Islands, including—

(I) for disaster preparedness and response, transport connectivity, operability of health systems, information and communications technology, food security, coastal zone management, marine and water resource management, and energy security and access to electricity; and

(II) to the extent practicable, the rates, severity and drivers of deterioration, structural deficiencies, and most pressing threats to public safety from aging, at-risk, and failing infrastructure;

(ii) United States national security risks posed by weak, outdated, at-risk, and failing critical infrastructure in the Pacific Islands, with particular consideration for the interconnectedness of supply chains, interconnected transportation networks, technology, communications, and financial systems; and

(iii) the policy-enabling environment for public and private sector investment in critical infrastructure in the Pacific Islands, including through local resource mobilization, early stage project preparation, development finance, and foreign direct investment;

(B) seek to enhance the ability of Pacific Islanders, including governments at the national and local levels, civil society leaders, and private sector partners, to attract and effectively manage public and private investment in critical infrastructure while resisting predatory lending and resource extraction deals by malign actors;

(C) identify priorities for critical infrastructure improvement, reinforcement, re-engineering, or replacement based on the significance of such infrastructure to ensuring public health, safety, and economic growth;

(D) support investment and improvement in natural resource management and conservation;

(E) include recommendations for policy and governance reforms in the Pacific Islands, as necessary and appropriate, to strengthen critical infrastructure resilience; and

(F) support trainings and information sharing, technology exchanges, reverse trade missions, and pilot projects that provide Pacific Islanders with access to proven, cost-effective solutions for mitigating the risks associated with critical infrastructure vulnerabilities and related interdependencies.

(b) COORDINATION.—The program developed under this section should be coordinated with like-minded allies, partners, and regional and international organizations to encourage alignment of efforts and to avoid duplicative investments and programming.

(c) DISASTER PREPAREDNESS.—The Administrator of the United States Agency for International Development, in consultation with the relevant Federal departments and agencies with technical and practical expertise, shall work with Pacific Island countries to—

(1) provide technical assistance, education, and training, including through grants and cooperative agreements for qualified United States and local nongovernmental organizations, to enhance early warning systems, emergency management and preparedness procedures, and post-disaster relief and recovery; and

(2) enhance coordination of existing disaster mitigation and response plans in the Pacific Islands region, including by United States allies and partners in the region.

(d) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall direct the representatives of the United States to the World Bank Group, the International Monetary Fund, and the Asian Development Bank to use the voice and vote of the United States to support sustainable, resilient, and high quality infrastructure projects in the Pacific Islands.

SA 3118. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. DEPARTMENT OF STATE INFRASTRUCTURE COORDINATION TASK FORCE.

(a) ESTABLISHMENT.—There is established at the Department of State a task force, to be known as the ''Infrastructure Coordination Task Force'', which shall be led by an appropriate Senate-confirmed official at the Department of State. If the leader of the Task Force is not the Under Secretary of State for Economic Growth, Energy and the Environment, then the leader of the task force shall coordinate with such Under Secretary on matters related to the task force.

(b) DUTIES.—The Infrastructure Coordination Task Force shall—

(1) coordinate international infrastructure policies and projects supported by the United States Government, with participation by the relevant Federal departments and agencies;

(2) engage international partners such as the Group of Seven (G7), multilateral development banks, international financial institutions, the United States private sector, multinational corporations and banks, nongovernmental organizations, and other partners in industrialized countries;

(3) advance United States objectives through initiatives such as the Blue Dot Network, Infrastructure Transaction Assistance Network, the Transaction Advisory Fund, and the Strategic Ports Initiative; and

(4) produce strategic guidance that identifies international infrastructure projects.

SA 3119. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. NEXT-GENERATION SHIPPING.

(a) IN GENERAL.—The Secretary of State is authorized to carry out the following activities to support the development of next-generation shipping corridors or green shipping corridors:

(1) Conduct analysis to determine United States priorities for cooperation with partner countries on next-generation shipping corridors or green shipping corridors.

(2) Support research and development initiatives and technical assistance, as appropriate, in the following areas:

(A) Next-generation port design, engineering, and architecture.

(B) Hydrogen fuel production and hydrogen fuel storage and utilization capacities at ports.

(C) Commercial-scale high-speed electric vehicle trucking fleet charging infrastructure.

(D) Logistics and shipping corridor planning.

(E) Hydrogen pipelines.

(F) Liquid hydrogen power vessels, and other next-generation marine propulsion systems, design and manufacturing, including both new vessels and retrofit and refurbishment of existing vessels.

(3) Support private sector investment in next-generation shipping infrastructure in partner countries with strong or emerging commercial ties with the United States that—

(A) are strategically or centrally located markets in international commerce; or

(B) face growing or concerning financial entanglements with malign foreign governments.

(b) PARAMETERS.—In carrying out activities authorized under subsection (a), the Secretary of State shall ensure that all activities align with the national security interests of the United States and the purposes of the Strategic Ports Initiative authorized pursuant to section 164.

(c) INTERNATIONAL MARITIME ORGANIZATION.—The United States shall use its voice, vote, and influence in the International Maritime Organization to–

(1) counter any attempts by the PRC or other strategic competitors to advance or advocate for policies, regulations, or technical standards that unfairly benefit particular countries and their domestic industries and products to the detriment of free and fair markets;

(2) advocate for the adoption of next-generation shipping industry technologies and infrastructure standards, policies, regulations and cooperation initiatives that advance United States national and economic security interests;

(3) participate in the International Maritime Organization's global technical cooperation projects to support growing the capacity of parties to develop and modernize global shipping industries technologies and infrastructure; and

(4) represent the interests of United States stakeholders impacted by International Maritime Organization initiatives.

(d) LIMITATION.—Prior to providing funding for activities to support the establishment and development of next-generation shipping corridors or green shipping corridors, the Department of State shall obtain commitments from participating countries in the following areas:

(1) Prohibiting exclusivity or preferences for specific international shipping routes, including exclusive access for specific vessels, fleets, or maritime shipping companies of the PRC.

(2) Preventing the sale, lease, or operational control of port operations, or any subsidiary operations, including security, communications and information technology, or energy suppliers to entities owned or controlled by the PRC.

(3) Prohibiting the use of, or contracts with communications, survey, and logistics management providers owned or controlled by the PRC.

(4) Maintaining transparent and accountable security operations that are not contracted to entities owned or controlled by the PRC.

(5) Ensuring that ports do not serve as ports of call for PRC military or research vessels.

(6) Ensuring that ports are operated in a transparent and accountable manner, consistent with domestic and applicable international law.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $120,000,000 over the next three fiscal years to carry out activities under this section.

SA 3120. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. ESTABLISHMENT OF OFFICE ON MULTILATERAL STRATEGY AND PERSONNEL.

There is established within the Bureau of International Organizations of the Department of State an Office on Multilateral Strategy and Personnel (MSP) with the following responsibilities:

(1) Developing, coordinating, and maintaining a whole-of-government strategy to strengthen United States engagement and leadership with multilateral institutions and international organizations, to include managing efforts to counter third-countries seeking to undermine the integrity of the United Nations.

(2) Coordinating whole-of-government efforts related to the United Nations Junior Professional Officer (JPO) program, including—

(A) recruiting qualified individuals who represent the rich diversity of the United States to apply for United States-sponsored JPO positions;

(B) collecting and collating information about United States-sponsored JPOs from across the United States Government;

(C) establishing and providing orientation and other training materials with United States agencies sponsoring JPOs;

(D) maintaining regular contact with current and former United States-sponsored JPOs, including providing career and professional advice to United States-sponsored JPOs;

(E) making, informing, and advising on strategic decisions, including about the location and duration of United States-sponsored JPO positions to strengthen United States national security interests and the competitive advantage of United States-sponsored JPOs for future employment; and

(F) sponsoring events, including representational events as appropriate, to support United States-sponsored JPOs.

(3) Coordinating and overseeing a whole-of-government United States strategy and efforts in relation to promoting qualified United States candidates for elected or appointed senior positions at multilateral institutions and international organizations, including—

(A) creating a whole-of-government strategy that identifies and prioritizes upcoming openings of leadership positions at multilateral institutions and international organizations;

(B) developing and executing processes to identify and recruit qualified candidates to apply or run for these offices;

(C) consulting across the Department and interagency as they implement selection processes; and

(D) creating and implementing a strategy to obtain the support necessary for United States candidates for priority leadership positions including—

(i) liaising and coordinating with international partners to promote United States candidates; and

(ii) working with embassies to engage officials and other entities needed to support relevant United States candidates.

(4) Promoting detail and transfer opportunities for qualified United States personnel to multilateral organizations including by—

(A) liaising with multilateral institutions to promote and identify detail and transfer opportunities;

(B) developing and maintaining a database of detail and transfer opportunities to multilateral organizations;

(C) promoting these detail and transfer opportunities within the United States Government and making the database available to those eligible for details and transfers; and

(D) facilitating any relevant orientation, trainings, or materials for detailees and transferees, including debriefing detailees and transferees upon their return to the United States Government.

(5) Promoting internship and volunteer opportunities at multilateral institutions and international organizations and coordinating orientation and career development opportunities, as relevant.

(6) Promoting and entering into partnership arrangements with multilateral institutions and international organizations to encourage United States nationals participation in such organizations.

SA 3121. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. ESTABLISHING A SENIOR OFFICIAL FOR THE COMPACTS OF FREE ASSOCIATION AT THE DEPARTMENT OF STATE.

(a) IN GENERAL.—The Secretary of State shall designate a senior official at the Department of State responsible for administering the Compacts of Free Association at

the Department of State (in this section referred to as the ''Senior Official''). The Senior Official shall report to the Assistant Secretary of State for East Asian and Pacific Affairs.

(b) DUTIES.—The Senior Official shall—

(1) be responsible for the conduct of United States foreign policy with respect to the countries affiliated with the United States Government under the Compacts of Free Association (in this section referred to as the ''Compacts''), namely the freely associated states of—

(A) the Republic of Palau;

(B) the Marshall Islands; and

(C) the Federated States of Micronesia;

(2) assist the Assistant Secretary of State for East Asian and Pacific Affairs in providing overall direction, coordination, and supervision of interdepartmental activities of the United States Government in these countries, including ensuring the timely transfer of assistance and provision of benefits through the United States Department of the Interior, as laid out in the Compacts;

(3) oversee and evaluate the adequacy and effectiveness of United States policy with respect to these countries as well as of the plans, programs, resources, and performance for implementing that policy, including programs and other activities implemented by the Department of the Interior;

(4) directly supervise the policy and operations of the Compacts and provide guidance to relevant United States missions within the Indo-Pacific region;

(5) ensure the provision of an adequate, regular flow of information to posts abroad on United States Government policies, policy deliberations, and diplomatic exchanges in Washington, D.C.; and

(6) ensure the continuity of implementation of commitments and Compact obligations and benefits, consistent with United States national interests in the Indo-Pacific region.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $250,000 to support the Senior Official in the conduct and discharge of the duties described in subsection (b).

SA 3122. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. AUTHORIZATION OF APPROPRIATIONS FOR COUNTERING THE PEOPLE'S REPUBLIC OF CHINA INFLUENCE FUND.

(a) COUNTERING THE PEOPLE'S REPUBLIC OF CHINA INFLUENCE FUND.—There is authorized to be appropriated $600,000,000 for each of fiscal years 2025 through 2029 for the Countering the People's Republic of China Influence Fund to counter PRC malign influence. Amounts appropriated pursuant to this authorization are authorized to remain available until expended and shall be in addition to amounts otherwise authorized to be appropriated to counter such influence.

(b) POLICY GUIDANCE, COORDINATION, AND APPROVAL.—

(1) COORDINATOR.—The Secretary of State shall designate an existing senior official as the Coordinator for the Countering the People's Republic of China Influence Fund (in this section referred to as ''Coordinator'') to provide policy guidance, coordination within the Department and the interagency as appropriate, and recommendations for the obligation of funds authorized pursuant to subsection (a).

(2) DUTIES.—The Coordinator designated pursuant to paragraph (1) shall be responsible for—

(A) on an annual basis, the identification of specific strategic priorities for using the funds authorized to be appropriated under subsection (a), such as geographic areas of focus or functional categories of programming that funds are to be concentrated within, consistent with the national interests of the United States and the purposes of this section;

(B) the coordination and approval of all programming conducted using the funds authorized to be appropriated under subsection (a), based on an assessment that such programming directly counters PRC malign influence, including specific activities or policies advanced by such influence, pursuant to the strategic objectives of the United States;

(C) ensuring that all programming approved bears a sufficiently direct nexus to countering PRC malign influence and adheres to the requirements outlined in subsection (d);

(D) conducting oversight, monitoring, and evaluation of the effectiveness of all programming conducted using the funds authorized to be appropriated under subsection (a) to ensure that it advances United States interests and degrades the ability of the Government of the PRC, the Chinese Communist Party (CCP), or entities acting on their behalf, to advance the activities described in subsection (c); and

(E) ensuring, to the maximum extent practicable, that all approved programming under subsection (a) is carried out in coordination with other Federal activities to counter the malign influence and activities of the Government of the PRC, the CCP, or entities acting on their behalf.

(3) ASSISTANT COORDINATOR.—The Administrator of the United States Agency for International Development shall designate an official with direct responsibility for policy with respect to the PRC to assist the Coordinator designated pursuant to paragraph (1), particularly with respect to such assistance handled by the United States Agency for International Development.

(c) PRC MALIGN INFLUENCE DEFINED.—In this section, the term ''PRC malign influence'' means influence of the Government of the PRC and the Chinese Communist Party (CCP) or entities acting on their behalf globally that—

(1) undermines a free and open international order;

(2) advances an alternative, repressive international order that bolsters the PRC or the Chinese Communist Party's hegemonic ambitions and is characterized by coercion and dependency;

(3) undermines the national security, territorial integrity, or sovereignty of the United States or other countries; or

(4) undermines the political and economic security of the United States or other countries, including by promoting corruption or elite capture, and advancing coercive economic practices.

(d) ACTIVITIES TO COUNTER PRC MALIGN INFLUENCE.—In this section, countering malign influence through the use of funds authorized to be appropriated by subsection (a) include efforts—

(1) to promote transparency and accountability, and reduce corruption, including in governance structures targeted by the malign influence of the Government of the PRC or the CCP;

(2) to support civil society and independent media to raise awareness of and increase transparency regarding the negative impact of activities and initiatives of the Government of the PRC and the CCP, or entities acting on their behalf, including the Belt and Road Initiative and other initiatives that lack transparency, fail to meet international standards, and are associated with coercive economic practices;

(3) to counter transnational criminal networks that benefit, or benefit from, the malign influence of the Government of the PRC, the CCP, or entities acting on their behalf;

(4) to encourage economic development structures that help protect against predatory lending schemes, including support for market-based alternatives in key economic sectors, such as digital economy, energy, and infrastructure;

(5) to counter activities that provide undue influence to the security forces of the PRC;

(6) to expose foreign influence operations and propaganda of the Government of the PRC, the CCP, or entities acting on their behalf;

(7) to counter efforts by the Government of the PRC, the CCP, or entities acting on their behalf to legitimize or promote authoritarian ideology and governance models, including its model of a state-dominated cyber and digital ecosystem;

(8) to counter efforts by the Government of the PRC, the CCP, or entities acting on their behalf, to silence, intimidate, or exact reprisal against individuals outside of their sovereign borders, including members of diaspora populations such as political opponents, repressed religious or spiritual practitioners, marginalized ethnic community members, civil society activists, human rights defenders, researchers, and journalists;

(9) to provide alternatives to problematic PRC technology offerings, which could provide the Government of the PRC undue access to or influence over global data flows or sensitive information, and compete with problematic PRC efforts to leverage or make gains in the development of advanced and emerging technologies;

(10) to counter PRC activities that directly enable critical supply chain monopolization or other monopolistic practices;

(11) to counter aggressive PRC efforts to make inroads into the nuclear energy sectors of countries to the detriment of United States national security, strategic, and nonproliferation interests; and

(12) to counter efforts by the Government of the PRC, the CCP, or entities acting on their behalf, to undermine the democratic processes and institutions of United States allies and partners.

SA 3123. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. DIGITAL CONNECTIVITY IN THE PACIFIC ISLANDS.

(a) IN GENERAL.—The Secretary of State and the Administrator for the United States Agency for International Development, in coordination with other relevant Federal departments and agencies, shall develop and implement a digital connectivity initiative specific to Pacific Island countries.

(b) ELEMENTS AND CONDUCT OF PACIFIC ISLANDS DIGITAL CONNECTIVITY INITIATIVE.—The initiative developed pursuant to subsection (a) shall—

(1) include an assessment of opportunities to coordinate with regional allies, including through the United States-Japan Global Digital Connectivity Partnership and the United States-Japan-Australia Trilateral Infrastructure Partnership;

(2) identify and address country-driven digital transformation priorities;

(3) conduct an assessment of the digital ecosystem of Pacific Island countries, such as through the United States Agency for International Development's (USAID) Digital Ecosystem Country Assessments, to identify opportunities and risks;

(4) seek to develop human and institutional capacity and infrastructure to catalyze private sector investments in Pacific Island countries' digital ecosystem;

(5) assist in the development of digital policy and regulatory schemes in Pacific Island countries, including information and communications technology (ICT) regulations and procurement best practices and relevant reforms;

(6) advance digital platforms and solutions for the delivery of public services and enhance digital skills and literacy;

(7) seek to expand access to open, interoperable, reliable, and secure internet for Pacific Island communities;

(8) identify roles that digital technologies can play in addressing important challenges for Pacific Island countries, including the environment, sustainable fishing, readiness, including in response to tsunami warnings;

(9) identify ways to support women-owned enterprises in the digital ecosystem of Pacific Island countries;

(10) seek to expand the availability of and access to secure and reliable subsea cable systems;

(11) regularly assess opportunities for which United States businesses, or those of other like-minded partners, would be competitive;

(12) promote exports of United States ICT goods and services to advance a secure ICT supply chain and increase United States company market share in Pacific Island digital markets;

(13) support the development and expand availability of telehealth services for Pacific Island country communities; and

(14) build digital connectivity among educational institutions within the region as well as with educational institutions in the United States.

(c) PACIFIC ISLAND COUNTRIES DEFINED.—In this section, the term ''Pacific Island countries'' means the Cook Islands, the Republic of Fiji, the Republic of Kiribati, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Nauru, Niue, the Republic of Palau, the Independent State of Papua New Guinea, the Independent State of Samoa, the Solomon Islands, the Kingdom of Tonga, Tuvalu, and the Republic of Vanuatu.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,500,000 for each of fiscal years 2025 through 2029 to carry out this section.

SA 3124. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. SUPPORTING INDEPENDENT MEDIA AND COUNTERING FOREIGN INFORMATION OPERATIONS.

(a) FINDINGS.—Congress finds that the PRC is increasing its spending on public diplomacy, including influence campaigns, advertising, and investments into state-sponsored media publications outside of the PRC. This includes, for example, more than $10,000,000,000 in foreign direct investment in communications infrastructure, platforms, and properties, as well as bringing journalists to the PRC for training programs.

(b) THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—The United States Agency for Global Media (USAGM) and affiliate Federal and non-Federal entities shall, consistent with the other executive branch undertakings in this Act led by the President or the Secretary of State, undertake the following actions to support independent journalism, counter foreign malign influence, and combat surveillance in countries where the Chinese Communist Party (CCP) and other malign actors are promoting foreign information operations, propaganda, and manipulated media markets:

(1) Radio Free Asia (RFA) shall expand coverage and digital programming in China for all China services and other affiliate language broadcasting services.

(2) RFA and Radio Free Europe/Radio Liberty (RFE/RL) shall seek to increase funding for Mandarin, Tibetan, Uyghur, Cantonese, Kazakh, Kyrgyz, Tajik, Turkmen, and Uzbek language services.

(3) Voice of America shall continue the bilingual Asia Fact Check Lab, established in 2022, and expand on the Jiehuang Pindao initiative to continue identifying and exposing PRC information operations.

(4) USAGM shall expand existing training and partnership programs that promote journalistic standards, investigative reporting, cybersecurity, and digital analytics to help expose and counter false CCP narratives.

(5) The Open Technology Fund shall continue its work to support tools and technology to circumvent censorship and surveillance by the CCP, both inside the PRC as well as abroad where the PRC has exported censorship technology, and increase secure peer-to-peer connectivity and privacy tools.

(6) Voice of America shall continue its mission of providing accurate, objective, and comprehensive news as well as presenting the policies of the United States clearly and effectively.

(7) RFE/RL shall establish an investigative unit dedicated to working across Central Asia to develop multimedia responses to local information operation efforts by the CCP and other malign actors.

(8) The networks and grantees of the United States Agency for Global Media shall continue their mission of providing credible and timely news coverage, including on the PRC's malign behavior and activities across the world.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2025 through 2029 for the United States Agency for Global Media, $180,000,000 for ongoing and new programs to support local media, build independent media, combat PRC information operations inside and outside of China, invest in technology to subvert censorship, and monitor and evaluate these programs, of which funds shall be directed to—

(1) RFA to expand—

(A) its China language services (including Mandarin, Cantonese, Uyghur, and Tibetan);

(B) its coverage in Southeast Asia and the Pacific Islands to counter the Chinese Communist Party's propaganda; and

(C) its Global Mandarin digital brand WHYNOT/Wainao, which engages Chinese-speaking populations both inside China and around the world;

(2) RFE/RL to increase Kazakh, Kyrgyz, Tajik, Turkmen, and Uzbek language services; and

(3) the Open Technology Fund for digital media services—

(A) to counter propaganda targeting non-Chinese populations in foreign countries; and

(B) to counter propaganda targeting Chinese-speaking populations in China through ''Global Mandarin'' programming.

(d) AUTHORIZATION.—The United States Agency for Global Media is authorized to provide for the establishment of, and grants to, two non-profit organizations constituted on the model of Radio Free Europe/Radio Liberty and Radio Free Asia that shall be named ''Radio Free Africa'' and ''Radio Free Americas'' for the purposes of providing accurate, uncensored, and reliable local news and information to the regions of Africa and Latin America and the Caribbean, respectively.

(e) SUPPORT FOR LOCAL MEDIA.—The Secretary of State, acting through the Under Secretary for Public Diplomacy, 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 civil society and foreign media organizations in the implementation of programs to train foreign media personnel on investigative techniques, provide journalist protection, improve media literacy among the school-aged and general populations, boost access to accurate and reliable news and information generally, as well as other media-related activities in order to ensure public accountability related to the Belt and Road Initiative and the Global Development Initiative, the PRC's use of and export of surveillance and other technologies, and other influence operations abroad direct or directly supported by the Chinese Communist Party or the Government of the PRC.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State, for each of fiscal years 2025 through 2029, $100,000,000 for ongoing and new programs in support of press freedom, training, media literacy, and protection of journalists.

SA 3125. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. ENHANCING STRATEGIC COMPETITION AT THE DEPARTMENT OF STATE.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to pursue a strategy of strategic competition with the PRC in the political, diplomatic, economic, development, military, informational, and technological realms that maximizes the United States' strengths and increases the costs for the PRC of harming United States interests and the values of United States allies and partners;

(2) to lead a free, open, and secure international system characterized by freedom from coercion, rule of law, open markets and the free flow of commerce, and a shared commitment to security and peaceful resolution of disputes, human rights, and good and transparent governance;

(3) to strengthen and deepen United States alliances and partnerships, prioritizing the Indo-Pacific and Europe, by pursuing greater bilateral and multilateral cooperative initiatives that advance shared interests and values and bolster the confidence of partner countries that the United States is and will remain a strong, committed, and constant partner;

(4) to encourage and collaborate with United States allies and partners in boosting their own capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressure;

(5) to pursue fair, reciprocal treatment and healthy competition in United States-China economic relations by—

(A) advancing policies that harden the United States economy against unfair and illegal commercial or trading practices and the coercion of United States businesses; and

(B) tightening United States laws and regulations as necessary to prevent the PRC's attempts to harm United States economic competitiveness;

(6) to demonstrate the value of private sector-led growth in emerging markets around the world, including through the use of United States Government tools that—

(A) support greater private sector investment and advance capacity-building initiatives that are grounded in the rule of law;

(B) promote open markets;

(C) establish clear policy and regulatory frameworks;

(D) improve the management of key economic sectors;

(E) combat corruption; and

(F) foster and support greater collaboration with and among partner countries and the United States private sector to develop secure and sustainable infrastructure;

(7) to lead in the advancement of international rules and norms that foster free and reciprocal trade and open and integrated markets;

(8) to conduct vigorous commercial diplomacy in support of United States companies and businesses in partner countries that seek fair competition;

(9) to ensure that the United States leads in the innovation of critical and emerging technologies, such as next-generation telecommunications, artificial intelligence, quantum information science, semiconductors, and biotechnology, by—

(A) providing necessary investment and concrete incentives for the private sector and the United States Government to accelerate development of such technologies;

(B) modernizing export controls and investment screening regimes and associated policies and regulations;

(C) enhancing United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of emerging critical technologies;

(D) reducing United States barriers and increasing incentives for collaboration with allies and partners on the research and co-development of critical technologies;

(E) collaborating with allies and partners to protect critical technologies by—

(i) crafting multilateral export control measures;

(ii) building capacity for defense technology security;

(iii) safeguarding chokepoints in supply chains; and

(iv) ensuring diversification; and

(F) designing major defense capabilities for export to allies and partners;

(10) to collaborate with advanced democracies and other willing partners to promote ideals and principles that—

(A) advance a free and open international order;

(B) strengthen democratic institutions;

(C) protect and promote human rights; and

(D) uphold a free press and fact-based reporting;

(11) to develop comprehensive and holistic strategies and policies to counter PRC disinformation campaigns;

(12) to demonstrate effective leadership at the United Nations, its associated agencies, and other multilateral organizations and defend the integrity of these organizations against co-optation by illiberal and authoritarian nations;

(13) to prioritize the defense of fundamental freedoms and human rights in the United States relationship with the PRC;

(14) to cooperate with allies, partners, and multilateral organizations, leveraging their significant and growing capabilities to build a network of like-minded states that sustains and strengthens a free and open order and addresses regional and global challenges to hold the Government of the PRC accountable for—

(A) violations and abuses of human rights;

(B) restrictions on religious practices; and

(C) undermining and abrogating treaties, other international agreements, and other international norms related to human rights;

(15) to expose the PRC's use of corruption, repression, and other malign behavior to attain unfair economic advantages and to pressure other nations to defer to its political and strategic objectives;

(16) to maintain United States access to the Western Pacific, including by—

(A) increasing United States forward-deployed forces in the Indo-Pacific region;

(B) modernizing the United States military through investments in existing and new platforms, emerging technologies, critical in-theater force structure and enabling capabilities, joint operational concepts, and a diverse, operationally resilient and politically sustainable posture; and

(C) operating and conducting exercises with allies and partners—

(i) to mitigate the Peoples Liberation Army's ability to project power and establish contested zones within the First and Second Island Chains;

(ii) to diminish the ability of the People's Liberation Army to coerce its neighbors;

(iii) to maintain open sea and air lanes, particularly in the Taiwan Strait, the East China Sea, and the South China Sea; and

(iv) to project power from the United States and its allies and partners to demonstrate the ability to conduct contested logistics;

(17) to deter the PRC from—

(A) coercing Indo-Pacific nations, including by developing more combat-credible forces that are integrated with allies and partners in contact, blunt, and surge layers and able to defeat any PRC theory of victory in the First or Second Island Chains of the Western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(B) using grey-zone tactics below the level of armed conflict; or

(C) initiating armed conflict;

(18) to strengthen United States-PRC military-to-military communication and improve de-escalation procedures to de-conflict operations and reduce the risk of unwanted conflict, including through high-level visits and recurrent exchanges between civilian and military officials and other measures, in alignment with United States interests; and

(19) to cooperate with the PRC if interests align, including through bilateral or multilateral means and at the United Nations, as appropriate.

(b) ESTABLISHING AND EXPANDING THE REGIONAL CHINA OFFICER PROGRAM.—

(1) IN GENERAL.—There is authorized to be established at the Department of State a Regional China Officer (RCO) program to support regional posts and officers with reporting, information, and policy tools, and to enhance expertise related to strategic competition with the PRC.

(2) AUTHORIZATION.—There is authorized to be appropriated $2,000,000 for each of fiscal years 2025 through 2029 to the Department of State to expand the RCO program, including for—

(A) the placement of Regional China Officers at United States missions to the United Nations and United Nations affiliated organizations;

(B) the placement of additional Regional China Officers in Africa;

(C) the hiring of locally employed staff to support Regional China Officers serving abroad; and

(D) the establishment of full-time equivalent positions to assist in managing and facilitating the RCO program.

(3) PROGRAM FUNDS.—There is authorized to be appropriated $50,000 for each of fiscal years 2025 through 2029 for each Regional China Officer to support programs and public diplomacy activities of the Regional China Officer.

(c) SENSE OF CONGRESS ON DATA-DRIVEN POLICY MAKING.—It is the sense of Congress that—

(1) the Office for China Coordination should employ at least one full-time equivalent Data Officer, who shall not be dual-hatted, focused on strategic competition with the PRC; and

(2) the Department should, to the extent possible within existing authorities, prioritize access for the Office for China Coordination to databases, commercial software, and other data to support policy-making related to strategic competition with the PRC.

SA 3126. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. INTERNATIONAL COOPERATION TO SECURE CRITICAL MINERAL SUPPLY CHAINS.

(a) STATEMENT OF POLICY ON CRITICAL MINERAL SUPPLY CHAINS.—It is the policy of the United States—

(1) to collaborate with allies and partners of the United States to build secure and resilient critical minerals supply chains, including in the mining, processing, and valuation of critical minerals, as well as with respect to advanced manufacturing that includes critical minerals;

(2) to prioritize the development and production of critical minerals domestically, both to supply domestic needs and for export to allies and partners that participate in secure and resilient supply chains for critical minerals;

(3) to reduce or eliminate reliance and dependence on critical mineral supply chains

controlled by the PRC, the Russian Federation, Iran, or any other adversary of the United States;

(4) to work with allies and partners on enhancing evaluation capability and technology in trusted countries that produce critical minerals to avoid the export of mined and processed critical minerals to adversaries of the United States;

(5) to identify and implement market-based incentives for the purposes of facilitating the creation and maintenance of secure and resilient critical mineral supply chains in collaboration with allies and partners;

(6) to prioritize securing critical mineral supply chains in United States foreign policy, including through the use of economic tools to invest responsibly in projects in partner countries in a manner that both benefits local populations and bolsters the supply of critical minerals to the United States and allies and partners of the United States; and

(7) that collaboration with allies and partners to build secure and resilient critical mineral supply chains shall not replace United States efforts to increase domestic development and production of critical minerals.

(b) INTERNATIONAL NEGOTIATIONS RELATING TO PROTECTING CRITICAL MINERAL SUPPLY CHAINS.—

(1) IN GENERAL.—The President is authorized to negotiate an agreement with international partners for the purposes of establishing a coalition—

(A) to facilitate—

(i) the mining, processing, and supply of critical minerals; and

(ii) advanced manufacturing that includes critical minerals; and

(B) to secure an adequate supply of critical minerals and relevant products, manufacturing inputs, and components that are heavily dependent on critical mineral resources for the United States and other members of the coalition (in this subsection referred to as ''member countries'').

(2) NEGOTIATING OBJECTIVES.—The overall objectives for negotiating an agreement described in paragraph (1) should be—

(A) to establish mechanisms for member countries to build secure and resilient supply chains for critical minerals, including in—

(i) the mining, refinement, processing, and valuation of critical minerals; and

(ii) advanced manufacturing of products, components, and materials that are dependent on critical minerals;

(B) to improve economies of scale and joint cooperation with international partners in securing access and means of production throughout the supply chains of critical minerals and manufacturing processes dependent on critical minerals;

(C) to establish mechanisms, with appropriate market-based disciplines, that provide and maintain opportunities among member countries for creating industry economies of scale to attract joint investment among those countries, including—

(i) cooperation on joint projects, including cost-sharing on building appropriate infrastructure to access deposits of critical minerals; and

(ii) creation or enhancement of national and international programs to support the development of robust industries by providing appropriate sector-specific incentives, such as political risk and other insurance opportunities, financing, and other support, for—

(I) mining and processing critical minerals;

(II) manufacturing of products, components, and materials that are dependent on critical minerals and are essential to consumer technology products or have important national security implications; and

(III) associated transportation needs that are tailored to the handling, movement, and logistics management of critical minerals and products, components, and materials that are dependent on critical minerals;

(D) to establish market-based rules for member countries regarding adoption of qualifying tax and other incentives to stimulate investment, as balanced by market-based disciplines to ensure a fair playing field among those countries;

(E) to establish recommended best practices to protect—

(i) labor rights;

(ii) the natural environment and ecosystems near critical mineral industrial sites; and

(iii) safety of communities near critical mineral industrial activities;

(F) to advance economic growth in developing countries with critical mineral reserves, including for the benefit of the citizens of those countries;

(G) to establish rules allowing for the establishment of a consortium that is resourced and empowered to bid and compete in acquiring and securing potential deposits of critical minerals in countries that are not members of the coalition described in paragraph (1) (in this subsection referred to as ''nonmember countries'');

(H) to establish a mechanism for joint resource mapping with procedures for equitable sharing of information on potential deposits of critical minerals not less frequently than annually;

(I) to establish appropriate mechanisms for the recognition and enforcement by a member country of judgments relating to environmental and related harms caused by mining operations within such member country in contravention of that country's laws; and

(J) to improve supply chain security among member countries by providing for national treatment investment protections among those countries that are equal to, or better than, the standards in the United States model bilateral investment treaty.

(c) MINERALS SECURITY PARTNERSHIP AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of State, acting through the Under Secretary of State for Economic Growth, Energy, and the Environment, is authorized to lead United States participation in the ''Minerals Security Partnership'', for the following purposes:

(A) To identify and support investment and advocate for commercial critical mineral mining, processing, and refining projects that enable robust and secure critical mineral supply chains, in consultation with other Federal agencies, as appropriate.

(B) To coordinate with relevant regional bureaus to develop regional diplomatic engagement strategies related to critical minerals projects and to identify projects that are priorities.

(C) To coordinate with United States missions abroad on projects, programs, and investments that enable robust and secure critical mineral supply chains.

(D) To coordinate with current and prospective members of the Minerals Security Partnership.

(E) To establish a mechanism for information-sharing with members of the Minerals Security Partnership.

(F) To establish policies and procedures, and if necessary, to provide funding to facilitate cooperation on joint projects with members of the Minerals Security Partnership and the Mineral Security Forum, including those related to cost-sharing agreements, political risk insurance, financing, equity investments, and other support, in coordination with other Federal agencies, as appropriate.

(G) If an agreement described in subsection (b) is entered into, to support the establishment of the coalition described in that subsection.

(2) DATABASE.—As part of the Minerals Security Partnership, the Secretary, acting through the Under Secretary, is authorized to establish and maintain a database of critical mineral projects for the purpose of providing high quality and up-to-date information to the private sector in order to spur greater investment, increase the resilience of global critical minerals supply chains, and boost United States supply.

(3) QUALIFICATIONS FOR PERSONNEL.—With respect to staffing personnel to carry out the Minerals Security Partnership, the Secretary shall prioritize individuals with the following qualifications:

(A) Substantive knowledge and experience in issues related to critical minerals supply chain and their application to strategic industries, including in the defense, energy, and technology sectors.

(B) Substantive knowledge and experience in large-scale multi-donor project financing and related technical and diplomatic arrangements, international coalition-building, and project management.

(C) Substantive knowledge and experience in trade and foreign policy, defense-industrial base policy, or national security-sensitive supply chain issues.

(4) PRIVATE SECTOR COORDINATION.—The Secretary of State shall ensure close coordination between the Department of State, the private sector, and relevant civil society groups on the implementation of this subsection.

(5) PROJECT SELECTION.—

(A) IN GENERAL.—The United States, through its participation in the Minerals Security Partnership, shall prioritize projects that advance the national and economic security interests of the United States and allies and partners of the United States.

(B) CRITERIA REQUIREMENTS.—The United States should advocate for the Minerals Security Partnership to use environmental, social, or governance standards, including as criteria for project selection, that are consistent with United States law or international agreements approved by Congress.

(d) UNITED STATES MEMBERSHIP IN THE INTERNATIONAL NICKEL STUDY GROUP.—

(1) UNITED STATES MEMBERSHIP.—The President is authorized to accept the Terms of Reference of and maintain membership of the United States in the International Nickel Study Group (INSG).

(2) PAYMENTS OF ASSESSED CONTRIBUTIONS.—For fiscal year 2024 and thereafter, the United States assessed contributions to the INSG may be paid from funds appropriated for ''Contributions to International Organizations''.

(e) CRITICAL MINERAL DEFINED.—In this section, the term ''critical mineral''—

(1) has the meaning given the term in section 7002 of the Energy Act of 2020 (30 U.S.C. 1606); and

(2) includes any other mineral or mineral material determined by the Secretary of State—

(A) to be essential to the economic or national security of the United States; and

(B) to have a supply chain vulnerable to disruption.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $75,000,000 for fiscal year 2025 to enhance critical mineral supply chain security, including to implement this section.

SA 3127. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. OFFICE OF THE CHIEF ECONOMIST.

(a) IN GENERAL.—There is established at the Department of State an Office of the Chief Economist.

(b) DUTIES.—The Office will be led by the Chief Economist of the Department of State, at the Senior Executive Service or equivalent level, and shall be responsible for—

(1) conducting economic research, collecting and analyzing data, and preparing reports and assessments and policy recommendations to senior Department leadership on international economic trends, opportunities, and challenges and unanticipated global developments with economic impacts; and

(2) providing economic analysis to inform policy making, including related to—

(A) international trade and trade policy;

(B) international macroeconomics and finance;

(C) economic development;

(D) competition and industrial strategy;

(E) economic sanctions development and implementation, and sanctions evasion; and

(F) capacity building;

(3) coordinating with allies and partners, other relevant agencies, departments, and stakeholders on international economic matters;

(4) identifying countries vulnerable to PRC economic coercion, and analyzing commodities, products, services, and other economic linkages of each such country that may be vulnerable targets for PRC economic coercion, including examining risk factors such as—

(A) perishability;

(B) strategic or political value, or to regional or global supply chains;

(C) proportion of the total export value for the exporting country of the product being exported to a country engaged in economic coercion;

(D) potential exposure of the product to arbitrary or excessive regulatory, phytosanitary, or other safety or inspection requirements; and

(E) reliance of a country on the import of such commodities, product, or services; and

(5) analyzing and monitoring economic linkages to identify goods and commodities with respect to which United States allies and partners may be vulnerable to economic coercion that is informed by—

(A) current market data;

(B) information, including United States intelligence, on economic coercion strategies;

(C) relevant data from before, during and after past instances of economic coercion; and

(D) any other relevant information needed to support economic analysis and policy recommendations, including access to information technology systems which integrate and synthesize economic and related data.

(c) PERSONNEL.—In addition to a qualified professional Chief Economist, the Secretary of State is authorized to employ sufficient full-time equivalent individuals to fully execute the Office of the Chief Economist, including—

(1) a Deputy Chief Economist, who must be a qualified professional economist;

(2) at least four qualified professional economists at the GS–15 level;

(3) a Chief Data Officer;

(4) a Chief of Staff;

(5) research economists;

(6) career members of the foreign service, including program support staff; and

(7) temporary staff, including fellows.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2025 through 2029 for the Office for personnel costs, project and data services, and limited travel funds.

SA 3128. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. AUTHORIZATION OF APPROPRIATIONS FOR PROMOTION OF DEMOCRACY, HUMAN RIGHTS, AND CIVILIAN SECURITY IN HONG KONG.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for fiscal year 2025 for the Bureau of Democracy, Human Rights, and Labor of the Department of State to promote democracy, human rights, and civilian security in Hong Kong.

(b) ADMINISTRATION.—The Secretary of State shall designate an office within the Bureau of Democracy, Human Rights, and Labor to administer and coordinate the provision of the funds described in subsection (a) within the Department of State and across the United States Government.

SA 3129. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. DEVELOPMENT AND DEPLOYMENT OF INTERNET FREEDOM AND CIRCUMVENTION TOOLS FOR THE PEOPLE OF HONG KONG.

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

(1) The PRC has repeatedly violated its obligations under the Joint Declaration by suppressing the basic rights and freedoms of Hong Kongers.

(2) On June 30, 2020, the National People's Congress passed a ''National Security Law'' that further erodes Hong Kong's autonomy and enables authorities to suppress dissent.

(3) The PRC continues to utilize the National Security Law to undermine the fundamental rights of the people of Hong Kong through suppression of the freedom of speech, assembly, religion, and the press.

(4) Article 9 of the National Security Law authorizes unprecedented regulation and supervision of internet activity in Hong Kong, including expanded police powers to force internet service providers to censor content, hand over user information, and block access to platforms.

(5) On January 13, 2021, the Hong Kong Broadband Network blocked public access to HK Chronicles, a website promoting pro-democracy viewpoints, under the authorities of the National Security Law.

(6) On February 12, 2021, internet service providers blocked Hong Kong users' access to the Taiwan Transitional Justice Commission website in Hong Kong.

(7) Major tech companies, including Facebook, Twitter, WhatsApp, and Google have stopped reviewing requests for user data from Hong Kong authorities.

(8) On February 28, 2021, 47 pro-democracy activists in Hong Kong were arrested and charged under the National Security Law on the charge of ''conspiracy to commit subversion''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) support the ability of the people of Hong Kong to maintain their freedom to access information online; and

(2) focus on investments in technologies that facilitate the unhindered exchange of information in Hong Kong in advance of any future efforts by the Chinese Communist Party—

(A) to suppress internet access;

(B) to increase online censorship; or

(C) to inhibit online communication and content-sharing by the people of Hong Kong.

(c) HONG KONG INTERNET FREEDOM PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall establish a Hong Kong Internet Freedom Program in the Bureau of Democracy, Human Rights, and Labor of the Department of State which shall include a working group dedicated to developing a strategy to bolster internet resiliency and online access in Hong Kong (in this subsection, the ''Program''). The working group shall consist of—

(A) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;

(B) the Assistant Secretary of State for East Asian and Pacific Affairs;

(C) the Chief Executive Officer of the United States Agency for Global Media;

(D) the President of the Open Technology Fund;

(E) the Administrator of the United States Agency for International Development; and

(F) the Ambassador-at-large for Cyberspace and Digital Policy;

(2) INDEPENDENCE.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2027, the Program shall be carried out independent from internet freedom programs focused on the rest of the PRC.

(3) CONSOLIDATION OF DEPARTMENT OF STATE PROGRAM.—Beginning on October 1, 2026, the Secretary of State may—

(A) consolidate the Program with the mainland China initiatives in the Bureau of Democracy, Human Rights, and Labor; or

(B) continue to carry out the Program in accordance with paragraph (2).

(d) SUPPORT FOR INTERNET FREEDOM TECHNOLOGY PROGRAMS.—

(1) GRANTS AUTHORIZED.—The Secretary of State, working with the Administrator of the United States Agency for International Development and the President of the Open Technology fund as appropriate, are authorized to award grants and contracts to private organizations to support and develop programs in Hong Kong that promote or expand—

(A) open, interoperable, reliable, and secure internet; and

(B) the online exercise of human rights and fundamental freedoms of individual citizens,

activists, human rights defenders, independent journalists, civil society organizations, and marginalized populations in Hong Kong.

(2) GOALS.—The goals of the programs developed with grants authorized under paragraph (1) should be—

(A) to support unrestricted access to the internet in Hong Kong;

(B) to increase the availability of internet freedom tools in Hong Kong;

(C) to scale up the distribution of such technologies and tools throughout Hong Kong;

(D) to prioritize the development of tools, components, code, and technologies that are fully open-source, to the extent practicable;

(E) to conduct research on repressive tactics that undermine internet freedom in Hong Kong;

(F) to ensure information on digital safety is available to human rights defenders, independent journalists, civil society organizations, and marginalized populations in Hong Kong; and

(G) to engage private industry, including e-commerce firms and social networking companies, on the importance of preserving unrestricted internet access in Hong Kong.

(3) GRANT RECIPIENTS.—Grants authorized under this subsection shall be distributed to multiple vendors and suppliers through an open, fair, competitive, and evidence-based decision process—

(A) to diversify the technical base; and

(B) to reduce the risk of misuse by bad actors.

(4) SECURITY AUDITS.—New technologies developed using grants authorized under this subsection shall undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interests of the United States or to individuals or organizations benefitting from programs supported by these funds.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) OPEN TECHNOLOGY FUND.—There is authorized to be appropriated to the Open Technology Fund $2,000,000 for each of fiscal years 2025 through 2029 to carry out this section. This funding is in addition to the funds authorized for the Open Technology Fund pursuant to section 309A of United States International Broadcasting Act of 1994 (22 U.S.C. 6208a).

(2) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—In addition to the funds authorized to be made available pursuant to paragraph (1), there is authorized to be appropriated to the Office of Internet Freedom Programs in the Bureau of Democracy, Human Rights, and Labor of the Department of State $2,000,000 for each of fiscal years 2025 through 2029 to carry out this section.

SA 3130. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. REAUTHORIZATION OF THE UYGHUR HUMAN RIGHTS POLICY ACT.

Section 6(h) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 22 U.S.C. 6901 note) is amended by striking ''5 years after'' and inserting ''10 years after''.

SA 3131. Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, insert the following:

SEC. 1095. PRESERVE ACCESS TO AFFORDABLE GENERICS AND BIOSIMILARS ACT.

(a) SHORT TITLE.—This section may be cited as the ''Preserve Access to Affordable Generics and Biosimilars Act''.

(b) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) In 1984, the Drug Price Competition and Patent Term Restoration Act (Public Law 98–417) (referred to in this Act as the ''1984 Act''), was enacted with the intent of facilitating the early entry of generic drugs while preserving incentives for innovation.

(B) Prescription drugs make up approximately 10 percent of the national health care spending.

(C) Initially, the 1984 Act was successful in facilitating generic competition to the benefit of consumers and health care payers, although 88 percent of all prescriptions dispensed in the United States are generic drugs, they account for only 28 percent of all expenditures.

(D) Generic drugs cost substantially less than brand name drugs, with discounts off the brand price averaging 80 to 85 percent.

(E) Federal dollars currently account for over 40 percent of the $325,000,000,000 spent on retail prescription drugs, and this share is expected to rise to 47 percent by 2025.

(F)(i) In recent years, the intent of the 1984 Act has been subverted by certain settlement agreements in which brand name companies transfer value to their potential generic competitors to settle claims that the generic company is infringing the branded company's patents.

(ii) These ''reverse payment'' settlement agreements—

(I) allow a branded company to share its monopoly profits with the generic company as a way to protect the branded company's monopoly; and

(II) have unduly delayed the marketing of low-cost generic drugs contrary to free competition, the interests of consumers, and the principles underlying antitrust law.

(iii) Because of the price disparity between brand name and generic drugs, such agreements are more profitable for both the brand and generic manufacturers than competition and will become increasingly common unless prohibited.

(iv) These agreements result in consumers losing the benefits that the 1984 Act was intended to provide.

(G) In 2010, the Biologics Price Competition and Innovation Act (Public Law 111–148) (referred to in this Act as the ''BPCIA''), was enacted with the intent of facilitating the early entry of biosimilar and interchangeable follow-on versions of branded biological products while preserving incentives for innovation.

(H) Biological drugs play an important role in treating many serious illnesses, from cancers to genetic disorders. They are also expensive, representing more than 40 percent of all prescription drug spending.

(I) Competition from biosimilar and interchangeable biological products promises to lower drug costs and increase patient access to biological medicines. But ''reverse payment'' settlement agreements also threaten to delay the entry of biosimilar and interchangeable biological products, which would undermine the goals of BPCIA.

(2) PURPOSES.—The purposes of this section are—

(A) to enhance competition in the pharmaceutical market by stopping anticompetitive agreements between brand name and generic drug and biosimilar biological product manufacturers that limit, delay, or otherwise prevent competition from generic drugs and biosimilar biological products; and

(B) to support the purpose and intent of antitrust law by prohibiting anticompetitive practices in the pharmaceutical industry that harm consumers.

(c) UNLAWFUL COMPENSATION FOR DELAY.—

(1) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by inserting after section 26 (15 U.S.C. 57c–2) the following:

''SEC. 27. PRESERVING ACCESS TO AFFORDABLE GENERICS AND BIOSIMILARS.

''(a) IN GENERAL.—

''(1) ENFORCEMENT PROCEEDING.—The Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent claim, in connection with the sale of a drug product or biological product.

''(2) PRESUMPTION AND VIOLATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and shall be a violation of this section if—

''(i) an ANDA filer or a biosimilar biological product application filer receives anything of value, including an exclusive license; and

''(ii) the ANDA filer or biosimilar biological product application filer agrees to limit or forgo research, development, manufacturing, marketing, or sales of the ANDA product or biosimilar biological product, as applicable, for any period of time.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if the parties to such agreement demonstrate by a preponderance of the evidence that—

''(i) the value described in subparagraph (A)(i) is compensation solely for other goods or services that the ANDA filer or biosimilar biological product application filer has promised to provide; or

''(ii) the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

''(b) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration that the ANDA filer or biosimilar biological product application filer, respectively, receives as part of the resolution or settlement includes only one or more of the following:

''(1) The right to market and secure final approval in the United States for the ANDA product or biosimilar biological product at a date, whether certain or contingent, prior to the expiration of—

''(A) any patent that is the basis for the patent infringement claim; or

''(B) any patent right or other statutory exclusivity that would prevent the marketing of such ANDA product or biosimilar biological product.

''(2) A payment for reasonable litigation expenses not to exceed—

''(A) for calendar year 2024, $7,500,000; or

''(B) for calendar year 2025 and each subsequent calendar year, the amount determined for the preceding calendar year adjusted to reflect the percentage increase (if any) in the

Producer Price Index for Legal Services published by the Bureau of Labor Statistics of the Department of Labor for the most recent calendar year.

''(3) A covenant not to sue on any claim that the ANDA product or biosimilar biological product infringes a United States patent.

''(c) ENFORCEMENT.—

''(1) ENFORCEMENT.—A violation of this section shall be treated as an unfair method of competition under section 5(a)(1).

''(2) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Any party that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in—

''(i) the United States Court of Appeals for the District of Columbia Circuit;

''(ii) the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined in section 801.1(a)(3) of title 16, Code of Federal Regulations, or any successor thereto, of the NDA holder or biological product license holder is incorporated as of the date that the NDA or biological product license application, as applicable, is filed with the Secretary of Health and Human Services; or

''(iii) the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer or biosimilar biological product application filer is incorporated as of the date that the ANDA or biosimilar biological product application is filed with the Secretary of Health and Human Services.

''(B) TREATMENT OF FINDINGS.—In a proceeding for judicial review of a final order of the Commission, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

''(d) ANTITRUST LAWS.—Nothing in this section shall modify, impair, limit, or supersede the applicability of the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), and of section 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit, or supersede the right of an ANDA filer or biosimilar biological product application filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

''(e) PENALTIES.—

''(1) FORFEITURE.—Each party that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to the violation of this section. If no such value has been received by the NDA holder, the biological product license holder, the ANDA filer, or the biosimilar biological product application filer, the penalty to the NDA holder, the biological product license holder, the ANDA filer, or the biosimilar biological product application filer shall be sufficient to deter violations, but in no event shall be greater than 3 times the value given to an ANDA filer or biosimilar biological product application filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any party that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

''(2) CEASE AND DESIST.—

''(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a party in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such party at any time before the expiration of 1 year after such order becomes final pursuant to section 5(g).

''(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to the violation of this section by a party shall be conclusive unless—

''(i) the terms of such cease and desist order expressly provide that the Commission's findings shall not be conclusive; or

''(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

''(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

''(A) the nature, circumstances, extent, and gravity of the violation;

''(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, the biological product license holder, the ANDA filer, or the biosimilar biological product application filer, compensation received by the ANDA filer or biosimilar biological product application filer, and the amount of commerce affected; and

''(C) other matters that justice requires.

''(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this section shall be construed to limit any authority of the Commission under any other provision of law.

''(f) DEFINITIONS.—In this section:

''(1) AGREEMENT.—The term 'agreement' means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

''(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term 'agreement resolving or settling a patent infringement claim' includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

''(3) ANDA.—The term 'ANDA' means an abbreviated new drug application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) or a new drug application submitted pursuant to section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2)).

''(4) ANDA FILER.—The term 'ANDA filer' means a party that owns or controls an ANDA filed with the Secretary of Health and Human Services or has the exclusive rights under such ANDA to distribute the ANDA product.

''(5) ANDA PRODUCT.—The term 'ANDA product' means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

''(6) BIOLOGICAL PRODUCT.—The term 'biological product' has the meaning given such term in section 351(i)(1) of the Public Health Service Act (42 U.S.C. 262(i)(1)).

''(7) BIOLOGICAL PRODUCT LICENSE APPLICATION.—The term 'biological product license application' means an application under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

''(8) BIOLOGICAL PRODUCT LICENSE HOLDER.—The term 'biological product license holder' means—

''(A) the holder of an approved biological product license application for a biological product;

''(B) a person owning or controlling enforcement of any patents that claim the biological product that is the subject of such approved application; or

''(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

''(9) BIOSIMILAR BIOLOGICAL PRODUCT.—The term 'biosimilar biological product' means the product to be manufactured under the biosimilar biological product application that is the subject of the patent infringement claim.

''(10) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION.—The term 'biosimilar biological product application' means an application under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) for licensure of a biological product as biosimilar to, or interchangeable with, a reference product.

''(11) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FILER.—The term 'biosimilar biological product application filer' means a party that owns or controls a biosimilar biological product application filed with the Secretary of Health and Human Services or has the exclusive rights under such application to distribute the biosimilar biological product.

''(12) DRUG PRODUCT.—The term 'drug product' has the meaning given such term in section 314.3(b) of title 21, Code of Federal Regulations (or any successor regulation).

''(13) MARKET.—The term 'market' means the promotion, offering for sale, selling, or distribution of a drug product.

''(14) NDA.—The term 'NDA' means a new drug application filed under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

''(15) NDA HOLDER.—The term 'NDA holder' means—

''(A) the holder of an approved NDA application for a drug product;

''(B) a person owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the 'FDA Orange Book') in connection with the NDA; or

''(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

''(16) PARTY.—The term 'party' means any person, partnership, corporation, or other legal entity.

''(17) PATENT INFRINGEMENT.—The term 'patent infringement' means infringement of any patent or of any filed patent application, including any extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition, and extensions thereof.

''(18) PATENT INFRINGEMENT CLAIM.—The term 'patent infringement claim' means any allegation made to an ANDA filer or biosimilar biological product application filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA

product, or biosimilar biological product application or biosimilar biological product, may infringe any patent held by, or exclusively licensed to, the NDA holder or biological product license holder of the drug product or biological product, as applicable.

''(19) STATUTORY EXCLUSIVITY.—The term 'statutory exclusivity' means those prohibitions on the submission or the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E), clauses (ii) through (iv) of section 505(j)(5)(F), section 527, section 505A, or section 505E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)(3)(E), 360cc, 355a, 355f), or on the submission or licensing of biological product applications under section 351(k)(7) or paragraph (2) or (3) of section 351(m) of the Public Health Service Act (42 U.S.C. 262) or under section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc).''.

(2) EFFECTIVE DATE.—Section 27 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 27(a)(1) of that Act entered into on or after the date of enactment of this Act.

(d) CERTIFICATION OF AGREEMENTS.—

(1) NOTICE OF ALL AGREEMENTS.—Section 1111(7) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by inserting '', or the owner of a patent for which a claim of infringement could reasonably be asserted against any person for making, using, offering to sell, selling, or importing into the United States a biological product that is the subject of a biosimilar biological product application'' before the period at the end.

(2) CERTIFICATION OF AGREEMENTS.—Section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by adding at the end the following:

''(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement under subsection (a) or (b) that is required to be filed under subsection (c), within 30 days after such filing, shall execute and file with the Assistant Attorney General and the Commission a certification as follows: 'I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification—

''(1) represent the complete, final, and exclusive agreement between the parties;

''(2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and

''(3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.' ''.

(e) NOTIFICATION OF AGREEMENTS.—Section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note), as amended by subsection (d)(2), is further amended by adding at the end the following:

''(e) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—An agreement that is required under subsection (a) or (b) shall include agreements resolving any outstanding disputes, including agreements resolving or settling a Patent Trial and Appeal Board proceeding.

''(2) DEFINITION.—For purposes of subparagraph (A), the term 'Patent Trial and Appeal Board proceeding' means a proceeding conducted by the Patent Trial and Appeal Board of the United States Patent and Trademark Office, including an inter partes review instituted under chapter 31 of title 35, United States Code, a post-grant review instituted under chapter 32 of that title (including a proceeding instituted pursuant to the transitional program for covered business method patents, as described in section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note)), and a derivation proceeding instituted under section 135 of that title.''.

(f) FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.—Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting ''section 27 of the Federal Trade Commission Act or'' after ''that the agreement has violated''.

(g) COMMISSION LITIGATION AUTHORITY.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking ''or'' after the semicolon;

(2) in subparagraph (E)—

(A) by moving the margin 2 ems to the left; and

(B) by inserting ''or'' after the semicolon; and

(3) inserting after subparagraph (E) the following:

''(F) under section 27,''.

(h) REPORT ON ADDITIONAL EXCLUSION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a recommendation, and the Commission's basis for such recommendation, regarding a potential amendment to include in section 27(b) of the Federal Trade Commission Act (as added by subsection (c)) an additional exclusion for consideration granted by an NDA holder to a ANDA filer or by a biological product license holder to a biosimilar biological product application filer as part of the resolution or settlement, a release, waiver, or limitation of a claim for damages or other monetary relief.

(2) DEFINITIONS.—In this section, the terms ''ANDA filer'', ''biological product license holder'', ''biosimilar biological product application filer'', and ''NDA holder'' have the meanings given such terms in section 27(f) of the Federal Trade Commission Act (as added by subsection (c)).

(i) STATUTE OF LIMITATIONS.—The Federal Trade Commission shall commence any enforcement proceeding described in section 27 of the Federal Trade Commission Act, as added by subsection (c), except for an action described in section 27(e)(2) of the Federal Trade Commission Act, not later than 6 years after the date on which the parties to the agreement file the certification under section 1112(d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

(j) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such section or amendments to any person or circumstance shall not be affected.

SA 3132. Mr. HOEVEN (for himself, Mr. SCHMITT, and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 318. EXTENSION OF PROHIBITION ON DISCLOSURE BY DEPARTMENT OF DEFENSE CONTRACTORS OF INFORMATION RELATING TO GREENHOUSE GAS EMISSIONS.

Section 318(a)(2) of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31; 10 U.S.C. 4651 note prec.) is amended by striking ''one-year'' and inserting ''two-year''.

SA 3133. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 XV, add the following:

Subtitle E—SAFE Orbit Act

SEC. 1549. SHORT TITLE.

This subtitle may be cited as the ''Situational Awareness of Flying Elements in Orbit Act'' or the ''SAFE Orbit Act''.

SEC. 1550. SPACE SITUATIONAL AWARENESS AND SPACE TRAFFIC COORDINATION.

(a) IN GENERAL.—The Secretary of Commerce shall facilitate safe operations in space and encourage the development of commercial space capabilities by acquiring and disseminating unclassified data, analytics, information, and services on space activities.

(b) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, including nongovernmental entities, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

(c) ACQUISITION OF DATA.—The Assistant Secretary of Commerce for Space Commerce (established under section 50702(b) of title 51, United States Code, as amended by section 1551) is authorized to acquire—

(1) data, analytics, information, and services, including with respect to—

(A) location tracking data;

(B) positional and orbit determination information; and

(C) conjunction data messages; and

(2) such other data, analytics, information, and services as the Secretary of Commerce determines necessary to avoid collisions of space objects.

(d) DATABASE ON SATELLITE LOCATION AND BEHAVIOR.—The Assistant Secretary of Commerce for Space Commerce shall provide access for the public, at no charge, a fully updated, unclassified database of information concerning space objects and behavior that includes—

(1) the data and information acquired under subsection (c), except to the extent that such data or information is classified or a trade secret (as defined in section 1839 of title 18, United States Code); and

(2) the provision of basic space situational awareness services and space traffic coordination based on the data referred to in paragraph (1), including basic analytics, tracking calculations, and conjunction data messages.

(e) BASIC SPACE SITUATIONAL AWARENESS SERVICES.—The Assistant Secretary of Commerce for Space Commerce—

(1) shall provide to satellite operators, at no charge, basic space situational awareness services, including the data, analytics, information, and services described in subsection (c);

(2) in carrying out paragraph (1), may not compete with private sector space situational awareness products, to the maximum extent practicable; and

(3) not less frequently than every 3 years, shall review the basic space situational awareness services described in paragraph (1) to ensure that such services provided by the Federal Government do not compete with space situational awareness services offered by the private sector.

(f) REQUIREMENTS FOR DATA ACQUISITION AND DISSEMINATION.—In acquiring data, analytics, information, and services under subsection (c) and disseminating data, analytics, information, and services under subsections (d) and (e), the Assistant Secretary of Commerce for Space Commerce shall—

(1) leverage commercial capabilities to the maximum extent practicable;

(2) prioritize the acquisition of data, analytics, information, and services from commercial industry located in or licensed in the United States to supplement data collected by United States Government agencies, including the Department of Defense and the National Aeronautics and Space Administration;

(3) appropriately protect proprietary data, information, and systems of firms located in the United States, including by using appropriate infrastructure and cybersecurity measures, including measures set forth in the most recent version of the Cybersecurity Framework, or successor document, maintained by the National Institute of Standards and Technology;

(4) facilitate the development of standardization and consistency in data reporting, in collaboration with satellite owners and operators, commercial space situational awareness data and service providers, the academic community, nonprofit organizations, and the Director of the National Institute of Standards and Technology; and

(5) encourage foreign governments to participate in unclassified data sharing arrangements for space situational awareness and space traffic coordination.

(g) OTHER TRANSACTION AUTHORITY.—In carrying out the activities required by this section, the Secretary of Commerce shall enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary.

SEC. 1551. OFFICE OF SPACE COMMERCE.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 50701 of title 51, United States Code, is amended to read as follows:

"§ 50701. Definitions

''In this chapter:

''(1) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Commerce for Space Commerce.

''(2) BUREAU.—The term 'Bureau' means the Bureau of Space Commerce established under section 50702.

''(3) ORBITAL DEBRIS.—The term 'orbital debris'—

''(A) means—

''(i) any human-made space object orbiting Earth that—

''(I) no longer serves an intended purpose;

''(II) has reached the end of its mission; or

''(III) is incapable of safe maneuver or operation; and

''(ii) a rocket body and other hardware left in orbit as a result of normal launch and operational activities; and

''(B) includes fragmentation debris produced by failure or collision of human-made space objects.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(5) SPACE OBJECT.—The term 'space object' means any object launched into space or created in space robotically or by humans, including the component parts of such an object.

''(6) SPACE SITUATIONAL AWARENESS.—The term 'space situational awareness' means—

''(A) the identification, characterization, tracking, and the predicted movement and behavior of space objects and orbital debris; and

''(B) the understanding of the space operational environment.

''(7) SPACE TRAFFIC COORDINATION.—The term 'space traffic coordination' means the planning, assessment, and coordination of activities to enhance the safety, stability, and sustainability of operations in the space environment.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 507 of title 51, United States Code, is amended by striking the item relating to section 50701 and inserting the following:

''50701. Definitions.''.

(b) TRANSITION OF OFFICE TO BUREAU.—Subsection (a) of section 50702 of title 51, United States Code, is amended by inserting before the period at the end the following: '', which, not later than 5 years after the date of the enactment of this Act, shall be elevated by the Secretary of Commerce from an office within the National Oceanic and Atmospheric Administration to a bureau reporting directly to the Office of the Secretary of Commerce''.

(c) ADDITIONAL FUNCTIONS OF BUREAU.—Subsection (c) of such section is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) to perform space situational awareness and space traffic management duties pursuant to the SAFE Orbit Act.''.

(d) ASSISTANT SECRETARY OF COMMERCE FOR SPACE COMMERCE.—

(1) IN GENERAL.—Subsection (b) of such section is amended to read as follows:

''(b) ASSISTANT SECRETARY.—The Bureau shall be headed by the Assistant Secretary of Commerce for Space Commerce, who shall—

''(1) be appointed by the President, by and with the advice and consent of the Senate;

''(2) report directly to the Secretary of Commerce; and

''(3) have a rate of pay that is equal to the rate payable for level IV of the Executive Schedule under section 5315 of title 5.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 50702(d) of title 51, United States Code, is amended—

(i) in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY''; and

(ii) in the matter preceding paragraph (1), by striking ''Director'' and inserting ''Assistant Secretary''.

(B) Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Commerce (11)'' and inserting ''Assistant Secretaries of Commerce (12)''.

(3) REFERENCES.—On and after the date of the enactment of this Act, any reference in any law or regulation to the Director of the Office of Space Commerce shall be deemed to be a reference to the Assistant Secretary of Commerce for Space Commerce.

(e) TRANSITION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report that sets forth transition and continuity of operations plans for the functional and administrative transfer of the Office of Space Commerce from the National Oceanic and Atmospheric Administration to a bureau reporting to the Office of the Secretary of Commerce.

(2) GOAL.—The goal of transition and continuity of operations planning shall be to minimize the cost and administrative burden of establishing the Bureau of Space Commerce while maximizing the efficiency and effectiveness of the functions and responsibilities of the Bureau of Space Commerce, in accordance with this section and the amendments made by this section.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SA 3134. Mr. CORNYN (for himself and Mr. LUJÁN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 title XV, add the following:

Subtitle E—Licensing Aerospace Units to New Commercial Heights Act of 2024

SEC. 1549. SHORT TITLE.

This subtitle may be cited as the ''Licensing Aerospace Units to New Commercial Heights Act of 2024'' or the ''LAUNCH Act''.

SEC. 1550. STREAMLINING REGULATIONS RELATING TO COMMERCIAL SPACE LAUNCH AND REENTRY REQUIREMENTS.

(a) EVALUATION OF IMPLEMENTATION OF PART 450.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation (referred to in this subtitle as the ''Secretary'') shall evaluate the implementation of part 450 of title 14, Code of Federal Regulations (in this section referred to as ''part 450'') and the impacts of part 450 on the commercial spaceflight industry.

(2) ELEMENTS.—The evaluation required by paragraph (1) shall include an assessment of—

(A) whether increased uncertainty in the commercial spaceflight industry has resulted from the implementation of part 450;

(B) whether part 450 has resulted in operational delays to emerging launch programs; and

(C) whether timelines for reviews have changed, including an assessment of the impact of the incremental review process on those timelines and the root cause for multiple reviews, if applicable.

(3) REPORT REQUIRED.—Not later than 90 days after completing the review required by paragraph (1), the Secretary 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 report that includes—

(A) the findings of the review;

(B) recommendations for reducing delays and inefficiencies resulting from part 450 that do not rely solely on additional personnel or funding; and

(C) an estimate for a timeline and funding for implementing the recommendations described in subparagraph (B).

(b) RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Secretary shall consider establishing a Space Transportation Rulemaking Committee, comprised of established and emerging United States commercial space launch and reentry services providers (including providers that hold, and providers that have applied for but not yet received, licenses issued under chapter 509 of title 51, United States Code)—

(A) to facilitate industry participation in developing recommendations for amendments to part 450 to address the challenges identified in conducting the review required by subsection (a) or under paragraph (2) of section 50905(d) of title 51, United States Code (as added by subsection (d)(3)); and

(B) to provide a long-term forum for the United States commercial spaceflight industry to share perspectives relating to regulations affecting the industry.

(2) PREVENTION OF DUPLICATIVE EFFORTS.—The Secretary shall ensure that a Space Transportation Rulemaking Committee established under this subsection does not provide services or make efforts that are duplicative of the services provided and efforts made by the Commercial Space Transportation Advisory Committee.

(c) ENCOURAGEMENT OF INNOVATION.—The Secretary shall, on an ongoing basis, determine whether any requirements for a license issued under chapter 509 of title 51, United States Code, can be modified or eliminated to encourage innovative new technologies and operations.

(d) MODIFICATIONS TO REQUIREMENTS AND PROCEDURES FOR LICENSE APPLICATIONS.—

(1) CONSIDERATION OF SAFETY RATIONALES OF LICENSE APPLICANTS.—Section 50905(a)(2) of title 51, United States Code, is amended—

(A) by striking ''Secretary may'' inserting the following: ''Secretary—

''(A) may'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) shall accept a reasonable safety rationale proposed by an applicant for a license under this chapter, including new approaches, consistent with paragraph (1).''.

(2) FACILITATION OF LICENSE APPLICATIONS AND ASSISTANCE TO APPLICANTS.—Section 50905(a) of title 51, United States Code, is amended by adding at the end the following:

''(3) In carrying out paragraph (1), the Secretary shall assign a licensing team lead to each applicant for a license under this chapter to assist the applicant in streamlining the process for reviewing and approving the license application.''.

(3) STREAMLINING OF REVIEW PROCESSES.—Section 50905(d) of title 51, United States Code, is amended by striking the end period and inserting the following: '', including by—

''(1) adjudicating determinations with respect to such applications and revisions to such determinations in a timely manner as part of the incremental review process under section 450.33 of title 14, Code of Federal Regulations (or a successor regulation); and

''(2) eliminating and streamlining duplicative review processes with other agencies, particularly relating to the use of Federal ranges or requirements to use the assets of Federal ranges.''.

SEC. 1551. DIRECT HIRE FOR OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall use direct hire authorities (as such authorities existed on the day before the date of the enactment of this Act) to hire individuals on a noncompetitive basis for positions related to space launch and reentry licensing and permit activities.

(b) ANNUAL REPORT.—Not less frequently than annually, the Administrator of the Federal Aviation Administration 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 an annual report on the use of direct hiring authorities to fill such positions within the Federal Aviation Administration related to commercial space launch and reentry licensing and permit activities.

SEC. 1552. FLIGHT SAFETY ANALYSIS WORKFORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) flight safety analysis is critical to maintaining a high level of public safety for commercial space launches from, and reentries to, Federal ranges;

(2) significant expertise in flight safety analysis exists within the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration; and

(3) the increasing pace of commercial launch and reentries requires greater cooperation among the Secretary of Defense, the Secretary, and the Administrator of the National Aeronautics and Space Administration to support commercial launch and reentry activities at Federal ranges.

(b) REPORT.—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 Administrator of the National Aeronautics and Space Administration, shall submit to the appropriate committees of Congress a report that identifies roles, responsibilities, expertise, and knowledge that exists within the executive branch of the Federal Government relating to analysis of flight safety systems for space launch and reentry activities.

(c) MEMORANDUM OF UNDERSTANDING.—Upon completion of the report required by subsection (b), the Secretary may enter into memorandum of understanding with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration to allow Federal range personnel to support flight safety analysis required for the licensing of commercial space launch and reentry activities.

SEC. 1553. STREAMLINING LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS.

(a) CLARIFICATION OF REMOTE SENSING REGULATORY AUTHORITY OVER CERTAIN IMAGING SYSTEMS.—Section 60121(a)(2) of title 51, United States Code, is amended by adding at the end the following: ''Instruments determined by the Secretary in writing to be used primarily for mission assurance or other technical purposes shall not be considered to be conducting remote sensing. Instruments used primarily for mission assurance or other technical purposes are instruments used to support the health of the launch vehicle or the operator's spacecraft or the safety of the operator's space operations, including instruments used to support on-board self-monitoring for technical assurance, flight reliability, spaceflight safety, navigation, attitude control, separation events, payload deployments, or instruments collecting self-images.''.

(b) FACILITATION OF LICENSE APPLICATIONS AND ASSISTANCE TO APPLICANTS.—

(1) IN GENERAL.—Section 60121 of title 51, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

''(d) ASSIGNMENT OF DEDICATED LICENSING OFFICER.—The Secretary shall assign a licensing officer to oversee the application of the applicant for a license under subsection (a). The licensing officer shall assist the applicant by facilitating the application process, minimizing license conditions, and expediting the review and approval of the application, to the extent authorized by law.''.

(2) CONFORMING AMENDMENT.—Section 60122(b)(3) of title 51, United States Code, is amended by striking ''section 60121(e)'' and inserting ''section 60121(f)''.

(c) TRANSPARENCY AND EXPEDITIOUS REVIEW OF LICENSES.—In carrying out the authorities under subchapter III of chapter 601 of title 51, United States Code, the Secretary shall—

(1) provide transparency to and engagement with applicants throughout the licensing process, including by stating with specificity to the applicant or licensee what basis caused the tiering determination of the license;

(2) minimize the timelines for review of commercial remote sensing licensing applications; and

(3) not less frequently than annually, reevaluate the criteria for the tiering of satellite systems, with a goal of expeditiously recategorizing Tier 3 systems to a lower tier without temporary license conditions.

SEC. 1554. GAO REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States 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 report on the policies, regulations, and practices of the Department of Commerce (referred to in this section as the ''Department'') with respect to the private remote sensing space industry.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the extent to which such licensing policies, regulations, and practices of the Department promote or inhibit a robust domestic private remote sensing industry, including any restrictions that impede innovative remote sensing capabilities.

(2) Recommendations on changes to policies, regulations, and practices for consideration by the Secretary of Commerce to promote United States industry leadership in private remote sensing capabilities, including recommendations for—

(A) determining whether the costs to industry outweigh the benefits of conducting on-site ground station visits, and possible alternatives to ensuring compliance;

(B) assessing the information in a license application that should be treated as a material fact and the justification for such treatment;

(C) incorporating industry feedback into Department policies, regulations, and practices; and

(D) increasing Department transparency by—

(i) ensuring the wide dissemination of Department guidance;

(ii) providing clear application instructions; and

(iii) establishing written precedent of Department actions.

SA 3135. Mr. MANCHIN (for himself and Mr. BARRASSO) submitted an

amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 E—EXPANDING PUBLIC LANDS OUTDOOR RECREATION EXPERIENCES

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Expanding Public Lands Outdoor Recreation Experiences Act'' or the ''EXPLORE Act''.

SEC. 5002. DEFINITIONS.

In this division:

(1) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801).

(2) FEDERAL RECREATIONAL LANDS AND WATERS.—The term ''Federal recreational lands and waters'' has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801).

(3) GATEWAY COMMUNITY.—The term ''gateway community'' means a community that serves as an entry point, or is adjacent, to a recreation destination on Federal recreational lands and waters or non-Federal land at which there is consistently high, in the determination of the Secretaries, seasonal or year-round visitation.

(4) 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).

(5) LAND USE PLAN.—The term ''land use plan'' means—

(A) a land use plan prepared by the Secretary pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(6) SECRETARIES.—The term ''Secretaries'' means each of—

(A) the Secretary; and

(B) the Secretary of Agriculture.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary, with respect to land under the jurisdiction of the Secretary; or

(B) the Secretary of Agriculture, with respect to land managed by the Forest Service.

(9) STATE.—The term ''State'' means each of the several States, the District of Columbia, and each territory of the United States.

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Outdoor Recreation Policy

SEC. 5111. CONGRESSIONAL DECLARATION OF POLICY.

Congress declares that it is the policy of the Federal Government to foster and encourage recreation on Federal recreational lands and waters, to the extent consistent with the laws applicable to specific areas of Federal recreational lands and waters, including multiple-use mandates and land management planning requirements.

SEC. 5112. IDENTIFYING OPPORTUNITIES FOR RECREATION.

(a) INVENTORY AND ASSESSMENTS.—

(1) IN GENERAL.—The Secretary concerned shall—

(A) conduct an inventory and assessment of recreation resources for Federal recreational lands and waters;

(B) provide opportunity for public comment during the development of the inventory and assessment of recreation resources under subparagraph (A); and

(C) update the inventory and assessment as the Secretary concerned determines appropriate.

(2) UNIQUE RECREATION VALUES.—An inventory and assessment conducted under paragraph (1) shall—

(A) recognize—

(i) any unique recreation values and recreation opportunities; and

(ii) areas of concentrated recreational use;

(B) identify, list, and map recreation resources by—

(i) type of recreation opportunity and type of natural or artificial recreation infrastructure; and

(ii) to the extent available, the level of use of the recreation resource as of the date of the inventory; and

(C) identify, to the extent practicable, any trend relating to recreation opportunities or use at a recreation resource identified under subparagraph (A).

(3) ASSESSMENTS.—For any recreation resource inventoried under paragraph (1), the Secretary concerned shall assess—

(A) the routine and deferred maintenance needs of, and expenses necessary to administer, the recreation resource; and

(B) the suitability for developing, expanding, or enhancing the recreation resource.

(b) EXISTING EFFORTS.—To the extent practicable, the Secretary concerned shall use or incorporate existing applicable research and planning decisions and processes in carrying out this section.

(c) CONFORMING AMENDMENTS.—Section 200103 of title 54, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

SEC. 5113. FEDERAL INTERAGENCY COUNCIL ON OUTDOOR RECREATION.

(a) DEFINITIONS.—Section 200102 of title 54, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively; and

(2) by inserting before paragraph (4), as so redesignated, the following:

''(1) COUNCIL.—The term 'Council' means the Federal Interagency Council on Outdoor Recreation established under section 200104.

''(2) FEDERAL LAND AND WATER MANAGEMENT AGENCY.—The term 'Federal land and water management agency' means the National Park Service, Bureau of Land Management, United States Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Reclamation, Forest Service, Corps of Engineers, and the National Oceanic and Atmospheric Administration.

''(3) FEDERAL RECREATIONAL LANDS AND WATERS.—The term 'Federal recreational lands and waters' has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) and also includes Federal lands and waters managed by the Bureau of Indian Affairs, Corps of Engineers, or National Oceanic and Atmospheric Administration.''.

(b) ESTABLISHMENT OF COUNCIL.—Section 200104 of title 54, United States Code, is amended to read as follows:

''§ 200104. Federal Interagency Council on Outdoor Recreation

''(a) ESTABLISHMENT.—The Secretary shall establish an interagency council, to be known as the 'Federal Interagency Council on Outdoor Recreation'.

''(b) COMPOSITION.—

''(1) IN GENERAL.—The Council shall be composed of representatives of each Federal land and water management agency, to be appointed by the head of the respective agency.

''(2) ADDITIONAL PARTICIPANTS.—In addition to the members of the Council appointed under paragraph (1), the Secretary may invite participation in the Council's meetings or other activities from representatives of the following:

''(A) The Council on Environmental Quality.

''(B) The Natural Resources Conservation Service.

''(C) Rural development programs of the Department of Agriculture.

''(D) The National Center for Chronic Disease Prevention and Health Promotion.

''(E) The Environmental Protection Agency.

''(F) The Department of Transportation, including the Federal Highway Administration.

''(G) The Tennessee Valley Authority.

''(H) The Department of Commerce, including—

''(i) the Bureau of Economic Analysis;

''(ii) the National Travel and Tourism Office; and

''(iii) the Economic Development Administration.

''(I) The Federal Energy Regulatory Commission.

''(J) An applicable State agency or office.

''(K) An applicable agency or office of a local government.

''(L) Other organizations or interests, as determined appropriate by the Secretary.

''(3) STATE COORDINATION.—In determining additional participants under this subsection, the Secretary shall seek to ensure that States are invited and represented in the Council's meetings or other activities.

''(4) LEADERSHIP.—The leadership of the Council shall rotate every 2 years among the Council members appointed under paragraph (1), or as otherwise determined by the Secretary in consultation with the Secretaries of Agriculture, Defense, and Commerce.

''(5) FUNDING.—Notwithstanding section 708 of title VII of division E of the Consolidated Appropriations Act, 2023 (Public Law 117–328), the Council members appointed under paragraph (1) may enter into agreements to share the management and operational costs of the Council.

''(c) COORDINATION.—The Council shall meet as frequently as appropriate for the purposes of coordinating on issues related to outdoor recreation, including—

''(1) recreation programs and management policies across Federal land and water management agencies, including activities associated with the implementation of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.), as appropriate;

''(2) the response by Federal land and water management agencies to public health emergencies or other emergencies, including those that result in disruptions to, or closures of, Federal recreational lands and waters;

''(3) the expenditure of funds relating to outdoor recreation on Federal recreational lands and waters, including funds made available under section 40804(b)(7) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592a(b)(7));

''(4) management of emerging technologies on Federal recreational lands and waters;

''(5) research activities, including quantifying the economic impacts of recreation;

''(6) dissemination to the public of outdoor recreation-related information, in a manner

that ensures the recreation-related information is easily accessible with modern communication devices;

''(7) the improvement of access to Federal recreational lands and waters;

''(8) the identification and engagement of partners outside the Federal Government—

''(A) to promote outdoor recreation;

''(B) to facilitate collaborative management of outdoor recreation; and

''(C) to provide additional resources relating to enhancing outdoor recreation opportunities; and

''(9) any other outdoor recreation-related issues that the Council determines necessary.

''(d) EFFECT.—Nothing in this section affects the authorities, regulations, or policies of a Federal land and water management agency or any Federal agency described in subsection (b)(2).''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2001 of title 54, United States Code, is amended by striking the item relating to section 200104 and inserting the following:

''200104. Federal Interagency Council on Outdoor Recreation''.

SEC. 5114. RECREATION BUDGET CROSSCUT.

Not later than 30 days after the end of each fiscal year, beginning with fiscal year 2025, the Director of the Office of Management and Budget shall submit to Congress and make public online a report that describes and itemizes the total amount of funding relating to outdoor recreation that was obligated in the preceding fiscal year in accounts in the Treasury for the Department of the Interior and the Department of Agriculture.

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

SEC. 5121. BIKING ON LONG-DISTANCE TRAILS.

(a) IDENTIFICATION OF LONG-DISTANCE TRAILS.—Not later than 18 months after the date of the enactment of this title, the Secretaries shall identify—

(1) not fewer than 10 long-distance bike trails that make use of trails and roads in existence on the date of the enactment of this title; and

(2) not fewer than 10 areas in which there is an opportunity to develop or complete a trail that would qualify as a long-distance bike trail.

(b) PUBLIC COMMENT.—The Secretaries shall—

(1) develop a process to allow members of the public to comment regarding the identification of trails and areas under subsection (a); and

(2) consider the identification, development, and completion of long-distance bike trails in a geographically equitable manner.

(c) MAPS, SIGNAGE, AND PROMOTIONAL MATERIALS.—For any long-distance bike trail identified under subsection (a), the Secretary concerned may—

(1) publish and distribute maps, install signage, and issue promotional materials;

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the stewardship, development, or completion of trails; and

(3) partner with interested organizations to promote trails identified in the report published under subsection (d).

(d) REPORT.—Not later than 2 years after the date of the enactment of this title, the Secretaries, shall prepare and publish a report that lists the trails identified under subsection (a), including a summary of public comments received in accordance with the process developed under subsection (b).

(e) CONFLICT AVOIDANCE WITH OTHER USES.—Before identifying a long-distance bike trail under subsection (a), the Secretary concerned shall ensure the long-distance bike trail—

(1) minimizes conflict with—

(A) the uses, before the date of the enactment of this title, of any trail or road that is part of that long-distance bike trail; and

(B) multiple-use areas where biking, hiking, horseback riding, or use by pack and saddle stock are existing uses on the date of the enactment of this title;

(2) would not conflict with—

(A) the purposes for which any trail was or is established under the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) a wilderness area established under the Wilderness Act (16 U.S.C. 1131 et seq.); and

(3) complies with land use and management plans of the Federal recreational lands that are part of that long-distance bike trail.

(f) EMINENT DOMAIN OR CONDEMNATION.—In carrying out this section, the Secretaries may not use eminent domain or condemnation.

(g) DEFINITIONS.—In this section:

(1) LONG-DISTANCE BIKE TRAIL.—The term ''long-distance bike trail'' means a continuous route, consisting of 1 or more trails or rights-of-way, that—

(A) is not less than 80 miles in length;

(B) primarily makes use of dirt or natural surface trails, including crushed stone or gravel;

(C) may require connections along paved or other improved roads;

(D) does not include Federal recreational lands where biking or related activities are not consistent with management requirements for those Federal recreational lands; and

(E) to the maximum extent practicable, makes use of trails and roads that were on Federal recreational lands on or before the date of the enactment of this title.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 5122. ROCK CLIMBING.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this title, each Secretary concerned shall issue guidance for recreational climbing activities on Federal recreational lands.

(b) APPLICABLE LAW.—The guidance issued under subsection (a) shall ensure that recreational climbing activities comply with the laws (including regulations) applicable to the Federal recreational lands.

(c) WILDERNESS AREAS.—The guidance issued under subsection (a) shall recognize that recreational climbing (including the use, placement, and maintenance of fixed anchors, where necessary for safety) is an appropriate use within a component of the National Wilderness Preservation System, if undertaken—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations); and

(2) subject to any terms and conditions determined by the Secretary concerned to be appropriate.

(d) AUTHORIZATION.—The guidance issued under subsection (a) shall describe the requirements, if any, for the placement and maintenance of fixed anchors for recreational climbing in a component of the National Wilderness Preservation System, including any terms and conditions determined by the Secretary concerned to be appropriate, which may be issued programmatically or on a case-by-case basis.

(e) EXISTING ROUTES.—The guidance issued under subsection (a) shall include direction providing for the continued use and maintenance of recreational climbing routes (including fixed anchors along the routes) in existence as of the date of the enactment of this title, in accordance with this section and applicable laws (including regulations) and agency management plans.

(f) PUBLIC COMMENT.—Before finalizing the guidance issued under subsection (a), the Secretary concerned shall provide opportunities for public comment with respect to the guidance.

SEC. 5123. RANGE ACCESS.

(a) DEFINITION OF TARGET SHOOTING RANGE.—In this section, the term ''target shooting range'' means a developed and managed area that is authorized or operated by the Forest Service, a concessioner of the Forest Service, or the Bureau of Land Management (or its lessee) specifically for the purposeful discharge by the public of legal firearms, firearms training, archery, or other associated activities.

(b) ASSESSMENT; IDENTIFICATION OF TARGET SHOOTING RANGE LOCATIONS.—

(1) ASSESSMENT.—Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall make available to the public a list that—

(A) identifies each National Forest and each Bureau of Land Management district that has a target shooting range that meets the requirements described in paragraph (3)(B);

(B) identifies each National Forest and each Bureau of Land Management district that does not have a target shooting range that meets the requirements described in paragraph (3)(B); and

(C) for each National Forest and each Bureau of Land Management district identified under subparagraph (B), provides a determination of whether applicable law or the applicable land use plan prevents the establishment of a target shooting range that meets the requirements described in paragraph (3)(B).

(2) IDENTIFICATION OF TARGET SHOOTING RANGE LOCATIONS.—

(A) IN GENERAL.—The Secretary concerned shall identify at least 1 suitable location for a target shooting range that meets the requirements described in paragraph (3)(B) within each National Forest and each Bureau of Land Management district with respect to which the Secretary concerned has determined under paragraph (1)(C) that the establishment of a target shooting range is not prevented by applicable law or the applicable land use plan.

(B) REQUIREMENTS.—The Secretaries, in consultation with the entities described in subsection (d), shall, for purposes of identifying a suitable location for a target shooting range under subparagraph (A)—

(i) consider the proximity of areas frequently used by recreational shooters;

(ii) ensure that the target shooting range would not adversely impact a shooting range operated on non-Federal land; and

(iii) consider other nearby uses, including recreational uses and proximity to units of the National Park System, to minimize potential conflict and prioritize visitor safety.

(3) ESTABLISHMENT OF NEW TARGET SHOOTING RANGES.—

(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this title, at 1 or more suitable locations identified on each eligible National Forest and Bureau of Land Management district under paragraph (2)(A), the Secretary concerned shall—

(i) subject to the availability of appropriations for such purpose, construct a target shooting range that meets the requirements described in subparagraph (B) or modify an existing target shooting range to meet the requirements described in subparagraph (B); or

(ii) enter into an agreement with an entity described in subsection (d)(1), under which

the entity shall establish or maintain a target shooting range that meets the requirements described in subparagraph (B).

(B) REQUIREMENTS.—A target shooting range established under this paragraph—

(i)(I) shall be able to accommodate rifles and pistols;

(II) may include skeet, trap, or sporting clay infrastructure; and

(III) may accommodate archery;

(ii) shall include appropriate public safety designs and features, including—

(I) significantly modified landscapes, including berms, buffer distances, or other public safety designs or features; and

(II) a designated firing line; and

(iii) may include—

(I) shade structures;

(II) trash containers;

(III) restrooms;

(IV) benches; and

(V) any other features that the Secretary concerned determines to be necessary.

(C) RECREATION AND PUBLIC PURPOSES ACT.—For purposes of subparagraph (A), the Secretary concerned may consider a target shooting range that is located on land transferred or leased pursuant to the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.), as a target shooting range that meets the requirements described in subparagraph (B).

(c) RESTRICTIONS.—

(1) MANAGEMENT.—The management of a target shooting range shall be subject to such conditions as the Secretary concerned determines are necessary for the safe, responsible use of—

(A) the target shooting range; and

(B) the adjacent land and resources.

(2) CLOSURES.—Except in emergency situations, the Secretary concerned shall seek to ensure that a target shooting range that meets the requirements described in subsection (b)(3)(B), or an equivalent shooting range adjacent to a National Forest or Bureau of Land Management district, is available to the public prior to closing Federal recreational lands and waters administered by the Secretary concerned to recreational shooting, in accordance with section 4103 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (16 U.S.C. 7913).

(d) COORDINATION.—

(1) IN GENERAL.—In carrying out this section, the Secretaries shall coordinate with—

(A) State, Tribal, and local governments;

(B) nonprofit or nongovernmental organizations, including organizations that are signatories to the memorandum of understanding entitled ''Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding'' and signed by the Forest Service and the Bureau of Land Management on August 17, 2006;

(C) shooting clubs;

(D) Federal advisory councils relating to hunting and shooting sports;

(E) individuals or entities with authorized leases or permits in an area under consideration for a target shooting range; and

(F) private landowners adjacent to a target shooting range.

(2) PARTNERSHIPS.—The Secretaries may—

(A) coordinate with an entity described in paragraph (1) to assist with the construction, modification, operation, or maintenance of a target shooting range; and

(B) explore opportunities to leverage funding to maximize non-Federal investment in the construction, modification, operation, or maintenance of a target shooting range.

(e) ANNUAL REPORTS.—Not later than 2 years after the date of the enactment of this title and annually thereafter through fiscal year 2033, the Secretaries 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 describing the progress made with respect to the implementation of this section.

(f) SAVINGS CLAUSE.—Nothing in this section affects the authority of the Secretary concerned to administer a target shooting range that is in addition to the target shooting ranges that meet the requirements described in subsection (b)(3)(B) on Federal recreational lands and waters administered by the Secretary concerned.

SEC. 5124. RESTORATION OF OVERNIGHT CAMPSITES.

(a) DEFINITIONS.—In this section:

(1) RECREATION AREA.—The term ''Recreation Area'' means the recreation area and grounds associated with the recreation area on the map entitled ''Ouachita National Forest Camping Restoration'' and dated November 30, 2023, on file with the Forest Service.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) IN GENERAL.—The Secretary shall—

(1) not later than 6 months after the date of the enactment of this title, identify 54 areas within the Recreation Area that may be suitable for overnight camping; and

(2) not later than 2 years after the date of the enactment of this title—

(A) review each area identified under paragraph (1); and

(B) from the areas so identified, select and establish at least 27 campsites and related facilities within the Recreation Area for public use.

(c) REQUIREMENTS RELATED TO CAMPSITES AND RELATED FACILITIES.—The Secretary shall—

(1) ensure that at least 27 campsites are available under subsection (b), of which not less than 8 shall have electric and water hookups; and

(2) ensure that each campsite and related facility identified or established under subsection (b) is located outside of the 1 percent annual exceedance probability flood elevation.

(d) REOPENING OF CERTAIN SITES.—Not later than 30 days after the date of the enactment of this title, the Secretary shall open each campsite within the Recreation Area that—

(1) exists on the date of the enactment of this title;

(2) is located outside of the 1 percent annual exceedance probability flood elevation;

(3) was in operation on June 1, 2010; and

(4) would not interfere with any current (as of the date of the enactment of this title) day use areas.

(e) DAY USE AREAS.—Not later than 1 year after the date of the enactment of this title, the Secretary shall take such actions as are necessary to rehabilitate and make publicly accessible the areas in the Recreation Area identified for year-round day use, including the following:

(1) Loop A.

(2) Loop B.

(3) The covered, large-group picnic pavilion in Loop D.

(4) The parking lot in Loop D.

SEC. 5125. FEDERAL INTERIOR LAND MEDIA.

(a) FILMING IN NATIONAL PARK SYSTEM UNITS.—

(1) IN GENERAL.—Chapter 1009 of title 54, United States Code, is amended by striking section 100905 and inserting the following:

''§ 100905. Filming and still photography in System units

''(a) FILMING AND STILL PHOTOGRAPHY.—

''(1) PERMITS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.—

''(A) IN GENERAL.—The Secretary may, for a filming or still photography activity or similar project in a System unit (referred to in this section as a 'filming or still photography activity')—

''(i) except as provided in subparagraph (B), require an authorization or permit; and

''(ii) if an authorization or permit is issued, assess a reasonable fee, as described in subsection (b)(1).

''(B) EXCEPTIONS.—The Secretary shall not require an authorization or a permit or assess a fee for a filming or still photography activity that—

''(i) does not substantially impede or intrude on the experience of other visitors to the applicable System unit;

''(ii) does not, except as otherwise authorized, materially disturb or negatively impact—

''(I) a natural resource, as that term is defined in section 300.5 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the EXPLORE Act);

''(II) a cultural resource; or

''(III) an environmental, scientific, historic, or scenic value;

''(iii) occurs at a location in which the public is allowed;

''(iv) does not require the exclusive use of a site or area;

''(v) does not involve a set or staging or lighting equipment unless the equipment is carriable by hand (such as a tripod, monopod, or handheld lighting equipment);

''(vi) is conducted in a manner consistent with visitor use policies, practices, and regulations applicable to the applicable System unit;

''(vii) does not result in additional administrative costs incurred by the Secretary for providing on-site management and oversight to protect agency resources or minimize visitor use conflicts;

''(viii) is conducted in a manner that is consistent with other applicable Federal, State (as defined in section 5002 of the EXPLORE Act), and local laws (including regulations), including laws relating to the use of unmanned aerial equipment; and

''(ix) does not impede the management and staff operations in the applicable System unit.

''(C) NO FILMING OR PHOTOGRAPHY AUTHORIZED.—The Secretary shall not issue an authorization or permit for a filming or still photography activity if the Secretary determines that the filming or still photography activity—

''(i) would cause resource damage in the applicable System unit;

''(ii) would cause an unreasonable disruption of the use and enjoyment by the public of the applicable System unit;

''(iii) would pose a health or safety risk to the public; or

''(iv) would cause unreasonable disruption of the use of, operations on, or access to the applicable System unit by Federal land management agencies, volunteers, contractors, partners, or land use authorization holders.

''(2) APPLICATION.—

''(A) PERMITS REQUESTED THOUGH NOT REQUIRED.—On the request of a person intending to carry out a filming or still photography activity, the Secretary may issue an authorization or permit for the filming or still photography activity, even if an authorization or permit is not required under this section.

''(B) FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photography activity at an activity or event that is authorized under a special event permit and conducted by the permittee or a person affiliated with the permittee, including a wedding, engagement party, family reunion, photography-club outing, or celebration of a graduate, shall not require a separate filming or still photography authorization or permit under this section.

''(C) MONETARY COMPENSATION.—The Secretary shall not consider whether a person conducting a filming or still photography activity would receive monetary compensation for the filming or still photography activity in determining whether the filming or still photography activity is authorized or requires an authorization or permit under this section.

''(D) NUMBER OF INDIVIDUALS.—For purposes of determining whether a filming or still photography activity conforms with the criteria described in subparagraph (B) or (C) of paragraph (1), the number of individuals participating in the activity shall not be the sole consideration of the Secretary.

''(E) APPLICATION OF OTHER LAWS.—The Secretary shall ensure that a filming or still photography activity and any necessary authorizing or permitting for a filming or still photography activity are carried out in a manner consistent with the management plan of the applicable System unit and the laws and policies applicable to the Service.

''(3) PROCESSING OF PERMIT APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to an application required under paragraph (1), including a process to respond rapidly to requests related to breaking news events.

''(B) COORDINATION.—If one or more authorizations or permits are required under this section for 2 or more Federal agencies or Federal land management units and System units, the Secretary and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate authorization and permit processing procedures, including through the use of identifying a lead agency or lead Federal land management unit or System unit—

''(i) to review the application for the authorization or permits;

''(ii) to issue the authorization or permits; and

''(iii) to collect any required fees and recovery costs under subsection (b).

''(b) FEES AND RECOVERY COSTS.—

''(1) FEES.—The reasonable fees referred to in paragraphs (1)(A) and (3)(B) of subsection (a) shall be assessed based on—

''(A) the number of days required for the filming or still photography activity within the System unit;

''(B) the size of the film or still photography crew present in the System unit;

''(C) the quantity and type of film or still photography equipment present in the System unit; and

''(D) any other factors that the Secretary determines to be necessary to provide a fair return to the United States.

''(2) RECOVERY OF COSTS.—For any authorization or permit issued under subsection (a), and in addition to any fee assessed in accordance with paragraph (1), the Secretary shall collect from the applicant for the applicable authorization or permit any costs incurred by the Secretary for the permit, including—

''(A) the costs of the review or issuance of the authorization or permit; and

''(B) related administrative and personnel costs.

''(3) USE OF PROCEEDS.—

''(A) FEES.—All fees collected under this section shall—

''(i) be available for expenditure by the Secretary, without further appropriation; and

''(ii) remain available until expended.

''(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

''(i) be available for expenditure by the Secretary, without further appropriation, at the System unit at which the costs are collected; and

''(ii) remain available until expended.

''(c) CIVIL PENALTY.—Not later than 2 years after the date of enactment of the EXPLORE Act the Secretary shall issue guidance that establishes a civil penalty for failing to obtain an authorization or permit as required under subsection (a)(1).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1009 of title 54, United States Code, is amended by striking the item relating to section 100905 and inserting the following:

''100905. Filming and still photography in System units.''.

(b) FILMING ON OTHER FEDERAL LAND.—Public Law 106–206 (16 U.S.C. 460l–6d) is amended by striking section 1 and inserting the following:

''SECTION 1. FILMING AND STILL PHOTOGRAPHY.

''(a) FILMING AND STILL PHOTOGRAPHY.—

''(1) PERMITS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.—

''(A) IN GENERAL.—The Secretary concerned may, for a filming or still photography activity or similar project in a Federal land management unit under the jurisdiction of the Secretary concerned (referred to in this section as a 'filming or still photography activity')—

''(i) except as provided in subparagraph (B), require an authorization or permit; and

''(ii) if an authorization or permit is issued, assess a reasonable fee, as described in subsection (b)(1).

''(B) EXCEPTIONS.—The Secretary concerned shall not require an authorization or a permit or assess a fee for a filming or still photography activity that—

''(i) does not substantially impede or intrude on the experience of other visitors to the applicable Federal land management unit;

''(ii) does not, except as otherwise authorized, materially disturb or negatively impact—

''(I) a natural resource, as that term is defined in section 300.5 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the EXPLORE Act);

''(II) a cultural resource; or

''(III) an environmental, scientific, historic, or scenic value;

''(iii) occurs at a location in which the public is allowed;

''(iv) does not require the exclusive use of a site or area;

''(v) does not involve a set or staging or lighting equipment unless the equipment is carriable by hand (such as a tripod, monopod, or handheld lighting equipment);

''(vi) is conducted in a manner consistent with visitor use policies, practices, and regulations applicable to the applicable Federal land management unit;

''(vii) does not result in additional administrative costs incurred by the Secretary concerned for providing on-site management and oversight to protect agency resources or minimize visitor use conflicts;

''(viii) is conducted in a manner that is consistent with other applicable Federal, State, and local laws (including regulations), including laws relating to the use of unmanned aerial equipment; and

''(ix) does not impede the management and staff operations in the applicable Federal land management unit.

''(C) NO FILMING OR PHOTOGRAPHY AUTHORIZED.—The Secretary concerned shall not issue an authorization or permit for a filming or still photography activity if the Secretary concerned determines that the filming or still photography activity—

''(i) would cause resource damage in the applicable Federal land management unit;

''(ii) would cause an unreasonable disruption of the use and enjoyment by the public of the applicable Federal land management unit;

''(iii) would pose a health or safety risk to the public; or

''(iv) would cause unreasonable disruption of the use of, operations on, or access to the applicable Federal land management unit by Federal land management agencies, volunteers, contractors, partners, or permit holders.

''(2) APPLICATION.—

''(A) PERMITS REQUESTED THOUGH NOT REQUIRED.—On the request of a person intending to carry out a filming or still photography activity, the Secretary concerned may issue an authorization or permit for the filming or still photography activity, even if an authorization or permit is not required under this section.

''(B) FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photography activity at an activity or event that is authorized under a special event permit and conducted by the permittee or a person affiliated with the permittee, including a wedding, engagement party, family reunion, photography-club outing, or celebration of a graduate, shall not require a separate filming or still photography authorization or permit under this section.

''(C) MONETARY COMPENSATION.—The Secretary concerned shall not consider whether a person conducting a filming or still photography activity would receive monetary compensation for the filming or still photography activity in determining whether the filming or still photography activity is authorized or requires a permit under this section.

''(D) NUMBER OF INDIVIDUALS.—For purposes of determining whether a filming or still photography activity conforms with the criteria described in subparagraph (B) or (C) of paragraph (1), the number of individuals participating in the activity shall not be the sole consideration of the Secretary concerned.

''(E) APPLICATION OF OTHER LAWS.—The Secretary concerned shall ensure that a filming or still photography activity and any necessary authorizing or permitting for a filming or still photography activity are carried out in a manner consistent with the applicable land use plan and the laws and policies applicable to the Federal land management agency.

''(3) PROCESSING OF PERMIT APPLICATIONS.—

''(A) IN GENERAL.—The Secretary concerned shall establish a process to ensure that the Secretary concerned responds in a timely manner to an application required under paragraph (1), including a process to respond rapidly to requests related to breaking news events.

''(B) COORDINATION.—If one or more authorizations or permits are required under this section for 2 or more Federal agencies or Federal land management units, the Secretary concerned and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate authorization and permit processing procedures, including through the use of identifying a lead agency or lead Federal land management unit—

''(i) to review the application for the authorizations or permits;

''(ii) to issue the authorizations or permits; and

''(iii) to collect any required fees and recover costs under subsection (b).

''(b) FEES AND RECOVERY COSTS.—

''(1) FEES.—The reasonable fees referred to in paragraphs (1)(A) and (3)(B) of subsection (a) shall be assessed based on—

''(A) the number of days required for the filming or still photography activity within the Federal land management unit;

''(B) the size of the film or still photography crew present in the Federal land management unit;

''(C) the quantity and type of film or still photography equipment present in the Federal land management unit; and

''(D) any other factors that the Secretary concerned determines to be necessary to provide a fair return to the United States.

''(2) RECOVERY OF COSTS.—For any authorization or permit issued under subsection (a) and in addition to any fee assessed in accordance with paragraph (1), the Secretary concerned shall collect from the applicant for the applicable authorization or permit any costs incurred by the Secretary concerned for the authorization or permit, including—

''(A) the costs of the review or issuance of the authorization or permit; and

''(B) related administrative and personnel costs.

''(3) USE OF PROCEEDS.—

''(A) FEES.—All fees collected under this section shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended.

''(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation, at the Federal land management unit at which the costs are collected; and

''(ii) remain available until expended.

''(c) CIVIL PENALTY.—Not later than 2 years after the date of enactment of the EXPLORE Act, the Secretary concerned shall issue guidance that establishes a civil penalty for failing to obtain an authorization or permit as required under subsection (a)(1).

''(d) DEFINITIONS.—In this section:

''(1) FEDERAL LAND MANAGEMENT UNIT.—The term 'Federal land management unit' means—

''(A) Federal land (other than National Park System land) under the jurisdiction of the Secretary of the Interior; and

''(B) National Forest System land.

''(2) LAND USE PLAN.—The term 'land use plan' means—

''(A) a land use plan prepared by the Secretary of the Interior pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

''(B) a land management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of the Interior, with respect to land described in paragraph (1)(A); and

''(B) the Secretary of Agriculture, with respect to land described in paragraph (1)(B).

''(4) STATE.—The term 'State' means each of the several States, the District of Columbia, and each territory of the United States.''.

SEC. 5126. CAPE AND ANTLER PRESERVATION ENHANCEMENT.

Section 104909(c) of title 54, United States Code, is amended by striking ''meat from'' and inserting ''meat and any other part of an animal removed pursuant to''.

SEC. 5127. MOTORIZED AND NONMOTORIZED ACCESS.

(a) IN GENERAL.—The Secretary concerned shall seek to have, not later than 5 years after the date of the enactment of this title, in a printed and publicly available format that is compliant with the format for geographic information systems—

(1) for each district administered by the Director of the Bureau of Land Management, a map of ground transportation linear features authorized for public use or administrative use; and

(2) for each unit of the National Forest System, a motor vehicle use map, in accordance with existing law.

(b) OVER-SNOW VEHICLE-USE MAPS.—The Secretary concerned shall seek to have, not later than 10 years after the date of the enactment of this title, in a printed and publicly available format that is compliant with the format for geographic information systems, an over-snow vehicle-use map for each unit of Federal recreational lands and waters administered by the Secretary of Agriculture or Director of the Bureau of Land Management on which over-snow vehicle-use occurs, in accordance with existing law.

(c) OUT-OF-DATE MAPS.—Not later than 20 years after the date on which the Secretary concerned adopted or reviewed a map described in subsection (a) or (b), the Secretary concerned shall review and update, as necessary and with public comment, the applicable map.

(d) MOTORIZED AND NONMOTORIZED ACCESS.—The Secretaries shall seek to create additional opportunities, as appropriate, and in accordance with existing law, for motorized and nonmotorized access and opportunities on Federal recreational lands and waters administered by the Secretary of Agriculture or the Director of the Bureau of Land Management.

(e) SAVINGS CLAUSE.—Nothing in this section prohibits a lawful use, including authorized motorized or nonmotorized uses, on Federal recreational lands and waters administered by the Secretary concerned, if the Secretary concerned fails to meet a timeline established under this section.

SEC. 5128. AQUATIC RESOURCE ACTIVITIES ASSISTANCE.

(a) DEFINITIONS.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating paragraphs (11) through (19) as paragraphs (12) through (20); and

(2) by inserting after paragraph (10) the following:

''(11) 'non-Federal entity' means any private entity or individual, nonprofit organization, institution, non-Federal government agency or department, or State, or local government (including a political subdivision, department, or component thereof).''.

(b) AQUATIC NUISANCE SPECIES PROGRAM.—Section 1202 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) INSPECTION AND DECONTAMINATION.—To minimize the risk of introduction and dispersal of aquatic nuisance species to waters of the United States, each Federal member of the Task Force may, as appropriate and in coordination with States and Indian tribes—

''(A) conduct inspections and decontamination of recreational vessels entering or leaving Federal lands and waters under the jurisdiction of the respective member of the Task Force;

''(B) if necessary for decontamination purposes, prevent entry of a recreational vessel until such decontamination is complete;

''(C) enter into a partnership with a non-Federal entity or Indian Tribe to—

''(i) conduct inspections and decontaminations of recreational vessels under this paragraph; or

''(ii) establish an inspection and decontamination station for recreational vessels; and

''(D) at the sole discretion of the applicable Federal member of the Task Force, accept inspections and decontaminations conducted under subparagraph (C)(i) for the purposes of allowing entry by recreational vessels to water regulated by such member of the Task Force.

''(4) MINIMIZING DISRUPTION.—Each member of the Task Force shall, in conducting inspections or decontaminations of recreational vessels under paragraph (3), or partnering with a non-Federal entity or Indian tribe to conduct inspections and decontaminations under paragraph (3), minimize disruption to public access for boating and recreation in noncontaminated recreational vessels to the maximum extent practicable.

''(5) EXCEPTIONS.—

''(A) AUTHORITIES.—Nothing in paragraph (3) shall be construed to—

''(i) limit the authority of the Commandant of the Coast Guard to regulate vessels provided under any other provision of law;

''(ii) limit the authority, jurisdiction, or responsibilities of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State;

''(iii) limit the authority, jurisdiction, or responsibilities of an Indian Tribe to manage, control, or regulate fish and wildlife under the treaties, laws, and regulations of the Indian Tribe;

''(iv) authorize members of the Task Force to control or regulate within a State the fishing or hunting of fish and wildlife; or

''(v) authorize members of the Task Force to prohibit access of recreational vessels to waters of the United States due solely to the absence of a vessel inspection and decontamination program or station.

''(B) LOCATIONS.—Authorities granted in paragraph (3) shall not apply at locations where—

''(i) inspection or decontamination activities would duplicate efforts by the Coast Guard; or

''(ii) the Coast Guard is exercising its authority to direct vessel traffic pursuant to section 70002 or section 70021 of title 46, United States Code;

''(6) DATA SHARING.—Each Federal member of the Task Force shall make available to a State any relevant data gathered related to inspections or decontaminations carried out under this subsection in such State, consistent with other laws and regulations.''; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting '', economy, infrastructure,'' after ''environment''; and

(ii) in the second sentence, by inserting ''(including through the use of recreational vessel inspection and decontamination stations)'' after ''aquatic nuisance species''; and

(B) in paragraph (2), in the second sentence, by inserting ''infrastructure, and the'' after ''ecosystems,''.

(c) GRANT PROGRAM FOR RECREATIONAL VESSEL INSPECTION AND DECONTAMINATION STATIONS IN RECLAMATION STATES.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall establish a competitive grant program to provide financial assistance to prohibit introduction and dispersal of aquatic invasive species into, within, and out of reclamation projects, including financial assistance to purchase, establish, operate, or maintain a recreational vessel inspection and decontamination station within a reclamation State.

(2) COST SHARE.—For any grant provided under paragraph (1), the Federal share of the cost of purchasing, establishing, operating,

and maintaining a recreational vessel inspection and decontamination station, including personnel costs, shall not exceed 75 percent of the total costs.

(3) ELIGIBILITY.—To be eligible to obtain assistance under this subsection, an entity shall—

(A) be party to a partnership agreement under section 1202(c)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(c)(3)(C)), as amended by this section;

(B) receive no Federal funds under such partnership agreement; and

(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(4) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with—

(A) reclamation States;

(B) affected Indian Tribes; and

(C) the Aquatic Nuisance Species Task Force.

(5) DEFINITIONS.—In this subsection:

(A) RECLAMATION PROJECT.—The term ''reclamation project'' has the meaning given the term in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601–32).

(B) RECLAMATION STATE.—The term ''reclamation State'' has the meaning given the term in section 4014 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note).

Subtitle C—Supporting Gateway Communities and Addressing Park Overcrowding

SEC. 5131. GATEWAY COMMUNITIES.

(a) ASSESSMENT OF IMPACTS AND NEEDS IN GATEWAY COMMUNITIES.—The Secretaries—

(1) shall collaborate with State and local governments, Indian Tribes, housing authorities, applicable trade associations, nonprofit organizations, private entities, and other relevant stakeholders to identify needs and economic impacts in gateway communities, including—

(A) housing shortages, including for employees of Federal land management agencies;

(B) demands on and required improvement of existing municipal infrastructure;

(C) accommodation and management of sustainable visitation; and

(D) the improvement and diversification of visitor experiences by bolstering the visitation at—

(i) existing developed locations that are underutilized on nearby Federal recreational lands and waters that are suitable for developing, expanding, or enhancing recreation use, as identified by the Secretaries; or

(ii) existing developed and suitable lesser-known recreation sites, as identified under section 5132(b)(1)(B), on nearby land managed by a State agency or a local agency; and

(2) may address a need identified under paragraph (1) by—

(A) providing financial or technical assistance to a gateway community under an existing program;

(B) entering into an agreement, right-of-way, or easement, in accordance with applicable laws; or

(C) issuing an entity referred to in paragraph (1) a special use permit (other than a special recreation permit (as defined in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801)), in accordance with applicable laws.

(b) TECHNICAL ASSISTANCE TO BUSINESSES.—The Secretaries, in coordination with the heads of other applicable Federal agencies, shall provide to outdoor recreation and supporting businesses in gateway communities information on applicable Federal resources and programs available to provide financing, technical assistance, or other services to such businesses to establish, operate, or expand infrastructure to accommodate and manage sustainable visitation.

(c) PARTNERSHIPS.—In carrying out this section, the Secretary concerned may, in accordance with applicable laws, enter into a public-private partnership, cooperative agreement, memorandum of understanding, or similar agreement with a gateway community or a business in a gateway community.

SEC. 5132. IMPROVED RECREATION VISITATION DATA.

(a) CONSISTENT VISITATION DATA.—

(1) ANNUAL VISITATION DATA.—The Secretaries shall establish a single visitation data reporting system to report accurate annual visitation data, in a consistent manner, for—

(A) each unit of Federal recreational lands and waters; and

(B) land held in trust for an Indian Tribe, on request of the Indian Tribe.

(2) CATEGORIES OF USE.—Within the visitation data reporting system established under paragraph (1), the Secretaries shall—

(A) establish multiple categories of different recreation activities that are reported consistently across agencies; and

(B) provide an estimate of the number of visitors for each applicable category established under subparagraph (A) for each unit of Federal recreational lands and waters.

(3) LOW-USE RECREATION.—In reporting visitation under paragraph (1), the Secretaries shall seek to model or capture low-use and dispersed recreation activities that may not be effectively measured by existing general and opportunistic survey and monitoring protocols.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this title, and annually thereafter, the Secretaries shall publish on a website of the Secretaries a report that describes the annual visitation of each unit of Federal recreational lands and waters, including, to the maximum extent practicable, visitation categorized by recreational activity.

(b) REAL-TIME DATA PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this title, using existing funds available to the Secretaries, the Secretaries shall carry out a pilot program, to be known as the ''Real-Time Data Pilot Program'' (referred to in this section as the ''Pilot Program''), to make available to the public, for each unit of Federal recreational lands and waters selected for participation in the Pilot Program under paragraph (2)—

(A) real-time or predictive data on visitation (which may include data and resources publicly available from existing nongovernmental platforms) at—

(i) the unit of Federal recreational lands and waters;

(ii) to the extent practicable, areas within the unit of Federal recreational lands and waters; and

(iii) to the extent practicable, recreation sites managed by any other Federal agency, a State agency, or a local agency that are located near the unit of Federal recreational lands and waters; and

(B) information about lesser-known recreation sites for which data is provided under subparagraph (A)(iii), in an effort to encourage visitation among recreational sites.

(2) LOCATIONS.—

(A) INITIAL NUMBER OF UNITS.—On establishment of the Pilot Program, the Secretaries shall select for participation in the Pilot Program—

(i) 10 units of Federal recreational lands and waters managed by the Secretary; and

(ii) 5 units of Federal recreational lands and waters managed by the Secretary of Agriculture.

(B) REPORT.—Not later than 6 years after the date of the enactment of this title, the Secretaries shall submit a report to Congress regarding the implementation of the Pilot Program, including policy recommendations on the expansion of the Pilot Program to additional units managed by the Secretaries.

(C) FEEDBACK; SUPPORT OF GATEWAY COMMUNITIES.—The Secretaries shall—

(i) prior to selecting locations for the Pilot Program, solicit feedback regarding participation in the Pilot Program from communities adjacent to units of Federal recreational lands and waters and the public; and

(ii) in carrying out subparagraphs (A) and (B), select a unit of Federal recreation lands and waters to participate in the Pilot Program only if the community adjacent to the unit of Federal recreational lands and waters is supportive of the participation of the unit of Federal recreational lands and waters in the Pilot Program.

(3) DISSEMINATION OF INFORMATION.—The Secretaries may disseminate the information described in paragraph (1) directly or through an entity or organization referred to in subsection (c).

(4) INCLUSION OF CURRENT ASSESSMENTS.—In carrying out the Pilot Program, the Secretaries may, to the extent practicable, rely on assessments completed or data gathered prior to the date of enactment of this title.

(c) COMMUNITY PARTNERS AND THIRD-PARTY PROVIDERS.—For purposes of carrying out this section, the Secretary concerned may—

(1) coordinate and partner with—

(A) communities adjacent to units of Federal recreational lands and waters;

(B) State and local governments, including outdoor recreation and tourism offices;

(C) Indian Tribes;

(D) trade associations;

(E) local outdoor recreation marketing organizations;

(F) recreation service providers; or

(G) other relevant stakeholders; and

(2) coordinate or enter into agreements, as appropriate, with private sector and nonprofit partners, including—

(A) technology companies;

(B) geospatial data companies;

(C) experts in data science, analytics, and operations research; or

(D) data companies.

(d) EXISTING PROGRAMS.—The Secretaries may use existing programs or products of the Secretaries to carry out this section.

(e) PRIVACY CLAUSES.—Nothing in this section provides authority to the Secretaries—

(1) to monitor or record the movements of a visitor to a unit of Federal recreational lands and waters;

(2) to restrict, interfere with, or monitor a private communication of a visitor to a unit of Federal recreational lands and waters; or

(3) to collect—

(A) information from owners of land adjacent to a unit of Federal recreational lands and waters; or

(B) information on non-Federal land.

Subtitle D—Broadband Connectivity on Federal Recreational Lands and Waters

SEC. 5141. BROADBAND INTERNET CONNECTIVITY AT DEVELOPED RECREATION SITES.

(a) IN GENERAL.—The Secretary and the Chief of the Forest Service shall enter into an agreement with the Secretary of Commerce to foster the installation or construction of broadband internet infrastructure at developed recreation sites on Federal recreational lands and waters to establish broadband internet connectivity—

(1) subject to the availability of appropriations; and

(2) in accordance with applicable law.

(b) IDENTIFICATION.—Not later than 3 years after the date of the enactment of this title, and annually thereafter through fiscal year 2031, the Secretary and the Chief of the Forest Service, in coordination with States and local communities, shall make publicly available—

(1) a list of the highest priority developed recreation sites, as determined under subsection (c), on Federal recreational lands and waters that lack broadband internet;

(2) to the extent practicable, an estimate of—

(A) the cost to equip each of those sites with broadband internet infrastructure; and

(B) the annual cost to operate that infrastructure; and

(3) a list of potential—

(A) barriers to operating the infrastructure described in paragraph (2)(A); and

(B) methods to recover the costs of that operation.

(c) PRIORITIES.—In selecting developed recreation sites for the list described in subsection (b)(1), the Secretary and the Chief of the Forest Service shall give priority to developed recreation sites—

(1) at which broadband internet infrastructure has not been constructed due to—

(A) geographic challenges; or

(B) the location having an insufficient number of nearby permanent residents, despite high seasonal or daily visitation levels; or

(2) that are located in an economically distressed county that could benefit significantly from developing the outdoor recreation economy of the county.

SEC. 5142. PUBLIC LANDS TELECOMMUNICATIONS.

(a) REPORT ON RENTAL FEE RETENTION AUTHORITY.—Not later than 1 year after the date of the enactment of this title, the Secretary shall submit a comprehensive report to the appropriate committees of Congress evaluating the potential benefits of rental fee retention whereby any fee collected for the occupancy and use of Federal recreational lands and waters authorized by a communications use authorization would be deposited into a special account for each qualified Federal land management agency and used solely for activities related to communications sites on lands and waters managed by a Federal land management agency, including—

(1) administering communications use authorizations;

(2) preparing needs assessments or other programmatic analyses necessary to establish communications sites and authorize communications uses on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;

(3) developing management plans for communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency on a competitively neutral, technology neutral, nondiscriminatory basis;

(4) training for management of communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;

(5) obtaining, improving access to, or establishing communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency; and

(6) any combination of purposes described in subparagraphs (1) through (5).

(b) DEFINITIONS.—In this section:

(1) COMMUNICATIONS SITE.—The term ''communications site'' means an area of Federal recreational lands and waters designated or approved for communications use.

(2) COMMUNICATIONS USE.—The term ''communications use''—

(A) means the placement, operation, or both, of infrastructure for wireline or wireless telecommunications, including cable television, television, and radio communications, regardless of whether such placement or operation is pursuant to a license issued by the Federal Communications Commission or on an unlicensed basis in accordance with the regulations of the Commission; and

(B) includes ancillary activities, uses, or facilities directly related to such placement or operation.

(3) 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 recreational lands and waters for communications use.

(4) RENTAL FEE.—The term ''rental fee'' means a fee collected by a Federal land management agency for the occupancy and use authorized by a communications use authorization pursuant to and consistent with authorizing law.

Subtitle E—Public–private Parks Partnerships

SEC. 5151. AUTHORIZATION FOR LEASE OF FOREST SERVICE ADMINISTRATIVE SITES.

Section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note; Public Law 115–334) is amended—

(1) in subsection (a)(2)(D), by striking ''dwelling;'' and inserting ''dwelling or multiunit dwelling;'';

(2) in subsection (e)—

(A) in paragraph (3)(B)(ii)—

(i) in subclause (I), by inserting ''such as housing,'' after ''improvements,'';

(ii) in subclause (II), by striking ''and'' at the end;

(iii) in subclause (III), by striking ''or'' at the end and inserting ''and''; and

(iv) by adding at the end the following:

''(IV) services occurring off the administrative site that—

''(aa) occur at another administrative site in the same unit in which the administrative site is located or a different unit of the National Forest System;

''(bb) benefit the National Forest System; and

''(cc) support activities occurring within the unit of the National Forest System in which the administrative site is located; or''; and

(B) by adding at the end the following:

''(6) LEASE TERM.—

''(A) IN GENERAL.—The term of a lease of an administrative site under this section shall be not more than 100 years.

''(B) REAUTHORIZATION OF USE.—A lease of an administrative site under this section shall include a provision for reauthorization of the use if the—

''(i) use of the administrative site, at the time of reauthorization, is still being used for the purposes authorized;

''(ii) use to be authorized under the new lease is consistent with the applicable land management plan; and

''(iii) lessee is in compliance with all the terms of the existing lease.''

''(C) SAVINGS.—A reauthorization of use under subparagraph (B) may include new terms in the use, as determined by the Chief of the Forest Service.'';

(3) in subsection (g)—

(A) by striking ''to a leaseholder'' after ''payments''; and

(B) by inserting ''or constructed'' after ''improved''; and

(4) in subsection (i), by striking ''2023'' each place it appears and inserting ''2028''.

SEC. 5152. PARTNERSHIP AGREEMENTS CREATING TANGIBLE SAVINGS.

Section 101703 of title 54, United States Code, is amended to read as follows:

''§ 101703. Cooperative management agreements

''(a) COOPERATIVE MANAGEMENT AGREEMENTS.—

''(1) IN GENERAL.—The Secretary, in accordance with the laws generally applicable to units of the National Park System and under such terms and conditions as the Secretary considers appropriate, may enter into a cooperative management agreement with a State, Indian Tribe, or local government with park land adjacent to a System unit, where such agreement will provide for more effective and efficient management of a System unit and the adjacent non-Federal park area.

''(2) NO TRANSFER OF ADMINISTRATIVE RESPONSIBILITIES.—The Secretary may not transfer administration responsibilities for any System unit.

''(b) PROVISION OF GOODS AND SERVICES.—

''(1) IN GENERAL.—The Secretary may provide or acquire goods and services on a reimbursable basis as part of a cooperative management agreement under subsection (a).

''(2) RETENTION OF FUNDS.—The Secretary may retain and expend any funds received under this section without further appropriation.

''(c) CO-LOCATION.—The Secretary and a State, Indian Tribe, or local government may co-locate in offices or facilities owned or leased by either party as part of a cooperative management agreement under subsection (a).

''(d) EMPLOYEES.—

''(1) ASSIGNMENT OF EMPLOYEE.—The Secretary may arrange an assignment under section 3372 of title 5 of a Federal employee or an employee of a State, Indian Tribe, or local government, as mutually agreed upon, for work on the Federal, State, local, or Tribal park land covered by the cooperative management agreement.

''(2) EXTENSION OF ASSIGNMENT.—An assignment under paragraph (1) may be extended if the Secretary and the State, Indian Tribe, or local government determine it to be mutually beneficial.

''(e) DEFINITION.—In this section, the term 'State' means each of the several States, the District of Columbia, and each territory of the United States.''.

SEC. 5153. PARTNERSHIP AGREEMENTS TO MODERNIZE FEDERALLY OWNED CAMPGROUNDS, RESORTS, CABINS, AND VISITOR CENTERS ON FEDERAL RECREATIONAL LANDS AND WATERS.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTIVITY.—The term ''covered activity'' means—

(A) a capital improvement, including the construction, reconstruction, and nonroutine maintenance of any structure, infrastructure, or improvement, relating to the operation of, or access to, a covered recreation facility; and

(B) any activity necessary to operate or maintain a covered recreation facility.

(2) COVERED RECREATION FACILITY.—The term ''covered recreation facility'' means a federally owned campground, resort, cabin, or visitor center that is—

(A) in existence on the date of the enactment of this title; and

(B) located on Federal recreational lands and waters administered by—

(i) the Chief of the Forest Service; or

(ii) the Director of the Bureau of Land Management.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a unit of State, Tribal, or local government;

(B) a nonprofit organization; and

(C) a private entity.

(b) PILOT PROGRAM.—The Secretaries shall establish a pilot program under which the Secretary concerned may enter into an agreement with, or issue or amend a land use authorization to, an eligible entity to allow the eligible entity to carry out covered activities relating to a covered recreation facility, subject to the requirements of this section and the terms of any relevant land use authorization, regardless of whether the eligible entity holds, on the date of the enactment of this title, an authorization to be a concessionaire for the covered recreation facility.

(c) MINIMUM NUMBER OF AGREEMENTS OR LAND USE AUTHORIZATIONS.—Not later than 3 years after the date of the enactment of this title, the Secretary concerned shall enter into at least 1 agreement or land use authorization under subsection (b) in—

(1) a unit of the National Forest System in each region of the National Forest System; and

(2) Federal recreational lands and waters administered by the Director of the Bureau of Land Management in not fewer than 5 States in which the Bureau of Land Management administers Federal recreational lands and waters.

(d) REQUIREMENTS.—

(1) DEVELOPMENT PLANS.—Before entering into an agreement or issuing a land use authorization under subsection (b), an eligible entity shall submit to the Secretary concerned a development plan that—

(A) describes investments in the covered recreation facility to be made by the eligible entity during the first 3 years of the agreement or land use authorization;

(B) describes annual maintenance spending to be made by the eligible entity for each year of the agreement or land use authorization; and

(C) includes any other terms and conditions determined to be necessary or appropriate by the Secretary concerned.

(2) AGREEMENTS AND LAND USE AUTHORIZATIONS.—An agreement or land use authorization under subsection (b) shall—

(A) be for a term of not more than 30 years, commensurate with the level of investment;

(B) require that, not later than 3 years after the date on which the Secretary concerned enters into the agreement or issues or amends the land use authorization, the applicable eligible entity shall expend, place in an escrow account for the eligible entity to expend, or deposit in a special account in the Treasury for expenditure by the Secretary concerned, without further appropriation, for covered activities relating to the applicable covered recreation facility, an amount or specified percentage, as determined by the Secretary concerned, which shall be equal to not less than $500,000, of the anticipated receipts for the term of the agreement or land use authorization;

(C) require the eligible entity to operate and maintain the covered recreation facility and any associated infrastructure designated by the Secretary concerned in a manner acceptable to the Secretary concerned and the eligible entity;

(D) include any terms and conditions that the Secretary concerned determines to be necessary for a special use permit issued under section 7 of the Act of April 24, 1950 (commonly known as the ''Granger-Thye Act'') (64 Stat. 84, chapter 97; 16 U.S.C. 580d), including the payment described in subparagraph (E) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as applicable;

(E) provide for payment to the Federal Government of a fee or a sharing of revenue—

(i) consistent with—

(I) the land use fee for a special use permit authorized under section 7 of the Act of April 24, 1950 (commonly known as the ''Granger-Thye Act'') (64 Stat. 84, chapter 97; 16 U.S.C. 580d); or

(II) the value to the eligible entity of the rights provided by the agreement or land use authorization, taking into account the capital invested by, and obligations of, the eligible entity under the agreement or land use authorization; and

(ii) all or part of which may be offset by the work to be performed at the expense of the eligible entity that is separate from the routine costs of operating and maintaining the applicable covered recreation facility and any associated infrastructure designated by the Secretary concerned, as determined to be appropriate by the Secretary concerned;

(F) include provisions stating that—

(i) the eligible entity shall obtain no property interest in the covered recreation facility pursuant to the expenditures of the eligible entity, as required by the agreement or land use authorization;

(ii) all structures and other improvements constructed, reconstructed, or nonroutinely maintained by that entity under the agreement or land use authorization on land owned by the United States shall be the property of the United States; and

(iii) the eligible entity shall be solely responsible for any cost associated with the decommissioning or removal of a capital improvement, if needed, at the conclusion of the agreement or land use authorization; and

(G) be subject to any other terms and conditions determined to be necessary or appropriate by the Secretary concerned.

(e) LAND USE FEE RETENTION.—A land use fee paid or revenue shared with the Secretary concerned under an agreement or land use authorization under this section shall be available for expenditure by the Secretary concerned for recreation-related purposes on the unit or area of Federal recreational lands and waters at which the land use fee or revenue is collected, without further appropriation.

SEC. 5154. PARKING AND RESTROOM OPPORTUNITIES FOR FEDERAL RECREATIONAL LANDS AND WATERS.

(a) PARKING OPPORTUNITIES.—

(1) IN GENERAL.—The Secretaries shall seek to increase and improve parking opportunities for persons recreating on Federal recreational lands and waters—

(A) in accordance with existing laws and applicable land use plans;

(B) in a manner that minimizes any increase in maintenance obligations on Federal recreational lands and waters; and

(C) in a manner that does not impact wildlife habitat that is critical to the mission of a Federal agency responsible for managing Federal recreational lands and waters.

(2) AUTHORITY.—To supplement the quantity of parking spaces available at units of Federal recreational lands and waters on the date of the enactment of this title, the Secretaries may—

(A) enter into a public-private partnership for parking opportunities on non-Federal land;

(B) enter into contracts or agreements with State, Tribal, or local governments for parking opportunities using non-Federal lands and resources; or

(C) provide alternative transportation systems for a unit of Federal recreational lands and waters.

(3) TECHNOLOGICAL SOLUTIONS.—The Secretaries shall evaluate the use of and incorporate, as the Secretary concerned determines appropriate, technologies to manage parking availability, access, and information at units of Federal recreational lands and waters, including—

(A) the installation and use of trailhead cameras and monitors to determine parking availability at trailheads, the information from which shall be made available online and, to the extent practicable, via mobile notifications; and

(B) the use of data collection technology to estimate visitation volumes for use in future planning for parking at units of Federal recreational lands and waters.

(b) RESTROOM OPPORTUNITIES.—

(1) IN GENERAL.—The Secretaries shall seek to increase and improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters, including by entering into partnerships with non-Federal partners, including State, Tribal, and local governments and volunteer organizations.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall submit a report to Congress that identifies—

(A) challenges to maintaining or improving the function, cleanliness, and availability of restroom facilities on Federal recreational lands and waters;

(B) the current state of restroom facilities on Federal recreational lands and waters and the effect restroom facilities have on visitor experiences; and

(C) policy recommendations that suggest innovative new models or partnerships to increase or improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters.

SEC. 5155. PAY-FOR-PERFORMANCE PROJECTS.

(a) DEFINITIONS.—In this section:

(1) INDEPENDENT EVALUATOR.—The term ''independent evaluator'' means an individual or entity, including an institution of higher education, that is selected by the pay-for-performance beneficiary and pay-for-performance investor, as applicable, or by the pay-for-performance project developer, in consultation with the Secretary of Agriculture, to make the determinations and prepare the reports required under subsection (e).

(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(3) PAY-FOR-PERFORMANCE AGREEMENT.—The term ''pay-for-performance agreement'' means a mutual benefit agreement (excluding a procurement contract, grant agreement, or cooperative agreement described in chapter 63 of title 31, United States Code) for a pay-for-performance project—

(A) with a term of—

(i) not less than 1 year; and

(ii) not more than 20 years; and

(B) that is executed, in accordance with applicable law, by—

(i) the Secretary of Agriculture; and

(ii) a pay-for-performance beneficiary or pay-for-performance project developer.

(4) PAY-FOR-PERFORMANCE BENEFICIARY.—The term ''pay-for-performance beneficiary'' means a State or local government, an Indian Tribe, or a nonprofit or for-profit organization that—

(A) repays capital loaned upfront by a pay-for-performance investor, based on a project outcome specified in a pay-for-performance agreement; or

(B) provides capital directly for costs associated with a pay-for-performance project.

(5) PAY-FOR-PERFORMANCE INVESTOR.—The term ''pay-for-performance investor'' means a State or local government, an Indian Tribe, or a nonprofit or for-profit organization that provides upfront loaned capital for a pay-for-performance project with the expectation of a financial return dependent on a project outcome.

(6) PAY-FOR-PERFORMANCE PROJECT.—The term ''pay-for-performance project'' means a project that—

(A) would provide or enhance a recreational opportunity;

(B) is conducted on—

(i) National Forest System land; or

(ii) other land, if the activities would benefit National Forest System land (including a recreational use of National Forest System land); and

(C) would use an innovative funding or financing model that leverages—

(i) loaned capital from a pay-for-performance investor to cover upfront costs associated with a pay-for-performance project, with the loaned capital repaid by a pay-for-performance beneficiary at a rate of return dependent on a project outcome, as measured by an independent evaluator; or

(ii) capital directly from a pay-for-performance beneficiary to support costs associated with a pay-for-performance project in an amount based on an anticipated project outcome.

(7) PAY-FOR-PERFORMANCE PROJECT DEVELOPER.—The term ''pay-for-performance project developer'' means a nonprofit or for-profit organization that serves as an intermediary to assist in developing or implementing a pay-for-performance agreement or a pay-for-performance project.

(8) PROJECT OUTCOME.—The term ''project outcome'' means a measurable, beneficial result (whether economic, environmental, or social) that is attributable to a pay-for-performance project and described in a pay-for-performance agreement.

(b) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Agriculture shall establish a pilot program in accordance with this section to carry out 1 or more pay-for-performance projects.

(c) PAY-FOR-PERFORMANCE PROJECTS.—

(1) IN GENERAL.—Using funds made available through a pay-for-performance agreement or appropriations, all or any portion of a pay-for-performance project may be implemented by—

(A) the Secretary of Agriculture; or

(B) a pay-for-performance project developer or a third party, subject to the conditions that—

(i) the Secretary of Agriculture shall approve the implementation by the pay-for-performance project developer or third party; and

(ii) the implementation is in accordance with applicable law.

(2) RELATION TO LAND MANAGEMENT PLANS.—A pay-for-performance project carried out under this section shall be consistent with any applicable land management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(3) OWNERSHIP.—

(A) NEW IMPROVEMENTS.—The United States shall have title to any improvements installed on National Forest System land as part of a pay-for-performance project.

(B) EXISTING IMPROVEMENTS.—Investing in, conducting, or completing a pay-for-performance project on National Forest System land shall not affect the title of the United States to—

(i) any federally owned improvements involved in the pay-for-performance project; or

(ii) the underlying land.

(4) SAVINGS CLAUSE.—The carrying out of any action for a pay-for-performance project does not provide any right to any party to a pay-for-performance agreement.

(5) POTENTIAL CONFLICTS.—Before approving a pay-for-performance project under this section, the Secretary of Agriculture shall consider and seek to avoid potential conflicts (including economic competition) with any existing written authorized use.

(d) PROJECT AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding the Act of June 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C. 498), or subtitle C of title XX of the Social Security Act (42 U.S.C. 1397n et seq.), in carrying out the pilot program under this section, the Secretary of Agriculture may enter into a pay-for-performance agreement under which a pay-for-performance beneficiary, pay-for-performance investor, or pay-for-performance project developer agrees to pay for or finance all or part of a pay-for-performance project.

(2) SIZE LIMITATION.—The Secretary of Agriculture may not enter into a pay-for-performance agreement under the pilot program under this section for a pay-for-performance project valued at more than $15,000,000.

(3) FINANCING.—

(A) IN GENERAL.—A pay-for-performance agreement shall specify the amounts that a pay-for-performance beneficiary or a pay-for-performance project developer agrees to pay to a pay-for-performance investor or a pay-for-performance project developer, as appropriate, in the event of an independent evaluator determining pursuant to subsection (e) the degree to which a project outcome has been achieved.

(B) ELIGIBLE PAYMENTS.—An amount described in subparagraph (A) shall be—

(i) based on—

(I) the respective contributions of the parties under the pay-for-performance agreement; and

(II) the economic, environmental, or social benefits derived from the project outcomes; and

(ii)(I) a percentage of the estimated value of a project outcome;

(II) a percentage of the estimated cost savings to the pay-for-performance beneficiary or the Secretary of Agriculture derived from a project outcome;

(III) a percentage of the enhanced revenue to the pay-for-performance beneficiary or the Secretary of Agriculture derived from a project outcome; or

(IV) a percentage of the cost of the pay-for-performance project.

(C) FOREST SERVICE FINANCIAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Agriculture may contribute funding for a pay-for-performance project only if—

(i) the Secretary of Agriculture demonstrates that—

(I) the pay-for-performance project would provide a cost savings to the United States;

(II) the funding would accelerate the pace of implementation of an activity previously planned to be completed by the Secretary of Agriculture; or

(III) the funding would accelerate the scale of implementation of an activity previously planned to be completed by the Secretary of Agriculture; and

(ii) the contribution of the Secretary of Agriculture has a value that is not more than 50 percent of the total cost of the pay-for-performance project.

(D) SPECIAL ACCOUNT.—Any funds received by the Secretary of Agriculture under subsection (c)(1)—

(i) shall be retained in a separate fund in the Treasury to be used solely for pay-for-performance projects; and

(ii) shall remain available until expended and without further appropriation.

(4) MAINTENANCE AND DECOMMISSIONING OF PAY-FOR-PERFORMANCE PROJECT IMPROVEMENTS.—A pay-for-performance agreement shall—

(A) include a plan for maintaining any capital improvement constructed as part of a pay-for-performance project after the date on which the pay-for-performance project is completed; and

(B) specify the party that will be responsible for decommissioning the improvements associated with the pay-for-performance project—

(i) at the end of the useful life of the improvements;

(ii) if the improvements no longer serve the purpose for which the improvements were developed; or

(iii) if the pay-for-performance project fails.

(5) TERMINATION OF PAY-FOR-PERFORMANCE PROJECT AGREEMENTS.—The Secretary of Agriculture may unilaterally terminate a pay-for-performance agreement, in whole or in part, for any program year beginning after the program year during which the Secretary of Agriculture provides to each party to the pay-for-performance agreement a notice of the termination.

(e) INDEPENDENT EVALUATIONS.—

(1) PROGRESS REPORTS.—An independent evaluator shall submit to the Secretary of Agriculture and each party to the applicable pay-for-performance agreement—

(A) by not later than 2 years after the date on which the pay-for-performance agreement is executed, and at least once every 2 years thereafter, a written report that summarizes the progress that has been made in achieving each project outcome; and

(B) before the first scheduled date for a payment described in subsection (d)(3)(A), and each subsequent date for payment, a written report that—

(i) summarizes the results of the evaluation conducted by the independent evaluator to determine whether a payment should be made pursuant to the pay-for-performance agreement; and

(ii) analyzes the reasons why a project outcome was achieved or was not achieved.

(2) FINAL REPORTS.—Not later than 180 days after the date on which a pay-for-performance project is completed, the independent evaluator shall submit to the Secretary of Agriculture and each party to the pay-for-performance agreement a written report that includes, with respect to the period covered by the report—

(A) an evaluation of the effects of the pay-for-performance project with respect to each project outcome;

(B) a determination of whether the pay-for-performance project has met each project outcome; and

(C) the amount of the payments made for the pay-for-performance project pursuant to subsection (d)(3)(A).

(f) ADDITIONAL FOREST SERVICE-PROVIDED ASSISTANCE.—

(1) TECHNICAL ASSISTANCE.—The Secretary of Agriculture may provide technical assistance to facilitate pay-for-performance project development, such as planning, permitting, site preparation, and design work.

(2) CONSULTANTS.—Subject to the availability of appropriations, the Secretary of Agriculture may hire a contractor—

(A) to conduct a feasibility analysis of a proposed pay-for-performance project;

(B) to assist in the development, implementation, or evaluation of a proposed pay-for-performance project or a pay-for-performance agreement; or

(C) to assist with an environmental analysis of a proposed pay-for-performance project.

(g) SAVINGS CLAUSE.—The Secretary of Agriculture shall approve a record of decision, decision notice, or decision memo for any activities to be carried out on National Forest System land as part of a pay-for-performance project before the Secretary of Agriculture may enter into a pay-for-performance agreement involving the applicable pay-for-performance project.

(h) DURATION OF PILOT PROGRAM.—

(1) SUNSET.—The authority to enter into a pay-for-performance agreement under this section terminates on the date that is 7 years after the date of the enactment of this title.

(2) SAVINGS CLAUSE.—Nothing in paragraph (1) affects any pay-for-performance project agreement entered into by the Secretary of Agriculture under this section before the date described in that paragraph.

SEC. 5156. OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity or combination of entities that represents or otherwise serves a qualifying area.

(2) ENTITY.—The term ''entity'' means—

(A) a State;

(B) a political subdivision of a State, including—

(i) a city;

(ii) a county; or

(iii) a special purpose district that manages open space, including a park district; or

(C) an Indian Tribe.

(3) INDIAN TRIBE.—The term ''Indian Tribe''—

(A) has the meaning given the term ''Indian tribe'' in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130); and

(B) includes Indian Tribes included on the list published by the Secretary under section 104 of that Act (25 U.S.C. 5131).

(4) LOW-INCOME COMMUNITY.—The term ''low-income community'' has the same meaning given that term in section 45D(e)(1) of the Internal Revenue Code of 1986.

(5) QUALIFYING AREA.—The term ''qualifying area'' means—

(A) an urbanized area or urban cluster that has a population of 25,000 or more in the most recent census;

(B) 2 or more adjacent urban clusters with a combined population of 25,000 or more in the most recent census; or

(C) an area with an outdoor recreation project referenced in subsection (b) administered by an Indian Tribe.

(b) GRANTS AUTHORIZED.—

(1) CODIFICATION OF PROGRAM.—

(A) IN GENERAL.—There is established the Outdoor Recreation Legacy Partnership Program, under which the Secretary may award grants to eligible entities for projects—

(i) to acquire land and water for parks and other outdoor recreation purposes in qualifying areas; and

(ii) to develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying areas.

(B) PRIORITY.—In awarding grants to eligible entities under subparagraph (A), the Secretary shall give priority to projects that—

(i) create or significantly enhance access to park and recreational opportunities in a qualifying area;

(ii) engage and empower low-income communities and youth;

(iii) provide employment or job training opportunities for youth or low-income communities;

(iv) establish or expand public-private partnerships, with a focus on leveraging resources; and

(v) take advantage of coordination among various levels of government.

(2) MATCHING REQUIREMENT.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), an eligible entity shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to not less than 100 percent of the amounts made available under the grant.

(B) PARTIAL WAIVER.—The Secretary may waive part of the matching requirement under subparagraph (A) if the Secretary determines that—

(i) no reasonable means are available through which the eligible entity can meet the matching requirement; and

(ii) the probable benefit of the project outweighs the public interest in the full matching requirement.

(C) ADMINISTRATIVE EXPENSES.—Not more than 7 percent of funds provided to an eligible entity under a grant awarded under paragraph (1) may be used for administrative expenses.

(3) CONSIDERATIONS.—In awarding grants to eligible entities under paragraph (1), the Secretary shall consider the extent to which a project would—

(A) provide recreation opportunities in low-income communities in which access to parks is not adequate to meet local needs;

(B) provide opportunities for outdoor recreation and public land volunteerism;

(C) support innovative or cost-effective ways to enhance parks and other recreation—

(i) opportunities; or

(ii) delivery of services;

(D) support park and recreation activities and programs provided by local governments, including cooperative agreements with community-based nonprofit organizations;

(E) develop Native American event sites and cultural gathering spaces;

(F) provide benefits such as community resilience, reduction of urban heat islands, enhanced water or air quality, or habitat for fish or wildlife; and

(G) facilitate any combination of purposes listed in subparagraphs (A) through (F).

(4) ELIGIBLE USES.—

(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity may use a grant awarded under paragraph (1) for a project described in subparagraph (A) or (B) of that paragraph.

(B) LIMITATIONS ON USE.—An eligible entity may not use grant funds for—

(i) incidental costs related to land acquisition, including appraisal and titling;

(ii) operation and maintenance activities;

(iii) facilities that support semiprofessional or professional athletics;

(iv) indoor facilities, such as recreation centers or facilities that support primarily non-outdoor purposes; or

(v) acquisition of land or interests in land that restrict public access.

(C) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE.—

(i) IN GENERAL.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use.

(ii) CONDITION FOR APPROVAL.—The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive Statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

(iii) WETLAND AREAS AND INTERESTS THEREIN.—Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(c) REVIEW AND EVALUATION REQUIREMENTS.—In carrying out the Outdoor Recreation Legacy Partnership Program, the Secretary shall—

(1) conduct an initial screening and technical review of applications received;

(2) evaluate and score all qualifying applications; and

(3) provide culturally and linguistically appropriate information to eligible entities (including low-income communities and eligible entities serving low-income communities) on—

(A) the opportunity to apply for grants under this section;

(B) the application procedures by which eligible entities may apply for grants under this section; and

(C) eligible uses for grants under this section.

(d) REPORTING.—

(1) ANNUAL REPORTS.—Not later than 30 days after the last day of each report period, each State-lead agency that receives a grant under this section shall annually submit to the Secretary performance and financial reports that—

(A) summarize project activities conducted during the report period; and

(B) provide the status of the project.

(2) FINAL REPORTS.—Not later than 90 days after the earlier of the date of expiration of a project period or the completion of a project, each State-lead agency that receives a grant under this section shall submit to the Secretary a final report containing such information as the Secretary may require.

SEC. 5157. AMERICAN BATTLEFIELD PROTECTION PROGRAM ENHANCEMENT.

(a) DEFINITIONS.—Section 308101 of title 54, United States Code, is amended to read as follows:

''§ 308101. Definitions

''In this chapter:

''(1) BATTLEFIELD REPORTS.—The term 'Battlefield Reports' means, collectively—

''(A) the document entitled 'Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993; and

''(B) the document entitled 'Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States', prepared by the National Park Service, and dated September 2007.

''(2) SECRETARY.—The term 'Secretary' means the Secretary, acting through the American Battlefield Protection Program.''.

(b) PRESERVATION ASSISTANCE.—Section 308102(a) of title 54, United States Code, is amended by striking ''Federal'' and all that follows through ''organizations'' and inserting ''Federal agencies, States, Tribes, local governments, other public entities, educational institutions, and nonprofit organizations''.

(c) BATTLEFIELD LAND ACQUISITION GRANTS IMPROVEMENTS.—Section 308103 of title 54, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) ELIGIBLE SITE DEFINED.—In this section, the term 'eligible site'—

''(1) means a site that—

''(A) is not within the exterior boundaries of a unit of the National Park System; and

''(B) is identified in the Battlefield Reports as a battlefield; and

''(2) excludes sites identified in the Battlefield Reports as associated historic sites.'';

(2) in subsection (b), by striking ''State and local governments'' and inserting ''States, Tribes, local governments, and nonprofit organizations'';

(3) in subsection (c), by striking ''State or local government'' and inserting ''State, Tribe, or local government''; and

(4) in subsection (e), by striking ''under this section'' and inserting ''under this section, including by States, Tribes, local governments, and nonprofit organizations,''.

(d) BATTLEFIELD RESTORATION GRANTS IMPROVEMENTS.—Section 308105 of title 54, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—The Secretary shall establish a battlefield restoration grant program (referred to in this section as the 'program') under which the Secretary may provide grants to States, Tribes, local governments, and nonprofit organizations for projects that restore day-of-battle conditions on—

''(1) land preserved and protected under the battlefield acquisition grant program established under section 308103(b); or

''(2) battlefield land that is—

''(A) owned by a State, Tribe, local government, or nonprofit organization; and

''(B) referred to in the Battlefield Reports.''; and

(2) by striking subsection (b) and inserting the following:

''(b) ELIGIBLE SITES.—The Secretary may make grants under this section for Revolutionary War, War of 1812, and Civil War battlefield sites—

''(1) eligible for assistance under the battlefield acquisition grant program established under section 308103(b); or

''(2) on battlefield land that is—

''(A) owned by a State, Tribe, local government, or nonprofit organization; and

''(B) referred to in battlefield reports.''.

(e) UPDATES AND IMPROVEMENTS.—Chapter 3081 of title 54, United States Code, is amended by adding at the end the following:

''§ 308106. Updates and improvements to Battlefield Reports

''Not later than 2 years after the date of the enactment of this section, and every 10 years thereafter, the Secretary shall submit to Congress a report that updates the Battlefield Reports to reflect—

''(1) preservation activities carried out at the battlefields in the period since the publication of the most recent Battlefield Reports update;

''(2) changes in the condition, including core and study areas, of the battlefields during that period; and

''(3) any other relevant developments relating to the battlefields during that period.''.

(f) CLERICAL AMENDMENT.—The table of sections for chapter 3081 of title 54, United States Code, is amended—

(1) by amending the item relating to section 308101 to read as follows:

''308101. Definitions''; and

(2) by adding at the end the following:

''308106. Updates and improvements to Battlefield Reports''.

TITLE II—ACCESS AMERICA

SEC. 5201. DEFINITIONS.

In this title:

(1) ACCESSIBLE TRAIL.—The term ''accessible trail'' means a trail that meets the requirements for a trail under the Architectural Barriers Act accessibility guidelines.

(2) ARCHITECTURAL BARRIERS ACT ACCESSIBILITY GUIDELINES.—The term ''Architectural Barriers Act accessibility guidelines'' means the accessibility guidelines set forth in appendices C and D to part 1191 of title 36, Code of Federal Regulations (or successor regulations).

(3) ASSISTIVE TECHNOLOGY.—The term ''assistive technology'' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities, particularly with participating in outdoor recreation activities.

(4) GOLD STAR FAMILY MEMBER.—The term ''Gold Star Family member'' means an individual described in section 3.3 of Department of Defense Instruction 1348.36.

(5) OUTDOOR CONSTRUCTED FEATURE.—The term ''outdoor constructed feature'' has the meaning given such term in appendix C to part 1191 of title 36, Code of Federal Regulations (or successor regulations).

(6) VETERANS ORGANIZATION.—The term ''veterans organization'' means a service provider with outdoor recreation experience that serves members of the Armed Forces, veterans, or Gold Star Family members.

Subtitle A—Access for People With Disabilities

SEC. 5211. ACCESSIBLE RECREATION INVENTORY.

(a) ASSESSMENT.—Not later than 5 years after the date of the enactment of this title, the Secretary concerned shall—

(1) carry out a comprehensive assessment of outdoor recreation facilities on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned to determine the accessibility of such outdoor recreation facilities, consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794), including—

(A) camp shelters, camping facilities, and camping units;

(B) boat launch ramps;

(C) hunting, fishing, shooting, or archery ranges or locations;

(D) outdoor constructed features;

(E) picnic facilities and picnic units; and

(F) any other outdoor recreation facilities, as determined by the Secretary concerned; and

(2) make information about such opportunities available (including through the use of prominently displayed links) on public websites of—

(A) each of the Federal land management agencies; and

(B) each relevant unit and subunit of the Federal land management agencies.

(b) INCLUSION OF CURRENT ASSESSMENTS.—As part of the comprehensive assessment required under subsection (a)(1), to the extent practicable, the Secretary concerned may rely on assessments completed or data gathered prior to the date of the enactment of this title.

(c) PUBLIC INFORMATION.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall identify opportunities to create, update, or replace signage and other publicly available information, including web page information, related to accessibility and consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794) at outdoor recreation facilities covered by the assessment required under subsection (a)(1).

SEC. 5212. TRAIL INVENTORY.

(a) ASSESSMENT.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall—

(1) conduct a comprehensive assessment of high-priority trails, in accordance with subsection (b), on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned, including measuring each trail's—

(A) average and minimum tread width;

(B) average and maximum running slope;

(C) average and maximum cross slope;

(D) tread type; and

(E) length; and

(2) make information about such high-priority trails available (including through the use of prominently displayed links) on public websites of—

(A) each of the Federal land management agencies; and

(B) each relevant unit and subunit of the Federal land management agencies.

(b) SELECTION.—The Secretary concerned shall select high-priority trails to be assessed under subsection (a)(1)—

(1) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities;

(2) in a geographically equitable manner; and

(3) in no fewer than 15 units or subunits managed by the Secretary concerned.

(c) INCLUSION OF CURRENT ASSESSMENTS.—As part of the assessment required under subsection (a)(1), the Secretary concerned may, to the extent practicable, rely on assessments completed or data gathered prior to the date of the enactment of this title.

(d) PUBLIC INFORMATION.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Secretary concerned shall identify opportunities to replace signage and other publicly available information, including web page information, related to such high-priority trails and consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794) at high-priority trails covered by the assessment required under subsection (a)(1).

(2) TREAD OBSTACLES.—As part of the assessment required under subsection (a)(1), the Secretary may, to the extent practicable, include photographs or descriptions of tread obstacles and barriers.

(e) ASSISTIVE TECHNOLOGY SPECIFICATION.—In publishing information about each trail under this subsection, the Secretary concerned shall make public information about trails that do not meet the Architectural Barriers Act accessibility guidelines but could otherwise provide outdoor recreation opportunities to individuals with disabilities through the use of certain assistive technology.

SEC. 5213. TRAIL ACCESSIBILITY PARTNERSHIPS.

The Secretary concerned may enter into partnerships, contracts, or agreements with other Federal, State, Tribal, local, or private entities to—

(1) measure high-priority trails as part of the assessment required under section 5212;

(2) develop accessible trails under section 5214; and

(3) make minor modifications to existing trails to enhance recreational experiences for individuals with disabilities using assistive technology—

(A) in compliance with all applicable laws and land use and management plans of the Federal recreational lands and waters on which the accessible trail is located; and

(B) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities.

SEC. 5214. ACCESSIBLE TRAILS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title,

the Secretary concerned shall select a location or locations to develop at least 3 new accessible trails—

(1) on National Forest System lands in each region of the Forest Service;

(2) on land managed by the National Park Service in each region of the National Park Service;

(3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and

(4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) DEVELOPMENT.—In developing an accessible trail under subsection (a), the Secretary concerned—

(1) may—

(A) create a new accessible trail;

(B) modify an existing trail into an accessible trail; or

(C) create an accessible trail from a combination of new and existing trails; and

(2) shall—

(A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible trail;

(B) ensure the accessible trail complies with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794); and

(C) to the extent practicable, ensure that outdoor constructed features supporting the accessible trail, including trail bridges, parking spaces, and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794).

(c) COMPLETION.—Not later than 5 years after the date that appropriations are made in advance for such purpose, the Secretary concerned, in coordination with stakeholders described under subsection (b)(2), shall complete each accessible trail selected under subsection (a).

(d) MAPS, SIGNAGE, AND PROMOTIONAL MATERIALS.—For each accessible trail developed under subsection (a), the Secretary concerned shall—

(1) publish and distribute maps and install signage, consistent with Architectural Barriers Act of 1968 accessibility guidelines and section 508 of the Rehabilitation Act (29 U.S.C. 794d); and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.

(e) CONFLICT AVOIDANCE WITH OTHER USES.—In developing each accessible trail under subsection (a), the Secretary concerned shall ensure that the accessible trail—

(1) minimizes conflict with—

(A) the uses, before the date of the enactment of this title, of any trail that is part of that accessible trail; or

(B) multiple-use areas where biking, hiking, horseback riding, off-highway vehicle recreation, or use by pack and saddle stock are existing uses on the date of the enactment of this title;

(2) would not conflict with the purposes for which any trail is established under the National Trails System Act (16 U.S.C. 1241 et seq.); and

(3) complies with all applicable laws, regulations, and land use and management plans of the Federal recreational lands and waters on which the accessible trail is located.

(f) REPORTS.—Not later than 3 years after the date that funds are made available to carry out this section, and every 3 years thereafter until each accessible trail selected under subsection (a) is completed, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall publish a report that lists the accessible trails developed under this section.

SEC. 5215. ACCESSIBLE RECREATION OPPORTUNITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall select a location to develop new accessible recreation opportunities—

(1) on National Forest System lands in each region of the Forest Service;

(2) on land managed by the National Park Service in each region of the National Park Service;

(3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and

(4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) DEVELOPMENT.—In developing an accessible recreation opportunity under subsection (a), the Secretary concerned—

(1) may—

(A) create a new accessible recreation opportunity; or

(B) modify an existing recreation opportunity into an accessible recreation opportunity; and

(2) shall—

(A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible recreation opportunity;

(B) ensure the accessible recreation opportunity complies with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794); and

(C) to the extent practicable, ensure that outdoor constructed features supporting the accessible recreation opportunity, including trail bridges, parking spaces and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 and section 504 of the Rehabilitation Act (29 U.S.C. 794).

(c) ACCESSIBLE RECREATION OPPORTUNITIES.—The accessible recreation opportunities developed under subsection (a) may include, where applicable, improving accessibility or access to—

(1) camp shelters, camping facilities, and camping units;

(2) hunting, fishing, shooting, or archery ranges or locations;

(3) snow activities, including skiing and snowboarding;

(4) water activities, including kayaking, paddling, canoeing, and boat launch ramps;

(5) rock climbing;

(6) biking;

(7) off-highway vehicle recreation;

(8) picnic facilities and picnic units;

(9) outdoor constructed features; and

(10) any other new or existing recreation opportunities identified in consultation with stakeholders under subsection (b)(2), consistent with the applicable laws and land use and management plans.

(d) COMPLETION.—Not later than 5 years after the date that appropriations are made in advance for such purpose, the Secretary concerned, in coordination with stakeholders consulted with under subsection (b)(2), shall complete each accessible recreation opportunity selected under subsection (a).

(e) MAPS, SIGNAGE, AND PROMOTIONAL MATERIALS.—For each accessible recreation opportunity developed under subsection (a), the Secretary concerned shall—

(1) publish and distribute maps and install signage, consistent with Architectural Barriers Act accessibility guidelines and section 508 of the Rehabilitation Act (29 U.S.C. 794d); and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.

(f) CONFLICT AVOIDANCE WITH OTHER USES.—In developing each accessible recreation opportunity under subsection (a), the Secretary concerned shall ensure that the accessible recreation opportunity—

(1) minimizes conflict with—

(A) the uses, before the date of the enactment of this title, of any Federal recreational lands and waters on which the accessible recreation opportunity is located; or

(B) multiple-use areas; and

(2) complies with all applicable laws, regulations, and land use and management plans.

(g) REPORTS.—Not later than 3 years after the date that funds are made available to carry out this section and every 3 years until each accessible recreation opportunity selected under subsection (a) is completed, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall publish a report that lists the accessible recreation opportunities developed under this section.

SEC. 5216. ASSISTIVE TECHNOLOGY.

In carrying out this subtitle, the Secretary concerned may enter into partnerships, contracts, or agreements with other Federal, State, Tribal, local, or private entities, including existing outfitting and guiding services, to make assistive technology available on Federal recreational lands and waters.

SEC. 5217. SAVINGS CLAUSE.

Nothing in the subtitle shall be construed to create any conflicting standards with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794).

Subtitle B—Military and Veterans in Parks

SEC. 5221. PROMOTION OF OUTDOOR RECREATION FOR MILITARY SERVICEMEMBERS AND VETERANS.

Not later than 2 years after the date of the enactment of this title, the Secretary concerned, in coordination with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop educational and public awareness materials to disseminate to members of the Armed Forces and veterans, including through preseparation counseling of the Transition Assistance Program under chapter 1142 of title 10, United States Code, on—

(1) opportunities for members of the Armed Forces and veterans to access Federal recreational lands and waters free of charge under section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804);

(2) the availability and location of accessible trails, including new accessible trails developed and completed under section 5214;

(3) the availability and location of accessible recreation opportunities, including new accessible recreation opportunities developed and completed under section 5215;

(4) access to, and assistance with, assistive technology;

(5) outdoor-related volunteer and wellness programs;

(6) the benefits of outdoor recreation for physical and mental health;

(7) resources to access guided outdoor trips and other outdoor programs connected to the Department of Defense, the Department of Veterans Affairs, the Department of the Interior, or the Department of Agriculture; and

(8) programs and jobs focused on continuing national service such as Public Land Corps, AmeriCorps, and conservation corps programs.

SEC. 5222. MILITARY VETERANS OUTDOOR RECREATION LIAISONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, and subject to the availability of appropriations made in advance for such purpose, the Secretaries shall each establish within their

Departments the position of Military Veterans Outdoor Recreation Liaison.

(b) DUTIES.—The Military Veterans Outdoor Recreation Liaison shall—

(1) coordinate the implementation of this subtitle;

(2) implement recommendations identified by the Task Force on Outdoor Recreation for Veterans established under section 203 of the Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020 (Public Law 116–214), including recommendations related to—

(A) improving coordination between the Department of Veterans Affairs, Department of Agriculture, Department of the Interior, and partner organizations regarding the use of Federal recreational lands and waters for facilitating health and wellness for veterans;

(B) addressing identified barriers, including augmenting the delivery of services of Federal programs, to providing veterans with greater opportunities to improve their health and wellness through outdoor recreation on Federal recreational lands and waters; and

(C) facilitating the use of Federal recreational lands and waters for promoting wellness and facilitating the delivery of health care and therapeutic interventions for veterans;

(3) coordinate with other Military Veterans Outdoor Recreation Liaisons established under this section and veterans organizations; and

(4) promote outdoor recreation experiences for veterans on Federal recreational lands and waters through new and innovative approaches.

SEC. 5223. PARTNERSHIPS TO PROMOTE MILITARY AND VETERAN RECREATION.

(a) IN GENERAL.—The Secretary concerned may enter into partnerships or agreements with State, Tribal, local, or private entities with expertise in outdoor recreation, volunteer, accessibility, and health and wellness programs for members of the Armed Forces or veterans.

(b) PARTNERSHIPS.—As part of a partnership or agreement entered into under subsection (a), the Secretary concerned may host events on Federal recreational lands and waters designed to promote outdoor recreation among members of the Armed Forces and veterans.

(c) FINANCIAL AND TECHNICAL ASSISTANCE.—Under a partnership or agreement entered into pursuant to subsection (a), the Secretary concerned may provide financial or technical assistance to the entity with which the respective Secretary concerned has entered into the partnership or agreement to assist with—

(1) the planning, development, and execution of events, activities, or programs designed to promote outdoor recreation for members of the Armed Forces or veterans; or

(2) the acquisition of assistive technology to facilitate improved outdoor recreation opportunities for members of the Armed Forces or veterans.

SEC. 5224. NATIONAL STRATEGY FOR MILITARY AND VETERAN RECREATION.

(a) STRATEGY.—Not later than 1 year after the date of the enactment of this title, the Federal Interagency Council on Outdoor Recreation established under section 5113 shall develop and make public a strategy to increase visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members.

(b) REQUIREMENTS.—A strategy developed under subsection (a)—

(1) shall—

(A) provide for the implementation of recommendations to facilitate the use of public recreation lands by veterans developed by the Task Force on Outdoor Recreation for Veterans under section 203 of the Veterans COMPACT Act of 2020 (Public Law 116–214);

(B) establish objectives and quantifiable targets for increasing visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members;

(C) be developed in coordination with appropriate veterans organizations;

(D) emphasize increased recreation opportunities on Federal recreational lands and waters for members of the Armed Forces, veterans, and Gold Star Family members; and

(E) provide the anticipated costs to achieve the objectives and meet the targets established under subparagraphs (A) and (B); and

(2) shall not establish any preference between similar recreation facilitated by noncommercial or commercial entities.

(c) UPDATE TO STRATEGY.—Not later than 1 year after the date of the publication of the strategy required under subsection (a), and annually thereafter for the following 3 years, the Federal Interagency Council on Outdoor Recreation shall update the strategy and make public the update.

SEC. 5225. RECREATION RESOURCE ADVISORY COMMITTEES.

Section 804(d) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(d)) is amended—

(1) in paragraph (5)(A), by striking ''11'' and inserting ''12'';

(2) in paragraph (5)(D)(i)—

(A) by striking ''Five'' and inserting ''Six''; and

(B) by inserting after subclause (V) the following:

''(VI) Veterans organizations, as such term is defined in section 5201 of the EXPLORE Act.''; and

(3) in paragraph (8), by striking ''Eight'' and inserting ''Seven''.

SEC. 5226. CAREER AND VOLUNTEER OPPORTUNITIES FOR VETERANS.

(a) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Labor, shall establish a pilot program to proactively inform veterans of available employment positions that relate to the conservation and resource management activities of the Department of the Interior.

(2) POSITIONS.—The Secretary shall—

(A) identify vacant positions in the Department of the Interior that are appropriate to fill using the pilot program;

(B) coordinate with the Military Veteran Outdoor Recreation Liaisons established under section 5222 to inform veterans of such vacant positions; and

(C) to the maximum extent practicable, provide assistance to veterans in selecting one or more vacant positions to apply to, for which that veteran may be best qualified.

(3) REPORTS.—

(A) IMPLEMENTATION REPORT.—Not later than 1 year after the date on which the pilot program under paragraph (1) commences, the Secretary and the Secretary of Labor shall jointly provide to the appropriate congressional committees a report on the implementation of the pilot program.

(B) FINAL REPORT.—Not later than 30 days after the date on which the pilot program under paragraph (1) terminates under paragraph (4), the Secretary and the Secretary of Labor shall jointly submit to the appropriate congressional committees a report on the pilot program that includes the following:

(i) The number of veterans who applied to participate in the pilot program.

(ii) The number of such veterans employed under the pilot program.

(iii) The number of veterans identified in clause (ii) who transitioned to full-time positions with the Federal Government after participating in the pilot program.

(iv) Any other information the Secretary and the Secretary of Labor determine appropriate with respect to measuring the effectiveness of the pilot program.

(4) DURATION.—The authority to carry out the pilot program under this subsection shall terminate on the date that is 2 years after the date on which the pilot program commences.

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

(1) the Committee on Veterans' Affairs and the Committee on Natural Resources of the House of Representatives; and

(2) the Committee on Veterans' Affairs and the Committee on Energy and Natural Resources of the Senate.

(c) OUTDOOR RECREATION PROGRAM ATTENDANCE.—The Secretaries are encouraged to work with the Secretary of Defense and the Secretary of Veterans Affairs to ensure servicemembers and veterans have access to outdoor recreation and outdoor-related volunteer and wellness programs as part of the basic services provided to servicemembers and veterans.

Subtitle C—Youth Access

SEC. 5231. INCREASING YOUTH RECREATION VISITS TO FEDERAL LAND.

(a) STRATEGY.—Not later than 2 years after the date of the enactment of this title, the Secretaries, acting jointly, shall develop and make public a strategy to increase the number of youth recreation visits to Federal recreational lands and waters.

(b) REQUIREMENTS.—A strategy developed under subsection (a)—

(1) shall—

(A) emphasize increased recreation opportunities on Federal recreational lands and waters for underserved youth;

(B) establish objectives and quantifiable targets for increasing youth recreation visits; and

(C) provide the anticipated costs to achieve the objectives and meet the targets established under subparagraph (B); and

(2) shall not establish any preference between similar recreation facilitated by noncommercial or commercial entities.

(c) UPDATE TO STRATEGY.—Not later than 5 years after the date of the publication of the strategy required under subsection (a), and every 5 years thereafter, the Secretaries shall update the strategy and make public the update.

(d) AGREEMENTS.—The Secretaries may enter into contracts or cost-share agreements (including contracts or agreements for the acquisition of vehicles) to carry out this section.

SEC. 5232. EVERY KID OUTDOORS ACT EXTENSION.

Section 9001(b) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9) is amended—

(1) in paragraph (2)(B), by striking ''during the period beginning on September 1 and ending on August 31 of the following year'' and inserting ''for a 12-month period that begins on a date determined by the Secretaries''; and

(2) in paragraph (5), by striking ''the date that is 7 years after the date of enactment of this Act'' and inserting ''September 30, 2031''.

TITLE III—SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

SEC. 5301. DEFINITIONS.

In this title:

(1) COMMERCIAL USE AUTHORIZATION.—The term ''commercial use authorization'' means

a commercial use authorization to provide services to visitors to units of the National Park System under subchapter II of chapter 1019 of title 54, United States Code.

(2) MULTIJURISDICTIONAL TRIP.—The term ''multijurisdictional trip'' means a trip that—

(A) uses 2 or more units of Federal recreational lands and waters; and

(B) is under the jurisdiction of 2 or more Federal land management agencies.

(3) RECREATION SERVICE PROVIDER.—The term ''recreation service provider'' has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 5311).

(4) SPECIAL RECREATION PERMIT.—The term ''special recreation permit'' has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 5311).

(5) VISITOR-USE DAY.—The term ''visitor-use day'' means a visitor-use day, user day, launch, or other metric used by the Secretary concerned for purposes of authorizing use under a special recreation permit.

Subtitle A—Modernizing Recreation Permitting

SEC. 5311. SPECIAL RECREATION PERMIT AND FEE.

(a) DEFINITIONS.—Section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) is amended to read as follows:

''SEC. 802. DEFINITIONS.

''In this title:

''(1) ENTRANCE FEE.—The term 'entrance fee' means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

''(2) EXPANDED AMENITY RECREATION FEE.—The term 'expanded amenity recreation fee' means the recreation fee authorized by section 803(g).

''(3) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

''(4) FEDERAL RECREATIONAL LANDS AND WATERS.—The term 'Federal recreational lands and waters' means lands or waters managed by a Federal land management agency.

''(5) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—The term 'National Parks and Federal Recreational Lands Pass' means the interagency national pass authorized by section 805.

''(6) PASSHOLDER.—The term 'passholder' means the person who is issued a recreation pass.

''(7) RECREATION FEE.—The term 'recreation fee' means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

''(8) RECREATION PASS.—The term 'recreation pass' means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 805.

''(9) RECREATION SERVICE PROVIDER.—The term 'recreation service provider' means a person that provides recreational services to the public under a special recreation permit under clause (i), (ii), or (iii) of paragraph (13)(A).

''(10) SECRETARIES.—The term 'Secretaries' means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

''(11) SECRETARY.—The term 'Secretary' means—

''(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

''(B) the Secretary of Agriculture, with respect to the Forest Service.

''(12) SPECIAL ACCOUNT.—The term 'special account' means the special account established in the Treasury under section 807 for a Federal land management agency.'';

''(13) SPECIAL RECREATION PERMIT.—

''(A) IN GENERAL.—The term 'special recreation permit' means a permit issued by a Federal land management agency for the use of Federal recreational lands and waters that the Secretary determines to be in one of the following categories:

''(i) For—

''(I) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, the authorization for which is for a term of not more than 10 years; or

''(II) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, that occurs under a temporary special recreation permit authorized under section 5316 of the EXPLORE Act.

''(ii) For a single competitive activity or event or a related series of competitive activities or events.

''(iii) For—

''(I) at the discretion of the Secretary, a single organized group recreation activity or event (including an activity or event in which motorized recreational vehicles are used or in which outfitting and guiding services are used) that—

''(aa) is a structured or scheduled event or activity;

''(bb) is not competitive and is for fewer than 75 participants;

''(cc) may charge an entry or participation fee;

''(dd) involves fewer than 200 visitor-use days; and

''(ee) is undertaken or provided by the recreation service provider at the same site not more frequently than 3 times a year; and

''(II) at the discretion of the Secretary, a recurring organized group recreation activity or event (including an outfitting and guiding activity or event) that—

''(aa) is a structured or scheduled event or activity;

''(bb) is not competitive;

''(cc) may charge a participation fee;

''(dd) occurs in a group size of fewer than 7 participants;

''(ee) involves fewer than 40 visitor-use days; and

''(ff) is undertaken or provided by the recreation service provider for a term of not more than 180 days.

''(iv) For a large-group activity or event that involves a number of participants equal to or greater than a number to be determined by the Secretary.

''(v) For a specialized recreational use not described in clause (i), (ii), (iii), or (iv), such as—

''(I) an organizational camp;

''(II) participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated; and

''(III) any other type of recreational activity or event that requires an entry or participation fee that is not strictly a sharing of the expenses incurred by the participants during the activity or event.

''(B) EXCLUSIONS.—The term 'special recreation permit' does not include—

''(i) a concession contract for the provision of accommodations, facilities, or services;

''(ii) a commercial use authorization issued under section 101925 of title 54, United States Code; or

''(iii) any other type of permit, including a special use permit administered by the National Park Service.

''(14) SPECIAL RECREATION PERMIT FEE.—The term 'special recreation permit fee' means the fee authorized by section 803(h)(2).

''(15) STANDARD AMENITY RECREATION FEE.—The term 'standard amenity recreation fee' means the recreation fee authorized by section 803(f).

''(16) STATE.—The term 'State' means each of the several States, the District of Columbia, and each territory of the United States.''.

(b) SPECIAL RECREATION PERMITS AND FEES.—Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended—

(1) by striking ''this Act'' each place it appears and inserting ''this title'';

(2) in subsection (b)(5), by striking ''section 4(d)'' and inserting ''section 804(d)''; and

(3) by striking subsection (h) and inserting the following:

''(h) SPECIAL RECREATION PERMITS AND FEES.—

''(1) SPECIAL RECREATION PERMITS.—

''(A) APPLICATIONS.—The Secretary—

''(i) may develop and make available to the public an application to obtain a special recreation permit described in clause (v) of section 802(13)(A); and

''(ii) shall develop and make available to the public an application to obtain a special recreation permit described in each of clauses (i) through (iv) of section 802(13)(A).

''(B) ISSUANCE OF PERMITS.—On review of a completed application developed under subparagraph (A), as applicable, and a determination by the Secretary that the applicant is eligible for the special recreation permit, the Secretary may issue to the applicant a special recreation permit, subject to any terms and conditions that are determined to be necessary by the Secretary.

''(C) INCIDENTAL SALES.—A special recreation permit issued under this paragraph may include an authorization for sales that are incidental in nature to the permitted use of the Federal recreational lands and waters, except where otherwise prohibited by law.

''(2) SPECIAL RECREATION PERMIT FEES.—

''(A) IN GENERAL.—The Secretary may charge a special recreation permit fee for the issuance of a special recreation permit in accordance with this paragraph.

''(B) PREDETERMINED SPECIAL RECREATION PERMIT FEES.—

''(i) IN GENERAL.—For purposes of subparagraphs (D) and (E) of this paragraph, the Secretary shall establish and may charge, and update as necessary, a predetermined fee, described in clause (ii) of this subparagraph, for a special recreation permit described in clause (i), (ii), or (iii) of section 802(13)(A) for a specific type of use on a unit of Federal recreational lands and waters, consistent with the criteria set forth in clause (iii) of this subparagraph.

''(ii) TYPE OF FEE.—A predetermined fee described in clause (i) shall be—

''(I) a fixed fee that is assessed per special recreation permit, including a fee with an associated size limitation or other criteria as determined to be appropriate by the Secretary; or

''(II) an amount assessed per visitor-use day.

''(iii) CRITERIA.—A predetermined fee under clause (i) shall—

''(I) have been established before the date of the enactment of the EXPLORE Act;

''(II) if established after the date of the enactment of the EXPLORE Act—

''(aa) be in accordance with subsection (b); and

''(bb) be comparable to an amount described in subparagraph (D)(ii) or (E)(ii), as applicable; or

''(III) beginning on the date that is 2 years after the date of the enactment of the EXPLORE Act, be $6 per visitor-use day in instances in which the Secretary has not established a predetermined fee under subclause (I) or (II) until such time as the Secretary establishes a different fee under this paragraph.

''(C) CALCULATION OF FEES FOR SPECIALIZED RECREATIONAL USES AND LARGE-GROUP ACTIVITIES OR EVENTS.—The Secretary may, at the discretion of the Secretary, establish and charge a fee for a special recreation permit described in clause (iv) or (v) of section 802(13)(A).

''(D) CALCULATION OF FEES FOR SINGLE ORGANIZED GROUP RECREATION ACTIVITIES OR EVENTS, COMPETITIVE EVENTS, AND CERTAIN RECURRING ORGANIZED GROUP RECREATION ACTIVITIES.—If the Secretary elects to charge a fee for a special recreation permit described in clause (ii) or (iii) of section 802(13)(A), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

''(i) the applicable predetermined fee established under subparagraph (B); or

''(ii) an amount equal to a percentage of, to be determined by the Secretary, but to not to exceed 5 percent of, adjusted gross receipts calculated under subparagraph (F).

''(E) CALCULATION OF FEES FOR TEMPORARY PERMITS AND LONG-TERM PERMITS.—Subject to subparagraph (G), if the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(i), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

''(i) the applicable predetermined fee established under subparagraph (B); or

''(ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 3 percent of, adjusted gross receipts calculated under subparagraph (F).

''(F) ADJUSTED GROSS RECEIPTS.—For the purposes of subparagraphs (D)(ii) and (E)(ii), the Secretary shall calculate the adjusted gross receipts collected for each trip or event authorized under a special recreation permit, using either of the following calculations, based on the election of the recreation service provider:

''(i) The sum of—

''(I) the product obtained by multiplying—

''(aa) the general amount paid by participants of the trip or event to the recreation service provider for the applicable trip or event (excluding amounts related to goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider); and

''(bb) the quotient obtained by dividing—

''(AA) the number of days of the trip or event that occurred on Federal recreational lands and waters covered by the special recreation permit, rounded to the nearest whole day; by

''(BB) the total number of days of the trip or event; and

''(II) the amount of any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit.

''(ii) The difference between—

''(I) the total cost paid by the participants of the trip or event for the trip or event to the recreation service provider—

''(aa) including any additional revenue received by the recreation service provider for an add-on activity or an optional excursion; and

''(bb) excluding the amount of any revenues from goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider to the participants of the applicable trip or event; and

''(II) the sum of—

''(aa) the amount of any costs or revenues from services and activities provided or sold by the recreation service provider to the participants of the trip or event that occurred in a location other than Federal recreational lands and waters (including costs for travel and lodging outside Federal recreational lands and waters); and

''(bb) the amount of any revenues from any service provided by a recreation service provider for an activity on Federal recreational lands and waters that is not covered by the special recreation permit.

''(G) EXCEPTION.—Notwithstanding subparagraphs (D) and (E), the Secretary may charge a recreation service provider a minimum annual fee for a special recreation permit described in clauses (i), (ii), or (iii) of section 802(13)(A).

''(H) SAVINGS CLAUSES.—

''(i) EFFECT.—Nothing in this paragraph affects any fee for—

''(I) a concession contract administered by the National Park Service or the United States Fish and Wildlife Service for the provision of accommodations, facilities, or services; or

''(II) a commercial use authorization or special use permit for use of Federal recreational lands and waters managed by the National Park Service.

''(ii) COST RECOVERY.—Nothing in this paragraph affects the ability of the Secretary to recover any administrative costs under section 5320 of the EXPLORE Act.

''(iii) SPECIAL RECREATION PERMIT FEES AND OTHER RECREATION FEES.—The collection of a special recreation permit fee under this paragraph shall not affect the authority of the Secretary to collect an entrance fee, a standard amenity recreation fee, or an expanded amenity recreation fee authorized under subsections (e), (f), and (g).

''(iv) RELATIONSHIP TO OTHER LAWS.—Nothing in this paragraph affects the ability of the Secretary to issue permits or collect fees under another provision of law, including the National Forest Organizational Camp Fee Improvement Act of 2003 (16 U.S.C. 6231 et seq.).

''(i) DISCLOSURE OF RECREATION FEES AND USE OF RECREATION FEES.—

''(1) NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, EXPANDED AMENITY RECREATION FEES, AND AVAILABLE RECREATION PASSES.—

''(A) IN GENERAL.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, expanded amenity recreation fee, and available recreation passes—

''(i) at appropriate locations in each unit or area of Federal recreational land and waters at which an entrance fee, standard amenity recreation fee, or expanded amenity recreation fee is charged; and

''(ii) on the appropriate website for such unit or area.

''(B) PUBLICATIONS.—The Secretary shall include in publications distributed at a unit or area or described in subparagraph (A) the notice described in that subparagraph.

''(2) NOTICE OF USES OF RECREATION FEES.—Beginning on January 1, 2026, the Secretary shall annually post, at the location at which a recreation fee described in paragraph (1)(A) is collected, clear notice of—

''(A) the total recreation fees collected during each of the 2 preceding fiscal years at the respective unit or area of the Federal land management agency; and

''(B) each use during the preceding fiscal year of the applicable recreation fee or recreation pass revenues collected under this section.

''(3) NOTICE OF RECREATION FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice at the location at which work is performed using recreation fee and recreation pass revenues collected under this section.

''(4) CENTRALIZED REPORTING ON AGENCY WEBSITES.—

''(A) IN GENERAL.—Not later than January 1, 2025, and not later than 60 days after the beginning of each fiscal year thereafter, the Secretary shall post on the website of the applicable Federal land management agency a searchable list of each use during the preceding fiscal year of the recreation fee or recreation pass revenues collected under this section.

''(B) LIST COMPONENTS.—The list required under subparagraph (A) shall include, with respect to each use described in that subparagraph—

''(i) a title and description of the overall project;

''(ii) a title and description for each component of the project;

''(iii) the location of the project; and

''(iv) the amount obligated for the project.

''(5) NOTICE TO CUSTOMERS.—A recreation service provider may inform a customer of the recreation service provider of any fee charged by the Secretary under this section.''.

(c) CONFORMING AMENDMENT.—Section 804 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6803) is amended by striking subsection (e).

(d) USE OF SPECIAL RECREATION PERMIT REVENUE.—Section 808 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807) is amended—

(1) by striking ''this Act'' each place it appears and inserting ''this title'';

(2) in subsection (a)(3)—

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

(B) in subparagraph (F), by striking ''6(a) or a visitor reservation service.'' and inserting ''806(a) or a visitor reservation service;''; and

(C) by adding at the end the following:

''(G) the processing of special recreation permit applications and administration of special recreation permits; and

''(H) the improvement of the operation of the special recreation permit program under section 803(h).''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking ''section 5(a)(7)'' and inserting ''section 805(a)(7)''; and

(B) in paragraph (2), by striking ''section 5(d)'' and inserting ''section 805(d)''.

(e) REAUTHORIZATION.—Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking ''2019'' and inserting ''2031''.

SEC. 5312. PERMITTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—To simplify the process of the issuance and reissuance of special recreation permits and reduce the cost of administering special recreation permits under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) (as amended by this title), the Secretaries shall each—

(1) not later than 1 year after the date of enactment of this Act—

(A) evaluate the process for issuing special recreation permits;

(B) based on the evaluation under subparagraph (A), identify opportunities to—

(i) eliminate duplicative processes with respect to issuing special recreation permits;

(ii) reduce costs for the issuance of special recreation permits;

(iii) decrease processing times for special recreation permits; and

(iv) issue simplified special recreation permits, including special recreation permits for an organized group recreation activity or event under subsection (e); and

(C) use or incorporate existing evaluations and analyses, as applicable, in carrying out this section; and

(2) not later than 1 year after the date on which the Secretaries complete their respective evaluation and identification processes under paragraph (1), revise, as necessary, relevant agency regulations and guidance documents, including regulations and guidance documents relating to the environmental review process, for special recreation permits to implement the improvements identified under paragraph (1)(B).

(b) ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—The Secretary concerned shall, to the maximum extent practicable, utilize available tools, including tiering to existing programmatic reviews, as appropriate, to facilitate an effective and efficient environmental review process for activities undertaken by the Secretary concerned relating to the issuance of special recreation permits.

(2) CATEGORICAL EXCLUSIONS.—Not later than 2 years after the date of the enactment of this title, the Secretary concerned shall—

(A) evaluate whether existing categorical exclusions available to the Secretary concerned on the date of the enactment of this title are consistent with the provisions of this title;

(B) evaluate whether a modification of an existing categorical exclusion or the establishment of 1 or more new categorical exclusions developed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary to undertake an activity described in paragraph (1) in a manner consistent with the authorities and requirements in this title; and

(C) revise relevant agency regulations and policy statements and guidance documents, as necessary, to modify existing categorical exclusions or incorporate new categorical exclusions based on evaluations conducted under this paragraph.

(c) NEEDS ASSESSMENTS.—Except as required under subsection (c) or (d) of section 4 of the Wilderness Act (16 U.S.C. 1133), the Secretary concerned shall not conduct a needs assessment as a condition of issuing a special recreation permit under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) (as amended by this title).

(d) ONLINE APPLICATIONS.—Not later than 3 years after the date of the enactment of this title, the Secretaries shall make the application for a special recreation permit under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) (as amended by this title), including a reissuance of a special recreation permit under that section, available for completion and submission—

(1) online;

(2) by mail or electronic mail; and

(3) in person at the field office for the applicable Federal recreational lands and waters.

(e) SPECIAL RECREATION PERMITS FOR AN ORGANIZED GROUP RECREATION ACTIVITY OR EVENT.—

(1) DEFINITIONS.—In this subsection:

(A) SPECIAL RECREATION PERMIT FOR AN ORGANIZED GROUP RECREATION ACTIVITY OR EVENT.—The term ''special recreation permit for an organized group recreation activity or event'' means a special recreation permit described in paragraph (13)(A)(iii) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title).

(B) YOUTH GROUP.—The term ''youth group'' means a recreation service provider that predominantly serves individuals not older than 25 years of age.

(2) EXEMPTION FROM CERTAIN ALLOCATIONS OF USE.—If the Secretary concerned allocates visitor-use days available for an area or activity on Federal recreational lands and waters among recreation service providers that hold a permit described in paragraph (13)(A)(i) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title), the Secretary concerned may issue a special recreation permit for an organized group recreation activity or event for such Federal recreational lands and waters, subject to the requirements under paragraph (3), notwithstanding the availability or allocation of visitor-use days to holders of a permit described in paragraph (13)(A)(i) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title).

(3) ISSUANCE.—In accordance with paragraphs (5) and (6), if use by the general public is not subject to a limited entry permit system and if capacity is available for the times or days in which the proposed activity or event would be undertaken, on request of a recreation service provider (including a youth group) to conduct an organized group recreation activity or event, the Secretary concerned—

(A) shall make a nominal effects determination to determine whether the proposed activity or event would have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(B)(i) shall not require a recreation service provider (including a youth group) to obtain a special recreation permit for an organized group recreation activity or event if the Secretary concerned determines—

(I) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event is not necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs;

(ii) in the case of an organized group recreation activity or event described in paragraph (13)(A)(iii)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title), may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions as are determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

(I) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event is necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs;

(iii) in the case of an organized group recreation activity or event described in paragraph (13)(A)(iii)(II) of section 802 of that Act (16 U.S.C. 6801) (as amended by this title), shall issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to such terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

(I) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event is necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs; and

(iv) may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

(I) the proposed activity or event to be undertaken may have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event would be necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs.

(4) FEES.—The Secretary concerned may elect not to charge a fee to a recreation service provider (including a youth group) for a special recreation permit for an organized group recreation activity or event.

(5) SAVINGS CLAUSE.—Nothing in this subsection prevents the Secretary concerned from limiting or abating the allowance of a proposed activity or event under paragraph (3)(B)(i) or the issuance of a special recreation permit for an organized group recreation activity or event, based on resource conditions, administrative burdens, or safety issues.

(6) QUALIFICATIONS.—A special recreation permit for an organized group recreation activity or event issued under paragraph (3) shall be subject to the health and safety standards required by the Secretary concerned for a permit issued under paragraph (13)(A)(i) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title).

SEC. 5313. PERMIT FLEXIBILITY.

(a) IN GENERAL.—The Secretary concerned shall establish guidelines to allow a holder of a special recreation permit under subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title), to engage in another recreational activity under the special recreation permit that is substantially similar to the specific activity authorized under the special recreation permit.

(b) CRITERIA.—For the purposes of this section, a recreational activity shall be considered to be a substantially similar recreational activity if the recreational activity—

(1) is comparable in type, nature, scope, and ecological setting to the specific activity authorized under the special recreation permit;

(2) does not result in a greater impact on natural and cultural resources than the impact of the authorized activity;

(3) does not adversely affect—

(A) any other holder of a special recreation permit or other permit; or

(B) any other authorized use of the Federal recreational lands and waters; and

(4) is consistent with—

(A) any applicable laws (including regulations); and

(B) the land management plan, resource management plan, or equivalent plan applicable to the Federal recreational lands and waters.

(c) SURRENDER OF UNUSED VISITOR-USE DAYS.—

(1) IN GENERAL.—A recreation service provider holding a special recreation permit described in paragraph (13)(A)(i) of section 802

of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title) may—

(A) notify the Secretary concerned of an inability to use visitor-use days annually allocated to the recreation service provider under the special recreation permit; and

(B) surrender to the Secretary concerned the unused visitor-use days for the applicable year for temporary reassignment under section 5318(b).

(2) DETERMINATION.—To ensure a recreation service provider described in paragraph (1) is able to make an informed decision before surrendering any unused visitor-use day under paragraph (1)(B), the Secretary concerned shall, on the request of the applicable recreation service provider, determine and notify the recreation service provider whether the unused visitor-use day meets the requirement described in section 5317(b)(3)(B) before the recreation service provider surrenders the unused visitor-use day.

(d) EFFECT.—Nothing in this section affects any authority of, regulation issued by, or decision of the Secretary concerned relating to the use of electric bicycles on Federal recreational lands and waters under any other Federal law.

SEC. 5314. PERMIT ADMINISTRATION.

(a) PERMIT AVAILABILITY.—

(1) NOTIFICATIONS OF PERMIT AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in an area of Federal recreational lands and waters in which use by recreation service providers is allocated, if the Secretary concerned determines that visitor-use days are available for allocation to recreation service providers or holders of a commercial use authorization for outfitting and guiding, the Secretary concerned shall publish that information on the website of the agency that administers the applicable area of Federal recreational lands and waters.

(B) EFFECT.—Nothing in this paragraph—

(i) applies to—

(I) the reissuance of an existing special recreation permit or commercial use authorization for outfitting and guiding; or

(II) the issuance of a new special recreation permit or new commercial use authorization for outfitting and guiding issued to the purchaser of—

(aa) a recreation service provider that is the holder of an existing special recreation permit; or

(bb) a holder of an existing commercial use authorization for outfitting and guiding; or

(ii) creates a prerequisite to the issuance of a special recreation permit or commercial use authorization for outfitting and guiding or otherwise limits the authority of the Secretary concerned—

(I) to issue a new special recreation permit or new commercial use authorization for outfitting and guiding; or

(II) to add a new or additional use to an existing special recreation permit or an existing commercial use authorization for outfitting and guiding.

(2) UPDATES.—The Secretary concerned shall ensure that information published on the website under this subsection is consistently updated to provide current and correct information to the public.

(3) ELECTRONIC MAIL NOTIFICATIONS.—The Secretary concerned shall establish a system by which potential applicants for special recreation permits or commercial use authorizations for outfitting and guiding may subscribe to receive notification by electronic mail of the availability of special recreation permits under section 803(h)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title) or commercial use authorizations for outfitting and guiding.

(b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENT.—Not later than 60 days after the date on which the Secretary concerned receives a completed application or a complete proposal for a special recreation permit under section 803(h)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title), the Secretary concerned shall—

(1) provide to the applicant notice acknowledging receipt of the application or proposal; and

(2)(A) issue a final decision with respect to the application or proposal; or

(B) provide to the applicant notice of a projected date for a final decision on the application or proposal.

(c) EFFECT.—Nothing in this section applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

SEC. 5315. SERVICE FIRST INITIATIVE; PERMITS FOR MULTIJURISDICTIONAL TRIPS.

(a) REPEAL.—Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (43 U.S.C. 1703), is repealed.

(b) COOPERATIVE ACTION AND SHARING OF RESOURCES BY THE SECRETARIES OF THE INTERIOR AND AGRICULTURE.—

(1) IN GENERAL.—For fiscal year 2024, and each fiscal year thereafter, the Secretaries may carry out an initiative, to be known as the ''Service First Initiative'', under which the Secretaries, or Federal land management agencies within their departments, may—

(A) establish programs to conduct projects, planning, permitting, leasing, contracting, and other activities, either jointly or on behalf of one another;

(B) co-locate in Federal offices and facilities leased by an agency of the Department of the Interior or the Department of Agriculture; and

(C) issue rules to test the feasibility of issuing unified permits, applications, and leases, subject to the limitations in this section.

(2) DELEGATIONS OF AUTHORITY.—The Secretaries may make reciprocal delegations of the respective authorities, duties, and responsibilities of the Secretaries in support of the Service First Initiative agency-wide to promote customer service and efficiency.

(3) EFFECT.—Nothing in this section alters, expands, or limits the applicability of any law (including regulations) to land administered by the Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or the Forest Service or matters under the jurisdiction of any other bureaus or offices of the Department of the Interior or the Department of Agriculture, as applicable.

(4) TRANSFERS OF FUNDING.—Subject to the availability of appropriations and to facilitate the sharing of resources under the Service First Initiative, the Secretaries are authorized to mutually transfer funds between, or reimburse amounts expended from, appropriate accounts of either Department on an annual basis, including transfers and reimbursements for multiyear projects, except that this authority may not be used in a manner that circumvents requirements or limitations imposed on the use of any of the funds so transferred or reimbursed.

(5) REPORT.—The Secretaries shall submit an annual report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate describing the activities undertaken as part of the Service First Initiative in the prior year.

(c) PILOT PROGRAM FOR SPECIAL RECREATION PERMITS FOR MULTIJURISDICTIONAL TRIPS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Secretaries shall establish a pilot program to offer to a person seeking an authorization for a multijurisdictional trip a set of separate special recreation permits or commercial use authorizations that authorizes the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs, subject to the authorities that apply to the applicable unit of Federal recreational lands and waters.

(2) MINIMUM NUMBER OF PERMITS.—Not later than 4 years after the date of the enactment of this title, the Secretaries shall issue not fewer than 10 sets of separate special recreation permits described in paragraph (13)(A)(i) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title) or commercial use authorizations under the pilot program established under paragraph (1).

(3) LEAD AGENCIES.—In carrying out the pilot program established under paragraph (1), the Secretaries shall—

(A) designate a lead agency for issuing and administering a set of separate special recreation permits or commercial use authorizations; and

(B) select not fewer than 4 offices at which a person shall be able to apply for a set of separate special recreation permits or commercial use authorizations, of which—

(i) not fewer than 2 offices are managed by the Secretary; and

(ii) not fewer than 2 offices are managed by the Secretary of Agriculture, acting through the Chief of the Forest Service.

(4) RETENTION OF AUTHORITY BY THE APPLICABLE SECRETARY.—Each of the Secretaries shall retain the authority to enforce the terms, stipulations, conditions, and agreements in a set of separate special recreation permits or commercial use authorizations issued under the pilot program established under paragraph (1) that apply specifically to the use occurring on the Federal recreational lands and waters managed by the applicable Secretary, under the authorities that apply to the applicable Federal recreational lands and waters.

(5) OPTION TO APPLY FOR SEPARATE SPECIAL RECREATION PERMITS OR COMMERCIAL USE AUTHORIZATIONS.—A person seeking the appropriate permits or authorizations for a multijurisdictional trip may apply for—

(A) a separate special recreation permit or commercial use authorization for the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs; or

(B) a set of separate special recreational permits or commercial use authorizations made available under the pilot program established under paragraph (1).

(6) EFFECT.—Nothing in this subsection applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

SEC. 5316. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT TEMPORARY SPECIAL RECREATION PERMITS FOR OUTFITTING AND GUIDING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary concerned shall establish and implement a program to authorize the issuance of temporary special recreation permits for new or additional recreational uses of Federal recreational land and water managed by the Forest Service and the Bureau of Land Management.

(b) TERM OF TEMPORARY PERMITS.—A temporary special recreation permit issued

under subsection (a) shall be issued for a period of not more than 2 years.

(c) CONVERSION TO LONG-TERM PERMIT.—If the Secretary concerned determines that a permittee under subsection (a) has completed 2 years of satisfactory operation under a permit or permits issued by the Secretary concerned, the Secretary concerned may provide for the conversion of a temporary special recreation permit issued under subsection (a) to a long-term special recreation permit.

(d) EFFECT.—Nothing in this subsection alters or affects the authority of the Secretary to issue a special recreation permit under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title).

SEC. 5317. REVIEWS FOR LONG-TERM PERMITS.

(a) MONITORING.—The Secretary concerned shall monitor each recreation service provider issued a special recreation permit for compliance with the terms of the permit—

(1) not less than annually or as frequently as needed (as determined by the Secretary concerned), in the case of a temporary special recreation permit for outfitting and guiding issued under section 5316; and

(2) not less than once every 2 years or as frequently as needed (as determined by the Secretary concerned), in the case of a special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title) that is issued for a term of not more than 10 years.

(b) USE-OF-ALLOCATION REVIEWS.—

(1) IN GENERAL.—If the Secretary of Agriculture or the Secretary, as applicable, allocates visitor-use days among special recreation permits for outfitting and guiding, the Secretary of Agriculture shall, and the Secretary may, review the use by the recreation service provider of the visitor-use days allocated under a long-term special recreation permit described in paragraph (13)(A)(i)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title), once every 5 years.

(2) REQUIREMENTS OF THE REVIEW.—In conducting a review under paragraph (1), the Secretary concerned shall determine—

(A) the number of visitor-use days that the recreation service provider used each year under the special recreation permit, in accordance with paragraph (3); and

(B) the year in which the recreation service provider used the most visitor-use days under the special recreation permit.

(3) CONSIDERATION OF SURRENDERED, UNUSED VISITOR-USE DAYS.—For the purposes of determining the number of visitor-use days a recreation service provider used in a specified year under paragraph (2)(A), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary, as applicable, shall consider an unused visitor-use day that has been surrendered under section 5313(c)(1)(B) as—

(A) ½ of a visitor-use day used; or

(B) 1 visitor-use day used, if the Secretary concerned determines the use of the allocated visitor-use day had been or will be prevented by a circumstance beyond the control of the recreation service provider.

SEC. 5318. ADJUSTMENT OF ALLOCATED VISITOR-USE DAYS.

(a) ADJUSTMENTS FOLLOWING USE OF ALLOCATION REVIEWS.—On the completion of a use-of-allocation review conducted under section 5317(b) for a special recreation permit described in paragraph (13)(A)(i)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title), the Secretary concerned shall adjust the number of visitor-use days allocated to a recreation service provider under the special recreation permit as follows:

(1) If the Secretary concerned determines that the performance of the recreation service provider was satisfactory during the most recent review conducted under subsection (a) of section 5317, the annual number of visitor-use days allocated for each remaining year of the permit shall be equal to 125 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section, during the year identified under subsection (b)(2)(B) of that section, not to exceed the level allocated to the recreation service provider on the date on which the special recreation permit was issued.

(2) If the Secretary concerned determines the performance of the recreation service provider is less than satisfactory during the most recent performance review conducted under subsection (a) of section 5317, the annual number of visitor-use days allocated for each remaining year of the special recreation permit shall be equal to not more than 100 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section during the year identified under subsection (b)(2)(B) of that section.

(b) TEMPORARY REASSIGNMENT OF UNUSED VISITOR-USE DAYS.—The Secretary concerned may temporarily assign unused visitor-use days, made available under section 5313(c)(1)(B), to—

(1) any other existing or potential recreation service provider, notwithstanding the number of visitor-use days allocated to the special recreation permit holder under the special recreation permit held or to be held by the recreation service provider; or

(2) any existing or potential holder of a special recreation permit described in clause (ii), (iii), or (v) of paragraph (13)(A) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title), including the public.

(c) ADDITIONAL CAPACITY.—If unallocated visitor-use days are available, the Secretary concerned may, at any time, amend a special recreation permit to allocate additional visitor-use days to a qualified recreation service provider.

SEC. 5319. LIABILITY.

(a) INSURANCE REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), as a condition of issuing a special recreation permit under subsection (h)(1)(B) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title) or a commercial use authorization, the Secretary concerned may require the holder of the special recreation permit or commercial use authorization to have a commercial general liability insurance policy that—

(A) is commensurate with the level of risk of the activities to be conducted under the special recreation permit or commercial use authorization; and

(B) includes the United States as an additional insured in an endorsement to the applicable policy.

(2) EXCEPTION.—The Secretary concerned shall not require a holder of a special recreation permit or commercial use authorization to comply with the requirements of paragraph (1), if that permit or authorization is for—

(A) participation by an unguided member of the public in a recreation activity in an area of Federal recreational lands and waters in which use by the unguided public is allocated; or

(B) low-risk activities, as determined by the Secretary concerned, including commemorative ceremonies.

(b) INDEMNIFICATION BY GOVERNMENTAL ENTITIES.—The Secretary concerned shall not require a State, State agency, State institution, or political subdivision of a State to indemnify the United States for tort liability as a condition for issuing a special recreation permit or commercial use authorization to the extent the State, State agency, State institution, or political subdivision of a State is precluded by State law from providing indemnification to the United States for tort liability, if the State, State agency, State institution, or political subdivision of the State maintains the minimum amount of liability insurance coverage required by the Federal land management agency for the activities conducted under the special recreation permit or commercial use authorization in the form of—

(1) a commercial general liability insurance policy, which includes the United States as an additional insured in an endorsement to the policy, if the State is authorized to obtain commercial general liability insurance by State law;

(2) self-insurance, which covers the United States as an additional insured, if authorized by State law; or

(3) a combination of the coverage described in paragraphs (1) and (2).

(c) EXCULPATORY AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a Federal land management agency shall not implement, administer, or enforce any regulation, guidance, or policy prohibiting the use of an exculpatory agreement between a recreation service provider or a holder of a commercial use authorization and a customer relating to services provided under a special recreation permit or a commercial use authorization.

(2) REQUIREMENTS.—Any exculpatory agreement used by a recreation service provider or holder of a commercial use authorization for an activity authorized under a special recreation permit or commercial use authorization—

(A) shall shield the United States from any liability, if otherwise allowable under Federal law; and

(B) shall not waive any liability of the recreation service provider or holder of the commercial use authorization that may not be waived under the laws (including common law) of the applicable State or for gross negligence, recklessness, or willful misconduct.

(3) CONSISTENCY.—Not later than 2 years after the date of the enactment of this title, the Secretaries shall—

(A) review the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers and holders of commercial use authorizations; and

(B) revise any policy described in subparagraph (A) as necessary to make the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers and holders of commercial use authorizations consistent with this subsection and across all Federal recreational lands and waters.

(d) EFFECT.—Nothing in this section applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

SEC. 5320. COST RECOVERY REFORM.

(a) COST RECOVERY FOR SPECIAL RECREATION PERMITS.—In addition to a fee collected under section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) or any other authorized fee collected by the Secretary concerned, the Secretary concerned may assess and collect a reasonable fee from an applicant for, or holder of, a special recreation permit to recover administrative costs incurred by the Secretary concerned for—

(1) processing a proposal or application for the special recreation permit;

(2) issuing the special recreation permit; and

(3) monitoring the special recreation permit to ensure compliance with the terms and conditions of the special recreation permit.

(b) DE MINIMIS EXEMPTION FROM COST RECOVERY.—If the administrative costs described in subsection (a) are assessed on an hourly basis, the Secretary concerned shall—

(1) establish an hourly de minimis threshold that exempts a specified number of hours from the assessment and collection of administrative costs described in subsection (a); and

(2) charge an applicant only for any hours that exceed the de minimis threshold.

(c) MULTIPLE APPLICATIONS.—If the Secretary concerned collectively processes multiple applications for special recreation permits for the same or similar services in the same unit of Federal recreational lands and waters, the Secretary concerned shall, to the extent practicable—

(1) assess from the applicants the fee described in subsection (a) on a prorated basis; and

(2) apply the exemption described in subsection (b) to each applicant on an individual basis.

(d) LIMITATION.—The Secretary concerned shall not assess or collect administrative costs under this section for a programmatic environmental review.

(e) COST REDUCTION.—To the maximum extent practicable, the agency processing an application for a special recreation permit shall use existing studies and analysis to reduce the quantity of work and costs necessary to process the application.

SEC. 5321. AVAILABILITY OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.

(a) IN GENERAL.—The Federal Lands Recreation Enhancement Act is amended by inserting after section 805 (16 U.S.C. 6804) the following:

"SEC. 805A. AVAILABILITY OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—To improve the availability of Federal, State, and local outdoor recreation passes, the Secretaries are encouraged to coordinate with States and counties regarding the availability of Federal, State, and local recreation passes to allow a purchaser to buy a Federal recreation pass, State recreation pass, and local recreation pass in a single transaction.

''(2) INCLUDED PASSES.—Passes covered by the program established under paragraph (1) include—

''(A) an America the Beautiful—the National Parks and Federal Recreational Lands Pass under section 805; and

''(B) any pass covering any fees charged by participating States and counties for entrance and recreational use of parks and public land in the participating States.

''(b) AGREEMENTS WITH STATES AND COUNTIES.—

''(1) IN GENERAL.—The Secretaries, after consultation with the States and counties, may enter into agreements with States and counties to coordinate the availability of passes as described in subsection (a).

''(2) REVENUE FROM PASS SALES.—Agreements between the Secretaries, States, and counties entered into pursuant to this section shall ensure that—

''(A) funds from the sale of State or local passes are transferred to the appropriate State agency or county government;

''(B) funds from the sale of Federal passes are transferred to the appropriate Federal agency; and

''(C) fund transfers are completed by the end of a fiscal year for all pass sales occurring during the fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Federal Lands Recreation Enhancement Act is amended by inserting after the item relating to section 805 the following:

''Sec. 805A. Availability of Federal, State, and local recreation passes.''.

SEC. 5322. ONLINE PURCHASES AND ESTABLISHMENT OF A DIGITAL VERSION OF AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASSES.

(a) ONLINE PURCHASES OF AMERICA THE BEAUTIFUL–THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—Section 805(a)(6) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)(6)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretaries shall sell or otherwise make available the National Parks and Federal Recreational Lands Pass—

''(i) at all Federal recreational lands and waters at which—

''(I) an entrance fee or a standard amenity recreation fee is charged; and

''(II) such sales or distribution of the Pass is feasible;

''(ii) at such other locations as the Secretaries consider appropriate and feasible; and

''(iii) through a prominent link to a centralized pass sale system on the website of each of the Federal land management agencies and the websites of the relevant units and subunits of those agencies, which shall include information about where and when a National Parks and Federal Recreational Lands Pass may be used.''.

(b) DIGITAL VERSION OF THE AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATION LANDS PASS.—Section 805(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)) is amended by adding at the end the following:

''(10) DIGITAL RECREATION PASSES.—Not later than January 1, 2026, the Secretaries shall—

''(A) establish a digital version of the National Parks and Federal Recreational Lands Pass that is able to be stored on a mobile device, including with respect to free and discounted passes; and

''(B) upon completion of a transaction for a National Parks and Federal Recreational Lands Pass, make immediately available to the passholder a digital version of the National Parks and Federal Recreational Lands Pass established under subparagraph (A).''.

(c) ENTRANCE PASS AND AMENITY FEES.—Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title) is amended by adding at the end the following:

''(j) ONLINE PAYMENTS.—

''(1) IN GENERAL.—In addition to providing onsite payment methods, the Secretaries may collect payment online, where feasible, for—

''(A) entrance fees under subsection (e);

''(B) standard amenity recreation fees under subsection (f);

''(C) expanded amenity recreation fees under subsection (g); and

''(D) special recreation permit fees.

''(2) DISTRIBUTION OF ONLINE PAYMENTS.—An online payment collected under paragraph (1) that is associated with a specific unit or area of a Federal land management agency shall be distributed in accordance with section 805(c).

''(3) FEASIBILITY.—In determining feasibility of online payment collection under paragraph (1), the Secretaries shall consider—

''(A) the unique characteristics of the unit or area applicable to such online payment collection;

''(B) the ability of the public to access an online payment method, including availability of and access to broadband; and

''(C) pursuant to the requirements of section 804, public concerns regarding the feasibility of using an online payment method to collect fees at such unit or area.''.

SEC. 5323. SAVINGS PROVISION.

Nothing in this subtitle, or in any amendment made by this subtitle, shall be construed as affecting the authority or responsibility of the Secretary of the Interior to award concessions contracts for the provision of accommodations, facilities, and services, or commercial use authorizations to provide services, to visitors to United States Fish and Wildlife Service refuges or units of the National Park System pursuant to subchapter II of chapter 1019 of title 54, United States Code (formerly known as the ''National Park Service Concessions Management Improvement Act of 1998''), except that sections 5314(a), 5315, 5319(a), 5319(b), and 5319(c) of this subtitle shall also apply to commercial use authorizations under that subchapter.

Subtitle B—Making Recreation a Priority

SEC. 5331. EXTENSION OF SEASONAL RECREATION OPPORTUNITIES.

(a) DEFINITION OF SEASONAL CLOSURE.—In this section, the term ''seasonal closure'' means any period during which—

(1) a unit, or portion of a unit, of Federal recreational lands and waters is closed to the public for a continuous period of 30 days or more, excluding temporary closures relating to wildlife conservation or public safety; and

(2) permitted or allowable recreational activities, which provide an economic benefit, including off-season or winter-season tourism, do not take place at the unit, or portion of a unit, of Federal recreational lands and waters.

(b) COORDINATION.—

(1) IN GENERAL.—The Secretaries shall consult and coordinate with outdoor recreation-related businesses operating on, or adjacent to, a unit of Federal recreational lands and waters, State offices of outdoor recreation, local destination marketing organizations, applicable trade organizations, nonprofit organizations, Indian Tribes, local governments, and institutions of higher education—

(A) to better understand—

(i) trends with respect to visitors to the unit of Federal recreational lands and waters;

(ii) the effect of seasonal closures on areas of, or infrastructure on, units of Federal recreational lands and waters on outdoor recreation opportunities, adjacent businesses, and local tax revenue; and

(iii) opportunities to extend the period of time during which areas of, or infrastructure on, units of Federal recreational lands and waters are open to the public to increase outdoor recreation opportunities and associated revenues for businesses and local governments; and

(B) to solicit input from, and provide information for, outdoor recreation marketing campaigns.

(2) LOCAL COORDINATION.—As part of the consultation and coordination required under subparagraph (1), the Secretaries shall encourage relevant unit managers of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, and the National Park Service to consult and coordinate with local governments, Indian Tribes, outdoor recreation-related businesses, and other local stakeholders operating on or adjacent to the relevant unit of Federal recreational lands and waters.

(c) EXTENSIONS BEYOND SEASONAL CLOSURES.—

(1) EXTENSION OF RECREATIONAL SEASON.—In the case of a unit of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, or the National Park Service in which recreational use is highly seasonal, the Secretary concerned, acting through the relevant unit manager, may—

(A) as appropriate, extend the recreation season or increase recreation use in a sustainable manner during the offseason; and

(B) make information about extended season schedules and related recreational opportunities available to the public and local communities.

(2) DETERMINATION.—In determining whether to extend the recreation season under this subsection, the Secretary concerned, acting through the relevant unit manager, shall consider the benefits of extending the recreation season—

(A) for the duration of income to gateway communities; and

(B) to provide more opportunities to visit resources on units of Federal recreational lands and waters to reduce crowding during peak visitation.

(3) CLARIFICATION.—Nothing in this subsection precludes the Secretary concerned, acting through the relevant unit manager, from providing for additional recreational opportunities and uses at times other than those described in this subsection.

(4) INCLUSIONS.—An extension of a recreation season or an increase in recreation use during the offseason under paragraph (1) may include—

(A) the addition of facilities that would increase recreation use during the offseason; and

(B) improvement of access to the relevant unit to extend the recreation season.

(5) REQUIREMENT.—An extension of a recreation season or increase in recreation use during the offseason under paragraph (1) shall be done in compliance with all applicable Federal laws, regulations, and policies, including land use plans.

(6) AGREEMENTS.—

(A) IN GENERAL.—The Secretary concerned may enter into agreements with businesses, local governments, or other entities to share the cost of additional expenses necessary to extend the period of time during which an area of, or infrastructure on, a unit of Federal recreational lands and waters is made open to the public.

(B) IN-KIND CONTRIBUTIONS.—The Secretary concerned may accept in-kind contributions of goods and services provided by businesses, local governments, or other entities for purposes of paragraph (1).

SEC. 5332. INFORMING THE PUBLIC OF ACCESS CLOSURES.

(a) IN GENERAL.—The Secretaries shall, to the extent practicable and in a timely fashion, alert the public to any closures or disruption to the public campsites, trails, roads, and other public areas and access points under the jurisdiction of the applicable Secretary.

(b) ONLINE ALERT.—An alert under subsection (a) shall be posted online on a public website of the appropriate land unit in a manner that—

(1) ensures that the public can easily find the alert in searching for the applicable campsite, trail, road, or other access point; and

(2) consolidates all alerts under subsection (a).

Subtitle C—Maintenance of Public Land

SEC. 5341. VOLUNTEERS IN THE NATIONAL FORESTS AND PUBLIC LANDS ACT.

The Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Volunteers in the National Forests and Public Lands Act'.

"SEC. 2. PURPOSE.

"The purpose of this Act is to leverage volunteer engagement to supplement projects that are carried out by the Secretaries to fulfill the missions of the Forest Service and the Bureau of Land Management and are accomplished with appropriated funds.

"SEC. 3. DEFINITION OF SECRETARIES.

"In this Act, the term 'Secretaries' means each of—

"(1) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

"(2) the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

"SEC. 4. AUTHORIZATION.

"The Secretaries are authorized to recruit, train, and accept without regard to the civil service and classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of recreation access, trail construction or maintenance, facility construction or maintenance, educational uses (including outdoor classroom construction or maintenance), interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretaries. In carrying out this section, the Secretaries shall consider referrals of prospective volunteers made by the Corporation for National and Community Service.

"SEC. 5. INCIDENTAL EXPENSES.

"The Secretaries are authorized to provide for incidental expenses, such as transportation, uniforms, lodging, training, equipment, and subsistence.

"SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.

"(a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

"(b) For the purpose of the tort claim provisions of title 28, United States Code, a volunteer under this Act shall be considered a Federal employee.

"(c) For the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

"(d) For the purposes of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of section 3721 of title 31, United States Code, shall apply.

"(e) For the purposes of subsections (b), (c), and (d), the term 'volunteer' includes a person providing volunteer services to either of the Secretaries who—

"(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement or cooperative agreement with either of the Secretaries; and

"(2) performs such volunteer services under the supervision of the cooperator as directed by either of the Secretaries in the mutual benefit agreement or cooperative agreement in the mutual benefit agreement, including direction that specifies—

"(A) the volunteer services, including the geographic boundaries of the work to be performed by the volunteers, and the supervision to be provided by the cooperator;

"(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator;

"(C) the on-site visits to be made by either of the Secretaries, if feasible and only if necessary to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon;

"(D) the equipment the volunteers are authorized to use;

"(E) the training the volunteers are required to complete;

"(F) the actions the volunteers are authorized to take; and

"(G) any other terms and conditions that are determined to be necessary by the applicable Secretary.

"SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.

"The Secretaries shall promote volunteer opportunities in areas administered by the Secretaries.

"SEC. 8. LIABILITY INSURANCE.

"The Secretaries shall not require a cooperator or volunteer (as those terms are used in section 6) to have liability insurance to provide the volunteer services authorized under this Act.".

SEC. 5342. REFERENCE.

Any reference to the Volunteers in the National Forests Act of 1972 in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Volunteers in the National Forests and Public Land Act.

Subtitle D—Recreation Not Red Tape

SEC. 5351. GOOD NEIGHBOR AUTHORITY FOR RECREATION.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RECREATION SERVICES.—The term "authorized recreation services" means similar and complementary recreation enhancement or improvement services carried out—

(A) on Federal land, non-Federal land, or land owned by an Indian Tribe; and

(B) by either the Secretary or a Governor, Indian Tribe, or county, as applicable, pursuant to a good neighbor agreement.

(2) COUNTY.—The term "county" means—

(A) the appropriate executive official of an affected county; or

(B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.

(3) FEDERAL LAND.—The term "Federal land" means land that is—

(A) owned and administered by the United States as a part of—

(i) the National Forest System; or

(ii) the National Park System; or

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(4) RECREATION ENHANCEMENT OR IMPROVEMENT SERVICES.—The term "recreation enhancement or improvement services" means—

(A) establishing, repairing, restoring, improving, relocating, constructing, or reconstructing new or existing—

(i) trails or trailheads;

(ii) campgrounds and camping areas;

(iii) cabins;

(iv) picnic areas or other day use areas;

(v) shooting ranges;

(vi) restroom or shower facilities;

(vii) paved or permanent roads or parking areas that serve existing recreation facilities or areas;

(viii) fishing piers, wildlife viewing platforms, docks, or other constructed features at a recreation site;

(ix) boat landings;

(x) hunting or fishing sites;

(xi) infrastructure within ski areas; or

(xii) visitor centers or other interpretative sites; and

(B) activities that create, improve, or restore access to existing recreation facilities or areas.

(5) GOOD NEIGHBOR AGREEMENT.—The term ''good neighbor agreement'' means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor, Indian Tribe, or county, as applicable, to carry out authorized recreation services under this title.

(6) GOVERNOR.—The term ''Governor'' means the Governor or any other appropriate executive official of an affected State or the Commonwealth of Puerto Rico.

(7) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to National Park System land and public lands.

(b) GOOD NEIGHBOR AGREEMENTS FOR RECREATION.—

(1) IN GENERAL.—The Secretary concerned may enter into a good neighbor agreement with a Governor, Indian Tribe, or county to carry out authorized recreation services in accordance with this title.

(2) PUBLIC AVAILABILITY.—The Secretary concerned shall make each good neighbor agreement available to the public.

(3) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary concerned may provide financial or technical assistance to a Governor, Indian Tribe, or county carrying out authorized recreation services.

(4) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized recreation services to be provided under this section on Federal land shall not be delegated to a Governor, Indian Tribe, or county.

(5) TERMINATION.—The authority provided under this section terminates effective September 30, 2031.

SEC. 5352. PERMIT RELIEF FOR PICNIC AREAS.

(a) IN GENERAL.—If the Secretary concerned does not require the public to obtain a permit or reservation to access a picnic area on Federal recreational lands and waters administered by the Forest Service or the Bureau of Land Management, the Secretary concerned shall not require a covered person to obtain a permit solely to access the picnic area.

(b) COVERED PERSON DEFINED.—In this section, the term ''covered person'' means a person (including an educational group) that provides outfitting and guiding services to fewer than 40 customers per year at a picnic area described in subsection (a).

SEC. 5353. INTERAGENCY REPORT ON SPECIAL RECREATION PERMITS FOR UNDERSERVED COMMUNITIES.

(a) COVERED COMMUNITY DEFINED.—In this section, the term ''covered community'' means a rural or urban community, including an Indian Tribe, that is—

(1) low-income or underserved; and

(2) has been underrepresented in outdoor recreation opportunities on Federal recreational lands and waters.

(b) REPORT.—Not later than 3 years after the date of the enactment of this title, the Secretaries, acting jointly, 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 that describes—

(1) the estimated use of special recreation permits serving covered communities;

(2) examples of special recreation permits, partnerships, cooperative agreements, or other arrangements providing access to Federal recreational lands and waters for covered communities;

(3) other ways covered communities are engaging on Federal recreational lands and waters, including through stewardship and conservation projects or activities;

(4) any barriers for existing or prospective recreation service providers and holders of commercial use authorizations operating within or serving a covered community; and

(5) any recommendations to facilitate and increase permitted access to Federal recreational lands and waters for covered communities.

SEC. 5354. MODERNIZING ACCESS TO OUR PUBLIC LAND ACT AMENDMENTS.

The Modernizing Access to Our Public Land Act (16 U.S.C. 6851 et seq.) is amended—

(1) in section 3(1) (16 U.S.C. 6852(1)), by striking ''public outdoor recreational use'' and inserting ''recreation sites'';

(2) in section 5(a)(4) (16 U.S.C. 6854(a)(4)), by striking ''permanently restricted or prohibited'' and inserting ''regulated or closed''; and

(3) in section 6(b) (16 U.S.C. 6855(b))—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''the Secretary of the Interior'' and inserting ''the Secretaries''.

SEC. 5355. SAVINGS PROVISION.

No additional Federal funds are authorized to carry out the requirements of this division and the activities authorized by this division are subject to the availability of appropriations made in advance for such purposes.

SA 3136. Mr. SCHMITT submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 19, insert ''(but no diversity, equity, and inclusion officers, personnel, or staff of covered platforms)'' after ''platforms''.

SA 3137. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 I—TICKET Act

SEC. 1096. DEFINITIONS.

In this subtitle:

(1) COMMISSION; EVENT TICKET; TICKET ISSUER.—The terms ''Commission'', ''event ticket'', and ''ticket issuer'' have the same meanings as in the Better Online Ticket Sales Act of 2016 (Public Law 114–274).

(2) BASE EVENT TICKET PRICE.—The term ''base event ticket price'' means, with respect to an event ticket, the price of the event ticket excluding the cost of any event ticket fees.

(3) EVENT.—The term ''event'' means any live concert, theatrical performance, sporting event, show, or similarly scheduled live activity, taking place in a venue with a seating or attendance capacity exceeding 200 persons that is—

(A) open to the general public; and

(B) promoted, advertised, or marketed in interstate commerce, or for which event tickets are generally sold or distributed in interstate commerce.

(4) TOTAL EVENT TICKET PRICE.—The term ''total event ticket price'' means, with respect to an event ticket, the total cost of the event ticket, including the base event ticket price and any event ticket fees.

(5) EVENT TICKET FEE.—The term ''event ticket fee'' means a charge that must be paid in addition to the base event ticket price in order to obtain an event ticket from a ticket issuer or secondary market ticket issuer, including service fees, charge and order processing fees, delivery fees, facility charge fees, taxes, and other charges, and does not include any charge or fee for an optional product or service associated with the event that may be selected by a purchaser of an event ticket.

(6) OPTIONAL PRODUCT OR SERVICE.—The term ''optional product or service'' means a product or service that an individual does not need to purchase to use or take possession of an event ticket.

(7) SECONDARY MARKET TICKET ISSUER.—The term ''secondary market ticket issuer'' means any entity for which it is in the regular course of the trade or business of the entity to resell or make a secondary sale of an event ticket to the general public.

(8) RESALE; SECONDARY SALE.—The terms ''resale'' and ''secondary sale'' mean any sale of an event ticket that occurs after the initial sale of the event ticket by a ticket issuer.

SEC. 1097. ALL-INCLUSIVE TICKET PRICE DISCLOSURE.

Beginning 120 days after the date of enactment of this subtitle, it shall be unlawful for a ticket issuer or secondary market ticket issuer to offer for sale an event ticket unless the ticket issuer or secondary market ticket issuer—

(1) clearly and conspicuously displays the total event ticket price, if a price is displayed, in any advertisement, marketing, or price list wherever the ticket is offered for sale;

(2) clearly and conspicuously discloses to any individual who seeks to purchase an event ticket the total event ticket price at the time the ticket is first displayed to the individual and anytime thereafter throughout the ticket purchasing process; and

(3) provides an itemized list of the base event ticket price and each event ticket fee.

SEC. 1098. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of section 1097 shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall enforce section 1097 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 subtitle.

(2) PRIVILEGES AND IMMUNITIES.—Any person who violates section 1097 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.).

(3) AUTHORITY PRESERVED.—Nothing in this subtitle shall be construed to limit the authority of the Commission under any other provision of law.

SA 3138. Mr. SCHUMER (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. ADVANCED COMPUTING INFRASTRUCTURE TO ENABLE ADVANCED ARTIFICIAL INTELLIGENCE CAPABILITIES.

(a) IN GENERAL.—The Secretary of Defense shall establish an advanced computing infrastructure program within the Department of Defense.

(b) DEVELOPMENT AND EXPANSION OF HIGH-PERFORMANCE COMPUTING INFRASTRUCTURE.—

(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall expand upon the current infrastructure of the Department for development and deployment of military applications of high-performance computing and artificial intelligence that are located on-premises at Department installations or accessible via commercial classified cloud providers.

(2) ARTIFICIAL INTELLIGENCE APPLICATIONS.—(A) The Secretary shall ensure that some of the infrastructure capacity developed pursuant to paragraph (1) is dedicated to providing access to modern artificial intelligence accelerators, configured consistently with industry best practices, for training, fine-tuning, modifying, and deploying large artificial intelligence systems.

(B) In carrying out subparagraph (A), the Secretary shall ensure, to the extent practical, that new artificial intelligence system development is not performed using infrastructure capacity described in such subparagraph that is duplicative of readily available commercial or open source solutions.

(c) HIGH-PERFORMANCE COMPUTING ROADMAP.—

(1) IN GENERAL.—The Secretary shall develop a high-performance computing roadmap that describes the computing infrastructure needed to research, test, develop, and evaluate advanced artificial intelligence applications projected over the period covered by the future-years defense program.

(2) ASSESSMENT.—The roadmap developed pursuant to paragraph (1) shall assess anticipated artificial intelligence applications, including the computing needs associated with their development, and the evaluation, milestones, and resourcing needs to maintain and expand the computing infrastructure necessary for those computing needs.

(d) ARTIFICIAL INTELLIGENCE SYSTEM DEVELOPMENT.—

(1) IN GENERAL.—Using the infrastructure from the program established under subsection (a), the Secretary shall develop artificial intelligence systems that have general-purpose military applications for language, image, audio, video, and other data modalities.

(2) TRAINING OF SYSTEMS.—The Secretary shall ensure that systems developed pursuant to paragraph (1) are trained using datasets curated by the Department using general, openly or commercially available sources of such data, or data owned by the Department, depending on the appropriate use case. Such systems may use openly or commercially available artificial intelligence systems, including those available via classified cloud providers, as a base for additional development such as fine-tuning.

(e) COORDINATION AND DUPLICATION.—In establishing the program required by subsection (a), the Secretary shall consult with the Secretary of Energy to ensure no duplication of activities carried out under this section with the activities of research entities of the Department of Energy, including the following:

(1) The National Laboratories.

(2) The Advanced Scientific Computing Research program.

(3) The Advanced Simulation and Computing program.

SA 3139. Mr. SCHUMER (for himself, Mr. ROUNDS, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ____. PHYSICAL AND CYBERSECURITY REQUIREMENTS FOR HIGHLY CAPABLE ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given such term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(2) COVERED ARTIFICIAL INTELLIGENCE TECHNOLOGY.—The term ''covered artificial intelligence technology'' means a technology specified in the guidance developed under subsection (c)(3), including all components of that technology, such as source code and numerical parameters of a trained artificial intelligence system.

(3) COVERED ENTITY.—The term ''covered entity'' means a person (as defined in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801)) who engages in the development, deployment, storage, or transportation of a covered artificial intelligence technology.

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

(1) Source code, numerical parameters, and related technology associated with highly capable artificial intelligence systems in the possession of private artificial intelligence companies are an invaluable national resource that would pose a grave threat to United States national security if stolen by a foreign adversary through a cyber operation or insider threat.

(2) Numerous foreign adversaries have the capacity to engage in cyber operations to extract important data from private companies, absent the most stringent cybersecurity protections.

(c) SECURITY FRAMEWORK.—

(1) IN GENERAL.—The Secretary of Commerce and the Secretary of Homeland Security shall jointly, in coordination with the Director of National Intelligence, develop a consensus-based framework describing best practices for artificial intelligence cybersecurity, physical security, and insider threat mitigation to address or mitigate risks relating to national security, foreign policy, economic stability, or public safety implications, including to protect vital national resources from theft that would do grave damage to the United States.

(2) RISK-BASED FRAMEWORK.—The framework developed under paragraph (1) shall be risk-based, with stronger security corresponding proportionally to the national security, foreign policy, economic stability, or public safety risks posed by the artificial intelligence technology being stolen or made publicly available.

(3) COVERED ARTIFICIAL INTELLIGENCE TECHNOLOGIES.—

(A) GUIDANCE.—The framework developed under paragraph (1) shall provide clear guidance about which artificial intelligence technologies are covered under the framework. Such technologies shall be those that, if obtained by a foreign adversary, would pose a grave threat to the national security of the United States.

(B) OBJECTIVE EVALUATION PROCEDURES.—Where feasible, the guidance provided under subparagraph (A) shall be specified in terms of objective evaluation procedures that measure or estimate the national security implications of the artificial intelligence technology, either before, during, or after it has been developed.

(4) MINIMUM STRINGENCY.—The framework developed under paragraph (1) shall be no less stringent than ISO/IEC 27001, as in effect on the day before the date of the enactment of this Act.

(5) FORM.—At the discretion of the Secretary, the framework developed under paragraph (1) may be implemented in the form of technical standards.

(d) SECURITY REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of Commerce and the Secretary of Homeland Security may issue rules to require covered entities to implement the best practices described in the framework developed under subsection (c).

(2) RISK-BASED RULES.—Requirements implemented in rules developed under paragraph (1) shall be as narrowly tailored as practicable to the specific covered artificial intelligence technologies developed, deployed, stored, or transported by a covered entity, and shall be calibrated accordingly to the different tasks involved in development, deployment, storage, or transportation of components of those covered artificial intelligence technologies.

SA 3140. Ms. SINEMA (for herself and Mr. LANKFORD) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 E—COMBATING CARTELS ON SOCIAL MEDIA ACT OF 2024

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Combating Cartels on Social Media Act of 2024''.

SEC. 5002. DEFINITIONS.

In this division:

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

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs 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 of Homeland Security determines is being or has been used by transnational criminal organizations in connection with matters described in section 5003; 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 of Homeland Security determines is being or has been used by transnational criminal organizations in connection with matters described in section 5003.

(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) 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).

(6) TRANSNATIONAL CRIMINAL ORGANIZATION.—The term ''transnational criminal organization'' means a group or network, and associated individuals, that 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. 5003. ASSESSMENT OF ILLICIT USAGE.

Not later than July 1, 2025, the Secretary of Homeland Security, the Attorney General, and the Secretary of State shall submit to the appropriate congressional committees a joint 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 18 years of age, 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 of Homeland Security, the Attorney General, the Secretary of State, 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. 5004. STRATEGY TO COMBAT CARTEL RECRUITMENT ON SOCIAL MEDIA AND ONLINE PLATFORMS.

(a) IN GENERAL.—Not later than January 1, 2026, the Secretary of Homeland Security, the Attorney General, and the Secretary of State shall submit to the appropriate congressional committees a joint 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 of Homeland Security, the Attorney General, the Secretary of State, 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 of Homeland Security, the Department of Justice, the Department of State, and State, Tribal, and local governments.

(D) A proposal to improve coordination within the Department of Homeland Security, the Department of Justice, and the Department of State and between the components of those Departments 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 protection of privacy rights, civil rights, and civil liberties 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 of Homeland Security, the Attorney General, and the Secretary of State shall, at a minimum, consult and engage with—

(1) the heads of relevant components of the Department of Homeland Security, 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 heads of relevant components of the Department of Justice, including—

(A) the Assistant Attorney General for the Criminal Division;

(B) the Assistant Attorney General for National Security;

(C) the Assistant Attorney General for the Civil Rights Division;

(D) the Chief Privacy and Civil Liberties Officer;

(E) the Director of the Organized Crime Drug Enforcement Task Forces;

(F) the Director of the Federal Bureau of Investigation; and

(G) the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) the heads of relevant components of the Department of State, including—

(A) the Assistant Secretary for International Narcotics and Law Enforcement Affairs;

(B) the Assistant Secretary for Western Hemisphere Affairs; and

(C) the Coordinator of the Global Engagement Center;

(4) the Secretary of Health and Human Services;

(5) the Secretary of Education; and

(6) as selected by the Secretary of Homeland Security, 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 of Homeland Security, the Attorney General, and the Secretary of State 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 of Homeland Security, the Attorney General, and the Secretary of State shall submit to the appropriate congressional committees a joint report describing the efforts of the Secretary of Homeland Security, the Attorney General, and the Secretary of State 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 of Homeland Security, the Attorney General, the Secretary of State, 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 of Homeland Security 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).

(4) RULEMAKING.—Prior to implementation of the strategy required under subsection (a) at the Department of Homeland Security, the Secretary of Homeland Security shall issue rules to carry out this section in accordance with section 553 of title 5, United States Code.

SEC. 5005. RULE OF CONSTRUCTION.

Nothing in this division shall be construed to expand the statutory law enforcement or regulatory authority of the Department of Homeland Security, the Department of Justice, or the Department of State.

SEC. 5006. NO ADDITIONAL FUNDS.

No additional funds are authorized to be appropriated for the purpose of carrying out this division.

SA 3141. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1095. COUNTERING EMERGING AERIAL THREATS TO DIPLOMATIC SECURITY.

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:

"SEC. 65. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

"(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

"(i) section 37; or

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

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

"(5)(A) The term 'personnel' means—

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

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

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

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

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

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

"(iv) not conduct inherently governmental functions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(c) ACTIONS DESCRIBED.—

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

''(A) During the operation of the unmanned aircraft system or unmanned aircraft, 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 passive or active, and direct or indirect, physical, electronic, radio, and electromagnetic means.

''(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent of the operator of the unmanned aircraft system or unmanned aircraft, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, 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 disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

''(2) TEMPORARY FLIGHT RESTRICTIONS.—A temporary flight restriction shall be timely published prior to undertaking any actions described in paragraph (1).

''(d) RESEARCH, TESTING, TRAINING, AND EVALUATION.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding section 46502 of title 49, United States Code, or any provision of title 18, United States Code, the Secretary of State shall conduct research, testing, 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 in carrying out any action described in subsection (c).

''(B) COORDINATION.—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 subparagraph (A).

''(2) COORDINATION FOR RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Secretary of State shall coordinate procedures governing research, testing, training, and evaluation to carry out any provision under this subsection with the Administrator of the Federal Aviation Administration before initiating such activity in order that the Administrator of the Federal Aviation Administration may ensure the activity does not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

''(e) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft that is seized by the Secretary of State pursuant to subsection (b) is subject to forfeiture to the United States pursuant to the provisions of chapter 46 of title 18, United States Code.

''(f) REGULATIONS AND GUIDANCE.—The Secretary of State, and the Secretary of Transportation—

''(1) may prescribe regulations to carry out this section; and

''(2) in developing regulations described in paragraph (1), consult the Chair of the Federal Communications Commission, the Administrator of the National Telecommunications and Information Administration, and the Administrator of the Federal Aviation Administration.

''(g) COORDINATION.—

''(1) IN GENERAL.—The Secretary of State shall coordinate with the Administrator of the Federal Aviation Administration before carrying out any action authorized under this section in order that the Administrator may ensure the action does not adversely impact or interfere with—

''(A) safe airport operations;

''(B) navigation;

''(C) air traffic services; or

''(D) the safe and efficient operation of the national airspace system.

''(2) GUIDANCE.—Before issuing any guidance, or otherwise implementing this section, the Secretary of State shall, coordinate with—

''(A) the Secretary of Transportation in order that the Secretary of Transportation may ensure the guidance or implementation does not adversely impact or interfere with any critical infrastructure relating to transportation; and

''(B) the Administrator of the Federal Aviation Administration in order that the Administrator may ensure the guidance or implementation does not adversely impact or interfere with—

''(i) safe airport operations;

''(ii) navigation;

''(iii) air traffic services; or

''(iv) the safe and efficient operation of the national airspace system.

''(3) COORDINATION WITH THE FAA.—The Secretary of State shall coordinate the development of guidance under subsection (f) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration).

''(4) COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION AND NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—The Secretary of State shall coordinate the development of the actions described in subsection (c) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration) and the Assistant Secretary of Commerce for Communications and Information and Administrator of the National Telecommunications and Information Administration.

''(h) PRIVACY PROTECTION.—

''(1) IN GENERAL.—Any regulation or guidance issued to carry out an action under subsection (c) by the Secretary of State shall ensure for the Department of State, that—

''(A) the interception of, acquisition of, access to, maintenance of, or use of any communication 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 any applicable provision of Federal law;

''(B) any communication 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);

''(C) any record of a communication described in subparagraph (B) is maintained only for as long as necessary, and in no event for more than 180 days, unless the Secretary of State determines that maintenance of the record is—

''(i) required under Federal law;

''(ii) necessary for the purpose of litigation; and

''(iii) necessary to investigate or prosecute a violation of law, including by—

''(I) directly supporting an ongoing security operation; or

''(II) protecting against dangerous or unauthorized activity by unmanned aircraft systems or unmanned aircraft; and

''(D) a communication described in subparagraph (B) is not disclosed to any person not employed or contracted by the Department of State unless the disclosure—

''(i) is necessary to investigate or prosecute a violation of law;

''(ii) will support—

''(I) the Department of Defense;

''(II) a Federal law enforcement, intelligence, or security agency;

''(III) a State, local, Tribal, or territorial law enforcement agency; or

''(IV) another relevant entity or person if the entity or person is engaged in a security or protection operation;

''(iii) is necessary to support a department or agency listed in clause (ii) in investigating or prosecuting a violation of law;

''(iv) will support the enforcement activities of a Federal regulatory agency relating to a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to, an action described in subsection (c);

''(v) is between the Department of State and a Federal law enforcement agency in the course of a security or protection operation of either agency or a joint operation of such agencies; or

''(vi) is otherwise required by law;

''(i) BUDGET.—

''(1) IN GENERAL.—The Secretary of State shall submit to Congress, as a part of the budget materials of the Department of State for fiscal year 2026 and each fiscal year thereafter, a consolidated funding display that identifies the funding source for the actions described in subsection (c) within the Department of State.

''(2) CLASSIFICATION.—Each funding display submitted under paragraph (1) shall be in unclassified form but may contain a classified annex.

''(j) PUBLIC DISCLOSURES.—

''(1) IN GENERAL.—Information shall be governed by the disclosure obligations set forth in section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), if the information relates to—

''(A) any capability, limitation, or sensitive detail of the operation of any technology used to carry out an action described in subsection (c); or

''(B) an operational procedure or protocol used to carry out this section.

''(2) ACCESS.—Any request for public access to information described in paragraph (1) shall be submitted to the Department of State, which shall process the request as required under section 552(a)(3) of title 5, United States Code.

''(k) ASSISTANCE AND SUPPORT.—

''(1) FACILITIES AND SERVICES OF OTHER AGENCIES AND NON-FEDERAL ENTITIES.—

''(A) IN GENERAL.—The Secretary of State is authorized to use or accept from any other Federal agency, or any other public or private entity, any supply or service to facilitate or carry out any action described in subsection (c).

''(B) REIMBURSEMENT.—In accordance with subparagraph (A), the Secretary of State may accept any supply or service with or without reimbursement to the entity providing the supply or service and notwithstanding any provision of law that would prevent the use or acceptance of the supply or service.

''(C) AGREEMENTS.—To implement the requirements of subsection (a)(3)(C), the Secretary of State may enter into 1 or more agreements with the head of another executive agency or with an appropriate official of a non-Federal public or private agency or entity, as may be necessary and proper to carry out the responsibilities of the Secretary of State under this section.

''(l) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

''(1) IN GENERAL.—On a semiannual basis beginning 180 days after the date of the enactment of this section, the Secretary of State shall provide a briefing to the appropriate committees of Congress on the activities carried out pursuant to this section.

''(2) REQUIREMENT.—The Secretary of State shall conduct the briefing required under paragraph (1) jointly with the Secretary of Transportation.

''(3) CONTENT.—Each briefing required under paragraph (1) shall include—

''(A) policies, programs, and procedures to mitigate or eliminate impacts of activities carried out pursuant to this section to the national airspace system and other critical infrastructure relating to national transportation;

''(B) a description of—

''(i) each instance in which any action described in subsection (c) has been taken, including any instances that may have resulted in harm, damage, or loss to a person or to private property;

''(ii) the guidance, policies, or procedures established by the Secretary of State to address privacy, civil rights, and civil liberties issues implicated by the actions permitted under this section, as well as any changes or subsequent efforts by the Secretary of State that would significantly affect privacy, civil rights, or civil liberties;

''(iii) options considered and steps taken by the Secretary of State to mitigate any identified impacts to 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); and

''(iv) each instance in which a communication intercepted or acquired during the course of operations of an unmanned aircraft system or unmanned aircraft was—

''(I) held in the possession of the Department of State for more than 180 days; or

''(II) shared with any entity other than the Department of State;

''(C) an explanation of how the Secretary of State and the Secretary of Transportation have—

''(i) informed the public as to the possible use of authorities granted under this section; and

''(ii) engaged with Federal, State, local, Tribal, and territorial law enforcement agencies to implement and use authorities granted under this section; and

''(D) a description of the impact of the authorities granted under this section on—

''(i) lawful operator access to national airspace; and

''(ii) unmanned aircraft systems and unmanned aircraft integration into the national airspace system.

''(4) UNCLASSIFIED FORM.—Each briefing required under paragraph (1) shall be in unclassified form but may be accompanied by an additional classified briefing.

''(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) vest in the Secretary of State any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration;

''(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of State; or

''(3) provide a new basis of liability with respect to an officer of a State, local, Tribal, or territorial law enforcement agency who participates in a security or protection operation of the Department of State and in so doing—

''(A) is acting in the official capacity of the individual as an officer; and

''(B) does not exercise the authority granted to the Secretary of State by this section.

''(n) TERMINATION.—The authority provided by subsection (b) shall terminate on the date that is 4 years after the date of the enactment of this section.

''(o) SCOPE OF AUTHORITY.—Nothing in this section shall be construed to provide the Secretary of State with additional authorities beyond those described in subsection (b).''.

SA 3142. Mr. SCOTT of South Carolina (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. REVIEW OF AND REPORTING ON NATIONAL SECURITY SENSITIVE SITES FOR PURPOSES OF REVIEWS OF REAL ESTATE TRANSACTIONS BY THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) LIST OF NATIONAL SECURITY SENSITIVE SITES.—Section 721(a)(4)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(C)) is amended by adding at the end the following:

''(iii) LIST OF SITES.—For purposes of subparagraph (B)(ii), the Committee may prescribe through regulations a list of facilities and property of the United States Government that are sensitive for reasons relating to national security. Such list may include certain facilities and property of the intelligence community and National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)).''.

(b) REVIEW AND REPORTS.—Section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)(2)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(L) A list of all notices and declarations filed and all reviews or investigations of covered transactions completed during the period relating to facilities and property of the United States Government determined to be sensitive for reasons relating to national security for purposes of subsection (a)(4)(B)(ii).

''(M) A certification that the list of sites identified under subsection (a)(4)(C)(iii) reflects consideration of the recommended updates and revisions submitted under paragraph (4)(B). Upon request from any Member of Congress specified in subsection (b)(3)(C)(iii), the chairperson shall provide a classified briefing to that Member, and staff of the member with appropriate security clearances, regarding the list of sites identified under subsection (a)(4)(C)(iii).'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) ANNUAL REVIEW OF LIST OF FACILITIES AND PROPERTY.—Not later than January 31 of each year, each member of the Committee shall—

''(A) review the facilities and property of the agency represented by that member that are on the list prescribed under subparagraph (C)(iii) of subsection (a)(4) of facilities and property that are sensitive for reasons relating to national security for purposes of subparagraph (B)(ii) of that subsection; and

''(B) submit to the chairperson a report on that review, after approval of the report by an Assistant Secretary or equivalent official of the agency, which shall include any recommended updates or revisions to the list regarding facilities and property administered by the member of the Committee.''.

SA 3143. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. TRAINING ON INCREASING CONTRACT AWARDS TO CERTAIN SMALL BUSINESS CONCERNS.

(a) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Section 36 of the Small Business Act (15 U.S.C. 657f) is amended by adding at the end the following:

''(j) TRAINING ON INCREASING CONTRACT AWARDS TO SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

''(1) IN GENERAL.—The Administrator, in consultation with the Office of Veterans Business Development and the Office of Government Contracting, shall, with respect to each Federal agency that did not meet the goal established under section 15(g)(1)(A)(ii) for the most recently completed fiscal year, provide training to contracting officers of that Federal agency on how to increase the number of contracts awarded to small business concerns owned and controlled by service-disabled veterans.

''(2) GUIDANCE.—Not later than 180 days after the date of enactment of this subsection, the Administrator, in consultation with the Office of Veterans Business Development and the Office of Government Contracting, shall issue guidance and best practices on increasing the number of contracts awarded to small businesses owned and controlled by service-disabled veterans for Federal agencies to which the goal established under section 15(g)(1)(A)(ii) applies.

''(3) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Administrator shall submit to Congress a report detailing—

''(A) for the fiscal year preceding the fiscal year to which the report applies, a list of each Federal agency that failed to meet the goal established under section 15(g)(1)(A)(ii);

''(B) for the fiscal year to which the report applies, the number of trainings provided to each Federal agency described in subparagraph (A); and

''(C) an overview of the content included in the training sessions described in subparagraph (B).''.

(b) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended by adding at the end the following:

''(9) TRAINING ON INCREASING CONTRACT AWARDS TO SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—

''(A) IN GENERAL.—The Administrator, in consultation with the Office of Women's Business Ownership and the Office of Government Contracting, shall, with respect to each Federal agency that did not meet the goal established under section 15(g)(1)(A)(v)

for the most recently completed fiscal year, provide training to contracting officers of that Federal agency on how to increase the number of contracts awarded to small business concerns owned and controlled by women.

''(B) GUIDANCE.—Not later than 180 days after the date of enactment of this paragraph, the Administrator, in consultation with the Office of Office of Women's Business Ownership and the Office of Government Contracting, shall issue guidance and best practices on increasing the number of contracts awarded to small businesses owned and controlled by women for Federal agencies to which the goal established under section 15(g)(1)(A)(v) applies.

''(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Administrator shall submit to Congress a report detailing—

''(i) for the fiscal year preceding the fiscal year to which the report applies, a list of each Federal agency that failed to meet the goal established under section 15(g)(1)(A)(v);

''(ii) for the fiscal year to which the report applies, the number of trainings provided to each Federal agency described in clause (i); and

''(iii) an overview of the content included in the training sessions described in clause (ii).''.

(c) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f) TRAINING ON INCREASING CONTRACT AWARDS TO SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—

''(1) IN GENERAL.—The Administrator, in consultation with the Office of the HUBZone Program and the Office of Government Contracting, shall, with respect to each Federal agency that did not meet the goal established under section 15(g)(1)(A)(iii) for the most recently completed fiscal year, provide training to contracting officers of that Federal agency on how to increase the number of contracts awarded to qualified HUBZone small business concerns.

''(2) GUIDANCE.—Not later than 180 days after the date of enactment of this subsection, the Administrator, in consultation with the Office of the HUBZone Program and the Office of Government Contracting, shall issue guidance and best practices on increasing the number of contracts awarded to qualified HUBZone small business concern for Federal agencies to which the goal established under section 15(g)(1)(A)(iii) applies.

''(3) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Administrator shall submit to Congress a report detailing—

''(A) for the fiscal year preceding the fiscal year to which the report applies, a list of each Federal agency that failed to meet the goal established under section 15(g)(1)(A)(iii);

''(B) for the fiscal year to which the report applies, the number of trainings provided to each Federal agency described in subparagraph (A); and

''(C) an overview of the content included in the training sessions described in subparagraph (B).''.

(d) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) TRAINING ON INCREASING CONTRACT AWARDS TO SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Office of Government Contracting, shall, with respect to each Federal agency that did not meet the goal established under section 15(g)(1)(A)(iv) for the most recently completed fiscal year, provide training to contracting officers of that Federal agency on how to increase the number of contracts awarded to small business concerns owned and controlled by socially and economically disadvantaged individuals.

''(B) GUIDANCE.—Not later than 180 days after the date of enactment of this paragraph, the Administrator, in consultation with the Office of Government Contracting, shall issue guidance and best practices on increasing the number of contracts awarded to small business concerns owned and controlled by socially and economically disadvantaged individuals for Federal agencies to which the goal established under section 15(g)(1)(A)(iv) applies.

''(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Administrator shall submit to Congress a report detailing—

''(i) for the fiscal year preceding the fiscal year to which the report applies, a list of each Federal agency that failed to meet the goal established under section 15(g)(1)(A)(iv);

''(ii) for the fiscal year to which the report applies, the number of trainings provided to each Federal agency described in clause (i); and

''(iii) an overview of the content included in the training sessions described in clause (ii).''.

(e) NO AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—No additional amounts are authorized to be appropriated to carry out this section or any of the amendments made by this section.

SA 3144. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 I of subtitle F of title V, insert the following:

SEC. 578. REVIEW OF SPECIAL EDUCATION AND DYSLEXIA PROCESSES AND PROCEDURES OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) IN GENERAL.—The Director of the Department of Defense Education Activity (in this section referred to as ''DODEA'') shall review the special education processes and procedures in place within DODEA to diagnose disabilities and provide evidence-based interventions and supports for students with disabilities.

(b) PROVISION OF SPECIAL EDUCATION MATERIALS AND INFORMATION TO CONGRESS.—As part of the review required by subsection (a), the Director shall provide to the appropriate congressional committees the following:

(1) A briefing on the special education processes and procedures of DODEA, particularly those for diagnosing and treating dyslexia.

(2) All documents, including documents not publicly available, related to special education in schools operated by DODEA.

(c) PROVISION OF DYSLEXIA MATERIALS AND INFORMATION TO CONGRESS.—No later than 60 days after the date of the enactment of this Act, as part of the review required by subsection (a), the Director shall provide to the appropriate congressional committees the following information regarding the dyslexia screening program of DODEA:

(1) A description of the following:

(A) How DODEA ensures that it screens each student enrolled in a school operated by DODEA for dyslexia near the end of kindergarten and near the end of first grade.

(B) How DODEA ensures that it screens new enrollees in each such school regardless of year, unless the new enrollee has already been diagnosed with dyslexia.

(C) How DODEA ensures it provides comprehensive literacy instruction (as defined in section 2221(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641(b)(1))).

(D) How DODEA provides high-quality training for school personnel, particularly specialized instructional support personnel (as defined in section 8101(47)(A)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(47)(A)(ii))) related to dyslexia.

(E) How DODEA ensures that each district of schools operated by DODEA employs at least one specialized instructional support personnel who specializes in dyslexia.

(2) Information with respect to the following:

(A) The number of students at schools operated by DODEA screened for dyslexia each year and the grade in which those students were screened.

(B) The number and types of dyslexia screeners used by DODEA each year.

(C) The total number of students diagnosed with dyslexia that are served by DODEA.

(D) The total number of such students, disaggregated by each subgroup of student (as defined in section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2))).

(E) The type of professional conducting the intervention program for a student diagnosed with dyslexia.

(F) A list of, and all materials related to, the interventions used by DODEA to treat students diagnosed with dyslexia.

(G) The number of trainings per year provided by DODEA on identifying and treating dyslexia in students.

(H) A list of organizations outside of DODEA that are used to consult on the dyslexia screening and intervention program.

(d) ASSESSMENT OF DEFINITIONS USED BY DODEA.—As part of the review required by subsection (a), the Director shall provide to the appropriate congressional committees a description of how DODEA's definitions of the following terms align with or differ from the following definitions:

(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term ''comprehensive literacy instruction'' has the meaning given that term in section 2221(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641(b)(1)).

(2) DYSLEXIA.—The term ''dyslexia'' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

(3) DYSLEXIA SCREENING PROGRAM.—The term ''dyslexia screening program'' means a screening program for dyslexia that is—

(A) evidence-based with proven psychometrics for validity;

(B) efficient and low-cost; and

(C) readily available.

(4) EVIDENCE-BASED.—The term ''evidence-based'' has the meaning given that term in section 8101(21)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)(i)).

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

(1) the Committee on Health, Education, Labor, and Pensions and the Committee on Armed Services of the Senate; and

(2) the Committee on Education and the Workforce and the Committee on Armed Services of the House of Representatives.

SA 3145. Mr. BOOKER (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1239. MODIFICATION TO WAIVERS OF LIMITATIONS ON TRANSFER OF ARTICLES ON UNITED STATES MUNITIONS LIST TO REPUBLIC OF CYPRUS.

(a) EASTERN MEDITERRANEAN SECURITY AND ENERGY PARTNERSHIP ACT OF 2019.—Section 205(d)(2) of the Eastern Mediterranean Security and Energy Partnership Act of 2019 (Public Law 116–94; 133 Stat. 3052), is amended by striking ''one fiscal year'' and inserting ''five fiscal years''.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020.—Section 1250A(d)(2) of the National Defense Authorization Act for Fiscal Year 2020 (22 U.S.C. 2373 note), is amended by striking ''one fiscal year'' and inserting ''five fiscal years''.

SA 3146. Mr. CARPER (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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 H of title X, insert the following:

SEC. 10___. REAUTHORIZATION OF THE DIESEL EMISSIONS REDUCTION ACT.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking ''2024'' and inserting ''2029''.

SA 3147. Mr. MANCHIN (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 I—International Nuclear Energy Act of 2024

SEC. 1099A. SHORT TITLE.

This subtitle may be cited as the ''International Nuclear Energy Act of 2024''.

SEC. 1099B. DEFINITIONS.

In this subtitle:

(1) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' means—

(A) 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—

(i) additional inherent safety features;

(ii) lower waste yields;

(iii) improved fuel and material performance;

(iv) increased tolerance to loss of fuel cooling;

(v) enhanced reliability or improved resilience;

(vi) increased proliferation resistance;

(vii) increased thermal efficiency;

(viii) reduced consumption of cooling water and other environmental impacts;

(ix) the ability to integrate into electric applications and nonelectric applications;

(x) modular sizes to allow for deployment that corresponds with the demand for electricity or process heat; and

(xi) operational flexibility to respond to changes in demand for electricity or process heat and to complement integration with intermittent renewable energy or energy storage;

(B) a fusion reactor; and

(C) a radioisotope power system that utilizes heat from radioactive decay to generate energy.

(2) ALLY OR PARTNER NATION.—The term ''ally or partner nation'' means—

(A) the Government of any country that is a member of the Organisation for Economic Co-operation and Development;

(B) the Government of the Republic of India; and

(C) the Government of any country designated as an ally or partner nation by the Secretary of State for purposes of this subtitle.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committees on Foreign Relations and Energy and Natural Resources of the Senate; and

(B) the Committees on Foreign Affairs and Energy and Commerce of the House of Representatives.

(4) ASSISTANT.—The term ''Assistant'' means the Assistant to the President and Director for International Nuclear Energy Policy described in section 1099C(a)(1)(D).

(5) ASSOCIATED ENTITY.—The term ''associated entity'' means an entity that—

(A) is owned, controlled, or operated by—

(i) an ally or partner nation; or

(ii) an associated individual; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, a country described in paragraph (2), including a corporation that is incorporated in a country described in that paragraph.

(6) ASSOCIATED INDIVIDUAL.—The term ''associated individual'' means a foreign national who is a national of a country described in paragraph (2).

(7) CIVIL NUCLEAR.—The term ''civil nuclear'' means activities relating to—

(A) nuclear plant construction;

(B) nuclear fuel services;

(C) nuclear energy financing;

(D) nuclear plant operations;

(E) nuclear plant regulation;

(F) nuclear medicine;

(G) nuclear safety;

(H) community engagement in areas in reasonable proximity to nuclear sites;

(I) infrastructure support for nuclear energy;

(J) nuclear plant decommissioning;

(K) nuclear liability;

(L) safe storage and safe disposal of spent nuclear fuel;

(M) environmental safeguards;

(N) nuclear nonproliferation and security; and

(O) technology related to the matters described in subparagraphs (A) through (N).

(8) EMBARKING CIVIL NUCLEAR NATION.—

(A) IN GENERAL.—The term ''embarking civil nuclear nation'' means a country that—

(i) does not have a civil nuclear energy program;

(ii) is in the process of developing or expanding a civil nuclear energy program, including safeguards and a legal and regulatory framework, for—

(I) nuclear safety;

(II) nuclear security;

(III) radioactive waste management;

(IV) civil nuclear energy;

(V) environmental safeguards;

(VI) community engagement in areas in reasonable proximity to nuclear sites;

(VII) nuclear liability; or

(VIII) advanced nuclear reactor licensing;

(iii) is in the process of selecting, developing, constructing, or utilizing advanced light water reactors, advanced nuclear reactors, or advanced civil nuclear technologies; or

(iv) is eligible to receive development lending from the World Bank.

(B) 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—

(I) 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

(II) 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.

(9) NUCLEAR SAFETY.—The term ''nuclear safety'' means issues relating to the design, construction, operation, or decommissioning of nuclear facilities in a manner that ensures adequate protection of workers, the public, and the environment, including—

(A) the safe operation of nuclear reactors and other nuclear facilities;

(B) radiological protection of—

(i) members of the public;

(ii) workers; and

(iii) the environment;

(C) nuclear waste management;

(D) emergency preparedness;

(E) nuclear liability; and

(F) the safe transportation of nuclear materials.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(11) 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).

(12) U.S. NUCLEAR ENERGY COMPANY.—The term ''U.S. nuclear energy company'' means a company that—

(A) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(B) is involved in the nuclear energy industry.

SEC. 1099C. CIVIL NUCLEAR COORDINATION AND STRATEGY.

(a) WHITE HOUSE FOCAL POINT ON CIVIL NUCLEAR COORDINATION.—

(1) SENSE OF CONGRESS.—Given the critical importance of developing and implementing, with input from various agencies throughout the executive branch, a cohesive policy with respect to international efforts related to civil nuclear energy, it is the sense of Congress that—

(A) there should be a focal point within the White House, which may, if determined to be appropriate, report to the National Security Council, for coordination on issues relating to those efforts;

(B) to provide that focal point, the President should establish, within the Executive Office of the President, an office, to be known as the ''Office of the Assistant to the President and Director for International Nuclear Energy Policy'' (referred to in this subsection as the ''Office'');

(C) the Office should act as a coordinating office for—

(i) international civil nuclear cooperation; and

(ii) civil nuclear export strategy;

(D) the Office should be headed by an individual appointed as an Assistant to the President with the title of ''Director for International Nuclear Energy Policy''; and

(E) the Office should—

(i) coordinate civil nuclear export policies for the United States;

(ii) develop, in coordination with the officials described in paragraph (2), a cohesive Federal strategy for engagement with foreign governments (including ally or partner nations and the governments of embarking civil nuclear nations), associated entities, and associated individuals with respect to civil nuclear exports;

(iii) coordinate with the officials described in paragraph (2) to ensure that necessary framework agreements and trade controls relating to civil nuclear materials and technologies are in place for key markets; and

(iv) develop—

(I) a whole-of-government coordinating strategy for civil nuclear cooperation;

(II) a whole-of-government strategy for civil nuclear exports; and

(III) a whole-of-government approach to support appropriate foreign investment in civil nuclear energy projects supported by the United States in embarking civil nuclear nations.

(2) OFFICIALS DESCRIBED.—The officials referred to in paragraph (1)(E) are—

(A) appropriate officials of any Federal agency that the President determines to be appropriate; and

(B) appropriate officials representing foreign countries and governments, including—

(i) ally or partner nations;

(ii) embarking civil nuclear nations; and

(iii) any other country or government that the Assistant (if appointed) and the officials described in subparagraph (A) jointly determine to be appropriate.

(b) NUCLEAR EXPORTS WORKING GROUP.—

(1) ESTABLISHMENT.—There is established a working group, to be known as the ''Nuclear Exports Working Group'' (referred to in this subsection as the ''working group'').

(2) COMPOSITION.—The working group shall be composed of—

(A) senior-level Federal officials, selected internally by the applicable Federal agency or organization, from any Federal agency or organization that the President determines to be appropriate; and

(B) other senior-level Federal officials, selected internally by the applicable Federal agency or organization, from any other Federal agency or organization that the Secretary determines to be appropriate.

(3) REPORTING.—The working group shall report to the appropriate White House official, which may be the Assistant (if appointed).

(4) DUTIES.—The working group shall coordinate, not less frequently than quarterly, with the Civil Nuclear Trade Advisory Committee of the Department of Commerce, the Nuclear Energy Advisory Committee of the Department of Energy, and other advisory or stakeholder groups, as necessary, to maintain an accurate and up-to-date knowledge of the standing of civil nuclear exports from the United States, including with respect to meeting the targets established as part of the 10-year civil nuclear trade strategy described in paragraph (5)(A).

(5) STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the working group shall establish a 10-year civil nuclear trade strategy, including biennial targets for the export of civil nuclear technologies, including light water and non-light water reactors and associated equipment and technologies, civil nuclear materials, and nuclear fuel that align with meeting international energy demand while seeking to avoid or reduce emissions.

(B) COLLABORATION REQUIRED.—In establishing the strategy under subparagraph (A), the working group shall collaborate with—

(i) any Federal agency that the President determines to be appropriate; and

(ii) representatives of private industry.

SEC. 1099D. ENGAGEMENT WITH ALLY OR PARTNER NATIONS.

(a) IN GENERAL.—The President shall launch, in accordance with applicable nuclear technology export laws (including regulations), an international initiative to modernize the civil nuclear outreach to embarking civil nuclear nations.

(b) FINANCING.—In carrying out the initiative described in subsection (a), the President, acting through an appropriate Federal official, who may be the Assistant (if appointed) or the Chief Executive Officer of the International Development Finance Corporation, if determined to be appropriate, and in coordination with the officials described in section 1099C(a)(2), may, if the President determines to be appropriate, seek to establish cooperative financing relationships for the export of civil nuclear technology, components, materials, and infrastructure to embarking civil nuclear nations.

(c) ACTIVITIES.—In carrying out the initiative described in subsection (a), the President shall—

(1) assist nongovernmental organizations and appropriate offices, administrations, agencies, laboratories, and programs of the Department of Energy and other relevant Federal agencies and offices in providing education and training to foreign governments in nuclear safety, security, and safeguards—

(A) through engagement with the International Atomic Energy Agency; or

(B) independently, if the applicable entity determines that it would be more advantageous under the circumstances to provide the applicable education and training independently;

(2) 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;

(3) coordinate the work of the Chief Executive Officer of the United States International Development Finance Corporation and the Export-Import Bank of the United States to expand outreach to the private investment community to create public-private financing relationships to assist in the adoption of civil nuclear technologies by embarking civil nuclear nations, including through exports from the United States;

(4) seek to better coordinate, to the maximum extent practicable, the work carried out by any Federal agency that the President determines to be appropriate; and

(5) coordinate the work of the Export-Import Bank of the United States to improve the efficient and effective exporting and importing of civil nuclear technologies and materials.

SEC. 1099E. COOPERATIVE FINANCING RELATIONSHIPS WITH ALLY OR PARTNER NATIONS AND EMBARKING CIVIL NUCLEAR NATIONS.

(a) IN GENERAL.—The President shall designate an appropriate White House official, who may be the Assistant (if appointed), and the Chief Executive Officer of the United States International Development Finance Corporation to coordinate with the officials described in section 1099C(a)(2) to develop, as the President determines to be appropriate, financing relationships with ally or partner nations to assist in the adoption of civil nuclear technologies exported from the United States or ally or partner nations to embarking civil nuclear nations.

(b) UNITED STATES COMPETITIVENESS CLAUSES.—

(1) DEFINITION OF UNITED STATES COMPETITIVENESS CLAUSE.—In this subsection, the term ''United States competitiveness clause'' means any United States competitiveness provision in any agreement entered into by the Department of Energy, including—

(A) a cooperative agreement;

(B) a cooperative research and development agreement; and

(C) a patent waiver.

(2) CONSIDERATION.—In carrying out subsection (a), the relevant officials described in that subsection shall consider the impact of United States competitiveness clauses on any financing relationships entered into or proposed to be entered into under that subsection.

(3) WAIVER.—The Secretary shall facilitate waivers of United States competitiveness clauses as necessary to facilitate financing relationships with ally or partner nations under subsection (a).

SEC. 1099F. COOPERATION WITH ALLY OR PARTNER NATIONS ON ADVANCED NUCLEAR REACTOR DEMONSTRATION AND COOPERATIVE RESEARCH FACILITIES FOR CIVIL NUCLEAR ENERGY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of State, in coordination with the Secretary and the Secretary of Commerce, shall conduct bilateral and multilateral meetings with not fewer than 5 ally or partner nations, with the aim of enhancing nuclear energy cooperation among those ally or partner nations and the United States, for the purpose of developing collaborative relationships with respect to research, development, licensing, and deployment of advanced nuclear reactor technologies for civil nuclear energy.

(b) REQUIREMENT.—The meetings described in subsection (a) shall include—

(1) a focus on cooperation to demonstrate and deploy advanced nuclear reactors, with an emphasis on U.S. nuclear energy companies, during the 10-year period beginning on

the date of enactment of this Act to provide options for addressing energy security and climate change; and

(2) a focus on developing a memorandum of understanding or any other appropriate agreement between the United States and ally or partner nations with respect to—

(A) the demonstration and deployment of advanced nuclear reactors; and

(B) the development of cooperative research facilities.

(c) FINANCING ARRANGEMENTS.—In conducting the meetings described in subsection (a), the Secretary of State, in coordination with the Secretary and the Secretary of Commerce, shall seek to develop financing arrangements to share the costs of the demonstration and deployment of advanced nuclear reactors and the development of cooperative research facilities with the ally or partner nations participating in those meetings.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, the Secretary of State, and the Secretary of Commerce shall jointly submit to Congress a report highlighting potential partners—

(1) for the establishment of cost-share arrangements described in subsection (c); or

(2) with which the United States may enter into agreements with respect to—

(A) the demonstration of advanced nuclear reactors; or

(B) cooperative research facilities.

SEC. 1099G. INTERNATIONAL CIVIL NUCLEAR ENERGY COOPERATION.

Section 959B of the Energy Policy Act of 2005 (42 U.S.C. 16279b) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(2) in subsection (a) (as so designated)—

(A) in paragraph (1)—

(i) by striking ''financing,''; and

(ii) by striking ''and'' after the semicolon at the end;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''preparations for''; and

(ii) in subparagraph (C)(v), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) to support, with the concurrence of the Secretary of State, the safe, secure, and peaceful use of civil nuclear technology in countries developing nuclear energy programs, with a focus on countries that have increased civil nuclear cooperation with the Russian Federation or the People's Republic of China; and

''(4) to promote the fullest utilization of the reactors, fuel, equipment, services, and technology of U.S. nuclear energy companies (as defined in section 1099B of the International Nuclear Energy Act of 2024) in civil nuclear energy programs outside the United States through—

''(A) bilateral and multilateral arrangements developed and executed with the concurrence of the Secretary of State that contain commitments for the utilization of the reactors, fuel, equipment, services, and technology of U.S. nuclear energy companies (as defined in that section);

''(B) the designation of 1 or more U.S. nuclear energy companies (as defined in that section) to implement an arrangement under subparagraph (A) if the Secretary determines that the designation is necessary and appropriate to achieve the objectives of this section;

''(C) the waiver of any provision of law relating to competition with respect to any activity related to an arrangement under subparagraph (A) if the Secretary, in consultation with the Attorney General and the Secretary of Commerce, determines that a waiver is necessary and appropriate to achieve the objectives of this section; and

''(D) the issuance of loans, loan guarantees, other financial assistance, or assistance in the form of an equity interest to carry out activities related to an arrangement under subparagraph (A), to the extent appropriated funds are available.''; and

(3) by adding at the end the following:

''(b) REQUIREMENTS.—The program under subsection (a) shall be supported in consultation with the Secretary of State and implemented by the Secretary—

''(1) to facilitate, to the maximum extent practicable, workshops and expert-based exchanges to engage industry, stakeholders, and foreign governments with respect to international civil nuclear issues, such as—

''(A) training;

''(B) financing;

''(C) safety;

''(D) security;

''(E) safeguards;

''(F) liability;

''(G) advanced fuels;

''(H) operations; and

''(I) options for multinational cooperation with respect to the disposal of spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)); and

''(2) in coordination with any Federal agency that the President determines to be appropriate.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a)(3) $15,500,000 for each of fiscal years 2024 through 2028.''.

SEC. 1099H. INTERNATIONAL CIVIL NUCLEAR PROGRAM SUPPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of State, in coordination with the Secretary and the Assistant (if appointed), shall launch an international initiative (referred to in this section as the ''initiative'') to provide financial assistance to, and facilitate the building of technical capacities by, in accordance with this section, embarking civil nuclear nations for activities relating to the development of civil nuclear energy programs.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—In carrying out the initiative, the Secretary of State, in coordination with the Secretary and the Assistant (if appointed), may award grants of financial assistance to embarking civil nuclear nations in accordance with this subsection—

(A) for activities relating to the development of civil nuclear energy programs; and

(B) to facilitate the building of technical capacities for those activities.

(2) AMOUNT.—The amount of a grant of financial assistance under paragraph (1) shall be not more than $5,500,000.

(3) LIMITATIONS.—The Secretary of State, in coordination with the Secretary and the Assistant (if appointed), may award—

(A) not more than 1 grant of financial assistance under paragraph (1) to any 1 embarking civil nuclear nation each fiscal year; and

(B) not more than a total of 5 grants of financial assistance under paragraph (1) to any 1 embarking civil nuclear nation.

(c) SENIOR ADVISORS.—

(1) IN GENERAL.—In carrying out the initiative, the Secretary of State, in coordination with the Secretary and the Assistant (if appointed), may provide financial assistance to an embarking civil nuclear nation for the purpose of contracting with a U.S. nuclear energy company to hire 1 or more senior advisors to assist the embarking civil nuclear nation in establishing a civil nuclear program.

(2) REQUIREMENT.—A senior advisor described in paragraph (1) shall have relevant experience and qualifications to advise the embarking civil nuclear nation on, and facilitate on behalf of the embarking civil nuclear nation, 1 or more of the following activities:

(A) The development of financing relationships.

(B) The development of a standardized financing and project management framework for the construction of nuclear power plants.

(C) The development of a standardized licensing framework for—

(i) light water civil nuclear technologies; and

(ii) non-light water civil nuclear technologies and advanced nuclear reactors.

(D) The identification of qualified organizations and service providers.

(E) The identification of funds to support payment for services required to develop a civil nuclear program.

(F) Market analysis.

(G) The identification of the safety, security, safeguards, and nuclear governance required for a civil nuclear program.

(H) Risk allocation, risk management, and nuclear liability.

(I) Technical assessments of nuclear reactors and technologies.

(J) The identification of actions necessary to participate in a global nuclear liability regime based on the Convention on Supplementary Compensation for Nuclear Damage, with Annex, done at Vienna September 12, 1997 (TIAS 15–415).

(K) Stakeholder engagement.

(L) Management of spent nuclear fuel and nuclear waste.

(M) Any other major activities to support the establishment of a civil nuclear program, such as the establishment of export, financing, construction, training, operations, and education requirements.

(3) CLARIFICATION.—Financial assistance under this subsection may be provided to an embarking civil nuclear nation in addition to any financial assistance provided to that embarking civil nuclear nation under subsection (b).

(d) LIMITATION ON ASSISTANCE TO EMBARKING CIVIL NUCLEAR NATIONS.—Not later than 1 year after the date of enactment of this Act, the Offices of the Inspectors General for the Department of State and the Department of Energy shall coordinate—

(1) to establish and submit to the appropriate committees of Congress a joint strategic plan to conduct comprehensive oversight of activities authorized under this section to prevent fraud, waste, and abuse; and

(2) to engage in independent and effective oversight of activities authorized under this section through joint or individual audits, inspections, investigations, or evaluations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out the initiative $50,000,000 for each of fiscal years 2024 through 2028.

SEC. 1099I. BIENNIAL CABINET-LEVEL INTERNATIONAL CONFERENCE ON NUCLEAR SAFETY, SECURITY, SAFEGUARDS, AND SUSTAINABILITY.

(a) IN GENERAL.—The President, in coordination with international partners, as determined by the President, and industry, shall hold a biennial conference on civil nuclear safety, security, safeguards, and sustainability (referred to in this section as a ''conference'').

(b) CONFERENCE FUNCTIONS.—It is the sense of Congress that each conference should—

(1) be a forum in which ally or partner nations may engage with each other for the purpose of reinforcing the commitment to—

(A) nuclear safety, security, safeguards, and sustainability;
(B) environmental safeguards; and
(C) local community engagement in areas in reasonable proximity to nuclear sites; and
(2) facilitate—
(A) the development of—
(i) joint commitments and goals to improve—
(I) nuclear safety, security, safeguards, and sustainability;
(II) environmental safeguards; and
(III) local community engagement in areas in reasonable proximity to nuclear sites;
(ii) stronger international institutions that support nuclear safety, security, safeguards, and sustainability;
(iii) cooperative financing relationships to promote competitive alternatives to Chinese and Russian financing;
(iv) a standardized financing and project management framework for the construction of civil nuclear power plants;
(v) a standardized licensing framework for civil nuclear technologies;
(vi) a strategy to change internal policies of multinational development banks, such as the World Bank, to support the financing of civil nuclear projects;
(vii) a document containing any lessons learned from countries that have partnered with the Russian Federation or the People's Republic of China with respect to civil nuclear power, including any detrimental outcomes resulting from that partnership; and
(viii) a global civil nuclear liability regime;
(B) cooperation for enhancing the overall aspects of civil nuclear power, such as—
(i) nuclear safety, security, safeguards, and sustainability;
(ii) nuclear laws (including regulations);
(iii) waste management;
(iv) quality management systems;
(v) technology transfer;
(vi) human resources development;
(vii) localization;
(viii) reactor operations;
(ix) nuclear liability; and
(x) decommissioning; and
(C) the development and determination of the mechanisms described in paragraphs (7) and (8) of section 1099J(a), if the President intends to establish an Advanced Reactor Coordination and Resource Center as described in that section.
(c) INPUT FROM INDUSTRY AND GOVERNMENT.—It is the sense of Congress that each conference should include a meeting that convenes nuclear industry leaders and leaders of government agencies with expertise relating to nuclear safety, security, safeguards, or sustainability to discuss best practices relating to—
(1) the safe and secure use, storage, and transport of nuclear and radiological materials;
(2) managing the evolving cyber threat to nuclear and radiological security; and
(3) the role that the nuclear industry should play in nuclear and radiological safety, security, and safeguards, including with respect to the safe and secure use, storage, and transport of nuclear and radiological materials, including spent nuclear fuel and nuclear waste.

SEC. 1099J. ADVANCED REACTOR COORDINATION AND RESOURCE CENTER.

(a) IN GENERAL.—The President shall consider the feasibility of leveraging existing activities or frameworks or, as necessary, establishing a center, to be known as the ''Advanced Reactor Coordination and Resource Center'' (referred to in this section as the ''Center''), for the purposes of—
(1) identifying qualified organizations and service providers—
(A) for embarking civil nuclear nations;
(B) to develop and assemble documents, contracts, and related items required to establish a civil nuclear program; and
(C) to develop a standardized model for the establishment of a civil nuclear program that can be used by the International Atomic Energy Agency;
(2) coordinating with countries participating in the Center and with the Nuclear Exports Working Group established under section 1099C(b)—
(A) to identify funds to support payment for services required to develop a civil nuclear program;
(B) to provide market analysis; and
(C) to create—
(i) project structure models;
(ii) models for electricity market analysis;
(iii) models for nonelectric applications market analysis; and
(iv) financial models;
(3) identifying and developing the safety, security, safeguards, and nuclear governance required for a civil nuclear program;
(4) supporting multinational regulatory standards to be developed by countries with civil nuclear programs and experience;
(5) developing and strengthening communications, engagement, and consensus-building;
(6) carrying out any other major activities to support export, financing, education, construction, training, and education requirements relating to the establishment of a civil nuclear program;
(7) developing mechanisms for how to fund and staff the Center; and
(8) determining mechanisms for the selection of the location or locations of the Center.
(b) OBJECTIVE.—The President shall carry out subsection (a) with the objective of establishing the Center if the President determines that it is feasible to do so.

SEC. 1099K. INVESTMENT BY ALLIES AND PARTNERS OF THE UNITED STATES.

(a) COMMERCIAL LICENSES.—Section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended, in the second sentence—
(1) by inserting ''for a production facility'' after ''No license''; and
(2) by striking ''any any'' and inserting ''any''.
(b) MEDICAL THERAPY AND RESEARCH DEVELOPMENT LICENSES.—Section 104 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended, in the second sentence, by inserting ''for a production facility'' after ''No license''.

SEC. 1099L. STRATEGIC INFRASTRUCTURE FUND WORKING GROUP.

(a) ESTABLISHMENT.—There is established a working group, to be known as the ''Strategic Infrastructure Fund Working Group'' (referred to in this section as the ''working group'') to provide input on the feasibility of establishing a program to support strategically important capital-intensive infrastructure projects.
(b) COMPOSITION.—The working group shall be—
(1) led by a White House official, who may be the Assistant (if appointed), who shall serve as the White House focal point with respect to matters relating to the working group; and
(2) composed of—
(A) senior-level Federal officials, selected by the head of the applicable Federal agency or organization, from any Federal agency or organization that the President determines to be appropriate;
(B) other senior-level Federal officials, selected by the head of the applicable Federal agency or organization, from any other Federal agency or organization that the Secretary determines to be appropriate; and
(C) any senior-level Federal official selected by the White House official described in paragraph (1) from any Federal agency or organization.
(c) REPORTING.—The working group shall report to the National Security Council.
(d) DUTIES.—The working group shall—
(1) provide direction and advice to the officials described in section 1099C(a)(2)(A) and appropriate Federal agencies, as determined by the working group, with respect to the establishment of a Strategic Infrastructure Fund (referred to in this subsection as the ''Fund'') to be used—
(A) to support those aspects of projects relating to—
(i) civil nuclear technologies; and
(ii) microprocessors; and
(B) for strategic investments identified by the working group; and
(2) address critical areas in determining the appropriate design for the Fund, including—
(A) transfer of assets to the Fund;
(B) transfer of assets from the Fund;
(C) how assets in the Fund should be invested; and
(D) governance and implementation of the Fund.
(e) REPORT REQUIRED.—
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the working group shall submit to the committees described in paragraph (2) a report on the findings of the working group that includes suggested legislative text for how to establish and structure a Strategic Infrastructure Fund.
(2) COMMITTEES DESCRIBED.—The committees referred to in paragraph (1) are—
(A) the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Finance of the Senate; and
(B) the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Ways and Means of the House of Representatives.
(3) ADMINISTRATION OF THE FUND.—The report submitted under paragraph (1) shall include suggested legislative language requiring all expenditures from a Strategic Infrastructure Fund established in accordance with this section to be administered by the Secretary of State (or a designee of the Secretary of State).

SEC. 1099M. JOINT ASSESSMENT BETWEEN THE UNITED STATES AND INDIA ON NUCLEAR LIABILITY RULES.

(a) IN GENERAL.—The Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, shall establish and maintain within the U.S.-India Strategic Security Dialogue a joint consultative mechanism with the Government of the Republic of India that convenes on a recurring basis—
(1) to assess the implementation of the Agreement for Cooperation between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy, signed at Washington October 10, 2008 (TIAS 08–1206);
(2) to discuss opportunities for the Republic of India to align domestic nuclear liability rules with international norms; and
(3) to develop a strategy for the United States and the Republic of India to pursue bilateral and multilateral diplomatic engagements related to analyzing and implementing those opportunities.
(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and

annually thereafter for 5 years, the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a report that describes the joint assessment developed pursuant to subsection (a)(1).

SEC. 1099N. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to alter or otherwise affect the interpretation or implementation of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

SA 3148. Ms. SMITH (for herself and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1014. SENSE OF CONGRESS ON NATIONAL GUARD COUNTERDRUG PROGRAM.

It is the sense of Congress that the National Guard Counterdrug Program must be included as part of the overall response of the Department of Defense to the fentanyl and synthetic opioid crisis.

SA 3149. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 10___. CONSULTATION UNDER CERTAIN LAND AND RESOURCE MANAGEMENT PLANS AND LAND USE PLANS.

(a) NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANS.—Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is amended by striking paragraph (2) and inserting the following:

''(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.—Notwithstanding any other provision of law, the Secretary shall not be required to reinitiate consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a completed land and resource management plan that has no on-the-ground effects when—

''(A) a new species is listed or a new critical habitat is designated under that Act (16 U.S.C. 1531 et seq.); or

''(B) new information reveals effects of the land and resource management plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.''.

(b) BUREAU OF LAND MANAGEMENT LAND USE PLANS.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end the following:

''(g) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND USE PLANS.—Notwithstanding any other provision of law, the Secretary shall not be required to reinitiate consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a completed land use plan that has no on-the-ground effects when—

''(1) a new species is listed or a new critical habitat is designated under that Act (16 U.S.C. 1531 et seq.); or

''(2) new information reveals effects of the land use plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.''.

SA 3150. Mr. HICKENLOOPER submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. REPORT ON COOPERATION EFFORTS BETWEEN THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to the appropriate committees of Congress a report on cooperation efforts between the Department of Defense and the National Aeronautics and Space Administration.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed assessment of existing forms of cooperation between the Department of Defense and the National Aeronautics and Space Administration.

(2) An assessment of, and recommendations for improving, future joint engagement between the Department of Defense and the National Aeronautics and Space Administration.

(3) An assessment of the opportunities for exchange of personnel between the Department of Defense and National Aeronautics and Space Administration, and an examination of the feasibility and strategic benefits of establishing—

(A) dedicated joint duty billets for Space Force personnel at the National Aeronautics and Space Administration; and

(B) rotational assignments of National Aeronautics and Space Administration employees in Space Force units and in the United States Space Command.

(4) An identification of potential career incentives for Space Force joint duty at the National Aeronautics and Space Administration and civilian National Aeronautics and Space Administration rotational assignments at Space Force commands.

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

(d) 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 Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

SA 3151. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ____. MONITORING AND ENFORCEMENT BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) ENHANCING MONITORING AND ENFORCEMENT OF NATIONAL SECURITY MITIGATION AGREEMENTS.—

(1) PROCEDURES.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury (in the subsection referred to as the ''Secretary''), as the chairperson of the Committee on Foreign Investment in the United States (in this subsection referred to as the ''Committee''), shall promulgate procedures for the Committee with respect to the implementation, monitoring, and enforcement of national security mitigation agreements and conditions entered into or imposed by the Committee pursuant to section 721(l)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(l)(3)), including with respect to—

(A) a consistent approach to monitoring, evaluating, and enforcing the implementation of and compliance with such agreements and conditions;

(B) on-site compliance reviews conducted under such agreements and conditions; and

(C) the use of third-party auditors and monitors.

(2) GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall publish such guidance as may be appropriate to clarify expectations with respect to periodic reporting and the submission of certain information to the Committee and lead agencies designated under subsection (k)(5) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) in connection with a national security mitigation agreement or condition entered into or imposed pursuant to subsection (l)(3) of that section.

(3) CENTRALIZATION OF MONITORING AND ENFORCEMENT FUNCTIONS.—Section 721(q)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(q)(2)) is amended by inserting before the period the following: '', such as monitoring of agreements and conditions entered into or imposed under subsection (l) and enforcement of this section.''.

(b) MANDATORY DECLARATIONS OF TRANSACTIONS RELATING TO CRITICAL INFRASTRUCTURE AND CRITICAL TECHNOLOGIES.—Section 721(b)(1)(C)(v)(IV)(cc) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)(cc)) is amended by striking ''subsection (a)(4)(B)(iii)(II)'' and inserting ''subclause (I) or (II) of subsection (a)(4)(B)(iii)''.

SA 3152. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. CLARIFICATION OF AUTHORITY OF BUREAU OF INDUSTRY AND SECURITY TO IMPOSE EXPORT CONTROLS ON CERTAIN FOREIGN-PRODUCED ITEMS.

Section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801) is amended—

(1) by redesignating paragraphs (8) through (14) as paragraphs (9) through (15), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) ITEM SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—

''(A) IN GENERAL.—For purposes of part I, the term 'item subject to the jurisdiction of the United States' includes a foreign-produced item that—

''(i) is in the United States, including in a foreign trade zone or moving in transit through the United States from one foreign country to another foreign country;

''(ii) is commingled with, draws from, is bundled with, or otherwise incorporates United States-origin content;

''(iii)(I) is destined to a prohibited destination or end user identified in the Export Administration Regulations; and

''(II)(aa) is the direct product of—

''(AA) United States-origin technology or software; or

''(BB) foreign technology or software that is commingled with, draws from, is bundled with, or otherwise incorporates United States-origin technology or software; or

''(bb) is produced by any complete plant or major component of a plant located outside the United States, if the complete plant or major component of a plant, whether made in the United States or a foreign country, is itself a direct product of—

''(AA) United States-origin technology or software; or

''(BB) foreign technology or software that is commingled with, draws from, is bundled with, or otherwise incorporates United States-origin technology or software; or

''(iv) contains or is a direct product of an item produced pursuant to the circumstances described in clause (iii).

''(B) ADDITIONAL DEFINITIONS.—For purposes of subparagraph (A):

''(i) DIRECT PRODUCT; MAJOR COMPONENT.—The terms 'direct product' and 'major component' have the meanings given those terms in section 734.9 of the Export Administration Regulations (or a successor regulation).

''(ii) FOREIGN TRADE ZONE.—The term 'foreign trade zone' means a zone established pursuant to the Act of June 18, 1934 (commonly known as the 'Foreign Trade Zones Act') (48 Stat. 998, chapter 590; 19 U.S.C. 81a et seq.).

''(iii) PRODUCE.—The term 'produce' means production (as defined in section 772.1 of the Export Administration Regulations (or a successor regulation)).

''(iv) SOFTWARE.—The term 'software' has the meaning given that term in section 772.1 of the Export Administration Regulations (or a successor regulation).''.

SA 3153. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1095. ATTRACTING HIGHLY QUALIFIED EXPERTS TO BUREAU OF INDUSTRY AND SECURITY.

Part III of the Export Control Reform Act of 2018 (50 U.S.C. 4851 et seq.) is amended by adding at the end the following:

''SEC. 1783. ATTRACTING HIGHLY QUALIFIED EXPERTS TO BUREAU OF INDUSTRY AND SECURITY.

''(a) IN GENERAL.—The Under Secretary of Commerce for Industry and Security (in this section referred to as the 'Under Secretary') may carry out a program using the authority provided in subsection (b) in order to attract to the Bureau of Industry and Security highly qualified experts in needed occupations, as determined by the Under Secretary.

''(b) AUTHORITY.—Under the program under this section, the Under Secretary may—

''(1) appoint personnel from outside the civil service (as defined in section 2101 of title 5, United States Code) to positions in the Bureau of Industry and Security without regard to any provision of title 5, United States Code, governing the appointment of employees to positions in the Bureau; and

''(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, as increased by locality-based comparability payments under section 5304 of that title, notwithstanding any provision of that title governing the rates of pay or classification of employees in the executive branch.

''(c) LIMITATION ON TERM OF APPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the service of an employee under an appointment made pursuant to this section may not exceed 5 years.

''(2) EXTENSIONS.—The Under Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to 1 additional year if the Under Secretary determines that such action is necessary to promote the national security, foreign policy, and economic objectives of the United States.

''(d) LIMITATION ON TOTAL ANNUAL COMPENSATION.—Notwithstanding any other provision of this subsection or of section 5307 of title 5, United States Code, no additional payments may be paid to an employee under this section in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

''(e) LIMITATION ON NUMBER OF HIGHLY QUALIFIED EXPERTS.—The number of highly qualified experts appointed and retained by the Under Secretary under subsection (b)(1) shall not exceed 50 at any time.

''(f) SAVINGS PROVISIONS.—In the event that the Under Secretary terminates the program under this section, in the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under this section—

''(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

''(A) the period for which the employee was appointed; or

''(B) the period to which the employee's service is limited under subsection (c), including any extension made under this section before the termination of the program; and

''(2) the rate of basic pay prescribed for the position under this section may not be reduced as long as the employee continues to serve in the position without a break in service.''.

SA 3154. Mr. WHITEHOUSE (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. COORDINATOR FOR COMBATING FOREIGN KLEPTOCRACY AND CORRUPTION.

(a) IN GENERAL.—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) assess the national security implications of foreign corruption and kleptocracy (including strategic corruption) and coordinate, without assuming operational authority, the United States Government efforts to counter foreign corruption and kleptocracy.'';

(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 officer of the National Security Council to be responsible for—

''(A) the assessment of the national security implications of foreign corruption and kleptocracy (including strategic corruption); and

''(B) the coordination of the interagency process to counter foreign corruption and kleptocracy.

''(2) RESPONSIBILITIES.—In addition to the coordination and assessment described in paragraph (1), the officer 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 the Treasury, 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 national security concern to the Council.

''(C) Updating, as appropriate, and coordinating the implementation of the United States strategy on countering corruption.

''(3) COORDINATION WITH COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—The officer designated under paragraph (1) of this subsection shall coordinate with the employee designated under subsection (g)(1).

''(4) LIAISON.—The officer 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 State.

''(B) The Department of the Treasury.

''(C) The Department of Justice.

''(D) The intelligence community.

''(E) The United States Agency for International Development.

''(F) Any other Federal agency that the President considers appropriate.

''(G) Good government transparency groups in civil society.

''(5) CONGRESSIONAL BRIEFING.—

''(A) IN GENERAL.—Not less frequently than once each year, the officer designated pursuant to paragraph (1), or the officer's designee, shall provide to the congressional committees specified in subparagraph (B) a briefing on the responsibilities and activities of the officer designated under this subsection.

''(B) COMMITTEES SPECIFIED.—The congressional committees specified in this subparagraph are the following:

''(i) The Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, and the Caucus on International Narcotics Control of the Senate.

''(ii) The Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.''.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (h) of section 101 of such Act, as added by subsection (a)(3), shall be construed to prohibit the officer designated pursuant to such subsection (h) from serving in any additional roles or positions or being assigned any responsibilities not set forth under such subsection (h).

SA 3155. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3021 proposed by Mr. SCHUMER to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, insert the following after line 17:

(3) availing themselves of privacy-enhancing technologies or designs, including encrypted communications.

SA 3156. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. PACIFIC ISLANDS RESTORATION AND HAZARDS REMOVAL PROGRAM.

(a) IN GENERAL.—The Secretary of State shall establish an Pacific Islands Restoration and Hazards Removal Program (in this section referred to as the ''Program'').

(b) PURPOSE.—The purpose of the Program is—

(1) to coordinate with the Pacific Island countries—

(A) to support survey and clearance operations of buried and abandoned bombs, mortars, artillery shells, and unexploded ordnance from battlefields of World War II; and

(B) to identify, isolate, and, where appropriate, mitigate environmental risks associated with submerged maritime vessels that pose a threat to public health or marine resources because of the presence of oil, fuel, corrosive metals, or other toxins; and

(2) to build the national capacity of the Pacific Island countries to identify, isolate, and mitigate risks related to explosive ordnance hazards, submerged maritime vessels, or related hazardous marine debris through survey and disposal training, funding to nongovernmental organizations, and support to regional cooperation initiatives with countries that are partners and allies of the United States, including Australia, France, Japan, New Zealand, the Republic of Korea, and the United Kingdom.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State $1,000,000 for each of fiscal years 2025 through 2029 to carry out this section.

SA 3157. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. INCLUSION OF PACIFIC ISLAND COUNTRIES IN DEPARTMENT OF STATE AND USAID PLANNING AND PROGRAM EVALUATION PROCESSES.

(a) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development (in this section referred to as ''USAID''), shall include Pacific Island countries in existing strategic planning and multi-sector program evaluation processes, including the Integrated Country Strategies of the Department of State, the Country Development Cooperation Strategies of USAID, and the Joint Strategic Plan of the Department and USAID.

(b) PROGRAMMATIC CONSIDERATIONS.—Evaluations and considerations for Pacific Island countries in the program planning and strategic development processes described in subsection (a) should include—

(1) descriptions of the diplomatic and development challenges of each Pacific Island country as those challenges relate to the strategic, economic, and humanitarian interests of the United States;

(2) reviews of existing Department of State and USAID programs to address the diplomatic and development challenges of those countries identified under paragraph (1);

(3) descriptions of the barriers, if any, to increasing Department of State and USAID programming to Pacific Island countries, including—

(A) the income level of Pacific Island countries relative to other regions where there is high demand for United States foreign assistance to support development needs;

(B) the relative capacity of Pacific Island countries to absorb United States foreign assistance for diplomatic and development needs through partner governments and civil society institutions; and

(C) any other factor that the Secretary or the Administrator determines may constitute a barrier to deploying or increasing United States foreign assistance to the Pacific Island countries;

(4) assessments of the presence of, degree of international development by, partner country indebtedness to, and political influence of malign foreign governments, such as the Government of the People's Republic of China, and non-state actors;

(5) assessments of new foreign economic assistance modalities that could strengthen United States foreign assistance in to Pacific Island countries, including the deployment of technical assistance and asset recovery tools to partner governments and civil society institutions to help develop the capacity and expertise necessary to achieve self-sufficiency;

(6) an evaluation of the existing budget and resource management processes for the mission and work of the Department of State and USAID with respect to programming in Pacific Island countries;

(7) an explanation of how the Secretary and the Administrator will use existing programming processes, including those with respect to development of an Integrated Country Strategy, a Country Development Cooperation Strategy, and the Joint Strategic Plan to advance the long-term growth, governance, economic development, and resilience of Pacific Island countries; and

(8) any recommendations about appropriate budgetary, resource management, and programmatic changes necessary to assist in strengthening United States foreign assistance programming in the Pacific Island countries.

SA 3158. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. REPORT ON ESTABLISHING A PACIFIC ISLANDS SECURITY DIALOGUE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, 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 assessing the feasibility and advisability of establishing a United States-based public-private sponsored security dialogue (to be known as the ''Pacific Islands Security Dialogue'') among the Pacific Islands for the purposes of jointly exploring and discussing issues affecting the economic, diplomatic, and national security of the Pacific Islands.

(b) REPORT REQUIRED.—The report required by subsection (a) shall, at a minimum, include the following:

(1) A review of the ability of the Department of State to participate in a public-private sponsored security dialogue.

(2) A survey of Pacific Island countries on their interest in engaging in such a dialogue and potential topics for discussion.

(3) An assessment of the potential locations for conducting a Pacific Islands Security Dialogue in the jurisdiction of the United States.

(4) Consideration of dates for conducting a Pacific Islands Security Dialogue that would maximize participation of representatives from the Pacific Islands.

(5) A review of the funding modalities available to the Department of State to help finance a Pacific Islands Security Dialogue, including grant-making authorities available to the Department of State.

(6) An assessment of any administrative, statutory, or other legal limitations that

would prevent the establishment of a Pacific Islands Security Dialogue with participation and support of the Department of State as described in subsection (a).

(7) An analysis of how a Pacific Islands Security Dialogue could help to advance the Boe Declaration on Regional Security, including its emphasis on the changing environment as the greatest existential threat to the Pacific Islands.

(8) An evaluation of how a Pacific Islands Security Dialogue could help amplify the issues and work of existing regional structures and organizations dedicated to the security of the Pacific Islands region, such as the Pacific Island Forum and Pacific Environmental Security Forum.

(9) An analysis of how a Pacific Islands Security Dialogue would help with the implementation of the Pacific Partnership Strategy of the United States and the National Security Strategy of the United States.

(c) INTERAGENCY CONSULTATION.—To the extent practicable, the Secretary of State may consult with the Secretary of Defense and, where appropriate, evaluate the lessons learned of the Regional Centers for Security Studies of the Department of Defense to determine the feasibility and advisability of establishing the Pacific Islands Security Dialogue.

SA 3159. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1266. PACIFIC ISLANDS STRATEGIC INFRASTRUCTURE INITIATIVE.

(a) IN GENERAL.—The Secretary of State, in concurrence with the Director of the United States Trade and Development Agency, and in collaboration with the Administrator of the United States Agency for International Development, the Secretary of Transportation, the Chief of Engineers, and the Secretary of Energy, working through the directors of the national laboratories of the Department of Energy, the Secretary of the Treasury, and the Secretary of Defense, shall develop a program to catalyze sustainable, resilient infrastructure throughout the Pacific Islands, including by providing frequent and meaningful technical assistance to inform the needs assessments and planning of Pacific Island countries to protect against threats to critical infrastructure.

(b) GOALS.—The goal of the program established under subsection (a) is to strengthen United States support of Pacific Island countries in assessing—

(1) existing and forecasted threats to the functionality and safety of infrastructure resulting from sea-level fluctuation, salt water intrusion, extreme weather, or other severe changes in the environment, as well as cyber threats and any other security risks that disrupt essential services or threaten public health;

(2) the strategies, designs, and engineering techniques for reinforcing or rebuilding failing infrastructure in ways that with withstand and maintain function in light of existing and forecasted threats to community infrastructure;

(3) the rate and sources of deterioration, structural deficiencies, and most pressing risks to public safety from aging and failing infrastructure;

(4) priorities for infrastructure improvement, reinforcement, re-engineering, or replacement based on the significance of infrastructure to ensuring public health, safety, and economic growth;

(5) risks associated with the interconnectedness of supply chains and technology, communications, and financial systems;

(6) the policy and governance needed to strengthen critical infrastructure resilience, including with respect to infrastructure financing to meet the contemporary needs of Pacific Islanders; and

(7) the plan for leveraging regional funding mechanisms, including the Pacific Resilience Facility, as well as bilateral assistance and global multilateral financing to coordinate international financial support for infrastructure projects.

(c) ACTIVITIES.—To achieve the purpose of the program established under subsection (a), the Secretary is encouraged to consider the following activities:

(1) Educational and information sharing with Pacific Island countries that helps develop the local capacity of government and civil society leaders to evaluate localized critical infrastructure risks, interdependencies across systems, and risk-mitigation solutions.

(2) Technology exchanges that provide Pacific Island countries with access to proven, cost-effective solutions for mitigating the risks associated with critical infrastructure vulnerabilities and related interdependencies.

(3) Financial and budget management and related technical assistance that provide Pacific Island countries with additional capacity to access, manage, and service financing for contemporary infrastructure projects to support the resilience needs of communities in the Pacific Islands.

SA 3160. Mr. CARDIN (for himself, Mr. KAINE, Mr. MURPHY, Ms. WARREN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 G—Americas Regional Monitoring of Arms Sales

SECTION 1291. SHORT TITLES.

(a) SHORT TITLES.—This subtitle may be cited as the ''Americas Regional Monitoring of Arms Sales Act of 2024'' or the ''ARMAS Act''.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) Violence in Mexico, Central America, and the Caribbean is exacerbated by firearms originating in the United States.

(2) While firearms are trafficked to Mexico from a variety of countries, firearms originating in the United States account for 70 percent of the firearms recovered and traced from crimes in Mexico, according to the 2021 Government Accountability Office (referred to in this section as ''GAO'') report published by the Comptroller General of the United States titled ''Firearms Trafficking: U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis''.

(3) United States-origin firearm flows contribute to human rights violations, organized crime and gang violence, extrajudicial killings, high homicide rates, domestic violence, and femicides in Mexico, Central America, and the Caribbean.

(4) Firearms trafficking from the United States and firearm violence are key drivers of immigration and asylum claims from Central America.

(5) According to the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, firearms are used in 70 percent of homicides in the Caribbean compared to 30 percent globally, and while the Caribbean constitutes less than 1 percent of the global population, 23 percent of all recorded homicides worldwide take place in the Caribbean.

(6) In an August 2022 press conference, Homeland Security Investigations officials reported a ''marked uptick in the number of weapons'', and an increase in the caliber and type of weapons, being illegally trafficked to Haiti and the rest of the Caribbean.

(7) The Caribbean Basin Security Initiative of the Department of State, which commenced in 2009—

(A) is the regional foreign assistance program of the United States that seeks to reduce illicit trafficking in the Caribbean region and advance public safety and security;

(B) seeks to improve the capacity of Caribbean countries to intercept smuggled weapons at airports and seaports; and

(C) provides support for forensic ballistics and firearms destruction and stockpile management; and

(D) has also included support for regional organizations, including—

(i) the Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS), which based in Trinidad and Tobago, and is the lead agency involved in the issue of illicit firearms trafficking and increasing the capacity of member states to detect and prevent firearms trafficking; and

(ii) the Eastern Caribbean's Regional Security System, which is based in Barbados.

(8) The Central America Regional Security Initiative of the Department of State has been working since 2010 to promote long-term investments in Central America—

(A) to increase citizen security;

(B) to disrupt illicit trafficking; and

(C) to enhance the capacity and accountability of governments in the region to establish effective state-presence and security in violent communities.

(9) Two GAO reports on firearms trafficking, which were published in 2021 and 2022, respectively, have affirmed that firearms trafficking to Mexico and Central America continues to represent a security concern to the United States, as United States-origin firearms are diverted from legitimate owners and end up in the hands of violent criminals, including drug traffickers and other transnational criminal organizations. A GAO report on the effect of firearms trafficking in the Caribbean has not yet been compiled.

(10) In the reports referred to in paragraph (9), the Comptroller General of the United States found that—

(A) Federal departments and agencies lacked information and analysis of the firearms trafficking networks in Mexico and Central America;

(B) few efforts by the United States Government in the region focused on firearms trafficking; and

(C) as a result, Federal departments and agencies lack a detailed understanding of the firearms trafficking that fuels violence and enables criminals in Belize, El Salvador, Guatemala, Honduras, and Mexico.

(11) Firearms used to kidnap and kill a group of United States citizens traveling in Matamoros, Mexico were illegally smuggled

from the United States into Mexico. The suspect in these killings admitted to Federal agents that he purchased firearms in the United States, smuggled them across the border, and knowingly provided them to members of the Gulf Cartel.

(12) As the incident described in paragraph (11) demonstrates, United States-sourced firearms are being smuggled and diverted to cartels implicated in the supply and flow of illegal fentanyl and other dangerous drugs, which threatens the public health and safety of United States citizens.

(13) In the 2022 GAO report ''Firearms Trafficking: More Information Needed to Inform U.S. Efforts in Central America'', the Comptroller General of the United States reported that efforts of the United States Government focused on firearms trafficking in Belize, El Salvador, Guatemala, and Honduras lacked information about relevant country conditions and performance measures to ensure such efforts were designed and implemented to achieve the intended objectives and, as a result, the Comptroller General recommended that the Secretary of State obtain information about the conditions in such countries to support the development of effective programs to reduce the availability of illicit firearms.

(14) Data on firearms trafficking is limited. Data compilation is crucial to understanding the problem.

(15) As of the date of the publication of the report referred to in paragraph (13), the Secretary of Commerce had not assigned any agents to Central America on permanent assignment.

(16) In 2021 and 2022, the annual Country Reports on Human Rights Practices of the Department of State included ''unlawful and arbitrary killings'' as a significant human rights issue in Guatemala. Despite such inclusion, the Under Secretary of Commerce for Industry and Security has authorized approximately 99,270 firearms exports to Guatemala since assuming responsibility for firearms licensing in 2020.

(17) When firearms were controlled under the United States Munitions List and the licensing of firearms was the responsibility of the Secretary of State, the average number of firearms licensed for export to Guatemala was approximately 4,000 per year.

(18) The number of exports specified in paragraph (16) represents an extraordinary increase from the number specified in paragraph (17). The Under Secretary of Commerce for Industry and Security has only been able to conduct a very limited number of end-use checks, according to the 2022 GAO report ''Firearms Trafficking: More Information Needed to Inform U.S. Efforts in Central America''.

(19) Since the Department of Commerce gained jurisdiction over the control of firearm export licensing—

(A) there has been a 42 percent increase in firearm exports compared to averages for such exports when the control of such exports was under the jurisdiction of the Department of State;

(B) the total value of export licenses approved annually has increased by an estimated $4,450,000,000; and

(C) the Secretary of Commerce has also approved 95 percent of license applications for such exports.

(20) According to the Census Bureau, Mexico, Guatemala, and Brazil have been among the top 10 destinations for United States-manufactured semiautomatic firearm exports.

(21) The 2021 security cooperation plan, titled ''U.S.-Mexico Bicentennial Framework for Security, Public Heath, and Safe Communities'', explicitly identifies reducing illicit arms trafficking as a ''Cooperation Area'' with specific objectives—

(A) to increase efforts to reduce the illicit trafficking of firearms, ammunition, and explosive devices;

(B) to increase bilateral information sharing on illicit firearms trafficking; and

(C) to increase investigative and prosecutorial capacity to address illicit firearms trafficking.

(22) As of March 2023, during the second phase of the Bicentennial Framework referred to in paragraph (21)—

(A) the United States and Mexico were focusing specifically on stemming firearms trafficking to Mexico; and

(B) the Department of Justice's Operation Southbound had deployed 9 interagency Firearms Trafficking Task Forces to 8 cities along the southwest border to focus on such firearms trafficking, which resulted in the seizure of nearly 2,000 firearms during the first 6 months of fiscal year 2023, and represents a 65.8 percent increase in firearms seizures compared to the same period during fiscal year 2022.

(23) Homeland Security Investigations has reported a surge in firearms trafficking from the United States to Haiti since 2021, and the recovery of increasingly sophisticated arms destined for ports in Haiti, including—

(A) .50 caliber sniper rifles;

(B) .308 caliber rifles; and

(C) belt-fed machine guns.

(24) The 2023 Assessment by the United Nations Office on Drugs and Crime, titled ''Haiti's Criminal Markets: Mapping Trends in Firearms and Drug Trafficking'', outlines the use of increasingly sophisticated methods, including a 2022 seizure of containers filled with semi-automatic weapons and handguns addressed to the Episcopal Church and labeled as relief supplies.

(25) The Bipartisan Safer Communities Act (Public Law 117–159), which was enacted into law on June 25, 2022, implemented key efforts to address firearm trafficking, including—

(A) establishing a Federal criminal offense for firearm trafficking; and

(B) strengthening the capability of the Bureau of Alcohol, Tobacco, Firearms and Explosives to interdict firearms.

(26) A growing number of firearms exported by United States manufacturers are found involved in violent crimes worldwide, including the pistol used in a mass shooting of 23 children and two teachers in Thailand in October 2022, which was linked to a United States factory.

SEC. 1293. 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 Commerce, Science, and Transportation of the Senate;

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

(D) the Committee on Energy and Commerce of the House of Representatives.

(2) COVERED COUNTRY.—The term ''covered country'' means any country designated by the Secretary of State pursuant to section 1296 as a covered country.

(3) COVERED MUNITION.—The term ''covered munition'' means—

(A) any previously covered item; or

(B) any item that, on or after the date of the enactment of this Act, is designated for control under Category I, II, or III of the United States Munitions List pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778) or otherwise subject to control under any such category.

(4) FIREARM.—The term ''firearm'' includes covered munitions.

(5) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term ''gross violations of internationally recognized human rights'' has the meaning given such term in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

(6) PREVIOUSLY COVERED ITEM.—The term ''previously covered item'' means any item that—

(A) as of March 8, 2020, was included in Category I, II, or III of the United States Munitions List; and

(B) as of the date of the enactment of this Act, is included on the Commerce Control List.

(7) SECURITY ASSISTANCE.—The term ''security assistance'' includes—

(A) any type of assistance specified in section 502B(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304); and

(B) assistance furnished under an international security assistance program of the United States conducted under any other provision of law, including the authorities under chapter 16 of title 10, United States Code.

(8) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the list maintained pursuant to part 121 of title 22, Code of Federal Regulations.

SEC. 1294. TRANSFER OF REGULATORY CONTROL OF CERTAIN MUNITIONS EXPORTS FROM DEPARTMENT OF COMMERCE TO DEPARTMENT OF STATE.

(a) TRANSFER.—Not later than 1 year after the date of the enactment of this Act—

(1) the Secretary of Commerce shall transfer the control over the export of each previously covered item to the jurisdiction of the Department of State; and

(2) following such transfer, control over the export of any covered munition may not be transferred to the jurisdiction of the Department of Commerce.

(b) RULEMAKING.—The Secretary of State and the Secretary of Commerce shall prescribe such regulations as may be necessary to implement this section by the date specified in subsection (a).

(c) PROHIBITION ON PROMOTION OF CERTAIN MUNITIONS EXPORTS BY DEPARTMENT OF COMMERCE.—The Secretary of Commerce may not take any actions to promote the export of any previously covered item, including actions before, on, or after the date on which the Secretary transfers the control over the export of the previously covered item to the jurisdiction of the Department State under subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting any authority relating to the designation, control, or removal of items under the United States Munitions List or the Commerce Control List, other than the specific authority to transfer the control of an item as specified in subsection (a).

SEC. 1295. REPORTS AND STRATEGY ON DISRUPTION OF ILLEGAL EXPORT AND TRAFFICKING OF FIREARMS TO MEXICO AND CERTAIN CENTRAL AMERICAN, CARIBBEAN, AND SOUTH AMERICAN COUNTRIES.

(a) REPORT.—

(1) SUBMISSION.—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, the Attorney General, the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the heads of such other Federal departments or agencies as the Secretary of State may determine relevant, shall submit a report to the appropriate congressional committees that describes the efforts of the Secretary of State and the heads of other relevant Federal departments and agencies to disrupt—

(A) the illegal export or diversion of firearms from the United States to unauthorized

recipients in covered countries, including through unauthorized third-party transfers; and

(B) the illegal trafficking of firearms obtained in the United States to recipients in such countries.

(2) MATTERS.—The report required under paragraph (1) shall include, with respect to the efforts specified in such paragraph—

(A) the identification of any such efforts, including efforts—

(i) to track and verify information regarding the end-users of firearms so exported, including by entering into data-sharing agreements—

(I) with appropriate counterparts from the governments of such covered countries; and

(II) between the relevant departments and agencies of the United States Government;

(ii) to ensure the destruction of surplus firearms so exported;

(iii) to ensure that firearms so exported are not used to commit extrajudicial killings or other gross violations of internationally recognized human rights;

(iv) to build the capacity of such covered countries to prevent the trafficking of firearms so exported, including through current programs supported or implemented by the United States Government;

(v) to track and verify information regarding the end-users of firearms obtained in the United States and illegally trafficked to such covered countries;

(vi) to combat all forms of cross-border smuggling of firearms from the United States, including via maritime vessels and aircraft;

(vii) to engage with subnational government officials in such covered countries to effectively implement and enforce agreements relating to the trafficking of firearms that have been concluded between the United States Government and the national government of the respective covered country;

(viii) to identify the origin of trafficked firearms, including through the serial numbers of trafficked firearms, and sharing such information with relevant law enforcement agencies of—

(I) the United States;

(II) the respective covered country; and

(III) any other country determined relevant for purposes of such information sharing;

(ix) to implement—

(I) the ''U.S.-Mexico Bicentennial Framework for Security, Public Heath, and Safe Communities'';

(II) any successor or subsequent bilateral agreements with Mexico; or

(III) similar bilateral agreements with any other covered country on combating firearm trafficking, transnational organizations, or fentanyl;

(x) to implement the recommendations made in—

(I) the 2021 GAO report titled ''Firearms Trafficking: U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis'';

(II) the 2022 GAO report titled ''Firearms Trafficking: More Information Needed to Inform U.S. Efforts in Central America''; and

(III) the forthcoming GAO report that focuses on a similar topic for the Caribbean;

(xi) to enhance cooperation among relevant Federal departments and agencies to combat firearms trafficking and prosecute illegal firearm smugglers;

(B) an assessment of the results of the efforts described in subparagraph (A); and

(C) an assessment of the impact that the March 2020 decision to transfer jurisdiction over the export of semiautomatic weapons, including assault-style rifles and sniper rifles, from the Department of State to the Department of Commerce has had on the number of and types of firearms manufactured in the United States being sent to covered countries; and

(D) a description of how homicides, extrajudicial killings, and other gross violations of internationally recognized human rights committed in such covered countries using firearms exported from or obtained in the United States have been investigated.

(b) INTERAGENCY STRATEGY.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, taking into account the findings (a), the report required under subsection (a), shall jointly develop an interagency strategy for the disruption of the trafficking of firearms exported from the United States to recipients in covered countries.

(2) ELEMENTS.—The strategy under paragraph (1) shall include—

(A) a plan for the United States to accomplish each of the objectives specified in subsection (a)(2)(A);

(B) the identification of specific performance measures, targets (including the baselines for such targets), and timelines with respect to such objectives;

(C) an estimate of the resources and personnel necessary to carry out the strategy;

(D) a plan for cooperation between the Secretary of State, the Secretary of Commerce, and the heads of any other Federal departments or agencies involved in anti-firearm trafficking efforts, including the Attorney General, the Secretary of Homeland Security, and the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(E) a plan for coordination between the Secretary of State, the Secretary of Commerce, and such heads regarding efforts in countries designated as covered countries under section 5 to combat the trafficking of United States-sourced firearms—

(i) from the United States to such designated countries; and

(ii) from such designated countries to other countries in the surrounding region.

(3) REQUIRED CONSIDERATIONS; CONSULTATIONS.—In developing the strategy required under paragraph (1), the Secretary of State shall—

(A) consider how the strategy may support or otherwise align with broader efforts of the Secretary of State relating to security assistance, anti-corruption, and the prevention of organized crime and drug and gang violence;

(B) consider whether the placement in the Western Hemisphere of an export control officer of the Bureau of Industry and Security of the Department of Commerce, or other personnel of the Department of Commerce or the Department of State, would support the strategy;

(C) consult with the appropriate congressional committees; and

(D) seek to consult with appropriate counterparts from the government of each covered country.

(4) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit the strategy required under paragraph (1) to the appropriate congressional committees.

(c) IMPROVED TRACKING OF TRAFFICKED FIREARMS.—

(1) ASSESSMENT OF DATA AVAILABILITY.—Not later than 180 days after the date on which a country is designated (or deemed to be designated, as the case may be) as a covered country pursuant to section 1296, the Secretary of State, in consultation with the Secretary of Commerce, the Attorney General, the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the heads of such other Federal departments or agencies as the Secretary of State may determine relevant, shall conduct and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an assessment of the extent to which the law enforcement agencies of such covered country make available to the United States Government forensic information of trafficked firearms.

(2) ADDRESSING GAPS IN DATA.—For the duration of the period during which a country is designated as a covered country pursuant to section 1296, the Secretary of State shall—

(A) seek to engage with the foreign counterparts of the government of such covered country to improve the collection and sharing of the forensic information of trafficked firearms confiscated by the law enforcement agencies of such covered country; and

(B) promptly provide any such forensic information shared pursuant to subparagraph (A) to the relevant Federal, State, and local law enforcement agencies for purposes of use in criminal or civil investigations into violations of relevant United States Federal laws, including the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) DEFINED TERM.—In this subsection, the term ''forensic information'', with respect to a trafficked firearm, includes—

(A) the serial number of the firearm; and

(B) any other information that may be used to identify the origin of the firearm or any person or organization involved in the trafficking of the firearm.

(d) ANNUAL REPORT.—

(1) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary or Secretaries concerned (in consultation with the heads of such other Federal departments or agencies as the Secretary or Secretaries concerned may determine relevant) shall submit a report to the appropriate congressional committees that describes the export of covered munitions to covered countries.

(2) MATTERS.—Each report under paragraph (1) shall include, with respect to the year for which the report is submitted, disaggregated by country—

(A) information regarding license applications approved or denied by the Department of State or the Department of Commerce, and previously issued licenses for the export of covered munitions to proposed recipients in covered countries that have been modified or revoked ;

(B) information regarding how evolving country contexts, including with respect to developments in human rights, affected the approval of license applications for such exports;

(C) the number of licenses issued for the export of covered munitions to proposed recipients in covered countries;

(D) the number of covered munitions exported to recipients in covered countries;

(E) with respect to end-user checks for covered munitions exported to recipients in covered countries conducted pursuant to section 38(g)(7) of the Arms Export Control Act (22 U.S.C. 2778(g)(7)) (commonly referred to as the ''Blue Lantern'' program), the monitoring program established under the second section 40A of the Arms Export Control Act (22 U.S.C. 2785) (as added by section 150(a) of Public Law 104–164), or any other applicable program of the Department of Commerce or the Department of State—

(i) the number of such end-user checks requested;

(ii) the number of such end-user checks conducted;

(iii) the type of such end-user checks conducted; and

(iv) the results of such end-user checks conducted;

(F) information on the extent to which the heads of the governments of covered countries shared with the Secretary or Secretaries concerned and the heads of other relevant Federal departments and agencies (such as the Bureau of Alcohol, Tobacco, Firearms and Explosives) data relating to the receipt and end-use of covered munitions exported from the United States, and the type of data so shared; and

(G) for each covered country, a description of the United States funding and resources allocated for the purpose of disrupting trafficking of covered munitions.

(3) DEFINED TERM.—In this subsection, the term ''Secretary or Secretaries concerned'' means—

(A) if a single Federal department or agency has jurisdiction over the export control of covered munitions, the head of such Federal department or agency; or

(B) if multiple Federal departments or agencies have jurisdiction over the export control of covered munitions, the head of each such Federal department or agency.

SEC. 1296. DESIGNATION OF COVERED COUNTRIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Bahamas, Belize, Brazil, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Haiti, Jamaica, and Trinidad and Tobago shall be designated by the Secretary of State as covered countries for purposes of this Act.

(b) TERMINATION OF DESIGNATION.—The countries designated pursuant to subsection (a) shall continue to be so designated during the 5-year period beginning on the date of enactment of this Act, after which period the Secretary of State may terminate the designation with respect to any such country if, at least 180 days before such termination, the Secretary submits a notification of such termination to the appropriate congressional committees.

SEC. 1297. CERTIFICATION REQUIREMENTS RELATING TO CERTAIN MUNITIONS EXPORTS.

(a) INITIAL CERTIFICATION; PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), no covered munition may be transferred to the government of a covered country, or any other organization, citizen, or resident of such covered country, until the Secretary of State submits to the appropriate congressional committees a certification that the program required under subsection (c) has been established.

(2) WAIVER.—During the 1-year period beginning on the effective date described in subsection (d), the Secretary of State may waive the certification requirement under paragraph (1) with respect to the transfer of a covered munition to the government of a country described in paragraph (1) if the Secretary—

(A) certifies to the appropriate congressional committees that such waiver is in the national security interest of the United States; and

(B) includes a written justification with such certification.

(b) REVIEW AND RECERTIFICATION.—

(1) IN GENERAL.—Not later than 3 years after the date of the submission of the certification pursuant to subsection (a) for a covered country, and annually thereafter until such time as the designation of such country is terminated pursuant to section 1296(b), the Secretary of State shall review, and submit to the appropriate congressional committees a recertification of, such certification.

(2) PROHIBITION.—If the Secretary of State is unable to recertify a covered country as required under paragraph (1), no covered munition may be transferred to the government of the covered country, or any other organization, citizen, or resident of such covered country, until the date on which the Secretary is able to so recertify.

(c) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of State shall establish and carry out a program under which the Secretary shall prohibit the retransfer of covered munitions transferred to covered countries without the consent of the United States and provide for the registration and end-use monitoring of such covered munitions in accordance with the requirements described in paragraph (2).

(2) REQUIREMENTS.—

(A) DETAILED RECORD.—The Secretary shall maintain a detailed record of the origin, shipping, and distribution of covered munitions transferred to covered countries.

(B) REGISTRATION.—The Secretary shall register the serial numbers of all covered munitions, which shall be provided to the governments of covered countries and other organizations, citizens, and residents within such covered countries.

(C) END-USE MONITORING.—The Secretary shall carry out a program for the end-use monitoring of covered munitions transferred to the entities and individuals described in subparagraph (B).

(3) REVIEW OF DATABASE.—In prohibiting the retransfer of covered munitions without the consent of the United States pursuant to the program established pursuant to paragraph (1), the Secretary of State, in consultation with the Secretary of Commerce, shall—

(A) review the database of the Department of State that stores records relating to vetting conducted pursuant to section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) or section 362 of title 10, United States Code, known as the ''International Vetting and Security Tracking-cloud system'' or ''INVEST system'' (or any successor database), for any such records relating to the prospective recipients of such retransfer; and

(B) ensure that such consent is not granted for any such prospective recipient who the Secretary of State determines, taking into account the review under subparagraph (A), is credibly implicated in a gross violation of internationally recognized human rights.

(4) DATA STORAGE AND SHARING.—In carrying out the program established pursuant to paragraph (1), the Secretary of State shall—

(A) ensure that any data received pursuant to such program is stored and maintained in a database of the Department of State; and

(B) to the extent practicable, provide for the sharing of such data with the Secretary of Commerce and the heads of such other Federal departments or agencies as the Secretary of State may determine relevant.

(d) EFFECTIVE DATE.—This section shall take effect on the date that is 1 year after the date on which the Secretary of Commerce completes the transfer of the control over the export of previously covered items to the jurisdiction of the Department of State pursuant to section 1294(a).

SEC. 1298. LIMITATION ON LICENSES AND OTHER AUTHORIZATIONS FOR EXPORT OF CERTAIN ITEMS REMOVED FROM THE COMMERCE CONTROL LIST AND INCLUDED ON THE UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State may not grant an export license or other authorization for the export of a previously covered item unless, before granting such license or other authorization, the Secretary submits to the appropriate congressional committees a written certification with respect to such proposed export license or other authorization containing—

(1) the name of the person applying for the license or other authorization;

(2) the name of the person who is the proposed recipient of the export;

(3) the name of the country or international organization to which the export will be made;

(4) a description of the items proposed to be exported; and

(5) the value of the items proposed to be exported.

(b) FORM.—Each certification required under subsection (a) shall be submitted in unclassified form, except that information regarding the dollar value and number of items proposed to be exported may be restricted from public disclosure if such disclosure would be detrimental to the security of the United States.

(c) DEADLINES.—Each certification required under subsection (a) shall be submitted—

(1) not later than 15 days before a proposed export license or other authorization is granted in the case of a transfer of items to a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, the Republic of Korea, Israel, or New Zealand, and

(2) not later than 30 days before a proposed export license or other authorization is granted in the case of a transfer of items to any other country.

(d) CONGRESSIONAL RESOLUTION OF DISAPPROVAL.—A proposed export license or other authorization described in subsection (c)(1) shall become effective after the end of the 15-day period described in such subsection, and a proposed export license or other authorization described in subsection (c)(2) shall become effective after the end of the 30-day period specified in such subsection if Congress does not enact, within the applicable time period, a joint resolution prohibiting the export of the covered item for which the export license or other authorization was proposed.

SA 3161. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill S. 2073, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ISSUANCE OF RULES.

(a) DEFINITIONS.—In this section:

(1) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ''artificial intelligence system'' has the meaning given the term in section 7223 of the Advancing American AI Act (40 U.S.C. 11301 note).

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means an individual who is younger than 18 years of age.

(3) PRODUCT.—The term ''product'' includes a program, service, application, or other product.

(4) USER.—The term ''user'' means an individual who is a user or customer with respect to a product offered or operated by an entity.

(b) ISSUANCE OF RULES.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Federal Trade Commission, shall issue rules that provide that, with respect to any product offered or operated by an entity—

(1) the entity may not offer to a user of the product who is a covered individual any artificial intelligence system, including an artificial intelligence system chat feature, as

part of the product unless a parent or guardian of that covered individual affirmatively grants consent to accept that artificial intelligence system on behalf of that covered individual;

(2) after granting consent under paragraph (1), a parent or guardian of the applicable covered individual may revoke that consent at any time; and

(3) with respect to the revocation of consent under paragraph (2), the entity may not charge the parent or guardian revoking consent a fee for the removal by the entity of the applicable artificial intelligence system.

(c) VIOLATIONS.—A violation of a rule issued under subsection (b) shall be considered to be a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a rule issued under that Act.

SA 3162. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At end of subtitle B of title III, add the following:

SEC. 318. MODIFICATIONS TO SALE OF ROYALTIES FOR ENERGY RESILIENCE PURPOSES.

Section 36 of the Mineral Leasing Act (30 U.S.C. 192) is amended by striking the period at the end and inserting '': Provided, however, At the request of the Secretary of Defense, the Secretary of the Interior shall sell royalties derived only from lands managed by the Department of Defense for the McAlester Army Ammunition Plant in McAlester, Oklahoma, at or below market price to the Department of Defense for use only at the McAlester Army Ammunition Plant and only for energy resilience purposes, and only to the extent that such royalties do not exceed the natural gas needs of the installation: And provided further, That the Secretary of Defense may not store or sale any royalties received in excess of such needs.''.

SA 3163. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At end of subtitle B of title III, add the following:

SEC. 318. MODIFICATIONS TO SALE OF ROYALTIES FOR ENERGY RESILIENCE PURPOSES.

Section 36 of the Mineral Leasing Act (30 U.S.C. 192) is amended by striking the period at the end and inserting '': Provided, however, At the request of the Secretary of Defense, only for the purposes of a Department of Defense energy resilience pilot program not to exceed one year in duration, the Secretary of the Interior shall sell royalties derived only from lands managed by the Department of Defense for the McAlester Army Ammunition Plant in McAlester, Oklahoma, at or below market price to the Department of Defense for use only at the McAlester Army Ammunition Plant and only for energy resilience purposes, and only to the extent that such royalties do not exceed the natural gas needs of the installation: And provided further, That the Secretary of Defense may not store or sale any royalties received in excess of such needs.''.

SA 3164. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 XV, add the following:

Subtitle E—SAFE Orbit Act

SEC. 1549. SHORT TITLE.

This subtitle may be cited as the ''Situational Awareness of Flying Elements in Orbit Act'' or the ''SAFE Orbit Act''.

SEC. 1550. SPACE SITUATIONAL AWARENESS AND SPACE TRAFFIC COORDINATION.

(a) IN GENERAL.—The Secretary of Commerce shall facilitate safe operations in space and encourage the development of commercial space capabilities by acquiring and disseminating unclassified data, analytics, information, and services on space activities.

(b) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, including nongovernmental entities, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

(c) ACQUISITION OF DATA.—The Assistant Secretary of Commerce for Space Commerce (established under section 50702(b) of title 51, United States Code, as amended by section 1551) is authorized to acquire—

(1) data, analytics, information, and services, including with respect to—

(A) location tracking data;

(B) positional and orbit determination information; and

(C) conjunction data messages; and

(2) such other data, analytics, information, and services as the Secretary of Commerce determines necessary to avoid collisions of space objects.

(d) DATABASE ON SATELLITE LOCATION AND BEHAVIOR.—

(1) IN GENERAL.—The Assistant Secretary of Commerce for Space Commerce shall provide access for the public, at no charge, a fully updated, unclassified database of information concerning space objects and behavior that is maintained separately from the space object catalog maintained by the Secretary of Defense pursuant to the authority provided in section 2274 of title 10, United States Code, to maintain a catalog of space objects in furtherance of the national security interests of the United States.

(2) CONTENTS.—The database under paragraph (1) shall include—

(A) the data and information acquired under subsection (c), except to the extent that such data or information is classified or a trade secret (as defined in section 1839 of title 18, United States Code); and

(B) the provision of basic space situational awareness services and space traffic coordination based on the data referred to in subparagraph (A), including basic analytics, tracking calculations, and conjunction data messages.

(e) BASIC SPACE SITUATIONAL AWARENESS SERVICES.—The Assistant Secretary of Commerce for Space Commerce—

(1) shall provide to satellite operators, at no charge, basic space situational awareness services, including the data, analytics, information, and services described in subsection (c);

(2) in carrying out paragraph (1), may not compete with private sector space situational awareness products, to the maximum extent practicable; and

(3) not less frequently than every 3 years, shall review the basic space situational awareness services described in paragraph (1) to ensure that such services provided by the Federal Government do not compete with space situational awareness services offered by the private sector.

(f) REQUIREMENTS FOR DATA ACQUISITION AND DISSEMINATION.—In acquiring data, analytics, information, and services under subsection (c) and disseminating data, analytics, information, and services under subsections (d) and (e), the Assistant Secretary of Commerce for Space Commerce shall—

(1) leverage commercial capabilities to the maximum extent practicable;

(2) prioritize the acquisition of data, analytics, information, and services from commercial industry located in or licensed in the United States to supplement data collected by United States Government agencies, including the Department of Defense and the National Aeronautics and Space Administration;

(3) appropriately protect proprietary data, information, and systems of firms located in the United States, including by using appropriate infrastructure and cybersecurity measures, including measures set forth in the most recent version of the Cybersecurity Framework, or successor document, maintained by the National Institute of Standards and Technology;

(4) facilitate the development of standardization and consistency in data reporting, in collaboration with satellite owners and operators, commercial space situational awareness data and service providers, the academic community, nonprofit organizations, and the Director of the National Institute of Standards and Technology; and

(5) encourage foreign governments to participate in unclassified data sharing arrangements for space situational awareness and space traffic coordination.

(g) OTHER TRANSACTION AUTHORITY.—In carrying out the activities required by this section, the Secretary of Commerce shall enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary.

SEC. 1551. OFFICE OF SPACE COMMERCE.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 50701 of title 51, United States Code, is amended to read as follows:

''§ 50701. Definitions

''In this chapter:

''(1) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Commerce for Space Commerce.

''(2) BUREAU.—The term 'Bureau' means the Bureau of Space Commerce established under section 50702.

''(3) ORBITAL DEBRIS.—The term 'orbital debris'—

''(A) means—

''(i) any human-made space object orbiting Earth that—

''(I) no longer serves an intended purpose;

''(II) has reached the end of its mission; or

''(III) is incapable of safe maneuver or operation; and

''(ii) a rocket body and other hardware left in orbit as a result of normal launch and operational activities; and

''(B) includes fragmentation debris produced by failure or collision of human-made space objects.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(5) SPACE OBJECT.—The term 'space object' means any object launched into space or created in space robotically or by humans, including the component parts of such an object.

''(6) SPACE SITUATIONAL AWARENESS.—The term 'space situational awareness' means—

''(A) the identification, characterization, tracking, and the predicted movement and behavior of space objects and orbital debris; and

''(B) the understanding of the space operational environment.

''(7) SPACE TRAFFIC COORDINATION.—The term 'space traffic coordination' means the planning, assessment, and coordination of activities to enhance the safety, stability, and sustainability of operations in the space environment.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 507 of title 51, United States Code, is amended by striking the item relating to section 50701 and inserting the following:

''50701. Definitions.''.

(b) TRANSITION OF OFFICE TO BUREAU.—Subsection (a) of section 50702 of title 51, United States Code, is amended by inserting before the period at the end the following: '', which, not later than 5 years after the date of the enactment of this Act, shall be elevated by the Secretary of Commerce from an office within the National Oceanic and Atmospheric Administration to a bureau reporting directly to the Office of the Secretary of Commerce''.

(c) ADDITIONAL FUNCTIONS OF BUREAU.—Subsection (c) of such section is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) to perform space situational awareness and space traffic management duties pursuant to the SAFE Orbit Act.''.

(d) ASSISTANT SECRETARY OF COMMERCE FOR SPACE COMMERCE.—

(1) IN GENERAL.—Subsection (b) of such section is amended to read as follows:

''(b) ASSISTANT SECRETARY.—The Bureau shall be headed by the Assistant Secretary of Commerce for Space Commerce, who shall—

''(1) be appointed by the President, by and with the advice and consent of the Senate;

''(2) report directly to the Secretary of Commerce; and

''(3) have a rate of pay that is equal to the rate payable for level IV of the Executive Schedule under section 5315 of title 5.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 50702(d) of title 51, United States Code, is amended—

(i) in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY''; and

(ii) in the matter preceding paragraph (1), by striking ''Director'' and inserting ''Assistant Secretary''.

(B) Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Commerce (11)'' and inserting ''Assistant Secretaries of Commerce (12)''.

(3) REFERENCES.—On and after the date of the enactment of this Act, any reference in any law or regulation to the Director of the Office of Space Commerce shall be deemed to be a reference to the Assistant Secretary of Commerce for Space Commerce.

(e) TRANSITION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report that sets forth transition and continuity of operations plans for the functional and administrative transfer of the Office of Space Commerce from the National Oceanic and Atmospheric Administration to a bureau reporting to the Office of the Secretary of Commerce.

(2) GOAL.—The goal of transition and continuity of operations planning shall be to minimize the cost and administrative burden of establishing the Bureau of Space Commerce while maximizing the efficiency and effectiveness of the functions and responsibilities of the Bureau of Space Commerce, in accordance with this section and the amendments made by this section.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SA 3165. Mr. ROMNEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 G—Coordinating AUKUS Engagement With Japan

SEC. 1291. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

(2) AUKUS OFFICIAL.—The term ''AUKUS official'' means a government official with responsibilities related to the implementation of the AUKUS partnership.

(3) AUKUS PARTNERSHIP.—The term ''AUKUS partnership'' has the meaning given that term in section 1321 of the National Defense Authorization Act of Fiscal Year 2024 (22 U.S.C. 10401).

(4) COMMERCE CONTROL LIST.—The term ''Commerce Control List'' means the list maintained pursuant to part 774 of title 15, Code of Federal Regulations (or successor regulations).

(5) STATE AUKUS COORDINATOR.—The term ''State AUKUS Coordinator'' means the senior advisor at the Department of State designated under section 1331(a)(1) of the National Defense Authorization Act for Fiscal Year 2024 (22 U.S.C. 10411(a)(1)).

(6) DEFENSE AUKUS COORDINATOR.—The term ''Defense AUKUS Coordinator'' means the senior civilian official of the Department of Defense designated under section 1332(a) of the National Defense Authorization Act for Fiscal Year 2024 (22 U.S.C. 10412(a)).

(7) PILLAR TWO.—The term ''Pillar Two'' has the meaning given that term in section 1321(2)(B) of the National Defense Authorization Act of Fiscal Year 2024 (22 U.S.C. 10401(2)(B)).

(8) 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).

SEC. 1292. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should continue to strengthen relationships and cooperation with allies in order to effectively counter the People's Republic of China;

(2) the United States should capitalize on the technological advancements allies have made in order to deliver more advanced capabilities at speed and at scale to the United States military and the militaries of partner countries;

(3) the historic announcement of the AUKUS partnership laid out a vision for future defense cooperation in the Indo-Pacific among Australia, the United Kingdom, and the United States;

(4) Pillar Two of the AUKUS partnership envisions cooperation on advanced technologies, including hypersonic capabilities, electronic warfare capabilities, cyber capabilities, quantum technologies, undersea capabilities, and space capabilities;

(5) trusted partners of the United States, the United Kingdom, and Australia, such as Japan, could benefit from and offer significant contributions to a range of projects related to Pillar Two of the AUKUS partnership;

(6) Japan is a treaty ally of the United States and a technologically advanced country with the world's third-largest economy;

(7) in 2022, Australia signed a Reciprocal Access Agreement with Japan to facilitate reciprocal access and cooperation between the Self-Defense Forces of Japan and the Australian Defence Force;

(8) in 2023, the United Kingdom signed a Reciprocal Access Agreement with Japan to facilitate reciprocal access and cooperation between the Self-Defense Forces of Japan and the Armed Forces of the United Kingdom of Great Britain and Northern Ireland;

(9) in 2014, Japan relaxed its post-war constraints on the export of non-lethal defense equipment, and in March 2024, Japan further refined that policy to allow for the export of weapons to countries with which it has an agreement in place on defense equipment and technology transfers;

(10) in 2013, Japan passed a secrecy law obligating government officials to protect diplomatic and defense information, and in February 2024, the Cabinet approved a bill creating a new security clearance system covering economic secrets; and

(11) in April 2024, the United States, Australia, and the United Kingdom announced they would consider cooperating with Japan on advanced capability projects under Pillar Two of the AUKUS partnership.

SEC. 1293. ENGAGEMENT WITH JAPAN ON AUKUS PILLAR TWO COOPERATION.

(a) ENGAGEMENT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the State AUKUS Coordinator, the Defense AUKUS Coordinator, and the designee of the Under Secretary of Commerce for Industry and Security shall jointly engage directly, at a technical level, with the relevant stakeholders in the Government of Japan—

(A) to better understand the export control system of Japan and the effects of the reforms the Government of Japan has made to that system since 2014;

(B) to determine overlapping areas of interest and the potential for cooperation with Australia, the United Kingdom, and the

United States on projects related to the AUKUS partnership and other projects;

(C) to identify areas in which the Government of Japan might need to adjust the export control system of Japan in order to guard against export control violations or other related issues in order to be a successful potential partner in Pillar Two of the AUKUS partnership; and

(D) to assess the Government of Japan's implementation and enforcement of export controls on sensitive technologies with respect to the People's Republic of China, including the implementation of export controls on semiconductor manufacturing equipment.

(2) CONSULTATION WITH AUKUS OFFICIALS.—In carrying out the engagement required by paragraph (1), the State AUKUS Coordinator, the Defense AUKUS Coordinator, and the designee of the Under Secretary of Commerce for Industry and Security shall consult with relevant AUKUS officials from the United Kingdom and Australia.

(b) BRIEFING REQUIREMENT.—Not later than 30 days after the date of the engagement required by subsection (a), the State AUKUS Coordinator, the Defense AUKUS Coordinator, and the designee of the Under Secretary of Commerce for Industry and Security shall jointly brief the appropriate congressional committees on the following:

(1) The findings of that engagement.

(2) A strategy for follow-on engagement.

SEC. 1294. ASSESSMENT OF POTENTIAL FOR COOPERATION WITH JAPAN ON AUKUS PILLAR TWO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the concurrence of the Secretary of Defense and the Secretary of Commerce, shall submit to the appropriate congressional committees a report assessing the potential for cooperation with Japan on Pillar Two of the AUKUS partnership, detailing the following:

(1) Projects the Government of Japan is engaged in related to the development of advanced defense capabilities under Pillar Two of the AUKUS partnership.

(2) Areas of potential cooperation with Japan on advanced defense capabilities within and outside the scope of Pillar Two of the AUKUS partnership.

(3) The Secretaries' assessment of the current export control system of Japan, including—

(A) the procedures under that system for protecting classified and sensitive defense, diplomatic, and economic information;

(B) the effectiveness of that system in protecting such information; and

(C) such other matters as the Secretaries consider appropriate.

(4) Any reforms by Japan that the Secretary of State considers necessary before considering including Japan in the privileges provided under Pillar Two of the AUKUS partnership.

(5) Any recommendations regarding the scope and conditions of potential cooperation with Japan under Pillar Two of the AUKUS partnership.

(6) A strategy and forum for communicating the potential benefits of and requirements for engaging in projects related to Pillar Two of the AUKUS partnership with the Government of Japan.

(7) Any views provided by AUKUS officials from the United Kingdom and Australia on issues relevant to the report, and a plan for cooperation with such officials on future engagement with the Government of Japan related to Pillar Two of the AUKUS partnership.

SA 3166. Mr. ROMNEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 G—Coordinating AUKUS Engagement With Japan

SEC. 1291. DEFINITIONS.

In this subtitle:

(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 OFFICIAL.—The term ''AUKUS official'' means a government official with responsibilities related to the implementation of the AUKUS partnership.

(3) AUKUS PARTNERSHIP.—The term ''AUKUS partnership'' has the meaning given that term in section 1321 of the National Defense Authorization Act of Fiscal Year 2024 (22 U.S.C. 10401).

(4) STATE AUKUS COORDINATOR.—The term ''State AUKUS Coordinator'' means the senior advisor at the Department of State designated under section 1331(a)(1) of the National Defense Authorization Act for Fiscal Year 2024 (22 U.S.C. 10411(a)(1)).

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(6) PILLAR TWO.—The term ''Pillar Two'' has the meaning given that term in section 1321(2)(B) of the National Defense Authorization Act of Fiscal Year 2024 (22 U.S.C. 10401(2)(B)).

(7) 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).

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It is the sense of Congress that—

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(3) the historic announcement of the AUKUS partnership laid out a vision for future defense cooperation in the Indo-Pacific among Australia, the United Kingdom, and the United States;

(4) Pillar Two of the AUKUS partnership envisions cooperation on advanced technologies, including hypersonic capabilities, electronic warfare capabilities, cyber capabilities, quantum technologies, undersea capabilities, and space capabilities;

(5) trusted partners of the United States, the United Kingdom, and Australia, such as Japan, could benefit from and offer significant contributions to a range of projects related to Pillar Two of the AUKUS partnership;

(6) Japan is a treaty ally of the United States and a technologically advanced country with the world's third-largest economy;

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(9) in 2014, Japan relaxed its post-war constraints on the export of non-lethal defense equipment, and in March 2024, Japan further refined that policy to allow for the export of weapons to countries with which it has an agreement in place on defense equipment and technology transfers;

(10) in 2013, Japan passed a secrecy law obligating government officials to protect diplomatic and defense information, and in February 2024, the Cabinet approved a bill creating a new security clearance system covering economic secrets; and

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SEC. 1293. ENGAGEMENT WITH JAPAN ON AUKUS PILLAR TWO COOPERATION.

(a) ENGAGEMENT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the State AUKUS Coordinator and the Defense AUKUS Coordinator shall jointly engage directly, at a technical level, with the relevant stakeholders in the Government of Japan—

(A) to better understand the export control system of Japan and the effects of the reforms the Government of Japan has made to that system since 2014;

(B) to determine overlapping areas of interest and the potential for cooperation with Australia, the United Kingdom, and the United States on projects related to the AUKUS partnership and other projects; and

(C) to identify areas in which the Government of Japan might need to adjust the export control system of Japan in order to guard against export control violations or other related issues in order to be a successful potential partner in Pillar Two of the AUKUS partnership.

(2) CONSULTATION WITH AUKUS OFFICIALS.—In carrying out the engagement required by paragraph (1), the State AUKUS Coordinator and the Defense AUKUS Coordinator shall consult with relevant AUKUS officials from the United Kingdom and Australia.

(b) BRIEFING REQUIREMENT.—Not later than 30 days after the date of the engagement required by subsection (a), the State AUKUS Coordinator and the Defense AUKUS Coordinator shall jointly brief the appropriate congressional committees on the following:

(1) The findings of that engagement.

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(1) Projects the Government of Japan is engaged in related to the development of advanced defense capabilities under Pillar Two of the AUKUS partnership.

(2) Areas of potential cooperation with Japan on advanced defense capabilities within and outside the scope of Pillar Two of the AUKUS partnership.

(3) The Secretaries' assessment of the current export control system of Japan, including—

(A) the procedures under that system for protecting classified and sensitive defense, diplomatic, and economic information;

(B) the effectiveness of that system in protecting such information; and

(C) such other matters as the Secretaries consider appropriate.

(4) Any reforms by Japan that the Secretary of State considers necessary before considering including Japan in the privileges provided under Pillar Two of the AUKUS partnership.

(5) Any recommendations regarding the scope and conditions of potential cooperation with Japan under Pillar Two of the AUKUS partnership.

(6) A strategy and forum for communicating the potential benefits of and requirements for engaging in projects related to Pillar Two of the AUKUS partnership with the Government of Japan.

(7) Any views provided by AUKUS officials from the United Kingdom and Australia on issues relevant to the report, and a plan for cooperation with such officials on future engagement with the Government of Japan related to Pillar Two of the AUKUS partnership.

SA 3167. Mr. PADILLA submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1095. LAND TO BE TAKEN INTO TRUST FOR THE JAMUL INDIAN VILLAGE OF CALIFORNIA.

(a) IN GENERAL.—The approximately 167.23 acres of land owned in fee by the Jamul Indian Village of California located in San Diego, California, and described in subsection (b) are hereby taken into trust by the United States for the benefit of the Jamul Indian Village of California.

(b) LAND DESCRIPTIONS.—The land referred to in subsection (a) is the following:

(1) PARCEL 1.—The parcels of land totaling approximately 161.23 acres, located in San Diego County, California, that are held in fee by the Jamul Indian Village of California, as legally described in Document No. 2022–0010260 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded January 7, 2022.

(2) PARCEL 2.—The parcel of land totaling approximately 6 acres, located in San Diego County, California, that is held in fee by the Jamul Indian Village of California, as legally described in Document No. 2021–0540770 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded July 29, 2021.

(c) REAFFIRMATION OF CERTAIN LAND HELD IN TRUST.—

(1) IN GENERAL.—Congress reaffirms the approximately 4.87 acres of land located in San Diego, California, and described in paragraph (2) that was taken into trust by the United States for the benefit of the Jamul Indian Village of California on July 19, 2024.

(2) LAND DESCRIPTIONS.—The land referred to in paragraph (1) is the following:

(A) PARCEL 3.—The parcel of land totaling approximately 4.03 acres, located in San Diego County, California, that is held in fee by the Jamul Indian Village of California, as legally described in Document No. 1998–0020339 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded January 15, 1998.

(B) PARCEL 4.—The parcel of land comprised of approximately 0.84 acres, located in San Diego County, California, that is held in fee by the Jamul Indian Village of California, as legally described in Document No. 2017–0410384 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded September 7, 2017.

(d) FUTURE TRUST LAND.—On acquisition by the Jamul Indian Village of California of the land depicted as ''Proposed 1.1. acres'' on the map of the California Department of Fish and Wildlife entitled ''Amended Acres Proposal'' and dated May 2023, that land shall be taken into trust by the United States for the benefit of the Jamul Indian Village of California.

(e) ADMINISTRATION.—Land taken into trust under subsections (a) and (d) shall be—

(1) part of the reservation of the Jamul Indian Village of California; 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.

(f) GAMING PROHIBITED.—Land described in subsections (b), (c)(2), and (d) 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)).

SA 3168. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1291. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN ADVERSARY MARITIME MILITIA.

(a) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (d) with respect to any foreign adversary entity that the President determines—

(1) has materially contributed to, engaged in, or provided significant direct or indirect support for—

(A) the maritime militia of a foreign adversary;

(B) the provision of logistical support to such a militia, including provision of at-sea or at-port refueling or any other on-shore services, such as repair and servicing;

(C) the construction of vessels used by such a militia;

(D) the direction or control of such a militia, including directing activities that inhibit or coerce another country from protecting its sovereign rights or access to vessels or territory under its control; or

(E) other activities that may support, sustain, or enable the activities of such a militia; or

(2) 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).

(b) 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 FOR COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND LAW ENFORCEMENT ACTIVITIES.—Sanctions 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 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) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority to impose sanctions under this section shall not include the authority 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.

(c) WAIVER.—The President may waive the application of sanctions under this section with respect to a foreign adversary entity if the President determines and reports to Congress that such a waiver is in the national interests of the United States.

(d) SANCTIONS DESCRIBED.—The sanctions described in this subsection are, notwithstanding section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), the exercise of the authorities provided to the President under that 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 adversary entity subject to subsection (a) if such property or 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.

(e) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise the authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (d) 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.

(f) ENGAGEMENT WITH ALLIES AND PARTNERS WITH RESPECT TO MARITIME MILITIA OF PEOPLE'S REPUBLIC OF CHINA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State should 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 efforts of the United States to engage with foreign allies and partners with territorial or security interests in

the South China Sea, East China Sea, Philippine Sea, and other maritime areas of interest to coordinate efforts to counter malign activities of the maritime militia of the People's Republic of China.

(g) DEFINITIONS.—In this section:

(1) FOREIGN ADVERSARY.—The term ''foreign adversary'' means a country specified in section 7.4(a) of title 15, Code of Federal Regulations.

(2) FOREIGN ADVERSARY ENTITY.—The term ''foreign adversary entity'' means an entity organized under the laws of or otherwise subject to the jurisdiction of a foreign adversary.

(3) MARITIME MILITIA.—The term ''maritime militia'' means an organized civilian force that—

(A) operates primarily in maritime domains, including coastal waters, exclusive economic zones, and international waters, and may use a variety of vessels, including fishing boats, trawlers, and other commercial vessels;

(B) is acting under the authority of, or is funded by, the government of a country; or

(C) is equipped and trained for the purpose of supporting and advancing the geopolitical or strategic objectives of that government, including asserting territorial claims, safeguarding maritime interests of that country, and conducting activities such as surveillance, reconnaissance, intelligence gathering, and logistical support, and may engage in coordinated activities with naval and other military forces of that country.

(4) PERSON.—The term ''person'' means an individual or entity.

(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 any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person located in the United States.

SA 3169. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1216. EXTENSION AND MODIFICATION OF GLOBAL ENGAGEMENT CENTER.

(a) FUNDING AVAILABILITY AND LIMITATIONS.—Paragraph (2) of subsection (f) of section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note) is amended to read as follows:

''(2) FUNDING AVAILABILITY AND LIMITATIONS.—

''(A) CERTIFICATION.—The Secretary of State shall only provide funds under paragraph (1) to an entity described in that paragraph if the Secretary certifies to the appropriate congressional committees that the entity receiving such funds—

''(i) has been selected in accordance with relevant existing regulations;

''(ii) has the capability and experience necessary to fulfill the purposes described in that paragraph;

''(iii) is nonpartisan; and

''(iv) is compatible with United States national security and foreign policy interests and objectives.

''(B) PARTISAN POLITICAL ACTIVITY.—The Secretary of State shall not knowingly provide funds under this subsection to any entity engaged in unlawful partisan political activity within the United States, including by carrying out activities that—

''(i) are directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group; or

''(ii) result in unlawful partisan censorship of speech protected under the First Amendment to the Constitution of the United States.''.

(b) EXTENSION.—Subsection (j) of such section 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, 2034''.

(c) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section and the amendments made by this section, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHATZ. Madam President, I have one request for committee to meet during today's session of the Senate. It has the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, July 24, 2024 at 10 a.m., to conduct a business meeting.

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Madam President, I ask unanimous consent that Aaron Moss and Allison Carter, fellows in my office, be granted floor privileges for the remainder of the Congress.

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

Mrs. BRITT. Madam President, I ask unanimous consent that Pippa Millstone, an intern in my office, be granted floor privileges until August 2, 2024.

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

Mr. MANCHIN. Madam President, I ask unanimous consent that privileges of the floor be granted to the following interns in my office: Paul Baier and Harper Katz during the pendency of the month of July.

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

Mr. RICKETTS. Madam President, I ask unanimous consent that the following interns in my office be granted floor privileges until July 26, 2024: Esme Vroom, Preston Kotik, Turner Vaughn, and Caitlyn Haggstrom.

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

Ms. MURKOWSKI. Madam President, I ask unanimous consent that privileges of the floor be granted to my second session summer interns: Maddie McGowan, Mason Oney, Zayden Schijvens, Ben Lassey, Ellen Kennedy, Grayson McGuire, Kara Johnson, Mariana Low, Dylan Thompson, Kelsey Kimmel; and my Senate Committee on Indian Affairs intern Nyche Andrew for the month of July 2024 in the 118th Congress.

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

RESOLUTIONS SUBMITTED TODAY

Mr. SCHATZ. Madam President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 769, Youth Mental Health; and S. Res. 770, Disability Pride Month.

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

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

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

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, JULY 25, 2024

Mr. SCHATZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Thursday, July 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate resume consideration of the House Message to accompany S. 2073 and, notwithstanding rule XXII, the cloture motion with respect to the House Message ripen at 2:15 p.m., and the mandatory quorum call be waived; further, at 11:30 a.m., the Senate proceed to executive session and vote on confirmation of the Way nomination pursuant to the order of July 23, 2024; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; that upon disposition of the nomination, the Senate resume legislative session.