

(3) The term “covered facility” means any facility of the Department of Veterans Affairs where Department police officers have jurisdiction.

(4) The term “Department police officer” is used as such term as used in section 902 of title 38, United States Code.

(5) The term “security weakness” means a deficiency in the facilities, staffing, or covered equipment at a covered facility that a covered employee of the covered facility determines presents a risk to the safety of visitors or staff, including an unsecured door, inoperable security camera, unsecured police operations room, a lack of security presence at an entrance to the covered facility, and a lack of security presence in an area of the covered facility or the grounds of the covered facility that the director of the covered facility determines requires an increased security presence.

SEC. 503. MODIFICATION OF CERTAIN HOUSING LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking “November 29, 2031” each place it appears and inserting “June 9, 2034”.

SA 3328. Mr. SCHUMER (for Mr. BOOKER (for himself and Mr. SCHMITT)) proposed an amendment to the bill S. 5046, to require the Secretary of Health and Human Service, acting through the Commissioner of Food and Drugs, to publish a final rule relating to nonclinical testing methods; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “FDA Modernization Act 3.0”.

SEC. 2. REGULATIONS ON NONCLINICAL TESTING METHODS.

(a) INTERIM FINAL RULE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall publish an interim final rule pursuant to subsections (b) and (c) to ensure implementation of the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117–328; 136 Stat. 5821).

(2) EFFECTIVENESS OF INTERIM FINAL RULE.—Notwithstanding subparagraph (B) of section 553(b) of title 5, United States Code, the interim final rule issued by the Secretary of Health and Human Services under paragraph (1) shall become immediately effective as an interim final rule without requiring the Secretary of Health and Human Services to demonstrate good cause therefor.

(b) INCLUSIONS.—

(1) IN GENERAL.—The interim final rule shall replace any references to “animal” tests, data, studies, models, and research with a reference to nonclinical tests, data, studies, models, and research in the following sections of title 21, Code of Federal Regulations:

- (A) Section 312.22(c).
- (B) Section 312.23(a)(3)(iv).
- (C) Section 312.23(a)(5)(ii).
- (D) Section 312.23(a)(5)(iii).
- (E) Section 312.23(a)(8).
- (F) Section 312.23(a)(8)(i).
- (G) Section 312.23(a)(8)(ii).
- (H) Section 312.23(a)(10)(i).
- (I) Section 312.23(a)(10)(ii).
- (J) Section 312.33(b)(6).
- (K) Section 312.82(a).
- (L) Section 312.88.
- (M) Section 314.50(d)(2).

(N) Section 314.50(d)(2)(iv).

(O) Section 314.50(d)(5)(i).

(P) Section 314.50(d)(5)(vi)(a).

(Q) Section 314.50(d)(5)(vi)(b).

(R) Section 314.93(e)(2).

(S) Section 315.6(d).

(T) Section 330.10(a)(2).

(U) Section 601.35(d).

(V) Any other section necessary to ensure regulatory consistency with the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117–328; 136 Stat. 5821).

(2) ADDITIONAL CHANGES.—The Secretary may make such additional changes to the sections of title 21, Code of Federal Regulations, described in subparagraphs (A) through (V) of paragraph (1) as the Secretary determines appropriate to fully implement the replacement required under such paragraph.

(c) DEFINITION OF NONCLINICAL TEST.—The definition of “nonclinical test” in section 505(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(z)) shall be added to sections 312.3, 314.3, 315.2, and 601.31 of title 21, Code of Federal Regulations.

(d) TECHNICAL AMENDMENT.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by designating the second subsection (z) (relating to clinical trial diversity action plans), as added by section 3601(a) of the Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022 (division FF of Public Law 117–328), as subsection (aa).

SA 3329. Mr. SCHUMER (for Mr. CORNYN (for himself and Mr. OSSOFF)) proposed an amendment to the bill H.R. 8663, to require the Science and Technology Directorate in the Department of Homeland Security to develop a greater capacity to detect and identify illicit substances in very low concentrations; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLES.

This Act may be cited as the “Detection Equipment and Technology Evaluation to Counter the Threat of Fentanyl and Xylazine Act of 2024” or the “DETECT Fentanyl and Xylazine Act of 2024”.

SEC. 2. ENHANCING THE CAPACITY TO DETECT AND IDENTIFY DRUGS SUCH AS FENTANYL AND XYLAZINE.

Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182) is amended—

(1) in paragraph (13), by striking “and” at the end;

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

(3) by adding at the end the following:

“(15) carrying out, in coordination with the Drug Enforcement Administration, research, development, testing, evaluation, and cost-benefit analyses to improve the safety, effectiveness, and efficiency of equipment and the effectiveness and efficiency of reference libraries for use by Federal, State, local, Tribal, and territorial law enforcement agencies for the accurate detection of drugs, such as fentanyl and xylazine, including—

“(A) portable equipment that can detect and identify drugs with minimal or no handling of the sample;

“(B) equipment that can separate complex mixtures containing low concentrations of drugs and high concentrations of cutting agents into their component parts to enable signature extraction for field identification and detection; and

“(C) technologies that use machine learning or artificial intelligence (as defined in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401)) and other techniques to predict whether the substances in a sample are controlled substance analogues or other new psychoactive substances not yet included in available reference libraries.”.

SEC. 3. REQUIREMENTS.

In carrying out section 302(15) of the Homeland Security Act of 2002, as added by section 2, the Under Secretary for Science and Technology shall—

(1) follow the recommendations, guidelines, and best practices described in the Artificial Intelligence Risk Management Framework (NIST AI 100–1) or any successor document published by the National Institute of Standards and Technology; and

(2) establish the Directorate of Science and Technology’s research, development, testing, evaluation, and cost-benefit analysis priorities under such section 302(15) based on the latest available information, including specific drugs identified as threats in—

(A) the latest Homeland Threat Assessment published by the Department of Homeland Security;

(B) the latest State and Territory Report on Enduring and Emerging Threats published by the Drug Enforcement Administration; or

(C) any successor documents.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to limit the authority of agencies currently managing, overseeing, or otherwise involved in drug equipment and reference libraries.

SA 3330. Mr. SCHUMER (for Mr. CORNYN (for himself and Mr. OSSOFF)) proposed an amendment to the bill H.R. 8663, to require the Science and Technology Directorate in the Department of Homeland Security to develop a greater capacity to detect and identify illicit substances in very low concentrations; as follows:

Amend the title so as to read: “An Act to require the Science and Technology Directorate in the Department of Homeland Security to develop greater capacity to detect and identify illicit substances in very low concentrations.”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have four requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet in executive session during the session of the Senate on Thursday, December 12, 2024, at 10 a.m.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, December 12, 2024, at 10:30 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, December 12, 2024, at 10 a.m., to conduct an executive business meeting.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, December 12, 2024, at 10 a.m., to conduct a hearing.

UNANIMOUS CONSENT
AGREEMENT—S. 4367

Mr. SCHUMER. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, and notwithstanding rule XXII, the Chair lay before the Senate the message to accompany S. 4367, to provide for improvements to the rivers and harbors of the United States; that the majority leader, or his designee, be recognized to make a motion to concur in the House amendment to S. 4367, and there be up to 1 hour of debate, equally divided, on the motion to concur; that upon the use or yielding back of time, the Senate vote on the motion to concur in the House amendment to S. 4367, with 60 affirmative votes required for the motion to concur; and that no other motions or amendments be in order.

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

DETECTION EQUIPMENT AND
TECHNOLOGY EVALUATION TO
COUNTER THE THREAT OF
FENTANYL AND XYLAZINE ACT
OF 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 8663, and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 8663) to require the Science and Technology Directorate in the Department of Homeland Security to develop greater capacity to detect, identify, and disrupt illicit substances in very low concentrations.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I further ask that the Cornyn-Ossoff substitute amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; that the Cornyn-Ossoff title amendment at the desk be considered and agreed to; and that the title, as amended, be agreed to; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 3329) in the nature of a substitute was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLES.

This Act may be cited as the “Detection Equipment and Technology Evaluation to Counter the Threat of Fentanyl and Xylazine Act of 2024” or the “DETECT Fentanyl and Xylazine Act of 2024”.

SEC. 2. ENHANCING THE CAPACITY TO DETECT AND IDENTIFY DRUGS SUCH AS FENTANYL AND XYLAZINE.

Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182) is amended—

(1) in paragraph (13), by striking “and” at the end;

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

(3) by adding at the end the following:

“(15) carrying out, in coordination with the Drug Enforcement Administration, research, development, testing, evaluation, and cost-benefit analyses to improve the safety, effectiveness, and efficiency of equipment and the effectiveness and efficiency of reference libraries for use by Federal, State, local, Tribal, and territorial law enforcement agencies for the accurate detection of drugs, such as fentanyl and xylazine, including—

“(A) portable equipment that can detect and identify drugs with minimal or no handling of the sample;

“(B) equipment that can separate complex mixtures containing low concentrations of drugs and high concentrations of cutting agents into their component parts to enable signature extraction for field identification and detection; and

“(C) technologies that use machine learning or artificial intelligence (as defined in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401)) and other techniques to predict whether the substances in a sample are controlled substance analogues or other new psychoactive substances not yet included in available reference libraries.”.

SEC. 3. REQUIREMENTS.

In carrying out section 302(15) of the Homeland Security Act of 2002, as added by section 2, the Under Secretary for Science and Technology shall—

(1) follow the recommendations, guidelines, and best practices described in the Artificial Intelligence Risk Management Framework (NIST AI 100-1) or any successor document published by the National Institute of Standards and Technology; and

(2) establish the Directorate of Science and Technology’s research, development, testing, evaluation, and cost-benefit analysis priorities under such section 302(15) based on the latest available information, including specific drugs identified as threats in—

(A) the latest Homeland Threat Assessment published by the Department of Homeland Security;

(B) the latest State and Territory Report on Enduring and Emerging Threats published by the Drug Enforcement Administration; or

(C) any successor documents.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to limit the authority of agencies currently managing, overseeing, or otherwise involved in drug equipment and reference libraries.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 8663), as amended, was passed.

The title amendment (No. 3330) was agreed to as follows:

(Purpose: To amend the title)

Amend the title so as to read: “An Act to require the Science and Technology Directorate in the Department of Homeland Security to develop greater capacity to detect and identify illicit substances in very low concentrations.”.

The title, as amended, was agreed to.

CHANCE TO COMPETE ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 651, S. 59.

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

The senior assistant legislative clerk read as follows:

A bill (S. 59) to implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chance to Compete Act of 2024”.

SEC. 2. DEFINITIONS.

(a) AMENDATORY DEFINITIONS.—

(1) IN GENERAL.—Section 3304 of title 5, United States Code, is amended—

(A) by redesignating subsections (b) through (g) as subsections (i) through (n), respectively;

(B) by redesignating subsection (a) as subsection (b); and

(C) by inserting before subsection (b), as so redesignated, the following:

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means an Executive agency.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office.

“(3) EXAMINATION.—The term ‘examination’ means the process by which an applicant demonstrates knowledge, skills, abilities, and competencies.

“(4) EXAMINING AGENCY.—The term ‘examining agency’ means—

“(A) the Office; or

“(B) an agency to which the Director has delegated examining authority under section 1104(a)(2).

“(5) OCCUPATIONAL QUESTIONNAIRE.—The term ‘occupational questionnaire’ means a rating and experience evaluation or assessment questionnaire that—

“(A) is used to screen, rate, and rank an applicant;

“(B) is commonly delivered through automated staffing systems used for Federal hiring; and

“(C) consists of self-ratings of training and experience.

“(6) OFFICE.—The term ‘Office’ means the Office of Personnel Management.

“(7) PASSING SCORE.—The term ‘passing score’ means a minimum acceptable score or rating, consistent with applicable law, that may include a quantitative or qualitative assessment that an applicant can pass or fail.

“(8) RELEVANT COMMITTEES.—The term ‘relevant committees’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and