SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2019. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2020. Mr. KELLY (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2021. Mr. BENNET (for himself and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2022. Ms. KLOBUCHAR (for herself, Mr. MORAN, Mr. COONS, and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2023. Mr. SCHATZ (for himself, Mr. VAN HOLLEN, Mr. WELCH, Mr. PADILLA, Mr. SANDERS, Ms. HIRONO, Mr. WARNOCK, and Mr. OSSOFF) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2024. Mr. LUJÁN (for himself, Mr. WELCH, Mr. VANCE, Mr. WICKER, Mr. DAINES, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2025. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2026. Mr. SCHUMER proposed an amendment to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra.

SA 2027. Mr. SCHUMER proposed an amendment to the bill H.R. 3935, supra.

SA 2028. Mr. SCHUMER proposed an amendment to amendment SA 2027 proposed by Mr. SCHUMER to the bill H.R. 3935, supra.

SA 2029. Mr. SCHUMER proposed an amendment to amendment SA 2028 proposed by Mr. SCHUMER to the amendment SA 2027 proposed by Mr. SCHUMER to the bill H.R. 3935, supra.

SA 2030. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2031. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2032. Mr. MARSHALL (for himself, Mrs. SHAHEEN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2001. Mr. MARSHALL (for himself and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PLACEMENT ON NO FLY LIST OF INDIVIDUALS BASED ON DISCIPLINARY ACTIONS RELATING TO SUPPORTING TERRORISTS.

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(b) PLACEMENT ON NO FLY LIST.—The Director of the Federal Bureau of Investigation shall place on the No Fly List maintained by the Terrorist Screening Center—

(1) any individual who has openly pledged support for, or espoused allegiance or affiliation to, any organization that has been designated as a foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), including—

(A) the Islamic Revolutionary Guard Corps (IRGC);

(B) HAMAS;

(C) the Al-Aqsa Martyrs Brigade (AAMB);

(D) Hizballah;

(E) Palestine Islamic Jihad (PIJ);

(F) the Palestine Liberation Front (PLF);

(G) the Popular Front for the Liberation of Palestine (PFLP);

(H) Kata'ib Hizballah (KH);

(I) the Abdallah Azzam Brigades; and

(J) the al-Ashtar Brigades;

(2) any individual who solicits, commands, induces, or otherwise endeavors to persuade another person to engage in a crime of violence against a Jewish person or the Jewish people because of their race or religion;

(3) any student enrolled at an institution of higher education who has been the subject of a disciplinary action by the institution of higher education relating to conduct described in paragraph (1) or (2); and

(4) any professor employed by an institution of higher education who has been the subject of a disciplinary action by the institution of higher education relating to conduct described in paragraph (1) or (2).

SA 2002. Mr. CRAPO (for himself, Mr. WYDEN, Mr. RISCH, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) EXTENSION OF AUTHORITY FOR SECURE PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking ''2023'' each place it appears and inserting ''2026''.

(b) DISTRIBUTION OF PAYMENTS.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2023'' and inserting ''2026''.

(c) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking ''December 20, 2023'' each place it appears and inserting ''December 20, 2026''.

(d) EXTENSION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(1) in subsection (a), by striking ''2025'' and inserting ''2028''; and

(2) in subsection (b), by striking ''2026'' and inserting ''2029''.

(e) EXTENSION OF AUTHORITY TO EXPEND COUNTY FUNDS.—Section 305 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking ''2025'' and inserting ''2028''; and

(2) in subsection (b), by striking ''2026'' and inserting ''2029''.

(f) RESOURCE ADVISORY COMMITTEE PILOT PROGRAM EXTENSION.—Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is amended by striking subsection (g) and inserting the following:

''(g) PILOT PROGRAM FOR RESOURCE ADVISORY COMMITTEE APPOINTMENTS BY REGIONAL FORESTERS.—

''(1) IN GENERAL.—The Secretary concerned shall establish and carry out a pilot program under which the Secretary concerned shall allow the regional forester with jurisdiction over a unit of Federal land to appoint members of the resource advisory committee for that unit, in accordance with the applicable requirements of this section.

''(2) RESPONSIBILITIES OF REGIONAL FORESTER.—Before appointing a member of a resource advisory committee under the pilot program under this subsection, a regional forester shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

''(3) SAVINGS CLAUSE.—Nothing in this subsection relieves a regional forester or the Secretary concerned from an obligation to comply with any requirement relating to an appointment to a resource advisory committee, including any requirement with respect to civil rights or advertising a vacancy.

''(4) TERMINATION OF EFFECTIVENESS.—The authority provided under this subsection terminates on October 1, 2028.''.

SA 2003. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IMPLEMENTATION OF ANTI-TERRORIST AND NARCOTIC AIR EVENTS PROGRAMS.

(a) IMPLEMENTATION.—

(1) PRIORITY RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

(A) implement recommendations 6, 13, 14, and 15 as set forth in the Government Accountability Office report entitled ''Aviation: FAA Needs to Better Prevent, Detect, and Respond to Fraud and Abuse Risks in Aircraft Registration,'' (dated March 25, 2020); and

(B) to the extent that rulemaking is necessary to implement such recommendations, issue a notice of proposed rulemaking pursuant to the rulemaking authority of the FAA.

(2) REMAINING RECOMMENDATIONS.—The Administrator shall implement recommendations 1 through 5 and 8 through 12 as set forth in the Government Accountability Office report described in paragraph (1) and, to the extent that rulemaking is necessary to implement such recommendations, issue a notice of proposed rulemaking pursuant to the rulemaking authority of the FAA, on the earlier of—

(A) the date that is 90 days after the date on which the FAA implements the Civil Aviation Registry Electronic Services system; or

(B) January 1, 2026.

(b) REPORTS.—

(1) PRIORITY RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator implements the recommendations under subsection (a)(1), the Administrator shall submit to the Committees on the Judiciary and Commerce, Science, and Transportation of the Senate, the Committees on the Judiciary and Energy and Commerce of the House of Representatives, and the Caucus on International Narcotics Control of the Senate a report on such implementation, including a description of any steps taken by the Administrator to complete such implementation.

(2) REMAINING RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator implements the recommendations under subsection (a)(2), the Administrator shall submit to the Committees on the Judiciary and Commerce, Science, and Transportation of the Senate, the Committees on the Judiciary and Energy and Commerce of the House of Representatives, and the Caucus on International Narcotics Control of the Senate a report on such implementation, including a description of any steps taken by the Administrator to complete such implementation.

SA 2004. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENFORCEMENT PROVISIONS WITH RESPECT TO COVID-RELATED EMPLOYEE RETENTION CREDITS.

(a) INCREASE IN ASSESSABLE PENALTY ON COVID–ERTC PROMOTERS FOR AIDING AND ABETTING UNDERSTATEMENTS OF TAX LIABILITY.—

(1) IN GENERAL.—If any COVID–ERTC promoter is subject to penalty under section 6701(a) of the Internal Revenue Code of 1986 with respect to any COVID–ERTC document, notwithstanding paragraphs (1) and (2) of section 6701(b) of such Code, the amount of the penalty imposed under such section 6701(a) shall be the greater of—

(A) $200,000 ($10,000, in the case of a natural person), or

(B) 75 percent of the gross income derived (or to be derived) by such promoter with respect to the aid, assistance, or advice referred to in section 6701(a)(1) of such Code with respect to such document.

(2) NO INFERENCE.—Paragraph (1) shall not be construed to create any inference with respect to the proper application of the knowledge requirement of section 6701(a)(3) of the Internal Revenue Code of 1986.

(b) FAILURE TO COMPLY WITH DUE DILIGENCE REQUIREMENTS TREATED AS KNOWLEDGE FOR PURPOSES OF ASSESSABLE PENALTY FOR AIDING AND ABETTING UNDERSTATEMENT OF TAX LIABILITY.—In the case of any COVID–ERTC promoter, the knowledge requirement of section 6701(a)(3) of the Internal Revenue Code of 1986 shall be treated as satisfied with respect to any COVID–ERTC document with respect to which such promoter provided aid, assistance, or advice, if such promoter fails to comply with the due diligence requirements referred to in subsection (c)(1).

(c) ASSESSABLE PENALTY FOR FAILURE TO COMPLY WITH DUE DILIGENCE REQUIREMENTS.—

(1) IN GENERAL.—Any COVID–ERTC promoter which provides aid, assistance, or advice with respect to any COVID–ERTC document and which fails to comply with due diligence requirements imposed by the Secretary with respect to determining eligibility for, or the amount of, any COVID-related employee retention tax credit, shall pay a penalty of $1,000 for each such failure.

(2) DUE DILIGENCE REQUIREMENTS.—Except as otherwise provided by the Secretary, the due diligence requirements referred to in paragraph (1) shall be similar to the due diligence requirements imposed under section 6695(g).

(3) RESTRICTION TO DOCUMENTS USED IN CONNECTION WITH RETURNS OR CLAIMS FOR REFUND.—Paragraph (1) shall not apply with respect to any COVID–ERTC document unless such document constitutes, or relates to, a return or claim for refund.

(4) TREATMENT AS ASSESSABLE PENALTY, ETC.—For purposes of the Internal Revenue Code of 1986, the penalty imposed under paragraph (1) shall be treated in the same manner as a penalty imposed under section 6695(g).

(5) SECRETARY.—For purposes of this subsection, the term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) ASSESSABLE PENALTIES FOR FAILURE TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—For purposes of sections 6111, 6112, 6707 and 6708 of the Internal Revenue Code of 1986—

(1) any COVID-related employee retention tax credit (whether or not the taxpayer claims such COVID-related employee retention tax credit) shall be treated as a listed transaction (and as a reportable transaction) with respect to any COVID–ERTC promoter if such promoter provides any aid, assistance, or advice with respect to any COVID–ERTC document relating to such COVID-related employee retention tax credit, and

(2) such COVID–ERTC promoter shall be treated as a material advisor with respect to such transaction.

(e) COVID–ERTC PROMOTER.—For purposes of this section—

(1) IN GENERAL.—The term ''COVID–ERTC promoter'' means, with respect to any COVID–ERTC document, any person which provides aid, assistance, or advice with respect to such document if—

(A) such person charges or receives a fee for such aid, assistance, or advice which is based on the amount of the refund or credit with respect to such document and, with respect to such person's taxable year in which such person provided such assistance or the preceding taxable year, the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID-ERTC documents exceeds 20 percent of the gross receipts of such person for such taxable year, or

(B) with respect to such person's taxable year in which such person provided such assistance or the preceding taxable year—

(i) the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID–ERTC documents exceeds 50 percent of the gross receipts of such person for such taxable year, or

(ii) both—

(I) such aggregate gross receipts exceeds 20 percent of the gross receipts of such person for such taxable year, and

(II) the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID–ERTC documents (determined after application of paragraph (3)) exceeds $500,000.

(2) EXCEPTION FOR CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The term ''COVID–ERTC promoter'' shall not include a certified professional employer organization (as defined in section 7705).

(3) AGGREGATION RULE.—For purposes of paragraph (1)(B)(ii)(II), all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or subsection (m) or (o) of section 414 of such Code, shall be treated as 1 person.

(4) SHORT TAXABLE YEARS.—In the case of any taxable year of less than 12 months, paragraph (1) shall be applied with respect to the calendar year in which such taxable year begins (in addition to applying to such taxable year).

(f) COVID–ERTC DOCUMENT.—For purposes of this section, the term ''COVID–ERTC document'' means any return, affidavit, claim, or other document related to any COVID-related employee retention tax credit, including any document related to eligibility for, or the calculation or determination of any amount directly related to any COVID-related employee retention tax credit.

(g) COVID-RELATED EMPLOYEE RETENTION TAX CREDIT.—For purposes of this section, the term ''COVID-related employee retention tax credit'' means—

(1) any credit, or advance payment, under section 3134 of the Internal Revenue Code of 1986, and

(2) any credit, or advance payment, under section 2301 of the CARES Act.

(h) LIMITATION ON CREDIT AND REFUND OF COVID-RELATED EMPLOYEE RETENTION TAX CREDITS.—Notwithstanding section 6511 of the Internal Revenue Code of 1986 or any other provision of law, no credit or refund of any COVID-related employee retention tax credit shall be allowed or made after January 31, 2024, unless a claim for such credit or refund is filed by the taxpayer on or before such date.

(i) AMENDMENTS TO EXTEND LIMITATION ON ASSESSMENT.—

(1) IN GENERAL.—Section 3134(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(l) EXTENSION OF LIMITATION ON ASSESSMENT.—

''(1) IN GENERAL.—Notwithstanding section 6501, the limitation on the time period for

the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 6 years after the latest of—

''(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed,

''(B) the date on which such return is treated as filed under section 6501(b)(2), or

''(C) the date on which the claim for credit or refund with respect to such credit is made.

''(2) DEDUCTION FOR WAGES TAKEN INTO ACCOUNT IN DETERMINING IMPROPERLY CLAIMED CREDIT.—

''(A) IN GENERAL.—Notwithstanding section 6511, in the case of an assessment attributable to a credit claimed under this section, the limitation on the time period for credit or refund of any amount attributable to a deduction for improperly claimed ERTC wages shall not expire before the time period for such assessment expires under paragraph (1).

''(B) IMPROPERLY CLAIMED ERTC WAGES.—For purposes of this paragraph, the term 'improperly claimed ERTC wages' means, with respect to an assessment attributable to a credit claimed under this section, the wages with respect to which a deduction would not have been allowed if the portion of the credit to which such assessment relates had been properly claimed.''.

(2) APPLICATION TO CARES ACT CREDIT.—Section 2301 of the CARES Act is amended by adding at the end the following new subsection:

''(o) EXTENSION OF LIMITATION ON ASSESSMENT.—

''(1) IN GENERAL.—Notwithstanding section 6501 of the Internal Revenue Code of 1986, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 6 years after the latest of—

''(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed,

''(B) the date on which such return is treated as filed under section 6501(b)(2) of such Code, or

''(C) the date on which the claim for credit or refund with respect to such credit is made.

''(2) DEDUCTION FOR WAGES TAKEN INTO ACCOUNT IN DETERMINING IMPROPERLY CLAIMED CREDIT.—

''(A) IN GENERAL.—Notwithstanding section 6511 of such Code, in the case of an assessment attributable to a credit claimed under this section, the limitation on the time period for credit or refund of any amount attributable to a deduction for improperly claimed ERTC wages shall not expire before the time period for such assessment expires under paragraph (1).

''(B) IMPROPERLY CLAIMED ERTC WAGES.—For purposes of this paragraph, the term 'improperly claimed ERTC wages' means, with respect to an assessment attributable to a credit claimed under this section, the wages with respect to which a deduction would not have been allowed if the portion of the credit to which such assessment relates had been properly claimed.''.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of this section shall apply to aid, assistance, and advice provided after March 12, 2020.

(2) DUE DILIGENCE REQUIREMENTS.—Subsections (b) and (c) shall apply to aid, assistance, and advice provided after the date of the enactment of this Act.

(3) LIMITATION ON CREDIT AND REFUND OF COVID-RELATED EMPLOYEE RETENTION TAX CREDITS.—Subsection (h) shall apply to credits and refunds allowed or made after January 31, 2024.

(4) AMENDMENTS TO EXTEND LIMITATION ON ASSESSMENT.—The amendments made by subsection (i) shall apply to assessments made after the date of the enactment of this Act.

(k) TRANSITION RULE WITH RESPECT TO REQUIREMENTS TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—Any return under section 6111 of the Internal Revenue Code of 1986, or list under section 6112 of such Code, required by reason of subsection (d) of this section to be filed or maintained, respectively, with respect to any aid, assistance, or advice provided by a COVID–ERTC promoter with respect to a COVID–ERTC document before the date of the enactment of this Act, shall not be required to be so filed or maintained (with respect to such aid, assistance or advice) before the date which is 90 days after such date.

(l) PROVISIONS NOT TO BE CONSTRUED TO CREATE NEGATIVE INFERENCES.—

(1) NO INFERENCE WITH RESPECT TO APPLICATION OF KNOWLEDGE REQUIREMENT TO PRE-ENACTMENT CONDUCT OF COVID-ERTC PROMOTERS, ETC.—Subsection (b) shall not be construed to create any inference with respect to the proper application of section 6701(a)(3) of the Internal Revenue Code of 1986 with respect to any aid, assistance, or advice provided by any COVID-ERTC promoter on or before the date of the enactment of this Act (or with respect to any other aid, assistance, or advice to which such subsection does not apply).

(2) REQUIREMENTS TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—Subsections (d) and (k) shall not be construed to create any inference with respect to whether any COVID-related employee retention tax credit is (without regard to subsection (d)) a listed transaction (or reportable transaction) with respect to any COVID–ERTC promoter; and, for purposes of subsection (j), a return or list shall not be treated as required (with respect to such aid, assistance, or advice) by reason of subsection (d) if such return or list would be so required without regard to subsection (d).

(m) REGULATIONS.—The Secretary (as defined in subsection (c)(5)) shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section (and the amendments made by this section).

SA 2005. Mr. CARDIN (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. BALTIMORE BRIDGE RELIEF ACT.

(a) FINDING.—Congress finds that, in accordance with section 668.105(e) of title 23, Code of Federal Regulations (or a successor regulation), any compensation for damages or insurance proceeds, including interest, recovered by a State, a political subdivision of a State, or a toll authority for repair, including reconstruction, of the bridge described in subsection (b) in response to the damage described in that subsection should be used on receipt to reduce liability on the repair, including reconstruction, of that bridge from the emergency fund authorized under section 125 of title 23, United States Code.

(b) FEDERAL SHARE FOR CERTAIN EMERGENCY RELIEF PROJECTS.—Notwithstanding subsection (e) of section 120 of title 23, United States Code, the Federal share for emergency relief funds made available under section 125 of that title to respond to damage caused by the cargo ship Dali to the Francis Scott Key Bridge located in Baltimore City and Baltimore and Anne Arundel Counties, Maryland, including reconstruction of that bridge and its approaches, shall be 100 percent.

(c) EFFECTIVE DATE.—This section shall take effect as if enacted on March 26, 2024.

SA 2006. Ms. WARREN (for herself and Mr. HAWLEY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROMOTING COMPETITION IN AVIATION REGULATION.

(a) PROMOTING COMPETITION.—Section 40101(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(8) promoting competition.''.

(b) MAINTAINING AND ENHANCING COMPETITION IN SLOT ALLOCATION.—Section 40103(b)(1) of title 49, United States Code, is amended by inserting ''In doing so, the Administrator shall consider the need to maintain or enhance competition in the air transportation system.'' after ''efficient use of airspace.''.

(c) ENSURING REASONABLE ACCESS.—

(1) GENERAL WRITTEN ASSURANCES.—

(A) IN GENERAL.—Section 47107(a)(1) of title 49, United States Code, is amended by inserting '', and the airport proprietor will take all practicable steps to accommodate requests for reasonable access (as defined in subsection (x)) to terminal facilities'' after ''unjust discrimination''.

(B) STANDARDS FOR REASONABLE ACCESS.—Section 47107 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(x) DEFINITIONS.—In this section:

''(1) COMMON USE.—The term 'common use' means nonexclusive use in common by air carriers and other duly authorized users of the airport.

''(2) REASONABLE ACCESS.—The term 'reasonable access' means, with respect to terminal facilities, that—

''(A) not less than 25 percent of terminal facilities at an airport are available for common use; and

''(B) not more than 50 percent of terminal facilities are reserved for exclusive use by a single air carrier.

''(3) TERMINAL FACILITIES.—The term 'terminal facilities' means facilities within the terminal of an airport, including gates, ticket counters, baggage claim areas, and baggage make up system spaces.''.

(2) LEASE APPROVAL.—Section 47107 of title 49, United States Code, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(y) WRITTEN ASSURANCES ON LEASE AGREEMENTS.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances, satisfactory to the Secretary, that, with respect to any airport

serving 0.25 percent or more of the total annual enplanements in the United States (calculated on a rolling 5-year average) and with more than 50 percent of passengers (calculated on a rolling 5-year average) handled by 2 air carriers or less, the airport owner shall submit to the Secretary any proposed lease, lease amendment, or lease extension (including carryover provisions) for advance approval, as well as a statement detailing how such proposed lease, lease amendment, or lease extension maintains or enhances competition in the air transportation system.''.

(d) COMPETITION PLANS.—Section 40117(d) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking ''and'';

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

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

''(5) beginning in fiscal year 2026, in the case of an application for a terminal project, the project will provide for reasonable access (as defined in section 47107(x)) to terminal facilities.''.

(e) COMPETITION DISCLOSURE.—Section 47107(r) of title 49, United States Code, is amended by striking paragraph (3).

SA 2007. Mr. SCHATZ (for himself and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—KIDS OFF SOCIAL MEDIA ACT

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Kids Off Social Media Act''.

Subtitle A—Kids Off Social Media Act

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Kids Off Social Media Act''.

SEC. ___2. DEFINITIONS.

In this subtitle:

(1) 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 or posts, based on the personal data of users.

(2) CHILD.—The term ''child'' means an individual under the age of 13.

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

(4) KNOW OR KNOWS.—The term ''know'' or ''knows'' means to have actual knowledge or knowledge fairly implied on the basis of objective circumstances.

(5) 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) .

(6) SOCIAL MEDIAL PLATFORM.—

(A) IN GENERAL.—The term ''social media platform'' means a public-facing website, online service, online application, or mobile application that—

(i) is directed to consumers;

(ii) collects personal data;

(iii) primarily derives revenue from advertising or the sale of personal data; and

(iv) as its primary function provides a community forum for user-generated content, including messages, videos, and audio files among users where such content is primarily intended for viewing, resharing, or platform-enabled distributed social endorsement or comment.

(B) LIMITATION.—The term ''social medial platform'' does not include a platform that, as its primary function for consumers, provides or facilitates any of the following:

(i) The purchase and sale of commercial goods.

(ii) Teleconferencing or videoconferencing services that allow reception and transmission of audio or video signals for real-time communication, provided that the real-time communication is initiated by using a unique link or identifier to facilitate access.

(iii) Crowd-sourced reference guides such as encyclopedias and dictionaries.

(iv) Cloud storage, file sharing, or file collaboration services, including such services that allow collaborative editing by invited users.

(v) The playing or creation of video games.

(vi) Content that consists primarily of news, sports, sports coverage, entertainment, or other information or content that is not user-generated but is preselected by the platform and for which any chat, comment, or interactive functionality is incidental, directly related to, or dependent on the provision of the content provided by the platform.

(vii) Business, product, or travel information including user reviews or rankings of such businesses, products, or other travel information.

(viii) Educational information, experiences, training, or instruction provided to build knowledge, skills, or a craft, district-sanctioned or school-sanctioned learning management systems and school information systems for the purposes of schools conveying content related to the education of students, or services or services on behalf of or in support of an elementary school or secondary school, as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(ix) An email service.

(x) A wireless messaging service, including such a service provided through short message service or multimedia messaging protocols, that is not a component of, or linked to, a social media platform and where the predominant or exclusive function of the messaging service 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 the recipient and are not posted publicly or within a social media platform.

(xi) 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).

(xii) A virtual private network or similar service that exists solely to route internet traffic between locations.

(7) TEEN.—The term ''teen'' means an individual over the age of 12 and under the age of 17.

(8) USER.—The term ''user'' means, with respect to a social media platform, an individual who registers an account or creates a profile on the social media platform.

SEC. ___3. NO CHILDREN UNDER 13.

(a) NO ACCOUNTS FOR CHILDREN UNDER 13.—A social media platform shall not permit an individual to create or maintain an account or profile if it knows that the individual is a child.

(b) TERMINATION OF EXISTING ACCOUNTS BELONGING TO CHILDREN.—A social media platform shall terminate any existing account or profile of a user who the social media platform knows is a child.

(c) DELETION OF CHILDREN'S PERSONAL DATA.—

(1) IN GENERAL.—Subject to paragraph (2), upon termination of an existing account or profile of a user pursuant to subsection (b), a social media platform shall immediately delete all personal data collected from the user or submitted by the user to the social media platform.

(2) CHILDREN'S ACCESS TO PERSONAL DATA.—To the extent technically feasible and not in violation of any licensing agreement, a social media platform shall allow the user of an existing account or profile that the social media platform has terminated under subsection (b), from the date such termination occurs to the date that is 90 days after such date, to request, and shall provide to such user upon such request, a copy of the personal data collected from the user or submitted by the user to the social media platform both—

(A) in a manner that is readable and which a reasonable person can understand; and

(B) in a portable, structured, and machine-readable format.

(d) RULE OF CONSTRUCTION.—Nothing in subsection (c) shall be construed to prohibit a social media platform from retaining a record of the termination of an account or profile and the minimum information necessary for the purposes of ensuring compliance with this section.

SEC. ___4. PROHIBITION ON THE USE OF PERSONALIZED RECOMMENDATION SYSTEMS ON CHILDREN OR TEENS.

(a) IN GENERAL.—

(1) PROHIBITION ON USE OF PERSONALIZED RECOMMENDATION SYSTEMS ON CHILDREN OR TEENS.—Except as provided in paragraph (2), a social media platform shall not use the personal data of a user or visitor in a personalized recommendation system to display content if the platform knows that the user or visitor is a child or teen.

(2) EXCEPTION.—A social media platform may use a personalized recommendation system to display content to a child or teen if the system only uses the following personal data of the child or teen:

(A) The type of device used by the child or teen.

(B) The languages used by the child or teen to communicate.

(C) The city or town in which the child or teen is located.

(D) The fact that the individual is a child or teen.

(E) The age of the child or teen.

(b) RULE OF CONSTRUCTION.—The prohibition in subsection (a) shall not be construed to—

(1) prevent a social media platform from providing search results to a child or teen deliberately or independently searching for (such as by typing a phrase into a search bar or providing spoken input), or specifically requesting, content, so long as such results are not based on the personal data of the child or teen (except to the extent permitted under subsection (a)(2));

(2) prevent a social media platform from taking reasonable measures to—

(A) block, detect, or prevent the distribution of unlawful or obscene material;

(B) block or filter spam, or protect the security of a platform or service; or

(C) prevent criminal activity; or

(3) prohibit a social media platform from displaying user-generated content that has been selected, followed, or subscribed to by a teen account holder as long as the display of the content is based on a chronological format.

SEC. ___5. DETERMINATION OF WHETHER AN OPERATOR HAS KNOWLEDGE FAIRLY IMPLIED ON THE BASIS OF OBJECTIVE CIRCUMSTANCES THAT AN INDIVIDUAL IS A CHILD OR TEEN.

(a) RULES OF CONSTRUCTION.—For purposes of enforcing this subtitle, in making a determination as to whether a social media platform has knowledge fairly implied on the basis of objective circumstances that a user is a child or teen, the Commission or the attorney general of a State, as applicable, shall rely on competent and reliable evidence, taking into account the totality of circumstances, including whether a reasonable and prudent person under the circumstances would have known that the user is a child or teen.

(b) PROTECTIONS FOR PRIVACY.—Nothing in this subtitle, including a determination described in subsection (a), shall be construed to require a social media platform to—

(1) implement an age gating or age verification functionality; or

(2) affirmatively collect any personal data with respect to the age of users that the social media platform is not already collecting in the normal course of business.

(c) RESTRICTION ON USE AND RETENTION OF PERSONAL DATA.—If a social media platform or a third party acting on behalf of a social media platform voluntarily collects personal data for the purpose of complying with this subtitle, the social media platform or a third party shall not—

(1) use any personal data collected specifically for a purpose other than for sole compliance with the obligations under this subtitle; or

(2) retain any personal data collected from a user for longer than is necessary to comply with the obligations under this subtitle or than is minimally necessary to demonstrate compliance with this subtitle.

SEC. ___6. ENFORCEMENT.

(a) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this subtitle 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 COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this subtitle 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.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this subtitle 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.

(b) ENFORCEMENT BY STATES.—

(1) AUTHORIZATION.—Subject to paragraph (3), 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 a social media platform in a practice that violates this subtitle, the attorney general of the State may, as parens patriae, bring a civil action against the social media platform on behalf of the residents of the State in an appropriate district court of the United States to—

(A) enjoin that practice;

(B) enforce compliance with this subtitle;

(C) on behalf of residents of the States, obtain damages, restitution, or other compensation, each of which shall be distributed in accordance with State law; or

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

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—The attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before the filing of the civil action.

(ii) CONTENTS.—The notification required under clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) 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 not feasible to provide the notice required in that clause before filing the action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—Upon receiving notice under subparagraph (A)(i), the Commission shall have the right to intervene in the action that is the subject of the notice.

(3) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under paragraph (1), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) file a petition for appeal.

(4) INVESTIGATORY POWERS.—Nothing in this subsection 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—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary or other evidence.

(5) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for a violation of this subtitle, no State may , during the pendency of that action, institute a separate civil 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.

(6) 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) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

SEC. ___7. RELATIONSHIP TO OTHER LAWS.

The provisions of this subtitle 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 subtitle. Nothing in this subtitle shall be construed to prohibit a State from enacting a law, rule, or regulation that provides greater protection to children or teens than the protection provided by the provisions of this subtitle. Nothing in this subtitle shall be construed to—

(1) affect the application of—

(A) 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; or

(B) 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; or

(2) authorize any action that would conflict with section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)).

SEC. ___8. EFFECTIVE DATE.

This subtitle shall take effect 1 year after the date of enactment of this Act.

Subtitle B—Eyes on the Board Act of 2024

SEC. ___9. SHORT TITLE.

This subtitle may be cited as the ''Eyes on the Board Act of 2024''.

SEC. __10. UPDATING THE CHILDREN'S INTERNET PROTECTION ACT TO INCLUDE SOCIAL MEDIA PLATFORMS.

(a) IN GENERAL.—Section 1721 of the Children's Internet Protection Act (title XVII of Public Law 106–554) is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

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

''(f) LIMITATION ON USE OF SCHOOL BROADBAND SUBSIDIES FOR ACCESS TO SOCIAL MEDIA PLATFORMS.—

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

''(A) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

''(B) SOCIAL MEDIA PLATFORM.—The term 'social media platform'—

''(i) means any website, online service, online application, or mobile application that—

''(I) serves the public; and

''(II) primarily provides a forum for users to communicate user-generated content, including messages, videos, images, and audio files, to other online users; and

''(ii) does not include—

''(I) an internet service provider;

''(II) electronic mail;

''(III) an online service, application, or website—

''(aa) that consists primarily of content that is not user-generated, but is preselected by the provider; and

''(bb) for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of content described in item (aa);

''(IV) an online service, application, or website—

''(aa) that is non-commercial and primarily designed for educational purposes; and

''(bb) the revenue of which is not primarily derived from advertising or the sale of personal data;

''(V) a wireless messaging service, including such a service provided through a short messaging service or multimedia service protocols—

''(aa) that is not a component of, or linked to, a website, online service, online application, or mobile application described in clause (i); and

''(bb) the predominant or exclusive function of which is direct messaging consisting of the transmission of text, photos, or videos that—

''(AA) are sent by electronic means from the sender to a recipient; and

''(BB) are not posted publicly or on a website, online service, online application, or mobile application described in clause (i);

''(VI) a teleconferencing or video conferencing service that allows for the reception and transmission of audio or video signals for real-time communication that is initiated by using a unique link or identifier to facilitate access;

''(VII) a product or service that primarily functions as business-to-business software or a cloud storage, file sharing, or file collaboration service; or

''(VIII) an organization that is not organized to carry on business for the profit of

the organization or of the members of the organization.

''(C) TECHNOLOGY PROTECTION MEASURE.—The term 'technology protection measure' means a specific technology that blocks or filters access to a social media platform.

''(2) REQUIREMENTS WITH RESPECT TO SOCIAL MEDIA PLATFORMS.—

''(A) IN GENERAL.—

''(i) CERTIFICATION REQUIRED.—An elementary or secondary school that is subject to paragraph (5) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) (referred to in this paragraph as 'section 254(h)') may not receive services at discount rates under section 254(h) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school—

''(I) submits to the Commission the certification described in subparagraph (B); and

''(II) ensures that the use of the school's supported services, devices, and networks is in accordance with the certification described in subclause (I).

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) may be construed to prohibit—

''(I) district-sanctioned or school-sanctioned learning management systems and school information systems used for purposes of schools conveying content related to the education of students; or

''(II) a teacher from using a social media platform in the classroom for educational purposes.

''(B) CERTIFICATION WITH RESPECT TO STUDENTS AND SOCIAL MEDIA.—

''(i) IN GENERAL.—A certification under this subparagraph is a certification that the applicable school, school board, local educational agency, or other authority with responsibility for administration of the school—

''(I) is enforcing a policy of preventing students of the school from accessing social media platforms on any supported service, device, or network that includes—

''(aa) monitoring the online activities of any such service, device, or network to determine if those students are accessing social media platforms; and

''(bb) the operation of a technology protection measure with respect to those services, devices, and networks that protects against access by those students to a social media platform; and

''(II) is enforcing the operation of the technology protection measure described in subclause (I) during any use of supported services, devices, or networks by students of the school.

''(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to require the applicable school, school board, local educational agency, or other authority to track an individual website, online application, or mobile application that a student is attempting to access (or any search terms used by, or the browsing history of, a student) beyond the identity of the website or application and whether access to the website or application is blocked by a technology protection measure because the website or application is a social media platform.

''(C) TIMING OF IMPLEMENTATION.—

''(i) IN GENERAL.—In the case of a school to which this paragraph applies, the certification under this paragraph shall be made—

''(I) with respect to the first program funding year under section 254(h) after the date of enactment of the Eyes on the Board Act of 2024, not later than 120 days after the beginning of that program funding year; and

''(II) with respect to any subsequent funding year, as part of the application process for that program funding year.

''(ii) PROCESS.—

''(I) SCHOOLS WITH MEASURES IN PLACE.—A school covered by clause (i) that has in place measures meeting the requirements necessary for certification under this paragraph shall certify its compliance with this paragraph during each annual program application cycle under section 254(h), except that, with respect to the first program funding year after the date of enactment of the Eyes on the Board Act of 2024, the certification shall be made not later than 120 days after the beginning of that first program funding year.

''(II) SCHOOLS WITHOUT MEASURES IN PLACE.—

''(aa) FIRST 2 PROGRAM YEARS.—A school covered by clause (i) that does not have in place measures meeting the requirements for certification under this paragraph—

''(AA) for the first program year after the date of enactment of the Eyes on the Board Act of 2024 in which the school is applying for funds under section 254(h), shall certify that the school is undertaking such actions, including any necessary procurement procedures, to put in place measures meeting the requirements for certification under this paragraph; and

''(BB) for the second program year after the date of enactment of the Eyes on the Board Act of 2024 in which the school is applying for funds under section 254(h), shall certify that the school is in compliance with this paragraph.

''(bb) SUBSEQUENT PROGRAM YEARS.—Any school that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under section 254(h) for such second year and all subsequent program years under section 254(h), until such time as such school comes into compliance with this paragraph.

''(III) WAIVERS.—Any school subject to subclause (II) that cannot come into compliance with subparagraph (B) in such second program year may seek a waiver of subclause (II)(aa)(BB) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A school, school board, local educational agency, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of such subclause to the school. Such notice shall certify that the school in question will be brought into compliance before the start of the third program year after the date of enactment of the Eyes on the Board Act of 2024 in which the school is applying for funds under section 254(h).

''(D) NONCOMPLIANCE.—

''(i) FAILURE TO SUBMIT CERTIFICATION.—Any school that knowingly fails to comply with the application guidelines regarding the annual submission of a certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under section 254(h).

''(ii) FAILURE TO COMPLY WITH CERTIFICATION.—Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse any funds and discounts received under section 254(h) for the period covered by such certification.

''(iii) REMEDY OF NONCOMPLIANCE.—

''(I) FAILURE TO SUBMIT.—A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the school shall be eligible for services at discount rates under section 254(h).

''(II) FAILURE TO COMPLY.—A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the school shall be eligible for services at discount rates under section 254(h).

''(E) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to consider a school, school board, local educational agency, or other authority with responsibility for the administration of a school in violation of this paragraph if that school, school board, local educational agency, or other authority makes a good faith effort to comply with this paragraph and to correct a known violation of this paragraph within a reasonable period of time.

''(3) ENFORCEMENT.—The Commission shall—

''(A) not later than 120 days after the date of enactment of the Eyes on the Board Act of 2024, amend the rules of the Commission to carry out this subsection; and

''(B) enforce this subsection, and any rules issued under this subsection, as if this subsection and those rules were part of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or the rules issued under that Act.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) in paragraph (5)(E)—

(A) in clause (i), in the matter preceding subclause (I), by striking ''1721(h)'' and inserting ''1721(i)''; and

(B) in clause (ii)(I), by striking ''1721(h)'' and inserting ''1721(i)''; and

(2) in paragraph (6)(E)—

(A) in clause (i), in the matter preceding subclause (I), by striking ''1721(h)'' and inserting ''1721(i)''; and

(B) in clause (ii)(I), by striking ''1721(h)'' and inserting ''1721(i)''.

SEC. __11. EMPOWERING TRANSPARENCY WITH RESPECT TO SCREEN TIME IN SCHOOLS.

(a) IN GENERAL.—Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(B)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iv) has adopted a screen time policy that includes guidelines, disaggregated by grade, for the number of hours and uses of screen time that may be assigned to students, whether during school hours or as homework, on a regular basis.''.

(b) CERTIFICATION AND REPORTING.—Beginning in the first funding year that begins after the date of enactment of this Act, each school seeking support under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) (without regard to whether the school submits an application directly for that support or such an application is submitted on behalf of the school by a consortium or school district) shall, as a condition of receiving that support—

(1) certify that the school will comply with the requirements of this section and the amendments made by this section for the year covered by the application; and

(2) provide to the Federal Communications Commission (referred to in this section as the ''Commission'') a copy of the screen time policy of the school to which the certification relates.

(c) COMMISSION REQUIREMENTS.—Not later than 120 days after the date of enactment of this Act, the Commission shall amend the rules of the Commission to carry out this section and the amendments made by this section.

SEC. __12. INTERNET SAFETY POLICIES.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended—

(1) in subsection (h)(5)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by inserting ''and copies of the Internet safety policy and screen time policy to which each such certification pertains'' before the semicolon at the end; and

(ii) in subclause (II)—

(I) by striking ''Commission'' and all that follows through the end of the subclause and inserting the following: ''Commission—

''(aa) a certification that an Internet safety policy and screen time policy described in subclause (I) have been adopted and implemented for the school; and''; and

(II) by adding at the end the following:

''(bb) copies of the Internet safety policy and screen time policy described in item (aa); and''; and

(B) by adding at the end the following:

''(G) DATABASE OF INTERNET SAFETY AND SCREEN TIME POLICIES.—The Commission shall establish an easily accessible, public database that contains each Internet safety policy and screen time policy submitted to the Commission under subclauses (I) and (II) of subparagraph (A)(i).''; and

(2) in subsection (l), by striking paragraph (3) and inserting the following:

''(3) AVAILABILITY FOR REVIEW.—A copy of each Internet safety policy adopted by a library under this subsection shall be made available to the Commission, upon request of the Commission, by the library for purposes of the review of the Internet safety policy by the Commission.''.

Subtitle C—Severability

SEC. __13. 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 amendments made by this title shall not be affected.

SA 2008. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO MINIMUM REQUIREMENTS FOR BASIC ESSENTIAL AIR SERVICE.

Section 41732(b)(3) of title 49, United States Code, as redesignated by section 561(c), is amended by striking '', unless scheduled air transportation has not been provided to the place in aircraft with at least 2 engines and using 2 pilots for at least 60 consecutive operating days at any time since October 31, 1978''.

SA 2009. Mr. DURBIN (for himself, Ms. DUCKWORTH, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title V, insert the following:

SEC. ___. STUDY ON IMPROVEMENTS FOR CERTAIN NONHUB AIRPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Comptroller General shall conduct a study on the challenges faced by nonhub airports not designated as essential air service communities and recommend ways to help secure and retain flight schedules using existing Federal programs, such as the Small Community Air Service Development program.

(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a), including recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SA 2010. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION B—TAX RELIEF

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; ETC.

(a) SHORT TITLE.—This division may be cited as the ''Tax Relief for American Families and Workers Act of 2024''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; table of contents; etc.

TITLE I—TAX RELIEF FOR WORKING FAMILIES

Sec. 101. Per-child calculation of refundable portion of child tax credit.
Sec. 102. Increase in refundable portion.
Sec. 103. Inflation of credit amount.
Sec. 104. Rule for determination of earned income.
Sec. 105. Special rule for certain early-filed 2023 returns.

TITLE II—AMERICAN INNOVATION AND GROWTH

Sec. 201. Deduction for domestic research and experimental expenditures.
Sec. 202. Extension of allowance for depreciation, amortization, or depletion in determining the limitation on business interest.
Sec. 203. Extension of 100 percent bonus depreciation.
Sec. 204. Increase in limitations on expensing of depreciable business assets.

TITLE III—INCREASING GLOBAL COMPETITIVENESS

Subtitle A—United States-Taiwan Expedited Double-Tax Relief Act

Sec. 301. Short title.
Sec. 302. Special rules for taxation of certain residents of Taiwan.

Subtitle B—United States-Taiwan Tax Agreement Authorization Act

Sec. 311. Short title.
Sec. 312. Definitions.
Sec. 313. Authorization to negotiate and enter into agreement.
Sec. 314. Consultations with Congress.
Sec. 315. Approval and implementation of agreement.
Sec. 316. Submission to Congress of agreement and implementation policy.
Sec. 317. Consideration of approval legislation and implementing legislation.
Sec. 318. Relationship of agreement to Internal Revenue Code of 1986.
Sec. 319. Authorization of subsequent tax agreements relative to Taiwan.
Sec. 320. United States treatment of double taxation matters with respect to Taiwan.

TITLE IV—ASSISTANCE FOR DISASTER-IMPACTED COMMUNITIES

Sec. 401. Short title.
Sec. 402. Extension of rules for treatment of certain disaster-related personal casualty losses.
Sec. 403. Exclusion from gross income for compensation for losses or damages resulting from certain wildfires.
Sec. 404. East Palestine disaster relief payments.

TITLE V—MORE AFFORDABLE HOUSING

Sec. 501. State housing credit ceiling increase for low-income housing credit.
Sec. 502. Tax-exempt bond financing requirement.

TITLE VI—TAX ADMINISTRATION AND ELIMINATING FRAUD

Sec. 601. Increase in threshold for requiring information reporting with respect to certain payees.
Sec. 602. Enforcement provisions with respect to COVID-related employee retention credits.

TITLE I—TAX RELIEF FOR WORKING FAMILIES

SEC. 101. PER-CHILD CALCULATION OF REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Subparagraph (A) of section 24(h)(5) is amended to read as follows:

''(A) IN GENERAL.—In applying subsection (d)—

''(i) the amount determined under paragraph (1)(A) of such subsection with respect to any qualifying child shall not exceed $1,400, and such paragraph shall be applied without regard to paragraph (4) of this subsection, and

''(ii) paragraph (1)(B) of such subsection shall be applied by multiplying each of—

''(I) the amount determined under clause (i) thereof, and

''(II) the excess determined under clause (ii) thereof,

by the number of qualifying children of the taxpayer.''.

(b) CONFORMING AMENDMENT.—The heading of paragraph (5) of section 24(h) is amended by striking ''MAXIMUM AMOUNT OF'' and inserting ''SPECIAL RULES FOR''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 102. INCREASE IN REFUNDABLE PORTION.

(a) IN GENERAL.—Paragraph (5) of section 24(h) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) AMOUNTS FOR 2023, 2024, AND 2025.—In the case of a taxable year beginning after 2022, subparagraph (A) shall be applied by substituting for '$1,400'—

''(i) in the case of taxable year 2023, '$1,800',

''(ii) in the case of taxable year 2024, '$1,900', and

''(iii) in the case of taxable year 2025, '$2,000'.''.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 24(h)(5), as redesignated by subsection (a), is amended by inserting ''and before 2023'' after ''2018''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 103. INFLATION OF CREDIT AMOUNT.

(a) IN GENERAL.—Paragraph (2) of section 24(h) is amended—

(1) by striking ''AMOUNT.—Subsection'' and inserting ''AMOUNT.—

''(A) IN GENERAL.—Subsection'', and

(2) by adding at the end the following new subparagraph:

''(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2023, the $2,000 amounts in subparagraph (A) and paragraph (5)(B)(iii) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2022' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this subparagraph is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SEC. 104. RULE FOR DETERMINATION OF EARNED INCOME.

(a) IN GENERAL.—Paragraph (6) of section 24(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''CREDIT.—Subsection'' and inserting ''CREDIT.—

''(A) IN GENERAL.—Subsection'', and

(2) by adding at the end the following new subparagraphs

''(B) RULE FOR DETERMINATION OF EARNED INCOME.—

''(i) IN GENERAL.—In the case of a taxable year beginning after 2023, if the earned income of the taxpayer for such taxable year is less than the earned income of the taxpayer for the preceding taxable year, subsection (d)(1)(B)(i) may, at the election of the taxpayer, be applied by substituting—

''(I) the earned income for such preceding taxable year, for

''(II) the earned income for the current taxable year.

''(ii) APPLICATION TO JOINT RETURNS.—For purposes of clause (i), in the case of a joint return, the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.''.

(b) ERRORS TREATED AS MATHEMATICAL ERRORS.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting '', and'', and by inserting after subparagraph (V) the following new subparagraph:

''(W) in the case of a taxpayer electing the application of section 24(h)(6)(B) for any taxable year, an entry on a return of earned income pursuant to such section which is inconsistent with the amount of such earned income determined by the Secretary for the preceding taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SEC. 105. SPECIAL RULE FOR CERTAIN EARLY-FILED 2023 RETURNS.

In the case of an individual who claims, on the taxpayer's return of tax for the first taxable year beginning after December 31, 2022, a credit under section 24 of the Internal Revenue Code of 1986 which is determined without regard to the amendments made by sections 101 and 102 of this division, the Secretary of the Treasury (or the Secretary's delegate) shall, to the maximum extent practicable—

(1) redetermine the amount of such credit (after taking into account such amendments) on the basis of the information provided by the taxpayer on such return, and

(2) to the extent that such redetermination results in an overpayment of tax, credit or refund such overpayment as expeditiously as possible.

TITLE II—AMERICAN INNOVATION AND GROWTH

SEC. 201. DEDUCTION FOR DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) DELAY OF AMORTIZATION OF DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—Section 174 is amended by adding at the end the following new subsection:

''(e) SUSPENSION OF APPLICATION OF SECTION TO DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—In the case of any domestic research or experimental expenditures (as defined in section 174A(b)), this section—

''(1) shall apply to such expenditures paid or incurred in taxable years beginning after December 31, 2025, and

''(2) shall not apply to such expenditures paid or incurred in taxable years beginning on or before such date.''.

(b) REINSTATEMENT OF EXPENSING FOR DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—Part VI of subchapter B of chapter 1 is amended by inserting after section 174 the following new section:

''SEC. 174A. TEMPORARY RULES FOR DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.

''(a) TREATMENT AS EXPENSES.—Notwithstanding section 263, there shall be allowed as a deduction any domestic research or experimental expenditures which are paid or incurred by the taxpayer during the taxable year.

''(b) DOMESTIC RESEARCH OR EXPERIMENTAL EXPENDITURES.—For purposes of this section, the term 'domestic research or experimental expenditures' means research or experimental expenditures paid or incurred by the taxpayer in connection with the taxpayer's trade or business other than such expenditures which are attributable to foreign research (within the meaning of section 41(d)(4)(F)).

''(c) AMORTIZATION OF CERTAIN DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—

''(1) IN GENERAL.—At the election of the taxpayer, made in accordance with regulations or other guidance provided by the Secretary, in the case of domestic research or experimental expenditures which would (but for subsection (a)) be chargeable to capital account but not chargeable to property of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion), subsection (a) shall not apply and the taxpayer shall—

''(A) charge such expenditures to capital account, and

''(B) be allowed an amortization deduction of such expenditures ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the taxpayer first realizes benefits from such expenditures).

''(2) TIME FOR AND SCOPE OF ELECTION.—The election provided by paragraph (1) may be made for any taxable year, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The method so elected, and the period selected by the taxpayer, shall be adhered to in computing taxable income for the taxable year for which the election is made and for all subsequent taxable years unless, with the approval of the Secretary, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election.

''(d) ELECTION TO CAPITALIZE EXPENSES.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection, subsections (a) and (c) shall not apply and domestic research or experimental expenditures shall be chargeable to capital account. Such election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election and may be made with respect to part of the expenditures paid or incurred during any taxable year only with the approval of the Secretary.

''(e) SPECIAL RULES.—

''(1) LAND AND OTHER PROPERTY.—This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

''(2) EXPLORATION EXPENDITURES.—This section shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

''(3) SOFTWARE DEVELOPMENT.—For purposes of this section, any amount paid or incurred in connection with the development of any software shall be treated as a research or experimental expenditure.

''(f) TERMINATION.—

''(1) IN GENERAL.—This section shall not apply to amounts paid or incurred in taxable years beginning after December 31, 2025.

''(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of a taxpayer's first taxable year beginning after December 31, 2025, paragraph (1) (and the corresponding application of section 174) shall be treated as a change in method of accounting for purposes of section 481 and—

''(A) such change shall be treated as initiated by the taxpayer,

''(B) such change shall be treated as made with the consent of the Secretary, and

''(C) such change shall be applied only on a cut-off basis for any domestic research or experimental expenditures paid or incurred in taxable years beginning after December 31, 2025, and no adjustment under section 481(a) shall be made.''.

(c) COORDINATION WITH CERTAIN OTHER PROVISIONS.—

(1) RESEARCH CREDIT.—

(A) Section 41(d)(1)(A) is amended by inserting ''or domestic research or experimental expenditures under section 174A'' after ''section 174''.

(B) Section 280C(c)(1) is amended to read as follows:

''(1) IN GENERAL.—The domestic research or experimental expenditures otherwise taken into account under section 174 or 174A (as the case may be) shall be reduced by the amount of the credit allowed under section 41(a).''.

(2) AMT ADJUSTMENT.—Section 56(b)(2) is amended by striking ''174(a)'' each place it appears and inserting ''174A(a)''.

(3) OPTIONAL 10-YEAR WRITEOFF.—Section 59(e)(2)(B) is amended by striking ''section 174(a) (relating to research and experimental expenditures)'' and inserting ''section 174A(a) (relating to temporary rules for domestic research and experimental expenditures)''.

(4) QUALIFIED SMALL ISSUE BONDS.—Section 144(a)(4)(C)(iv) is amended by striking ''174(a)'' and inserting ''174A(a)''.

(5) START-UP EXPENDITURES.—Section 195(c)(1) is amended by striking ''or 174'' in the last sentence and inserting ''174, or 174A''.

(6) CAPITAL EXPENDITURES.—

(A) Section 263(a)(1)(B) is amended by inserting '' or 174A'' after ''174''.

(B) Section 263A(c)(2) is amended by inserting ''or 174A'' after ''174''.

(7) ACTIVE BUSINESS COMPUTER SOFTWARE ROYALTIES.—Section 543(d)(4)(A)(i) is amended by inserting ''174A,'' after ''174,''.

(8) SOURCE RULES.—Section 864(g)(2) is amended in the last sentence—

(A) by striking ''treated as deferred expenses under subsection (b) of section 174'' and inserting ''allowed as an amortization deduction under section 174(a) or section 174A(c),'', and

(B) by striking ''such subsection'' and inserting ''such section (as the case may be)''.

(9) BASIS ADJUSTMENT.—Section 1016(a)(14) is amended by striking ''deductions as deferred expenses under section 174(b)(1) (relating to research and experimental expenditures)'' and inserting ''deductions under section 174 or 174A''.

(10) SMALL BUSINESS STOCK.—Section 1202(e)(2)(B) is amended by striking ''research and experimental expenditures under section 174'' and inserting ''specified research or experimental expenditures under section 174 or domestic research or experimental expenditures under section 174A''.

(d) CONFORMING AMENDMENTS.—

(1) Section 13206 of Public Law 115–97 is amended by striking subsection (b) (relating to change in method of accounting).

(2) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 174 the following new item:

''Sec. 174A. Temporary rules for domestic research and experimental expenditures.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2021.

(2) COORDINATION WITH RESEARCH CREDIT.—The amendment made by subsection (c)(1)(B) shall apply to taxable years beginning after December 31, 2022.

(3) REPEAL OF SUPERCEDED CHANGE IN METHOD OF ACCOUNTING RULES.—The amendment made by subsection (d)(1) shall take effect as if included in Public Law 115–97.

(4) NO INFERENCE WITH RESPECT TO COORDINATION WITH RESEARCH CREDIT FOR PRIOR PERIODS.—The amendment made by subsection (c)(1)(B) shall not be construed to create any inference with respect to the proper application of section 280C(c) of the Internal Revenue Code of 1986 with respect to taxable years beginning before January 1, 2023.

(f) TRANSITION RULES.—

(1) IN GENERAL.—Except as otherwise provided by the Secretary, an election made under subsection (c) or (d) of section 174A of the Internal Revenue Code of 1986 (as added by this section) for the taxpayer's first taxable year beginning after December 31, 2021, shall not fail to be treated as timely made (or as made on the return) if made during the 1-year period beginning on the date of the enactment of this Act on an amended return for the taxpayer's first taxable year beginning after December 31, 2021, or in such other manner as the Secretary may provide.

(2) ELECTION REGARDING TREATMENT AS CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer which (as of the date of the enactment of this Act) had adopted a method of accounting provided by section 174 of the Internal Revenue Code of 1986 (as in effect prior to the amendments made by this section) for the taxpayer's first taxable year beginning after December 31, 2021, and elects the application of this paragraph—

(A) the amendments made by this section shall be treated as a change in method of accounting for purposes of section 481 of such Code,

(B) such change shall be treated as initiated by the taxpayer for the taxpayer's immediately succeeding taxable year,

(C) such change shall be treated as made with the consent of the Secretary,

(D) such change shall be applied on a modified cut-off basis, taking into account for purposes of section 481(a) of such Code only the domestic research or experimental expenditures (as defined in section 174A(b) of such Code (as added by this section) and determined by applying the rules of section 174A(e) of such Code) paid or incurred in the taxpayer's first taxable year beginning after December 31, 2021, and not allowed as a deduction in such taxable year, and

(E) in the case of a taxpayer which elects the application of this subparagraph, the amount of such change (as determined under subparagraph (D)) shall be taken into account ratably over the 2-taxable-year period beginning with the taxable year referred to in subparagraph (B).

(3) ELECTION REGARDING 10-YEAR WRITE-OFF.—

(A) IN GENERAL.—Except as otherwise provided by the Secretary, an eligible taxpayer which files, during the 1-year period beginning on the date of the enactment of this Act, an amended income tax return for the taxable year described in subparagraph (B)(ii) may elect the application of section 59(e) of the Internal Revenue Code of 1986 with respect to qualified expenditures described in section 59(e)(2)(B) of such Code (as amended by subsection (c)(3)) with respect to such taxable year. Such election shall be filed with such amended income tax return and shall be effective only to the extent that such election would have been effective if filed with the original income tax return for such taxable year (determined after taking into account the amendment made by subsection (c)(3)).

(B) ELIGIBLE TAXPAYER.—For purposes of subparagraph (A), the term ''eligible taxpayer'' means any taxpayer which—

(i) does not elect the application of paragraph (2), and

(ii) filed an income tax return for such taxpayer's first taxable year beginning after December 31, 2021, before the earlier of—

(I) the due date for such return, and

(II) the date of the enactment of this Act.

(4) ELECTION REGARDING COORDINATION WITH RESEARCH CREDIT.—Except as otherwise provided by the Secretary, an eligible taxpayer (as defined in paragraph (3)(B) without regard to clause (i) thereof) which files, during the 1-year period beginning on the date of the enactment of this Act, an amended income tax return for the taxpayer's first taxable year beginning after December 31, 2021, may, notwithstanding subparagraph (C) of section 280C(c)(2) of the Internal Revenue Code of 1986 make, or revoke, on such amended return the election under such section for such taxable year.

SEC. 202. EXTENSION OF ALLOWANCE FOR DEPRECIATION, AMORTIZATION, OR DEPLETION IN DETERMINING THE LIMITATION ON BUSINESS INTEREST.

(a) IN GENERAL.—Section 163(j)(8)(A)(v) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2026''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to taxable years beginning after December 31, 2023.

(2) ELECTION TO APPLY EXTENSION RETROACTIVELY.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this paragraph, paragraph (1) shall be applied by substituting ''December 31, 2021'' for ''December 31, 2023''.

SEC. 203. EXTENSION OF 100 PERCENT BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k)(6)(A) is amended—

(1) in clause (i)—

(A) by striking ''2023'' and inserting ''2026'', and

(B) by adding ''and'' at the end, and

(2) by striking clauses (ii), (iii), and (iv), and redesignating clause (v) as clause (ii).

(b) PROPERTY WITH LONGER PRODUCTION PERIODS.—Section 168(k)(6)(B) is amended—

(1) in clause (i)—

(A) by striking ''2024'' and inserting ''2027'', and

(B) by adding ''and'' at the end, and

(2) by striking clauses (ii), (iii), and (iv), and redesignating clause (v) as clause (ii).

(c) PLANTS BEARING FRUITS AND NUTS.—Section 168(k)(6)(C) is amended—

(1) in clause (i)—

(A) by striking ''2023'' and inserting ''2026'', and

(B) by adding ''and'' at the end, and

(2) by striking clauses (ii), (iii), and (iv), and redesignating clause (v) as clause (ii).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) PLANTS BEARING FRUITS AND NUTS.—The amendments made by subsection (c) shall apply to specified plants planted or grafted after December 31, 2022.

SEC. 204. INCREASE IN LIMITATIONS ON EXPENSING OF DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking ''$1,000,000'' in paragraph (1) and inserting ''$1,290,000'', and

(2) by striking ''$2,500,000'' in paragraph (2) and inserting ''$3,220,000''.

(b) INFLATION ADJUSTMENT.—Section 179(b)(6) is amended—

(1) by striking ''2018'' and inserting ''2024 (2018 in the case of the dollar amount in paragraph (5)(A))'', and

(2) by striking '''calendar year 2017'' and inserting '''calendar year 2024' ('calendar year 2017' in the case of the dollar amount in paragraph (5)(A))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 2023.

TITLE III—INCREASING GLOBAL COMPETITIVENESS

Subtitle A—United States-Taiwan Expedited Double-Tax Relief Act

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ‘‘United States-Taiwan Expedited Double-Tax Relief Act’’.

SEC. 302. SPECIAL RULES FOR TAXATION OF CERTAIN RESIDENTS OF TAIWAN.

(a) IN GENERAL.—Subpart D of part II of subchapter N of chapter 1 is amended by inserting after section 894 the following new section:

‘‘SEC. 894A. SPECIAL RULES FOR QUALIFIED RESIDENTS OF TAIWAN.

‘‘(a) CERTAIN INCOME FROM UNITED STATES SOURCES.—

‘‘(1) INTEREST, DIVIDENDS, AND ROYALTIES, ETC.—

‘‘(A) IN GENERAL.—In the case of interest (other than original issue discount), dividends, royalties, amounts described in section 871(a)(1)(C), and gains described in section 871(a)(1)(D) received by or paid to a qualified resident of Taiwan—

‘‘(i) sections 871(a), 881(a), 1441(a), 1441(c)(5), and 1442(a) shall each be applied by substituting ‘the applicable percentage (as defined in section 894A(a)(1)(C))’ for ‘30 percent’ each place it appears, and

‘‘(ii) sections 871(a), 881(a), and 1441(c)(1) shall each be applied by substituting ‘a United States permanent establishment of a qualified resident of Taiwan’ for ‘a trade or business within the United States’ each place it appears.

‘‘(B) EXCEPTIONS.—

‘‘(i) IN GENERAL.—Subparagraph (A) shall not apply to—

‘‘(I) any dividend received from or paid by a real estate investment trust which is not a qualified REIT dividend,

‘‘(II) any amount subject to section 897,

‘‘(III) any amount received from or paid by an expatriated entity (as defined in section 7874(a)(2)) to a foreign related person (as defined in section 7874(d)(3)), and

‘‘(IV) any amount which is included in income under section 860C to the extent that such amount does not exceed an excess inclusion with respect to a REMIC.

‘‘(ii) QUALIFIED REIT DIVIDEND.—For purposes of clause (i)(I), the term ‘qualified REIT dividend’ means any dividend received from or paid by a real estate investment trust if such dividend is paid with respect to a class of shares that is publicly traded and the recipient of the dividend is a person who holds an interest in any class of shares of the real estate investment trust of not more than 5 percent.

‘‘(C) APPLICABLE PERCENTAGE.—For purposes of applying subparagraph (A)(i)—

‘‘(i) IN GENERAL.—Except as provided in clause (ii), the term ‘applicable percentage’ means 10 percent.

‘‘(ii) SPECIAL RULES FOR DIVIDENDS.— In the case of any dividend in respect of stock received by or paid to a qualified resident of Taiwan, the applicable percentage shall be 15 percent (10 percent in the case of a dividend which meets the requirements of subparagraph (D) and is received by or paid to an entity taxed as a corporation in Taiwan).

‘‘(D) REQUIREMENTS FOR LOWER DIVIDEND RATE.—

‘‘(i) IN GENERAL.—The requirements of this subparagraph are met with respect to any dividend in respect of stock in a corporation if, at all times during the 12-month period ending on the date such stock becomes ex-dividend with respect to such dividend—

‘‘(I) the dividend is derived by a qualified resident of Taiwan, and

‘‘(II) such qualified resident of Taiwan has held directly at least 10 percent (by vote and value) of the total outstanding shares of stock in such corporation.

For purposes of subclause (II), a person shall be treated as directly holding a share of stock during any period described in the preceding sentence if the share was held by a corporation from which such person later acquired that share and such corporation was, at the time the share was acquired, both a connected person to such person and a qualified resident of Taiwan.

‘‘(ii) EXCEPTION FOR RICS AND REITS.—Notwithstanding clause (i), the requirements of this subparagraph shall not be treated as met with respect to any dividend paid by a regulated investment company or a real estate investment trust.

‘‘(2) QUALIFIED WAGES.—

‘‘(A) IN GENERAL.—No tax shall be imposed under this chapter (and no amount shall be withheld under section 1441(a) or chapter 24) with respect to qualified wages paid to a qualified resident of Taiwan who—

‘‘(i) is not a resident of the United States (determined without regard to subsection (c)(3)(E)), or

‘‘(ii) is employed as a member of the regular component of a ship or aircraft operated in international traffic.

‘‘(B) QUALIFIED WAGES.—

‘‘(i) IN GENERAL.—The term ‘qualified wages’ means wages, salaries, or similar remunerations with respect to employment involving the performance of personal services within the United States which—

‘‘(I) are paid by (or on behalf of) any employer other than a United States person, and

‘‘(II) are not borne by a United States permanent establishment of any person other than a United States person.

‘‘(ii) EXCEPTIONS.—Such term shall not include directors’ fees, income derived as an entertainer or athlete, income derived as a student or trainee, pensions, amounts paid with respect to employment with the United States, any State (or political subdivision thereof), or any possession of the United States (or any political subdivision thereof), or other amounts specified in regulations or guidance under subsection (f)(1)(F).

‘‘(3) INCOME DERIVED FROM ENTERTAINMENT OR ATHLETIC ACTIVITIES.—

‘‘(A) IN GENERAL.—No tax shall be imposed under this chapter (and no amount shall be withheld under section 1441(a) or chapter 24) with respect to income derived by an entertainer or athlete who is a qualified resident of Taiwan from personal activities as such performed in the United States if the aggregate amount of gross receipts from such activities for the taxable year do not exceed $30,000.

‘‘(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to—

‘‘(i) income which is qualified wages (as defined in paragraph (2)(B), determined without regard to clause (ii) thereof), or

‘‘(ii) income which is effectively connected with a United States permanent establishment.

‘‘(b) INCOME CONNECTED WITH A UNITED STATES PERMANENT ESTABLISHMENT OF A QUALIFIED RESIDENT OF TAIWAN.—

‘‘(1) IN GENERAL.—

‘‘(A) IN GENERAL.—In lieu of applying sections 871(b) and 882, a qualified resident of Taiwan that carries on a trade or business within the United States through a United States permanent establishment shall be taxable as provided in section 1, 11, 55, or 59A, on its taxable income which is effectively connected with such permanent establishment.

‘‘(B) DETERMINATION OF TAXABLE INCOME.—In determining taxable income for purposes of paragraph (1), gross income includes only gross income which is effectively connected with the permanent establishment.

‘‘(2) TREATMENT OF DISPOSITIONS OF UNITED STATES REAL PROPERTY.—In the case of a qualified resident of Taiwan, section 897(a) shall be applied—

‘‘(A) by substituting ‘carried on a trade or business within the United States through a United States permanent establishment’ for ‘were engaged in a trade or business within the United States’, and

‘‘(B) by substituting ‘such United States permanent establishment’ for ‘such trade or business’.

‘‘(3) TREATMENT OF BRANCH PROFITS TAXES.—In the case of any corporation which is a qualified resident of Taiwan, section 884 shall be applied—

‘‘(A) by substituting ‘10 percent’ for ‘30 percent ’ in subsection (a) thereof, and

‘‘(B) by substituting ‘a United States permanent establishment of a qualified resident of Taiwan’ for ‘the conduct of a trade or business within the United States’ in subsection (d)(1) thereof.

‘‘(4) SPECIAL RULE WITH RESPECT TO INCOME DERIVED FROM CERTAIN ENTERTAINMENT OR ATHLETIC ACTIVITIES.—

‘‘(A) IN GENERAL.—Paragraph (1) shall not apply to the extent that the income is derived—

‘‘(i) in respect of entertainment or athletic activities performed in the United States, and

‘‘(ii) by a qualified resident of Taiwan who is not the entertainer or athlete performing such activities.

‘‘(B) EXCEPTION.—Subparagraph (A) shall not apply if the person described in subparagraph (A)(ii) is contractually authorized to designate the individual who is to perform such activities.

‘‘(5) SPECIAL RULE WITH RESPECT TO CERTAIN AMOUNTS.—Paragraph (1) shall not apply to any income which is wages, salaries, or similar remuneration with respect to employment or with respect to any amount which is described in subsection (a)(2)(B)(ii).

‘‘(c) QUALIFIED RESIDENT OF TAIWAN.—For purposes of this section—

‘‘(1) IN GENERAL.—The term ‘qualified resident of Taiwan’ means any person who—

‘‘(A) is liable to tax under the laws of Taiwan by reason of such person’s domicile, residence, place of management, place of incorporation, or any similar criterion,

‘‘(B) is not a United States person (determined without regard to paragraph (3)(E)), and

‘‘(C) in the case of an entity taxed as a corporation in Taiwan, meets the requirements of paragraph (2).

‘‘(2) LIMITATION ON BENEFITS FOR CORPORATE ENTITIES OF TAIWAN.—

‘‘(A) IN GENERAL.—Subject to subparagraphs (E) and (F), an entity meets the requirements of this paragraph only if it—

‘‘(i) meets the ownership and income requirements of subparagraph (B),

‘‘(ii) meets the publicly traded requirements of subparagraph (C), or

‘‘(iii) meets the qualified subsidiary requirements of subparagraph (D).

‘‘(B) OWNERSHIP AND INCOME REQUIREMENTS.—The requirements of this subparagraph are met for an entity if—

‘‘(i) at least 50 percent (by vote and value) of the total outstanding shares of stock in such entity are owned directly or indirectly by qualified residents of Taiwan, and

‘‘(ii) less than 50 percent of such entity’s gross income (and in the case of an entity that is a member of a tested group, less than 50 percent of the tested group’s gross income) is paid or accrued, directly or indirectly, in the form of payments that are deductible for purposes of the income taxes imposed by Taiwan, to persons who are not—

''(I) qualified residents of Taiwan, or

''(II) United States persons who meet such requirements with respect to the United States as determined by the Secretary to be equivalent to the requirements of this subsection (determined without regard to paragraph (1)(B)) with respect to residents of Taiwan.

''(C) PUBLICLY TRADED REQUIREMENTS.—An entity meets the requirements of this subparagraph if—

''(i) the principal class of its shares (and any disproportionate class of shares) of such entity are primarily and regularly traded on an established securities market in Taiwan, or

''(ii) the primary place of management and control of the entity is in Taiwan and all classes of its outstanding shares described in clause (i) are regularly traded on an established securities market in Taiwan.

''(D) QUALIFIED SUBSIDIARY REQUIREMENTS.—An entity meets the requirement of this subparagraph if—

''(i) at least 50 percent (by vote and value) of the total outstanding shares of the stock of such entity are owned directly or indirectly by 5 or fewer entities—

''(I) which meet the requirements of subparagraph (C), or

''(II) which are United States persons the principal class of the shares (and any disproportionate class of shares) of which are primarily and regularly traded on an established securities market in the United States, and

''(ii) the entity meets the requirements of clause (ii) of subparagraph (B).

''(E) ONLY INDIRECT OWNERSHIP THROUGH QUALIFYING INTERMEDIARIES COUNTED.—

''(i) IN GENERAL.—Stock in an entity owned by a person indirectly through 1 or more other persons shall not be treated as owned by such person in determining whether the person meets the requirements of subparagraph (B)(i) or (D)(i) unless all such other persons are qualifying intermediate owners.

''(ii) QUALIFYING INTERMEDIATE OWNERS.—The term 'qualifying intermediate owner' means a person that is—

''(I) a qualified resident of Taiwan, or

''(II) a resident of any other foreign country (other than a foreign country that is a foreign country of concern) that has in effect a comprehensive convention with the United States for the avoidance of double taxation.

''(iii) SPECIAL RULE FOR QUALIFIED SUBSIDIARIES.—For purposes of applying subparagraph (D)(i), the term 'qualifying intermediate owner' shall include any person who is a United States person who meets such requirements with respect to the United States as determined by the Secretary to be equivalent to the requirements of this subsection (determined without regard to paragraph (1)(B)) with respect to residents of Taiwan.

''(F) CERTAIN PAYMENTS NOT INCLUDED.—In determining whether the requirements of subparagraph (B)(ii) or (D)(ii) are met with respect to an entity, the following payments shall not be taken into account:

''(i) Arm's-length payments by the entity in the ordinary course of business for services or tangible property.

''(ii) In the case of a tested group, intragroup transactions.

''(3) DUAL RESIDENTS.—

''(A) RULES FOR DETERMINATION OF STATUS.—

''(i) IN GENERAL.—An individual who is an applicable dual resident and who is described in subparagraph (B), (C), or (D) shall be treated as a qualified resident of Taiwan.

''(ii) APPLICABLE DUAL RESIDENT.—For purposes of this paragraph, the term 'applicable dual resident' means an individual who—

''(I) is not a United States citizen,

''(II) is a resident of the United States (determined without regard to subparagraph (E)), and

''(III) would be a qualified resident of Taiwan but for paragraph (1)(B).

''(B) PERMANENT HOME.—An individual is described in this subparagraph if such individual—

''(i) has a permanent home available to such individual in Taiwan, and

''(ii) does not have a permanent home available to such individual in the United States.

''(C) CENTER OF VITAL INTERESTS.—An individual is described in this subparagraph if—

''(i) such individual has a permanent home available to such individual in both Taiwan and the United States, and

''(ii) such individual's personal and economic relations (center of vital interests) are closer to Taiwan than to the United States.

''(D) HABITUAL ABODE.—An individual is described in this subparagraph if—

''(i) such individual—

''(I) does not have a permanent home available to such individual in either Taiwan or the United States, or

''(II) has a permanent home available to such individual in both Taiwan and the United States but such individual's center of vital interests under subparagraph (C)(ii) cannot be determined, and

''(ii) such individual has a habitual abode in Taiwan and not the United States.

''(E) UNITED STATES TAX TREATMENT OF QUALIFIED RESIDENT OF TAIWAN.—Notwithstanding section 7701, an individual who is treated as a qualified resident of Taiwan by reason of this paragraph for all or any portion of a taxable year shall not be treated as a resident of the United States for purposes of computing such individual's United States income tax liability for such taxable year or portion thereof.

''(4) RULES OF SPECIAL APPLICATION.—

''(A) DIVIDENDS.—For purposes of applying this section to any dividend, paragraph (2)(D) shall be applied without regard to clause (ii) thereof.

''(B) ITEMS OF INCOME EMANATING FROM AN ACTIVE TRADE OR BUSINESS IN TAIWAN.—For purposes of this section—

''(i) IN GENERAL.—Notwithstanding the preceding paragraphs of this subsection, if an entity taxed as a corporation in Taiwan is not a qualified resident of Taiwan but meets the requirements of subparagraphs (A) and (B) of paragraph (1), any qualified item of income such entity derived from the United States shall be treated as income of a qualified resident of Taiwan.

''(ii) QUALIFIED ITEMS OF INCOME.—

''(I) IN GENERAL.—The term 'qualified item of income' means any item of income which emanates from, or is incidental to, the conduct of an active trade or business in Taiwan (other than operating as a holding company, providing overall supervision or administration of a group of companies, providing group financing, or making or managing investments (unless such making or managing investments is carried on by a bank, insurance company, or registered securities dealer in the ordinary course of its business as such)).

''(II) SUBSTANTIAL ACTIVITY REQUIREMENT.—An item of income which is derived from a trade or business conducted in the United States or from a connected person shall be a qualified item of income only if the trade or business activity conducted in Taiwan to which the item is related is substantial in relation to the same or a complementary trade or business activity carried on in the United States. For purposes of applying this subclause, activities conducted by persons that are connected to the entity described in clause (i) shall be deemed to be conducted by such entity.

''(iii) EXCEPTION.—This subparagraph shall not apply to any item of income derived by an entity if at least 50 percent (by vote or value) of such entity is owned (directly or indirectly) or controlled by residents of a foreign country of concern.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) UNITED STATES PERMANENT ESTABLISHMENT.—

''(A) IN GENERAL.—The term 'United States permanent establishment' means, with respect to a qualified resident of Taiwan, a permanent establishment of such resident which is within the United States.

''(B) SPECIAL RULE.—The determination of whether there is a permanent establishment of a qualified resident of Taiwan within the United States shall be made without regard to whether an entity which is taxed as a corporation in Taiwan and which is a qualified resident of Taiwan controls or is controlled by—

''(i) a domestic corporation, or

''(ii) any other person that carries on business in the United States (whether through a permanent establishment or otherwise).

''(2) PERMANENT ESTABLISHMENT.—

''(A) IN GENERAL.—The term 'permanent establishment' means a fixed place of business through which a trade or business is wholly or partly carried on. Such term shall include—

''(i) a place of management,

''(ii) a branch,

''(iii) an office,

''(iv) a factory,

''(v) a workshop, and

''(vi) a mine, an oil or gas well, a quarry, or any other place of extraction of natural resources.

''(B) SPECIAL RULES FOR CERTAIN TEMPORARY PROJECTS.—

''(i) IN GENERAL.—A building site or construction or installation project, or an installation or drilling rig or ship used for the exploration or exploitation of the sea bed and its subsoil and their natural resources, constitutes a permanent establishment only if it lasts, or the activities of the rig or ship lasts, for more than 12 months.

''(ii) DETERMINATION OF 12-MONTH PERIOD.—For purposes of clause (i), the period over which a building site or construction or installation project of a person lasts shall include any period of more than 30 days during which such person does not carry on activities at such building site or construction or installation project but connected activities are carried on at such building site or construction or installation project by one or more connected persons.

''(C) HABITUAL EXERCISE OF CONTRACT AUTHORITY TREATED AS PERMANENT ESTABLISHMENT.—Notwithstanding subparagraphs (A) and (B), where a person (other than an agent of an independent status to whom subparagraph (D)(ii) applies) is acting on behalf of a trade or business of a qualified resident of Taiwan and has and habitually exercises an authority to conclude contracts that are binding on the trade or business, that trade or business shall be deemed to have a permanent establishment in the country in which such authority is exercised in respect of any activities that the person undertakes for the trade or business, unless the activities of such person are limited to those described in subparagraph (D)(i) that, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that subparagraph.

''(D) EXCLUSIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), the term 'permanent establishment' shall not include—

''(I) the use of facilities solely for the purpose of storage, display, or delivery of goods or merchandise belonging to the trade or business,

''(II) the maintenance of a stock of goods or merchandise belonging to the trade or business solely for the purpose of storage, display, or delivery,

''(III) the maintenance of a stock of goods or merchandise belonging to the trade or business solely for the purpose of processing by another trade or business,

''(IV) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or of collecting information, for the trade or business,

''(V) the maintenance of a fixed place of business solely for the purpose of carrying on, for the trade or business, any other activity of a preparatory or auxiliary character, or

''(VI) the maintenance of a fixed place of business solely for any combination of the activities mentioned in subclauses (I) through (V), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

''(ii) BROKERS AND OTHER INDEPENDENT AGENTS.—A trade or business shall not be considered to have a permanent establishment in a country merely because it carries on business in such country through a broker, general commission agent, or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business as independent agents.

''(3) TESTED GROUP.—The term 'tested group' includes, with respect to any entity taxed as a corporation in Taiwan, such entity and any other entity taxed as a corporation in Taiwan that—

''(A) participates as a member with such entity in a tax consolidation, fiscal unity, or similar regime that requires members of the group to share profits or losses, or

''(B) shares losses with such entity pursuant to a group relief or other loss sharing regime.

''(4) CONNECTED PERSON.—Two persons shall be 'connected persons' if one owns, directly or indirectly, at least 50 percent of the interests in the other (or, in the case of a corporation, at least 50 percent of the aggregate vote and value of the corporation's shares) or another person owns, directly or indirectly, at least 50 percent of the interests (or, in the case of a corporation, at least 50 percent of the aggregate vote and value of the corporation's shares) in each person. In any case, a person shall be connected to another if, based on all the relevant facts and circumstances, one has control of the other or both are under the control of the same person or persons.

''(5) FOREIGN COUNTRY OF CONCERN.—The term 'foreign country of concern' has the meaning given such term under paragraph (7) of section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(7)), as added by section 103(a)(4) of the CHIPS Act of 2022).

''(6) PARTNERSHIPS; BENEFICIARIES OF ESTATES AND TRUSTS.—For purposes of this section—

''(A) a qualified resident of Taiwan which is a partner of a partnership which carries on a trade or business within the United States through a United States permanent establishment shall be treated as carrying on such trade or business through such permanent establishment, and

''(B) a qualified resident of Taiwan which is a beneficiary of an estate or trust which carries on a trade or business within the United States through a United States permanent establishment shall be treated as carrying on such trade or business through such permanent establishment.

''(7) DENIAL OF BENEFITS FOR CERTAIN PAYMENTS THROUGH HYBRID ENTITIES.—For purposes of this section, rules similar to the rules of section 894(c) shall apply.

''(e) APPLICATION.—

''(1) IN GENERAL.—This section shall not apply to any period unless the Secretary has determined that Taiwan has provided benefits to United States persons for such period that are reciprocal to the benefits provided to qualified residents of Taiwan under this section.

''(2) PROVISION OF RECIPROCITY.—The President or his designee is authorized to exchange letters, enter into an agreement, or take other necessary and appropriate steps relative to Taiwan for the reciprocal provision of the benefits described in this section.

''(f) REGULATIONS OR OTHER GUIDANCE.—

''(1) IN GENERAL.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including such regulations or guidance for—

''(A) determining—

''(i) what constitutes a United States permanent establishment of a qualified resident of Taiwan, and

''(ii) income that is effectively connected with such a permanent establishment,

''(B) preventing the abuse of the provisions of this section by persons who are not (or who should not be treated as) qualified residents of Taiwan,

''(C) requirements for record keeping and reporting,

''(D) rules to assist withholding agents or employers in determining whether a foreign person is a qualified resident of Taiwan for purposes of determining whether withholding or reporting is required for a payment (and, if withholding is required, whether it should be applied at a reduced rate),

''(E) the application of subsection (a)(1)(D)(i) to stock held by predecessor owners,

''(F) determining what amounts are to be treated as qualified wages for purposes of subsection (a)(2),

''(G) determining the amounts to which subsection (a)(3) applies,

''(H) defining established securities market for purposes of subsection (c),

''(I) the application of the rules of subsection (c)(4)(B),

''(J) the application of subsection (d)(6) and section 1446,

''(K) determining ownership interests held by residents of a foreign country of concern, and

''(L) determining the starting and ending dates for periods with respect to the application of this section under subsection (e), which may be separate dates for taxes withheld at the source and other taxes.

''(2) REGULATIONS TO BE CONSISTENT WITH MODEL TREATY.—Any regulations or other guidance issued under this section shall, to the extent practical, be consistent with the provisions of the United States model income tax convention dated February 7, 2016.''.

(b) CONFORMING AMENDMENT TO WITHHOLDING TAX.—Subchapter A of chapter 3 is amended by adding at the end the following new section:

''SEC. 1447. WITHHOLDING FOR QUALIFIED RESIDENTS OF TAIWAN.

''For reduced rates of withholding for certain residents of Taiwan, see section 894A.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart D of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 894 the following new item:

''Sec. 894A. Special rules for qualified residents of Taiwan.''.

(2) The table of sections for subchapter A of chapter 3 is amended by adding at the end the following new item:

''Sec. 1447. Withholding for qualified residents of Taiwan.''.

Subtitle B—United States-Taiwan Tax Agreement Authorization Act

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''United States-Taiwan Tax Agreement Authorization Act''.

SEC. 312. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the tax agreement authorized by section 313(a).

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

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

(B) the Committee on Ways and Means of the House of Representatives.

(3) APPROVAL LEGISLATION.—The term ''approval legislation'' means legislation that approves the Agreement.

(4) IMPLEMENTING LEGISLATION.—The term ''implementing legislation'' means legislation that makes any changes to the Internal Revenue Code of 1986 necessary to implement the Agreement.

SEC. 313. AUTHORIZATION TO NEGOTIATE AND ENTER INTO AGREEMENT.

(a) IN GENERAL.—Subsequent to a determination under section 894A(e)(1) of the Internal Revenue Code of 1986 (as added by the United States-Taiwan Expedited Double-Tax Relief Act), the President is authorized to negotiate and enter into a tax agreement relative to Taiwan.

(b) ELEMENTS OF AGREEMENT.—

(1) CONFORMITY WITH BILATERAL INCOME TAX CONVENTIONS.—The President shall ensure that—

(A) any provisions included in the Agreement conform with provisions customarily contained in United States bilateral income tax conventions, as exemplified by the 2016 United States Model Income Tax Convention; and

(B) the Agreement does not include elements outside the scope of the 2016 United States Model Income Tax Convention.

(2) INCORPORATION OF TAX AGREEMENTS AND LAWS.—Notwithstanding paragraph (1), the Agreement may incorporate and restate provisions of any agreement, or existing United States law, addressing double taxation for residents of the United States and Taiwan.

(3) AUTHORITY.—The Agreement shall include the following statement: ''The Agreement is entered into pursuant to the United States-Taiwan Tax Agreement Authorization Act.''

(4) ENTRY INTO FORCE.—The Agreement shall include a provision conditioning entry into force upon—

(A) enactment of approval legislation and implementing legislation pursuant to section 317; and

(B) confirmation by the Secretary of the Treasury that the relevant authority in Taiwan has approved and taken appropriate steps required to implement the Agreement.

SEC. 314. CONSULTATIONS WITH CONGRESS.

(a) NOTIFICATION UPON COMMENCEMENT OF NEGOTIATIONS.—The President shall provide written notification to the appropriate congressional committees of the commencement

of negotiations between the United States and Taiwan on the Agreement at least 15 calendar days before commencing such negotiations.

(b) CONSULTATIONS DURING NEGOTIATIONS.—

(1) BRIEFINGS.—Not later than 90 days after commencement of negotiations with respect to the Agreement, and every 180 days thereafter until the President enters into the Agreement, the President shall provide a briefing to the appropriate congressional committees on the status of the negotiations, including a description of elements under negotiation.

(2) MEETINGS AND OTHER CONSULTATIONS.—

(A) IN GENERAL.—In the course of negotiations with respect to the Agreement, the Secretary of the Treasury, in coordination with the Secretary of State, shall—

(i) meet, upon request, with the chairman or ranking member of any of the appropriate congressional committees regarding negotiating objectives and the status of negotiations in progress; and

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

(B) ELEMENTS OF CONSULTATIONS.—The consultations described in subparagraph (A) shall include consultations with respect to—

(i) the nature of the contemplated Agreement;

(ii) how and to what extent the contemplated Agreement is consistent with the elements set forth in section 313(b); and

(iii) the implementation of the contemplated Agreement, including—

(I) the general effect of the contemplated Agreement on existing laws;

(II) proposed changes to any existing laws to implement the contemplated Agreement; and

(III) proposed administrative actions to implement the contemplated Agreement.

SEC. 315. APPROVAL AND IMPLEMENTATION OF AGREEMENT.

(a) IN GENERAL.—The Agreement may not enter into force unless—

(1) the President, at least 60 days before the day on which the President enters into the Agreement, publishes the text of the contemplated Agreement on a publicly available website of the Department of the Treasury; and

(2) there is enacted into law, with respect to the Agreement, approval legislation and implementing legislation pursuant to section 317.

(b) ENTRY INTO FORCE.—The President may provide for the Agreement to enter into force upon—

(1) enactment of approval legislation and implementing legislation pursuant to section 317; and

(2) confirmation by the Secretary of the Treasury that the relevant authority in Taiwan has approved and taken appropriate steps required to implement the Agreement.

SEC. 316. SUBMISSION TO CONGRESS OF AGREEMENT AND IMPLEMENTATION POLICY.

(a) SUBMISSION OF AGREEMENT.—Not later than 270 days after the President enters into the Agreement, the President or the President's designee shall submit to Congress—

(1) the final text of the Agreement; and

(2) a technical explanation of the Agreement.

(b) SUBMISSION OF IMPLEMENTATION POLICY.—Not later than 270 days after the President enters into the Agreement, the Secretary of the Treasury shall submit to Congress—

(1) a description of those changes to existing laws that the President considers would be required in order to ensure that the United States acts in a manner consistent with the Agreement; and

(2) a statement of anticipated administrative action proposed to implement the Agreement.

SEC. 317. CONSIDERATION OF APPROVAL LEGISLATION AND IMPLEMENTING LEGISLATION.

(a) IN GENERAL.—The approval legislation with respect to the Agreement shall include the following: ''Congress approves the Agreement submitted to Congress pursuant to section 316 of the United States-Taiwan Tax Agreement Authorization Act on _______.'', with the blank space being filled with the appropriate date.

(b) APPROVAL LEGISLATION COMMITTEE REFERRAL.—The approval legislation shall—

(1) in the Senate, be referred to the Committee on Foreign Relations; and

(2) in the House of Representatives, be referred to the Committee on Ways and Means.

(c) IMPLEMENTING LEGISLATION COMMITTEE REFERRAL.—The implementing legislation shall—

(1) in the Senate, be referred to the Committee on Finance; and

(2) in the House of Representatives, be referred to the Committee on Ways and Means.

SEC. 318. RELATIONSHIP OF AGREEMENT TO INTERNAL REVENUE CODE OF 1986.

(a) INTERNAL REVENUE CODE OF 1986 TO CONTROL.—No provision of the Agreement or approval legislation, nor the application of any such provision to any person or circumstance, which is inconsistent with any provision of the Internal Revenue Code of 1986, shall have effect.

(b) CONSTRUCTION.—Nothing in this subtitle shall be construed—

(1) to amend or modify any law of the United States; or

(2) to limit any authority conferred under any law of the United States,

unless specifically provided for in this subtitle.

SEC. 319. AUTHORIZATION OF SUBSEQUENT TAX AGREEMENTS RELATIVE TO TAIWAN.

(a) IN GENERAL.—Subsequent to the enactment of approval legislation and implementing legislation pursuant to section 317—

(1) the term ''tax agreement'' in section 313(a) shall be treated as including any tax agreement relative to Taiwan which supplements or supersedes the Agreement to which such approval legislation and implementing legislation relates, and

(2) the term ''Agreement'' shall be treated as including such tax agreement.

(b) REQUIREMENTS, ETC., TO APPLY SEPARATELY.—The provisions of this subtitle (including section 314) shall be applied separately with respect to each tax agreement referred to in subsection (a).

SEC. 320. UNITED STATES TREATMENT OF DOUBLE TAXATION MATTERS WITH RESPECT TO TAIWAN.

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

(1) The United States addresses issues with respect to double taxation with foreign countries by entering into bilateral income tax conventions (known as tax treaties) with such countries, subject to the advice and consent of the Senate to ratification pursuant to article II of the Constitution.

(2) The United States has entered into more than sixty such tax treaties, which facilitate economic activity, strengthen bilateral cooperation, and benefit United States workers, businesses, and other United States taxpayers.

(3) Due to Taiwan's unique status, the United States is unable to enter into an article II tax treaty with Taiwan, necessitating an agreement to address issues with respect to double taxation.

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

(1) provide for additional bilateral tax relief with respect to Taiwan, beyond that provided for in section 894A of the Internal Revenue Code of 1986 (as added by the United States-Taiwan Expedited Double-Tax Relief Act), only after entry into force of an Agreement, as provided for in section 315, and only in a manner consistent with such Agreement; and

(2) continue to provide for bilateral tax relief with sovereign states to address double taxation and other related matters through entering into bilateral income tax conventions, subject to the Senate's advice and consent to ratification pursuant to article II of the Constitution.

TITLE IV—ASSISTANCE FOR DISASTER-IMPACTED COMMUNITIES

SEC. 401. SHORT TITLE.

This title may be cited as the ''Federal Disaster Tax Relief Act of 2024''.

SEC. 402. EXTENSION OF RULES FOR TREATMENT OF CERTAIN DISASTER-RELATED PERSONAL CASUALTY LOSSES.

For purposes of applying section 304(b) of the Taxpayer Certainty and Disaster Tax Relief Act of 2020, section 301 of such Act shall be applied by substituting ''the Federal Disaster Tax Relief Act of 2024'' for ''this Act'' each place it appears.

SEC. 403. EXCLUSION FROM GROSS INCOME FOR COMPENSATION FOR LOSSES OR DAMAGES RESULTING FROM CERTAIN WILDFIRES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by an individual as a qualified wildfire relief payment.

(b) QUALIFIED WILDFIRE RELIEF PAYMENT.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified wildfire relief payment'' means any amount received by or on behalf of an individual as compensation for losses, expenses, or damages (including compensation for additional living expenses, lost wages (other than compensation for lost wages paid by the employer which would have otherwise paid such wages), personal injury, death, or emotional distress) incurred as a result of a qualified wildfire disaster, but only to the extent the losses, expenses, or damages compensated by such payment are not compensated for by insurance or otherwise.

(2) QUALIFIED WILDFIRE DISASTER.—The term ''qualified wildfire disaster'' means any federally declared disaster (as defined in section 165(i)(5)(A) of the Internal Revenue Code of 1986) declared, after December 31, 2014, as a result of any forest or range fire.

(c) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of the Internal Revenue Code of 1986—

(1) no deduction or credit shall be allowed (to the person for whose benefit a qualified wildfire relief payment is made) for, or by reason of, any expenditure to the extent of the amount excluded under this section with respect to such expenditure, and

(2) no increase in the basis or adjusted basis of any property shall result from any amount excluded under this subsection with respect to such property.

(d) LIMITATION ON APPLICATION.—This section shall only apply to qualified wildfire relief payments received by the individual during taxable years beginning after December 31, 2019, and before January 1, 2026.

SEC. 404. EAST PALESTINE DISASTER RELIEF PAYMENTS.

(a) DISASTER RELIEF PAYMENTS TO VICTIMS OF EAST PALESTINE TRAIN DERAILMENT.—East Palestine train derailment payments shall be treated as qualified disaster relief payments for purposes of section 139(b) of the Internal Revenue Code of 1986.

(b) EAST PALESTINE TRAIN DERAILMENT PAYMENTS.—For purposes of this section, the

term ''East Palestine train derailment payment'' means any amount received by or on behalf of an individual as compensation for loss, damages, expenses, loss in real property value, closing costs with respect to real property (including realtor commissions), or inconvenience (including access to real property) resulting from the East Palestine train derailment if such amount was provided by—

(1) a Federal, State, or local government agency,

(2) Norfolk Southern Railway, or

(3) any subsidiary, insurer, or agent of Norfolk Southern Railway or any related person.

(c) TRAIN DERAILMENT.—For purposes of this section, the term ''East Palestine train derailment'' means the derailment of a train in East Palestine, Ohio, on February 3, 2023.

(d) EFFECTIVE DATE.—This section shall apply to amounts received on or after February 3, 2023.

TITLE V—MORE AFFORDABLE HOUSING

SEC. 501. STATE HOUSING CREDIT CEILING INCREASE FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Section 42(h)(3)(I) is amended—

(1) by striking ''and 2021,'' and inserting ''2021, 2023, 2024, and 2025,'', and

(2) by striking ''2018, 2019, 2020, AND 2021'' in the heading and inserting ''CERTAIN CALENDAR YEARS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2022.

SEC. 502. TAX-EXEMPT BOND FINANCING REQUIREMENT.

(a) IN GENERAL.—Section 42(h)(4) is amended by striking subparagraph (B) and inserting the following:

''(B) SPECIAL RULE WHERE MINIMUM PERCENT OF BUILDINGS IS FINANCED WITH TAX-EXEMPT BONDS SUBJECT TO VOLUME CAP.—For purposes of subparagraph (A), paragraph (1) shall not apply to any portion of the credit allowable under subsection (a) with respect to a building if—

''(i) 50 percent or more of the aggregate basis of such building and the land on which the building is located is financed by 1 or more obligations described in subparagraph (A), or

''(ii)(I) 30 percent or more of the aggregate basis of such building and the land on which the building is located is financed by 1 or more qualified obligations, and

''(II) 1 or more of such qualified obligations—

''(aa) are part of an issue the issue date of which is after December 31, 2023, and

''(bb) provide the financing for not less than 5 percent of the aggregate basis of such building and the land on which the building is located.

''(C) QUALIFIED OBLIGATION.—For purposes of subparagraph (B)(ii), the term 'qualified obligation' means an obligation which is described in subparagraph (A) and which is part of an issue the issue date of which is before January 1, 2026.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to buildings placed in service in taxable years beginning after December 31, 2023.

(2) REHABILITATION EXPENDITURES TREATED AS SEPARATE NEW BUILDING.—In the case of any building with respect to which any expenditures are treated as a separate new building under section 42(e) of the Internal Revenue Code of 1986, for purposes of paragraph (1), both the existing building and the separate new building shall be treated as having been placed in service on the date such expenditures are treated as placed in service under section 42(e)(4) of such Code.

TITLE VI—TAX ADMINISTRATION AND ELIMINATING FRAUD

SEC. 601. INCREASE IN THRESHOLD FOR REQUIRING INFORMATION REPORTING WITH RESPECT TO CERTAIN PAYEES.

(a) IN GENERAL.—Sections 6041(a) is amended by striking ''$600'' and inserting ''$1,000''.

(b) INFLATION ADJUSTMENT.—Section 6041 is amended by adding at the end the following new subsection:

''(h) INFLATION ADJUSTMENT.—In the case of any calendar year after 2024, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2023' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase under the preceding sentence is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.''.

(c) APPLICATION TO REPORTING ON REMUNERATION FOR SERVICES AND DIRECT SALES.—Section 6041A is amended—

(1) in subsection (a)(2), by striking ''is $600 or more'' and inserting ''equals or exceeds the dollar amount in effect for such calendar year under section 6041(a)'', and

(2) in subsection (b)(1)(B), by striking ''is $5,000 or more'' and inserting ''equals or exceeds the dollar amount in effect for such calendar year under section 6041(a)''.

(d) APPLICATION TO BACKUP WITHHOLDING.—Section 3406(b)(6) is amended—

(1) by striking ''$600'' in subparagraph (A) and inserting ''the dollar amount in effect for such calendar year under section 6041(a)'', and

(2) by striking ''ONLY WHERE AGGREGATE FOR CALENDAR YEAR IS $600 OR MORE'' in the heading and inserting ''ONLY IF IN EXCESS OF THRESHOLD''.

(e) CONFORMING AMENDMENTS.—

(1) The heading of section 6041(a) is amended by striking ''OF $600 OR MORE'' and inserting ''EXCEEDING THRESHOLD''.

(2) Section 6041(a) is amended by striking ''taxable year'' and inserting ''calendar year''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to payments made after December 31, 2023.

SEC. 602. ENFORCEMENT PROVISIONS WITH RESPECT TO COVID-RELATED EMPLOYEE RETENTION CREDITS.

(a) INCREASE IN ASSESSABLE PENALTY ON COVID–ERTC PROMOTERS FOR AIDING AND ABETTING UNDERSTATEMENTS OF TAX LIABILITY.—

(1) IN GENERAL.—If any COVID–ERTC promoter is subject to penalty under section 6701(a) of the Internal Revenue Code of 1986 with respect to any COVID–ERTC document, notwithstanding paragraphs (1) and (2) of section 6701(b) of such Code, the amount of the penalty imposed under such section 6701(a) shall be the greater of—

(A) $200,000 ($10,000, in the case of a natural person), or

(B) 75 percent of the gross income derived (or to be derived) by such promoter with respect to the aid, assistance, or advice referred to in section 6701(a)(1) of such Code with respect to such document.

(2) NO INFERENCE.—Paragraph (1) shall not be construed to create any inference with respect to the proper application of the knowledge requirement of section 6701(a)(3) of the Internal Revenue Code of 1986.

(b) FAILURE TO COMPLY WITH DUE DILIGENCE REQUIREMENTS TREATED AS KNOWLEDGE FOR PURPOSES OF ASSESSABLE PENALTY FOR AIDING AND ABETTING UNDERSTATEMENT OF TAX LIABILITY.—In the case of any COVID–ERTC promoter, the knowledge requirement of section 6701(a)(3) of the Internal Revenue Code of 1986 shall be treated as satisfied with respect to any COVID–ERTC document with respect to which such promoter provided aid, assistance, or advice, if such promoter fails to comply with the due diligence requirements referred to in subsection (c)(1).

(c) ASSESSABLE PENALTY FOR FAILURE TO COMPLY WITH DUE DILIGENCE REQUIREMENTS.—

(1) IN GENERAL.—Any COVID–ERTC promoter which provides aid, assistance, or advice with respect to any COVID–ERTC document and which fails to comply with due diligence requirements imposed by the Secretary with respect to determining eligibility for, or the amount of, any COVID-related employee retention tax credit, shall pay a penalty of $1,000 for each such failure.

(2) DUE DILIGENCE REQUIREMENTS.—Except as otherwise provided by the Secretary, the due diligence requirements referred to in paragraph (1) shall be similar to the due diligence requirements imposed under section 6695(g).

(3) RESTRICTION TO DOCUMENTS USED IN CONNECTION WITH RETURNS OR CLAIMS FOR REFUND.—Paragraph (1) shall not apply with respect to any COVID–ERTC document unless such document constitutes, or relates to, a return or claim for refund.

(4) TREATMENT AS ASSESSABLE PENALTY, ETC.—For purposes of the Internal Revenue Code of 1986, the penalty imposed under paragraph (1) shall be treated in the same manner as a penalty imposed under section 6695(g).

(5) SECRETARY.—For purposes of this subsection, the term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) ASSESSABLE PENALTIES FOR FAILURE TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—For purposes of sections 6111, 6112, 6707 and 6708 of the Internal Revenue Code of 1986—

(1) any COVID-related employee retention tax credit (whether or not the taxpayer claims such COVID-related employee retention tax credit) shall be treated as a listed transaction (and as a reportable transaction) with respect to any COVID–ERTC promoter if such promoter provides any aid, assistance, or advice with respect to any COVID–ERTC document relating to such COVID-related employee retention tax credit, and

(2) such COVID–ERTC promoter shall be treated as a material advisor with respect to such transaction.

(e) COVID–ERTC PROMOTER.—For purposes of this section—

(1) IN GENERAL.—The term ''COVID–ERTC promoter'' means, with respect to any COVID–ERTC document, any person which provides aid, assistance, or advice with respect to such document if—

(A) such person charges or receives a fee for such aid, assistance, or advice which is based on the amount of the refund or credit with respect to such document and, with respect to such person's taxable year in which such person provided such assistance or the preceding taxable year, the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID-ERTC documents exceeds 20 percent of the gross receipts of such person for such taxable year, or

(B) with respect to such person's taxable year in which such person provided such assistance or the preceding taxable year—

(i) the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID–ERTC documents exceeds 50 percent of the gross receipts of such person for such taxable year, or

(ii) both—

(I) such aggregate gross receipts exceeds 20 percent of the gross receipts of such person for such taxable year, and

(II) the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID–ERTC documents (determined after application of paragraph (3)) exceeds $500,000.

(2) EXCEPTION FOR CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The term ''COVID–ERTC promoter'' shall not include a certified professional employer organization (as defined in section 7705).

(3) AGGREGATION RULE.—For purposes of paragraph (1)(B)(ii)(II), all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or subsection (m) or (o) of section 414 of such Code, shall be treated as 1 person.

(4) SHORT TAXABLE YEARS.—In the case of any taxable year of less than 12 months, paragraph (1) shall be applied with respect to the calendar year in which such taxable year begins (in addition to applying to such taxable year).

(f) COVID–ERTC DOCUMENT.—For purposes of this section, the term ''COVID–ERTC document'' means any return, affidavit, claim, or other document related to any COVID-related employee retention tax credit, including any document related to eligibility for, or the calculation or determination of any amount directly related to any COVID-related employee retention tax credit.

(g) COVID-RELATED EMPLOYEE RETENTION TAX CREDIT.—For purposes of this section, the term ''COVID-related employee retention tax credit'' means—

(1) any credit, or advance payment, under section 3134 of the Internal Revenue Code of 1986, and

(2) any credit, or advance payment, under section 2301 of the CARES Act.

(h) LIMITATION ON CREDIT AND REFUND OF COVID-RELATED EMPLOYEE RETENTION TAX CREDITS.—Notwithstanding section 6511 of the Internal Revenue Code of 1986 or any other provision of law, no credit or refund of any COVID-related employee retention tax credit shall be allowed or made after January 31, 2024, unless a claim for such credit or refund is filed by the taxpayer on or before such date.

(i) AMENDMENTS TO EXTEND LIMITATION ON ASSESSMENT.—

(1) IN GENERAL.—Section 3134(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(l) EXTENSION OF LIMITATION ON ASSESSMENT.—

''(1) IN GENERAL.—Notwithstanding section 6501, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 6 years after the latest of—

''(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed,

''(B) the date on which such return is treated as filed under section 6501(b)(2), or

''(C) the date on which the claim for credit or refund with respect to such credit is made.

''(2) DEDUCTION FOR WAGES TAKEN INTO ACCOUNT IN DETERMINING IMPROPERLY CLAIMED CREDIT.—

''(A) IN GENERAL.—Notwithstanding section 6511, in the case of an assessment attributable to a credit claimed under this section, the limitation on the time period for credit or refund of any amount attributable to a deduction for improperly claimed ERTC wages shall not expire before the time period for such assessment expires under paragraph (1).

''(B) IMPROPERLY CLAIMED ERTC WAGES.—For purposes of this paragraph, the term 'improperly claimed ERTC wages' means, with respect to an assessment attributable to a credit claimed under this section, the wages with respect to which a deduction would not have been allowed if the portion of the credit to which such assessment relates had been properly claimed.''.

(2) APPLICATION TO CARES ACT CREDIT.—Section 2301 of the CARES Act is amended by adding at the end the following new subsection:

''(o) EXTENSION OF LIMITATION ON ASSESSMENT.—

''(1) IN GENERAL.—Notwithstanding section 6501 of the Internal Revenue Code of 1986, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 6 years after the latest of—

''(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed,

''(B) the date on which such return is treated as filed under section 6501(b)(2) of such Code, or

''(C) the date on which the claim for credit or refund with respect to such credit is made.

''(2) DEDUCTION FOR WAGES TAKEN INTO ACCOUNT IN DETERMINING IMPROPERLY CLAIMED CREDIT.—

''(A) IN GENERAL.—Notwithstanding section 6511 of such Code, in the case of an assessment attributable to a credit claimed under this section, the limitation on the time period for credit or refund of any amount attributable to a deduction for improperly claimed ERTC wages shall not expire before the time period for such assessment expires under paragraph (1).

''(B) IMPROPERLY CLAIMED ERTC WAGES.—For purposes of this paragraph, the term 'improperly claimed ERTC wages' means, with respect to an assessment attributable to a credit claimed under this section, the wages with respect to which a deduction would not have been allowed if the portion of the credit to which such assessment relates had been properly claimed.''.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of this section shall apply to aid, assistance, and advice provided after March 12, 2020.

(2) DUE DILIGENCE REQUIREMENTS.—Subsections (b) and (c) shall apply to aid, assistance, and advice provided after the date of the enactment of this Act.

(3) LIMITATION ON CREDIT AND REFUND OF COVID-RELATED EMPLOYEE RETENTION TAX CREDITS.—Subsection (h) shall apply to credits and refunds allowed or made after January 31, 2024.

(4) AMENDMENTS TO EXTEND LIMITATION ON ASSESSMENT.—The amendments made by subsection (i) shall apply to assessments made after the date of the enactment of this Act.

(k) TRANSITION RULE WITH RESPECT TO REQUIREMENTS TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—Any return under section 6111 of the Internal Revenue Code of 1986, or list under section 6112 of such Code, required by reason of subsection (d) of this section to be filed or maintained, respectively, with respect to any aid, assistance, or advice provided by a COVID–ERTC promoter with respect to a COVID–ERTC document before the date of the enactment of this Act, shall not be required to be so filed or maintained (with respect to such aid, assistance or advice) before the date which is 90 days after such date.

(l) PROVISIONS NOT TO BE CONSTRUED TO CREATE NEGATIVE INFERENCES.—

(1) NO INFERENCE WITH RESPECT TO APPLICATION OF KNOWLEDGE REQUIREMENT TO PRE-ENACTMENT CONDUCT OF COVID-ERTC PROMOTERS, ETC.—Subsection (b) shall not be construed to create any inference with respect to the proper application of section 6701(a)(3) of the Internal Revenue Code of 1986 with respect to any aid, assistance, or advice provided by any COVID-ERTC promoter on or before the date of the enactment of this Act (or with respect to any other aid, assistance, or advice to which such subsection does not apply).

(2) REQUIREMENTS TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—Subsections (d) and (k) shall not be construed to create any inference with respect to whether any COVID-related employee retention tax credit is (without regard to subsection (d)) a listed transaction (or reportable transaction) with respect to any COVID–ERTC promoter; and, for purposes of subsection (j), a return or list shall not be treated as required (with respect to such aid, assistance, or advice) by reason of subsection (d) if such return or list would be so required without regard to subsection (d).

(m) REGULATIONS.—The Secretary (as defined in subsection (c)(5)) shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section (and the amendments made by this section).

SA 2011. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XIV—STOP CSAM ACT

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Strengthening Transparency and Obligations to Protect Children Suffering from Abuse and Mistreatment Act of 2024'' or the ''STOP CSAM Act of 2024''.

SEC. 1402. PROTECTING CHILD VICTIMS AND WITNESSES IN FEDERAL COURT.

(a) IN GENERAL.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking ''or exploitation'' and inserting ''exploitation, or kidnapping, including international parental kidnapping'';

(B) in paragraph (3), by striking ''physical or mental injury'' and inserting ''physical injury, psychological abuse'';

(C) by striking paragraph (5) and inserting the following:

''(5) the term 'psychological abuse' includes—

''(A) a pattern of acts, threats of acts, or coercive tactics intended to degrade, humiliate, intimidate, or terrorize a child; and

''(B) the infliction of trauma on a child through—

''(i) isolation;

''(ii) the withholding of food or other necessities in order to control behavior;

''(iii) physical restraint; or

''(iv) the confinement of the child without the child's consent and in degrading conditions;'';

(D) in paragraph (6), by striking ''child prostitution'' and inserting ''child sex trafficking'';

(E) by striking paragraph (7) and inserting the following:

''(7) the term 'multidisciplinary child abuse team' means a professional unit of individuals working together to investigate child abuse and provide assistance and support to a victim of child abuse, composed of representatives from—

''(A) health, social service, and legal service agencies that represent the child;

''(B) law enforcement agencies and prosecutorial offices; and

''(C) children's advocacy centers;'';

(F) in paragraph (9)(D)—

(i) by striking ''genitals'' and inserting ''anus, genitals,''; and

(ii) by striking ''or animal'';

(G) in paragraph (11), by striking ''and'' at the end;

(H) in paragraph (12)—

(i) by striking ''the term 'child abuse' does not'' and inserting ''the terms 'physical injury' and 'psychological abuse' do not''; and

(ii) by striking the period and inserting a semicolon; and

(I) by adding at the end the following:

''(13) the term 'covered person' means a person of any age who—

''(A) is or is alleged to be—

''(i) a victim of a crime of physical abuse, sexual abuse, exploitation, or kidnapping, including international parental kidnapping; or

''(ii) a witness to a crime committed against another person; and

''(B) was under the age of 18 when the crime described in subparagraph (A) was committed;

''(14) the term 'protected information', with respect to a covered person, includes—

''(A) personally identifiable information of the covered person, including—

''(i) the name of the covered person;

''(ii) an address;

''(iii) a phone number;

''(iv) a user name or identifying information for an online, social media, or email account; and

''(v) any information that can be used to distinguish or trace the identity of the covered person, either alone or when combined with other information that is linked or linkable to the covered person;

''(B) medical, dental, behavioral, psychiatric, or psychological information of the covered person;

''(C) educational or juvenile justice records of the covered person; and

''(D) any other information concerning the covered person that is deemed 'protected information' by order of the court under subsection (d)(5); and

''(15) the term 'child sexual abuse material' has the meaning given the term in section 2256(8).'';

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking ''minor'' and inserting ''child''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''VIDEOTAPED'' and inserting ''RECORDED'';

(ii) in subparagraph (A), by striking ''that the deposition be recorded and preserved on videotape'' and inserting ''that a video recording of the deposition be made and preserved'';

(iii) in subparagraph (B)—

(I) in clause (ii), by striking ''that the child's deposition be taken and preserved by videotape'' and inserting ''that a video recording of the child's deposition be made and preserved'';

(II) in clause (iii)—

(aa) in the matter preceding subclause (I), by striking ''videotape'' and inserting ''recorded''; and

(bb) in subclause (IV), by striking ''videotape'' and inserting ''recording''; and

(III) in clause (v)—

(aa) in the heading, by striking ''VIDEOTAPE'' and inserting ''VIDEO RECORDING'';

(bb) in the first sentence, by striking ''made and preserved on video tape'' and inserting ''recorded and preserved''; and

(cc) in the second sentence, by striking ''videotape'' and inserting ''video recording'';

(iv) in subparagraph (C), by striking ''child's videotaped'' and inserting ''video recording of the child's'';

(v) in subparagraph (D)—

(I) by striking ''videotaping'' and inserting ''deposition''; and

(II) by striking ''videotaped'' and inserting ''recorded'';

(vi) in subparagraph (E), by striking ''videotaped'' and inserting ''recorded''; and

(vii) in subparagraph (F), by striking ''videotape'' each place the term appears and inserting ''video recording'';

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking ''the name of or any other information concerning a child'' and inserting ''a covered person's protected information''; and

(ii) in clause (ii)—

(I) by striking ''documents described in clause (i) or the information in them that concerns a child'' and inserting ''a covered person's protected information''; and

(II) by striking '', have reason to know such information'' and inserting ''(including witnesses or potential witnesses), have reason to know each item of protected information to be disclosed'';

(B) in paragraph (2)—

(i) by striking ''the name of or any other information concerning a child'' each place the term appears and inserting ''a covered person's protected information'';

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(iii) by striking ''All papers'' and inserting the following:

''(A) IN GENERAL.—All papers''; and

(iv) by adding at the end the following:

''(B) ENFORCEMENT OF VIOLATIONS.—The court may address a violation of subparagraph (A) in the same manner as disobedience or resistance to a lawful court order under section 401(3).'';

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''a child from public disclosure of the name of or any other information concerning the child'' and inserting ''a covered person's protected information from public disclosure''; and

(II) by striking '', if the court determines that there is a significant possibility that such disclosure would be detrimental to the child'';

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking ''a child witness, and the testimony of any other witness'' and inserting ''any witness''; and

(bb) by striking ''the name of or any other information concerning a child'' and inserting ''a covered person's protected information''; and

(II) in clause (ii), by striking ''child'' and inserting ''covered person''; and

(iii) by adding at the end the following:

''(C)(i) For purposes of this paragraph, there shall be a presumption that public disclosure of a covered person's protected information would be detrimental to the covered person.

''(ii) The court shall deny a motion for a protective order under subparagraph (A) only if the court finds that the party opposing the motion has rebutted the presumption under clause (i) of this subparagraph.'';

(D) in paragraph (4)—

(i) by striking ''This subsection'' and inserting the following:

''(A) DISCLOSURE TO CERTAIN PARTIES.—This subsection'';

(ii) in subparagraph (A), as so designated—

(I) by striking ''the name of or other information concerning a child'' and inserting ''a covered person's protected information''; and

(II) by striking ''or an adult attendant, or to'' and inserting ''an adult attendant, a law enforcement agency for any intelligence or investigative purpose, or''; and

(iii) by adding at the end the following:

''(B) REQUEST FOR PUBLIC DISCLOSURE.—If any party requests public disclosure of a covered person's protected information to further a public interest, the court shall deny the request unless the court finds that—

''(i) the party seeking disclosure has established that there is a compelling public interest in publicly disclosing the covered person's protected information;

''(ii) there is a substantial probability that the public interest would be harmed if the covered person's protected information is not disclosed;

''(iii) the substantial probability of harm to the public interest outweighs the harm to the covered person from public disclosure of the covered person's protected information; and

''(iv) there is no alternative to public disclosure of the covered person's protected information that would adequately protect the public interest.''; and

(E) by adding at the end the following:

''(5) OTHER PROTECTED INFORMATION.—The court may order that information shall be considered to be 'protected information' for purposes of this subsection if the court finds that the information is sufficiently personal, sensitive, or identifying that it should be subject to the protections and presumptions under this subsection.'';

(4) by striking subsection (f) and inserting the following:

''(f) VICTIM IMPACT STATEMENT.—

''(1) PROBATION OFFICER.—In preparing the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, the probation officer shall request information from the multidisciplinary child abuse team, if applicable, or other appropriate sources to determine the impact of the offense on a child victim and any other children who may have been affected by the offense.

''(2) GUARDIAN AD LITEM.—A guardian ad litem appointed under subsection (h) shall—

''(A) make every effort to obtain and report information that accurately expresses the views of a child victim, and the views of family members as appropriate, concerning the impact of the offense; and

''(B) use forms that permit a child victim to express the child's views concerning the personal consequences of the offense, at a level and in a form of communication commensurate with the child's age and ability.'';

(5) in subsection (h), by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the United States courts to carry out this subsection $25,000,000 for each fiscal year.

''(B) SUPERVISION OF PAYMENTS.—Payments from appropriations authorized under subparagraph (A) shall be made under the supervision of the Director of the Administrative Office of the United States Courts.'';

(6) in subsection (i)—

(A) by striking ''A child testifying at or attending a judicial proceeding'' and inserting the following:

''(1) IN GENERAL.—A child testifying at a judicial proceeding, including in a manner described in subsection (b),'';

(B) in paragraph (1), as so designated—

(i) in the third sentence, by striking ''proceeding'' and inserting ''testimony''; and

(ii) by striking the fifth sentence; and

(C) by adding at the end the following:

''(2) RECORDING.—If the adult attendant is in close physical proximity to or in contact with the child while the child testifies—

''(A) at a judicial proceeding, a video recording of the adult attendant shall be made and shall become part of the court record; or

''(B) in a manner described in subsection (b), the adult attendant shall be visible on the closed-circuit television or in the recorded deposition.

''(3) COVERED PERSONS ATTENDING PROCEEDING.—A covered person shall have the right to be accompanied by an adult attendant when attending any judicial proceeding.'';

(7) in subsection (j)—

(A) by striking ''child'' each place the term appears and inserting ''covered person''; and

(B) in the fourth sentence—

(i) by striking ''and the potential'' and inserting '', the potential'';

(ii) by striking ''child's'' and inserting ''covered person's''; and

(iii) by inserting before the period at the end the following: '', and the necessity of the continuance to protect the defendant's rights'';

(8) in subsection (k), by striking ''child'' each place the term appears and inserting ''covered person'';

(9) in subsection (l), by striking ''child'' each place the term appears and inserting ''covered person''; and

(10) in subsection (m)—

(A) by striking ''(as defined by section 2256 of this title)'' each place it appears;

(B) in paragraph (1), by inserting ''and any civil action brought under section 2255 or 2255A'' after ''any criminal proceeding'';

(C) in paragraph (2), by adding at the end the following:

''(C)(i) Notwithstanding Rule 26 of the Federal Rules of Civil Procedure, a court shall deny, in any civil action brought under section 2255 or 2255A, any request by any party to copy, photograph, duplicate, or otherwise reproduce any child sexual abuse material, or property or item containing such material.

''(ii) In a civil action brought under section 2255 or 2255A, for purposes of paragraph (1), the court may—

''(I) order the plaintiff or defendant to provide to the court or the Government, as applicable, any equipment necessary to maintain care, custody, and control of such child sexual abuse material, property, or item; and

''(II) take reasonable measures, and may order the Government (if the child sexual abuse material, property, or item is in the care, custody, and control of the Government) to take reasonable measures, to provide each party to the action, the attorney of each party, and any individual a party may seek to qualify as an expert, with ample opportunity to inspect, view, and examine such child sexual abuse material, property, or item at the court or a Government facility, as applicable.''; and

(D) in paragraph (3)—

(i) by inserting ''and during the 1-year period following the date on which the criminal proceeding becomes final or is terminated'' after ''any criminal proceeding''; and

(ii) by striking '', as defined under section 2256(8),''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to conduct that occurs before, on, or after the date of enactment of this Act.

SEC. 1403. FACILITATING PAYMENT OF RESTITUTION; TECHNICAL AMENDMENTS TO RESTITUTION STATUTES.

Title 18, United States Code, is amended—

(1) in section 1593(c)—

(A) by inserting ''(1)'' after ''(c)'';

(B) by striking ''chapter, including, in'' and inserting the following: ''chapter.

''(2) In''; and

(C) in paragraph (2), as so designated, by inserting ''may assume the rights of the victim under this section'' after ''suitable by the court'';

(2) in section 2248(c)—

(A) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes'';

(B) by striking ''chapter, including, in'' and inserting the following: ''chapter.

''(2) ASSUMPTION OF CRIME VICTIM'S RIGHTS.—In''; and

(C) in paragraph (2), as so designated, by inserting ''may assume the rights of the victim under this section'' after ''suitable by the court'';

(3) in section 2259—

(A) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under—

''(1) section 1466A, to the extent the conduct involves a visual depiction of an identifiable minor; or

''(2) this chapter.'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''DIRECTIONS.—Except as provided in paragraph (2), the'' and inserting ''RESTITUTION FOR PRODUCTION OF CHILD SEXUAL ABUSE MATERIAL.—If the defendant was convicted of production of child sexual abuse material, the''; and

(ii) in paragraph (2)(B), by striking ''$3,000.'' and inserting the following: ''—

''(i) $3,000; or

''(ii) 10 percent of the full amount of the victim's losses, if the full amount of the victim's losses is less than $3,000.''; and

(C) in subsection (c)—

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

''(1) PRODUCTION OF CHILD SEXUAL ABUSE MATERIAL.—For purposes of this section and section 2259A, the term 'production of child sexual abuse material' means—

''(A) a violation of, attempted violation of, or conspiracy to violate section 1466A(a) to the extent the conduct involves production of a visual depiction of an identifiable minor;

''(B) a violation of, attempted violation of, or conspiracy to violate section 1466A(a) involving possession with intent to distribute, or section 1466A(b), to the extent the conduct involves a visual depiction of an identifiable minor—

''(i) produced by the defendant; or

''(ii) that the defendant attempted or conspired to produce;

''(C) a violation of subsection (a), (b), or (c) of section 2251, or an attempt or conspiracy to violate any of those subsections under subsection (e) of that section;

''(D) a violation of section 2251A;

''(E) a violation of section 2252(a)(4) or 2252A(a)(5), or an attempt or conspiracy to violate either of those sections under section 2252(b)(2) or 2252A(b)(2), to the extent such conduct involves child sexual abuse material—

''(i) produced by the defendant; or

''(ii) that the defendant attempted or conspired to produce;

''(F) a violation of subsection (a)(7) of section 2252A, or an attempt or conspiracy to violate that subsection under subsection (b)(3) of that section, to the extent the conduct involves production with intent to distribute;

''(G) a violation of section 2252A(g) if the series of felony violations involves not fewer than 1 violation—

''(i) described in subparagraph (A), (B), (E), or (F) of this paragraph;

''(ii) of section 1591; or

''(iii) of section 1201, chapter 109A, or chapter 117, if the victim is a minor;

''(H) a violation of subsection (a) of section 2260, or an attempt or conspiracy to violate that subsection under subsection (c)(1) of that section;

''(I) a violation of section 2260B(a)(2) for promoting or facilitating an offense—

''(i) described in subparagraph (A), (B), (D), or (E) of this paragraph; or

''(ii) under section 2422(b); and

''(J) a violation of chapter 109A or chapter 117, if the offense involves the production or attempted production of, or conspiracy to produce, child sexual abuse material.'';

(ii) by striking paragraph (3) and inserting the following:

''(3) TRAFFICKING IN CHILD SEXUAL ABUSE MATERIAL.—For purposes of this section and section 2259A, the term 'trafficking in child sexual abuse material' means—

''(A) a violation of, attempted violation of, or conspiracy to violate section 1466A(a) to the extent the conduct involves distribution or receipt of a visual depiction of an identifiable minor;

''(B) a violation of, attempted violation of, or conspiracy to violate section 1466A(a) involving possession with intent to distribute, or section 1466A(b), to the extent the conduct involves a visual depiction of an identifiable minor—

''(i) not produced by the defendant; or

''(ii) that the defendant did not attempt or conspire to produce;

''(C) a violation of subsection (d) of section 2251 or an attempt or conspiracy to violate that subsection under subsection (e) of that section;

''(D) a violation of paragraph (1), (2), or (3) of subsection (a) of section 2252, or an attempt or conspiracy to violate any of those paragraphs under subsection (b)(1) of that section;

''(E) a violation of section 2252(a)(4) or 2252A(a)(5), or an attempt or conspiracy to violate either of those sections under section 2252(b)(2) or 2252A(b)(2), to the extent such conduct involves child sexual abuse material—

''(i) not produced by the defendant; or

''(ii) that the defendant did not attempt or conspire to produce;

''(F) a violation of paragraph (1), (2), (3), (4), or (6) of subsection (a) of section 2252A, or an attempt or conspiracy to violate any of those paragraphs under subsection (b)(1) of that section;

''(G) a violation of subsection (a)(7) of section 2252A, or an attempt or conspiracy to violate that subsection under subsection (b)(3) of that section, to the extent the conduct involves distribution;

''(H) a violation of section 2252A(g) if the series of felony violations exclusively involves violations described in this paragraph (except subparagraphs (A) and (B));

''(I) a violation of subsection (b) of section 2260, or an attempt or conspiracy to violate that subsection under subsection (c)(2) of that section; and

''(J) a violation of subsection (a)(1) of section 2260B, or a violation of subsection (a)(2) of that section for promoting or facilitating an offense described in this paragraph (except subparagraphs (A) and (B)).''; and

(iii) in paragraph (4), in the first sentence, by inserting ''or an identifiable minor harmed as a result of the commission of a crime under section 1466A'' after ''under this chapter'';

(4) in section 2259A(a)—

(A) in paragraph (1), by striking ''under section 2252(a)(4) or 2252A(a)(5)'' and inserting ''described in subparagraph (B) or (E) of section 2259(c)(3)''; and

(B) in paragraph (2), by striking ''any other offense for trafficking in child pornography'' and inserting ''any offense for trafficking in child sexual abuse material other than an offense described in subparagraph (B) or (E) of section 2259(c)(3)'';

(5) in section 2429—

(A) in subsection (b)(3), by striking ''2259(b)(3)'' and inserting ''2259(c)(2)''; and

(B) in subsection (d)—

(i) by inserting ''(1)'' after ''(d)'';

(ii) by striking ''chapter, including, in'' and inserting the following: ''chapter.

''(2) In''; and

(iii) in paragraph (2), as so designated, by inserting ''may assume the rights of the victim under this section'' after ''suitable by the court''; and

(6) in section 3664, by adding at the end the following:

''(q) TRUSTEE OR OTHER FIDUCIARY.—

''(1) IN GENERAL.—

''(A) APPOINTMENT OF TRUSTEE OR OTHER FIDUCIARY.—When the court issues an order of restitution under section 1593, 2248, 2259, 2429, or 3663, or subparagraphs (A)(i) and (B) of section 3663A(c)(1), for a victim described in subparagraph (B) of this paragraph, the court, at its own discretion or upon motion by the Government, may appoint a trustee or other fiduciary to hold any amount paid for restitution in a trust or other official account for the benefit of the victim.

''(B) COVERED VICTIMS.—A victim referred to in subparagraph (A) is a victim who is—

''(i) under the age of 18 at the time of the proceeding;

''(ii) incompetent or incapacitated; or

''(iii) subject to paragraph (3), a foreign citizen or stateless person residing outside the United States.

''(2) ORDER.—When the court appoints a trustee or other fiduciary under paragraph (1), the court shall issue an order specifying—

''(A) the duties of the trustee or other fiduciary, which shall require—

''(i) the administration of the trust or maintaining an official account in the best interests of the victim; and

''(ii) disbursing payments from the trust or account—

''(I) to the victim; or

''(II) to any individual or entity on behalf of the victim;

''(B) that the trustee or other fiduciary—

''(i) shall avoid any conflict of interest;

''(ii) may not profit from the administration of the trust or maintaining an official account for the benefit of the victim other than as specified in the order; and

''(iii) may not delegate administration of the trust or maintaining the official account to any other person;

''(C) if and when the trust or the duties of the other fiduciary will expire; and

''(D) the fees payable to the trustee or other fiduciary to cover expenses of administering the trust or maintaining the official account for the benefit of the victim, and the schedule for payment of those fees.

''(3) FACT-FINDING REGARDING FOREIGN CITIZENS AND STATELESS PERSON.—In the case of a victim who is a foreign citizen or stateless person residing outside the United States and is not under the age of 18 at the time of the proceeding or incompetent or incapacitated, the court may appoint a trustee or other fiduciary under paragraph (1) only if the court finds it necessary to—

''(A) protect the safety or security of the victim; or

''(B) provide a reliable means for the victim to access or benefit from the restitution payments.

''(4) PAYMENT OF FEES.—

''(A) IN GENERAL.—The court may, with respect to the fees of the trustee or other fiduciary—

''(i) pay the fees in whole or in part; or

''(ii) order the defendant to pay the fees in whole or in part.

''(B) APPLICABILITY OF OTHER PROVISIONS.—With respect to a court order under subparagraph (A)(ii) requiring a defendant to pay fees—

''(i) subsection (f)(3) shall apply to the court order in the same manner as that subsection applies to a restitution order;

''(ii) subchapter C of chapter 227 (other than section 3571) shall apply to the court order in the same manner as that subchapter applies to a sentence of a fine; and

''(iii) subchapter B of chapter 229 shall apply to the court order in the same manner as that subchapter applies to the implementation of a sentence of a fine.

''(C) EFFECT ON OTHER PENALTIES.—Imposition of payment under subparagraph (A)(ii) shall not relieve a defendant of, or entitle a defendant to a reduction in the amount of, any special assessment, restitution, other fines, penalties, or costs, or other payments required under the defendant's sentence.

''(D) SCHEDULE.—Notwithstanding any other provision of law, if the court orders the defendant to make any payment under subparagraph (A)(ii), the court may provide a payment schedule that is concurrent with the payment of any other financial obligation described in subparagraph (C).

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the United States courts to carry out this subsection $15,000,000 for each fiscal year.

''(B) SUPERVISION OF PAYMENTS.—Payments from appropriations authorized under subparagraph (A) shall be made under the supervision of the Director of the Administrative Office of the United States Courts.''.

SEC. 1404. CYBERTIPLINE IMPROVEMENTS, AND ACCOUNTABILITY AND TRANSPARENCY BY THE TECH INDUSTRY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2258A—

(A) by striking subsections (a), (b), and (c) and inserting the following:

''(a) DUTY TO REPORT.—

''(1) DUTY.—In order to reduce the proliferation of online child sexual exploitation and to prevent the online sexual exploitation of children, as soon as reasonably possible after obtaining actual knowledge of any facts or circumstances described in paragraph (2) or any apparent child sexual abuse material on the provider's service, and in any event not later than 60 days after obtaining such knowledge, a provider shall submit to the CyberTipline of NCMEC, or any successor to the CyberTipline operated by NCMEC, a report that—

''(A) shall contain—

''(i) the mailing address, telephone number, facsimile number, electronic mailing address of, and individual point of contact for, such provider; and

''(ii) information described in subsection (b)(1)(A) concerning such facts or circumstances or apparent child sexual abuse material; and

''(B) may contain information described in subsection (b)(2), including any available information to identify or locate any involved minor.

''(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances indicating an apparent, planned, or imminent violation of section 1591 (if the violation involves a minor), 2251, 2251A, 2252, 2252A, 2252B, 2260, or 2422(b).

''(b) CONTENTS OF REPORT.—

''(1) IN GENERAL.—In an effort to prevent the future sexual victimization of children, and to the extent the information is within the custody or control of a provider, each report provided under subsection (a)(1)—

''(A) shall include, to the extent that it is applicable and reasonably available—

''(i) the name, address, electronic mail address, user or account identification, Internet Protocol address, and uniform resource locator of any individual who is a subject of the report;

''(ii) the terms of service in effect at the time of—

''(I) the apparent violation; or

''(II) the detection of apparent child sexual abuse material or a planned or imminent violation;

''(iii) a copy of any apparent child sexual abuse material that is the subject of the report that was identified in a publicly available location;

''(iv) for each item of apparent child sexual abuse material included in the report under clause (iii) or paragraph (2)(E), information indicating whether—

''(I) the apparent child sexual abuse material was publicly available; or

''(II) the provider, in its sole discretion, viewed the apparent child sexual abuse material, or any copy thereof, at any point concurrent with or prior to the submission of the report; and

''(v) for each item of apparent child sexual abuse material that is the subject of the report, an indication as to whether the apparent child sexual abuse material—

''(I) has previously been the subject of a report under subsection (a)(1); or

''(II) is the subject of multiple contemporaneous reports due to rapid and widespread distribution; 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) INFORMATION ABOUT ANY INVOLVED INDIVIDUAL.—Any information relating to the identity or location of any individual who is a subject of the report, including payment information (excluding personally identifiable information) and self-reported identifying or locating information.

''(B) INFORMATION ABOUT ANY INVOLVED MINOR.—Information relating to the identity or location of any involved minor, which may include an address, electronic mail address, Internet Protocol address, uniform resource locator, or any other information that may identify or locate any involved minor, including self-reported identifying or locating information.

''(C) HISTORICAL REFERENCE.—Information relating to when and how a customer or subscriber 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.

''(D) 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 customer or subscriber, or stored or obtained by the provider.

‘‘(E) APPARENT CHILD SEXUAL ABUSE MATERIAL.—Any apparent child sexual abuse material not described in paragraph (1)(A)(iii), or other content related to the subject of the report.

‘‘(F) COMPLETE COMMUNICATION.—The complete communication containing any apparent child sexual abuse material or other content, including—

‘‘(i) any data or information regarding the transmission of the communication; and

‘‘(ii) any visual depictions, data, or other digital files contained in, or attached to, the communication.

‘‘(G) TECHNICAL IDENTIFIER.—An industry-standard hash value or other similar industry-standard technical identifier for any reported visual depiction as it existed on the provider's service.

‘‘(H) DESCRIPTION.—For any item of apparent child sexual abuse material that is the subject of the report, an indication of whether—

‘‘(i) the depicted sexually explicit conduct involves—

‘‘(I) genital, oral, or anal sexual intercourse;

‘‘(II) bestiality;

‘‘(III) masturbation;

‘‘(IV) sadistic or masochistic abuse; or

‘‘(V) lascivious exhibition of the anus, genitals, or pubic area of any person; and

‘‘(ii) the depicted minor is—

‘‘(I) an infant or toddler;

‘‘(II) prepubescent;

‘‘(III) pubescent;

‘‘(IV) post-pubescent; or

‘‘(V) of an indeterminate age or developmental stage

‘‘(3) FORMATTING OF REPORTS.—When a provider includes any information described in paragraph (1) or, at its sole discretion, any information described in paragraph (2) in a report to the CyberTipline of NCMEC, or any successor to the CyberTipline operated by NCMEC, the provider shall use best efforts to ensure that the report conforms with the structure of the CyberTipline or the successor, as applicable.

‘‘(c) FORWARDING OF REPORT AND OTHER INFORMATION TO LAW ENFORCEMENT.—

‘‘(1) IN GENERAL.—Pursuant to its clearinghouse role as a private, nonprofit organization, and at the conclusion of its review in furtherance of its nonprofit mission, NCMEC shall make available each report submitted under subsection (a)(1) to one or more of the following law enforcement agencies:

‘‘(A) Any Federal law enforcement agency that is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

‘‘(B) Any State or local law enforcement agency that is involved in the investigation of child sexual exploitation.

‘‘(C) A foreign law enforcement agency designated by the Attorney General under subsection (d)(3) or a foreign law enforcement agency that has an established relationship with the Federal Bureau of Investigation, Immigration and Customs Enforcement, or INTERPOL, and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

‘‘(2) TECHNICAL IDENTIFIERS.—If a report submitted under subsection (a)(1) contains an industry-standard hash value or other similar industry-standard technical identifier—

‘‘(A) NCMEC may compare that hash value or identifier with any database or repository of visual depictions owned or operated by NCMEC; and

‘‘(B) if the comparison under subparagraph (A) results in a match, NCMEC may include the matching visual depiction from its database or repository when forwarding the report to an agency described in subparagraph (A) or (B) of paragraph (1).'';

(B) in subsection (d)—

(i) in paragraph (2), by striking ‘‘subsection (c)(1)'' and inserting ‘‘subsection (c)(1)(A)'';

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking ‘‘subsection (c)(3)'' and inserting ‘‘subsection (c)(1)(C)''; and

(II) in subparagraph (C), by striking ‘‘subsection (c)(3)'' and inserting ‘‘subsection (c)(1)(C)''; and

(iii) in paragraph (5)(B)—

(I) in clause (i), by striking ‘‘forwarded'' and inserting ‘‘made available''; and

(II) in clause (ii), by striking ‘‘forwarded'' and inserting ‘‘made available'';

(C) by striking subsection (e) and inserting the following:

‘‘(e) FAILURE TO COMPLY WITH REQUIREMENTS.—

‘‘(1) CRIMINAL PENALTY.—

‘‘(A) OFFENSE.—It shall be unlawful for a provider to knowingly—

‘‘(i) fail to submit a report under subsection (a)(1) within the time period required by that subsection; or

‘‘(ii) fail to preserve material as required under subsection (h).

‘‘(B) PENALTY.—

‘‘(i) IN GENERAL.—A provider that violates subparagraph (A) shall be fined—

‘‘(I) in the case of an initial violation, not more than—

‘‘(aa) $850,000 if the provider has not fewer than 100,000,000 monthly active users; or

‘‘(bb) $600,000 if the provider has fewer than 100,000,000 monthly active users; and

‘‘(II) in the case of any second or subsequent violation, not more than—

‘‘(aa) $1,000,000 if the provider has not fewer than 100,000,000 monthly active users; or

‘‘(bb) $850,000 if the provider has fewer than 100,000,000 monthly active users.

‘‘(ii) HARM TO INDIVIDUALS.—The maximum fine under clause (i) shall be doubled if an individual is harmed as a direct and proximate result of the applicable violation.

‘‘(2) CIVIL PENALTY.—

‘‘(A) VIOLATIONS RELATING TO CYBERTIPLINE REPORTS AND MATERIAL PRESERVATION.—A provider shall be liable to the United States Government for a civil penalty in an amount of not less than $50,000 and not more than $250,000 if the provider knowingly—

‘‘(i) fails to submit a report under subsection (a)(1) within the time period required by that subsection;

‘‘(ii) fails to preserve material as required under subsection (h); or

‘‘(iii) submits a report under subsection (a)(1) that—

‘‘(I) contains materially false or fraudulent information; or

‘‘(II) omits information described in subsection (b)(1)(A) that is reasonably available.

‘‘(B) ANNUAL REPORT VIOLATIONS.—A provider shall be liable to the United States Government for a civil penalty in an amount of not less than $100,000 and not more than $1,000,000 if the provider knowingly—

‘‘(i) fails to submit an annual report as required under subsection (i); or

‘‘(ii) submits an annual report under subsection (i) that—

‘‘(I) contains a materially false, fraudulent, or misleading statement; or

‘‘(II) omits information described in subsection (i)(1) that is reasonably available.

‘‘(C) HARM TO INDIVIDUALS.—The amount of a civil penalty under subparagraph (A) or (B) shall be tripled if an individual is harmed as a direct and proximate result of the applicable violation.

‘‘(D) COSTS OF CIVIL ACTIONS.—A provider that commits a violation described in subparagraph (A) or (B) shall be liable to the United States Government for the costs of a civil action brought to recover a civil penalty under that subparagraph.

‘‘(E) ENFORCEMENT.—This paragraph shall be enforced in accordance with sections 3731, 3732, and 3733 of title 31, except that a civil action to recover a civil penalty under subparagraph (A) or (B) of this paragraph may only be brought by the United States Government.

‘‘(3) DEPOSIT OF FINES AND PENALTIES.—Notwithstanding any other provision of law, any criminal fine or civil penalty collected under this subsection shall be deposited into the Reserve for Victims of Child Sexual Abuse Material as provided in section 2259B.'';

(D) in subsection (f), by striking paragraph (3) and inserting the following:

‘‘(3) affirmatively search, screen, or scan for—

‘‘(A) facts or circumstances described in subsection (a)(2);

‘‘(B) information described in subsection (b)(2); or

‘‘(C) any apparent child sexual abuse material.'';

(E) in subsection (g)—

(i) in paragraph (2)(A)—

(I) in clause (iii), by inserting ‘‘or personnel at a children's advocacy center'' after ‘‘State)''; and

(II) in clause (iv), by striking ‘‘State or subdivision of a State'' and inserting ‘‘State, subdivision of a State, or children's advocacy center''; and

(ii) in paragraph (3), in the matter preceding subparagraph (A), by striking ‘‘subsection (a)'' and inserting ‘‘subsection (a)(1)'';

(F) in subsection (h), by adding at the end the following:

‘‘(7) RELATION TO REPORTING REQUIREMENT.—Submission of a report as described in subsection (a)(1) does not satisfy the obligations under this subsection.''; and

(G) by adding at the end the following:

‘‘(i) ANNUAL REPORT.—

‘‘(1) IN GENERAL.—Not later than March 31 of the second year beginning after the date of enactment of the STOP CSAM Act of 2024, and of each year thereafter, a provider that had more than 1,000,000 unique monthly visitors or users during each month of the preceding year and accrued revenue of more than $50,000,000 during the preceding year shall submit to the Attorney General and the Chair of the Federal Trade Commission a report, disaggregated by subsidiary, that provides the following information for the preceding year to the extent such information is applicable and reasonably available:

‘‘(A) CYBERTIPLINE DATA.—

‘‘(i) The total number of reports that the provider submitted under subsection (a)(1).

‘‘(ii) Which items of information described in subsection (b)(2) are routinely included in the reports submitted by the provider under subsection (a)(1).

‘‘(B) REPORT AND REMOVE DATA.—With respect to section 1406 of the STOP CSAM Act of 2024—

‘‘(i) a description of the provider's designated reporting system;

‘‘(ii) the number of complete notifications received;

‘‘(iii) the number of items of child sexual abuse material that were removed; and

‘‘(iv) the total amount of any fine ordered and paid.

‘‘(C) OTHER REPORTING TO THE PROVIDER.—

‘‘(i) The measures the provider has in place to receive other reports concerning child sexual exploitation and abuse using the provider's product or on the provider's service.

‘‘(ii) The average time for responding to reports described in clause (i).

''(iii) The number of reports described in clause (i) that the provider received.

''(iv) A summary description of the actions taken upon receipt of the reports described in clause (i).

''(D) POLICIES.—

''(i) A description of the policies of the provider with respect to the commission of child sexual exploitation and abuse using the provider's product or on the provider's service, including how child sexual exploitation and abuse is defined.

''(ii) A description of possible consequences for violations of the policies described in clause (i).

''(iii) The methods of informing users of the policies described in clause (i).

''(iv) The process for adjudicating potential violations of the policies described in clause (i).

''(E) CULTURE OF SAFETY.—

''(i) The measures and technologies that the provider deploys to protect children from sexual exploitation and abuse using the provider's product or service.

''(ii) The measures and technologies that the provider deploys to prevent the use of the provider's product or service by individuals seeking to commit child sexual exploitation and abuse.

''(iii) Factors that interfere with the provider's ability to detect or evaluate instances of child sexual exploitation and abuse.

''(iv) An assessment of the efficacy of the measures and technologies described in clauses (i) and (ii) and the impact of the factors described in clause (iii).

''(F) SAFETY BY DESIGN.—The measures that the provider takes before launching a new product or service to assess—

''(i) the safety risks for children with respect to sexual exploitation and abuse; and

''(ii) whether and how individuals could use the new product or service to commit child sexual exploitation and abuse.

''(G) TRENDS AND PATTERNS.—Any information concerning emerging trends and changing patterns with respect to the commission of online child sexual exploitation and abuse.

''(2) AVOIDING DUPLICATION.—Notwithstanding the requirement under the matter preceding paragraph (1) that information be submitted annually, in the case of any report submitted under that paragraph after the initial report, a provider shall submit information described in subparagraphs (D) through (G) of that paragraph not less frequently than once every 3 years or when new information is available, whichever is more frequent.

''(3) LIMITATION.—Nothing in paragraph (1) shall require the disclosure of trade secrets or other proprietary information.

''(4) PUBLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Attorney General and the Chair of the Federal Trade Commission shall publish the reports received under this subsection.

''(B) REDACTION.—

''(i) IN GENERAL.—Whether or not such redaction is requested by the provider, the Attorney General and Chair of the Federal Trade Commission shall redact from a report published under subparagraph (A) any information as necessary to avoid—

''(I) undermining the efficacy of a safety measure described in the report; or

''(II) revealing how a product or service of a provider may be used to commit online child sexual exploitation and abuse.

''(ii) ADDITIONAL REDACTION.—

''(I) REQUEST.—In addition to information redacted under clause (i), a provider may request the redaction, from a report published under subparagraph (A), of any information that is law enforcement sensitive or otherwise not suitable for public distribution.

''(II) AGENCY DISCRETION.—The Attorney General and Chair of the Federal Trade Commission—

''(aa) shall consider a request made under subclause (I); and

''(bb) may, in their discretion, redact from a report published under subparagraph (A) any information pursuant to the request.'';

(2) in section 2258B—

(A) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) LIMITED LIABILITY.—Except as provided in subsection (b), a civil claim or criminal charge described in paragraph (2) may not be brought in any Federal or State court.

''(2) COVERED CLAIMS AND CHARGES.—A civil claim or criminal charge referred to in paragraph (1) is a civil claim or criminal charge against a provider or domain name registrar, including any director, officer, employee, or agent of such provider or domain name registrar, that is directly attributable to—

''(A) the performance of the reporting or preservation responsibilities of such provider or domain name registrar under this section, section 2258A, or section 2258C;

''(B) transmitting, distributing, or mailing child sexual abuse material to any Federal, State, or local law enforcement agency, or giving such agency access to child sexual abuse material, in response to a search warrant, court order, or other legal process issued or obtained by such agency; or

''(C) the use by the provider or domain name registrar of any material being preserved under section 2258A(h) by such provider or registrar for research and the development and training of tools, undertaken voluntarily and in good faith for the sole and exclusive purpose of—

''(i) improving or facilitating reporting under this section, section 2258A, or section 2258C; or

''(ii) stopping the online sexual exploitation of children.''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''; or'' and inserting ''or knowingly failed to comply with a requirement under section 2258A;'';

(ii) in paragraph (2)(C)—

(I) by striking ''sections'' and inserting ''this section or section''; and

(II) by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(3) for purposes of subsection (a)(2)(C), knowingly distributed or transmitted the material, or made the material available, except as required by law, to—

''(A) any other entity;

''(B) any person not employed by the provider or domain name registrar; or

''(C) any person employed by the provider or domain name registrar who is not conducting any research described in that subsection.'';

(3) in section 2258C—

(A) in the section heading, by striking ''**the CyberTipline**'' and inserting ''**NCMEC**'';

(B) in subsection (a)—

(i) in the subsection heading, by striking ''ELEMENTS'' and inserting ''PROVISION TO PROVIDERS AND NONPROFIT ENTITIES'';

(ii) in paragraph (1)—

(I) by striking ''to a provider'' and inserting the following: ''or submission to the child victim identification program to—

''(A) a provider'';

(II) in subparagraph (A), as so designated—

(aa) by inserting ''use of the provider's products or services to commit'' after ''stop the''; and

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

(III) by adding at the end the following:

''(B) a nonprofit entity for the sole and exclusive purpose of preventing and curtailing the online sexual exploitation of children.''; and

(iii) in paragraph (2)—

(I) in the heading, by striking ''INCLUSIONS'' and inserting ''ELEMENTS'';

(II) by striking ''unique identifiers'' and inserting ''similar technical identifiers''; and

(III) by inserting ''or submission to the child victim identification program'' after ''CyberTipline report'';

(C) in subsection (b)—

(i) in the heading, by inserting ''OR NONPROFIT ENTITIES'' after ''PROVIDERS'';

(ii) by striking ''Any provider'' and inserting the following:

''(1) IN GENERAL.—Any provider or nonprofit entity'';

(iii) in paragraph (1), as so designated—

(I) by striking ''receives'' and inserting ''obtains''; and

(II) by inserting ''or submission to the child victim identification program'' after ''CyberTipline report''; and

(iv) by adding at the end the following:

''(2) LIMITATION ON SHARING WITH OTHER ENTITIES.—A provider or nonprofit entity that obtains elements under subsection (a)(1) may not distribute those elements, or make those elements available, to any other entity, except for the sole and exclusive purpose of stopping the online sexual exploitation of children.'';

(D) in subsection (c)—

(i) by striking ''subsections'' and inserting ''subsection'';

(ii) by striking ''providers receiving'' and inserting ''a provider to obtain'';

(iii) by inserting ''or submission to the child victim identification program'' after ''CyberTipline report''; and

(iv) by striking ''to use the elements to stop the online sexual exploitation of children''; and

(E) in subsection (d), by inserting ''or to the child victim identification program'' after ''CyberTipline'';

(4) in section 2258E—

(A) in paragraph (6), by striking ''electronic communication service provider'' and inserting ''electronic communication service'';

(B) in paragraph (7), by striking ''and'' at the end;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(9) the term 'publicly available', with respect to a visual depiction on a provider's service, means the visual depiction can be viewed by or is accessible to all users of the service, regardless of the steps, if any, a user must take to create an account or to gain access to the service in order to access or view the visual depiction; and

''(10) the term 'child victim identification program' means the program described in section 404(b)(1)(K)(ii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)(ii)).'';

(5) in section 2259B(a), by inserting '', any fine or penalty collected under section 2258A(e) or subparagraph (A) of section 1406(g)(24) of the STOP CSAM Act of 2024 (except as provided in clauses (i) and (ii)(I) of subparagraph (B) of such section 1406(g)(24)),'' after ''2259A''; and

(6) by adding at the end the following:

''§ 2260B. Liability for certain child sexual exploitation offenses

''(a) OFFENSE.—It shall be unlawful for a provider of an interactive computer service, as that term is defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230), that operates through the use of any facility or means of interstate or foreign commerce

or in or affecting interstate or foreign commerce, through such service to—

''(1) intentionally host or store child sexual abuse material or make child sexual abuse material available to any person; or

''(2) knowingly promote or facilitate a violation of section 2251, 2251A, 2252, 2252A, or 2422(b).

''(b) PENALTY.—A provider of an interactive computer service that violates subsection (a)—

''(1) subject to paragraph (2), shall be fined not more than $1,000,000; and

''(2) if the offense involves a conscious or reckless risk of serious personal injury or an individual is harmed as a direct and proximate result of the violation, shall be fined not more than $5,000,000.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to any good faith action by a provider of an interactive computer service that is necessary to comply with a valid court order, subpoena, search warrant, statutory obligation, or preservation request from law enforcement.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''2260B. Liability for certain child sexual exploitation offenses.''.

(c) EFFECTIVE DATE FOR AMENDMENTS TO REPORTING REQUIREMENTS OF PROVIDERS.—The amendments made by subsection (a)(1) of this section shall take effect on the date that is 120 days after the date of enactment of this Act.

SEC. 1405. EXPANDING CIVIL REMEDIES FOR VICTIMS OF ONLINE CHILD SEXUAL EXPLOITATION.

(a) STATEMENT OF INTENT.—Nothing in this section shall be construed to abrogate or narrow any case law concerning section 2255 of title 18, United States Code.

(b) CIVIL REMEDY FOR PERSONAL INJURIES.—Section 2255(a) of title 18, United States Code, is amended—

(1) by striking ''IN GENERAL.—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue'' and inserting the following: ''PRIVATE RIGHT OF ACTION.—

''(1) IN GENERAL.—Any person described in subparagraph (A), (B), or (C) of paragraph (2) who suffers personal injury as a result of a violation described in that subparagraph, regardless of whether the injury occurred while such person was a minor, may bring a civil action''; and

(2) by adding at the end the following:

''(2) ELIGIBLE PERSONS.—Paragraph (1) shall apply to any person—

''(A) who, while a minor, was a victim of—

''(i) a violation of section 1589, 1590, 1591, 2241, 2242, 2243, 2251, 2251A, 2260(a), 2421, 2422, or 2423;

''(ii) an attempt to violate section 1589, 1590, or 1591 under section 1594(a);

''(iii) a conspiracy to violate section 1589 or 1590 under section 1594(b); or

''(iv) a conspiracy to violate section 1591 under section 1594(c);

''(B) who—

''(i) is depicted as a minor in child sexual abuse material; and

''(ii) is a victim of a violation of 2252, 2252A, or 2260(b) (regardless of when the violation occurs); or

''(C) who—

''(i) is depicted as an identifiable minor in a visual depiction described in section 1466A; and

''(ii) is a victim of a violation of that section (regardless of when the violation occurs).''.

(c) CIVIL REMEDY AGAINST ONLINE PLATFORMS AND APP STORES.—

(1) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2255 the following:

''§ 2255A. Civil remedy for certain victims of child sexual abuse material or child sexual exploitation

''(a) IN GENERAL.—

''(1) PROMOTION OR AIDING AND ABETTING OF CERTAIN VIOLATIONS.—Any person who is a victim of the intentional or knowing promotion, or aiding and abetting, of a violation of section 1591 or 1594(c) (involving a minor), or section 2251, 2251A, 2252, 2252A, or 2422(b), where such promotion, or aiding and abetting, is by a provider of an interactive computer service or an app store, and who suffers personal injury as a result of such promotion or aiding and abetting, regardless of when the injury occurred, may bring a civil action in any appropriate United States District Court for relief set forth in subsection (b).

''(2) ACTIVITIES INVOLVING CHILD SEXUAL ABUSE MATERIAL.—Any person who is a victim of the intentional or knowing hosting or storing of child sexual abuse material or making child sexual abuse material available to any person by a provider of an interactive computer service, and who suffers personal injury as a result of such hosting, storing, or making available, regardless of when the injury occurred, may bring a civil action in any appropriate United States District Court for relief set forth in subsection (b).

''(b) RELIEF.—In a civil action brought by a person under subsection (a)—

''(1) the person shall recover the actual damages the person sustains or liquidated damages in the amount of $300,000, and the cost of the action, including reasonable attorney fees and other litigation costs reasonably incurred; and

''(2) the court may, in addition to any other relief available at law, award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease the offending conduct.

''(c) STATUTE OF LIMITATIONS.—There shall be no time limit for the filing of a complaint commencing an action under subsection (a).

''(d) VENUE; SERVICE OF PROCESS.—

''(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

''(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

''(A) is an inhabitant; or

''(B) may be found.

''(e) RELATION TO SECTION 230 OF THE COMMUNICATIONS ACT OF 1934.—Nothing in section 230 of the Communications Act of 1934 (47 U.S.C. 230) shall be construed to impair or limit any claim brought under subsection (a).

''(f) RULES OF CONSTRUCTION.—

''(1) APPLICABILITY TO LEGAL PROCESS OR OBLIGATION.—Nothing in this section shall be construed to apply to any good faith action that is necessary to comply with a valid court order, subpoena, search warrant, statutory obligation, or preservation request from law enforcement.

''(2) KNOWLEDGE WITH RESPECT TO SUBSECTION (a)(2).—For purposes of a civil action brought under subsection (a)(2), the term 'knowing' shall be construed to mean knowledge of the instance when, or the course of conduct during which, the provider—

''(A) hosted or stored the child sexual abuse material at issue in the civil action; or

''(B) made available the child sexual abuse material at issue in the civil action.

''(g) ENCRYPTION TECHNOLOGIES.—

''(1) IN GENERAL.—None of the following actions or circumstances shall serve as an independent basis for liability under subsection (a):

''(A) Utilizing full end-to-end encrypted messaging services, device encryption, or other encryption services.

''(B) Not possessing the information necessary to decrypt a communication.

''(C) Failing to take an action that would otherwise undermine the ability to offer full end-to-end encrypted messaging services, device encryption, or other encryption services.

''(2) CONSIDERATION OF EVIDENCE.—

''(A) PERMITTED USE.—Evidence of actions or circumstances described in paragraph (1) shall be admissible in a civil action brought under subsection (a) only if—

''(i) the actions or circumstances are relevant under rules 401 and 402 of the Federal Rules of Evidence to—

''(I) prove motive, intent, preparation, plan, absence of mistake, or lack of accident; or

''(II) rebut any evidence or factual or legal claim; and

''(ii) the actions or circumstances—

''(I) are otherwise admissible under the Federal Rules of Evidence; and

''(II) are not subject to exclusion under rule 403 or any other rule of the Federal Rules of Evidence.

''(B) NOTICE.—In a civil action brought under subsection (a), a plaintiff seeking to introduce evidence of actions or circumstances under subparagraph (A) of this paragraph shall—

''(i) provide reasonable notice—

''(I) in writing before trial; or

''(II) in any form during trial if the court, for good cause, excuses lack of pretrial notice; and

''(ii) articulate in the notice described in clause (i) the permitted purpose for which the plaintiff intends to offer the evidence and the reasoning that supports the purpose.

''(3) NO EFFECT ON DISCOVERY.—Nothing in paragraph (1) or (2) shall be construed to create a defense to a discovery request or otherwise limit or affect discovery in any civil action brought under subsection (a).

''(h) DEFENSE.—In a civil action under subsection (a)(2) involving knowing conduct, it shall be a defense at trial, which the provider of an interactive computer service must establish by a preponderance of the evidence as determined by the finder of fact, that—

''(1) the provider disabled access to or removed the child sexual abuse material within a reasonable timeframe, and in any event not later than 48 hours after obtaining knowledge that the child sexual abuse material was being hosted, stored, or made available by the provider (or, in the case of a provider that, for the most recent calendar year, averaged fewer than 10,000,000 active users on a monthly basis in the United States, within a reasonable timeframe, and in any event not later than 2 business days after obtaining such knowledge);

''(2) the provider exercised a reasonable, good faith effort to disable access to or remove the child sexual abuse material but was unable to do so for reasons outside the provider's control; or

''(3) it is technologically impossible for the provider to disable access to or remove the child sexual abuse material without compromising encryption technologies.

''(i) SANCTIONS FOR REPEATED BAD FAITH CIVIL ACTIONS OR DEFENSES.—

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

''(A) BAD FAITH CIVIL ACTION.—The term 'bad faith civil action' means a civil action brought under subsection (a) in bad faith where the finder of fact determines that at the time the civil action was filed, the party, attorney, or law firm described in paragraph (2) had actual knowledge that—

''(i) the alleged conduct did not involve any minor; or

''(ii) the alleged child sexual abuse material did not depict—

''(I) any minor; or

''(II) sexually explicit conduct, sexual suggestiveness, full or partial nudity, or implied sexual activity.

''(B) BAD FAITH DEFENSE.—The term 'bad faith defense' means a defense in a civil brought under subsection (a) raised in bad faith where the finder of fact determines that at the time the defense was raised, the party, attorney, or law firm described in paragraph (3) had actual knowledge that the defense—

''(i) was made solely for purpose of delaying the civil action or increasing the costs of the civil action; or

''(ii) was objectively baseless in light of the applicable law or facts at issue.

''(2) BAD FAITH CIVIL ACTION.—In the case of a civil action brought under subsection (a), the court may impose sanctions on—

''(A) the party bringing the civil action if the court finds that the party has brought 2 or more bad faith civil actions (which may include the instant civil action); or

''(B) an attorney or law firm representing the party bringing the civil action if the court finds that the attorney or law firm has represented—

''(i) a party who has brought 2 or more bad faith civil actions (which may include the instant civil action); or

''(ii) 2 or more parties who have each brought a bad faith civil action (which may include the instant civil action).

''(3) BAD FAITH DEFENSE.—In the case of a civil action brought under subsection (a), the court may impose sanctions on—

''(A) the party defending the civil action if the court finds that the party has raised 2 or more bad faith defenses (which may include 1 or more defenses raised in the instant civil action); or

''(B) an attorney or law firm representing the party defending the civil action if the court finds that the attorney or law firm has represented—

''(i) a party who has raised 2 or more bad faith defenses (which may include 1 or more defenses raised in the instant civil action); or

''(ii) 2 or more parties who have each raised a bad faith defense (which may include a defense raised in the instant civil action).

''(4) IMPLEMENTATION.—Rule 11(c) of the Federal Rules of Civil Procedure shall apply to sanctions imposed under this subsection in the same manner as that Rule applies to sanctions imposed for a violation of Rule 11(b) of those Rules.

''(5) RULES OF CONSTRUCTION.—

''(A) RULE 11.—This subsection shall not be construed to limit or expand the application of Rule 11 of the Federal Rules of Civil Procedure.

''(B) CSAM DEFINITION.—Paragraph (1)(A)(ii) shall not be construed to apply to a civil action affected by a contemporaneous change in the law with respect to the definition of 'child sexual abuse material'.

''(j) DEFINITIONS.—In this section:

''(1) APP.—The term 'app' 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) APP STORE.—The term 'app store' means a publicly available website, software application, or other electronic service that—

''(A) distributes apps from third-party developers to users of a computer, a mobile device, or any other general purpose computing device; and

''(B) operates—

''(i) through the use of any means or facility of interstate or foreign commerce; or

''(ii) in or affecting interstate or foreign commerce.

''(3) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means an interactive computer service, as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), that operates—

''(A) through the use of any means or facility of interstate or foreign commerce; or

''(B) in or affecting interstate or foreign commerce.

''(k) SAVINGS CLAUSE.—Nothing in this section, including the defenses under this section, shall be construed to apply to any civil action brought under any other Federal law, rule, or regulation, including any civil action brought under section 2255.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2255 the following:

''2255A. Civil remedy for certain victims of child sexual abuse material or child sexual exploitation.''.

SEC. 1406. REPORTING AND REMOVAL OF CHILD SEXUAL ABUSE MATERIAL; ESTABLISHMENT OF CHILD ONLINE PROTECTION BOARD.

(a) FINDINGS.—Congress finds the following:

(1) Over 40 years ago, the Supreme Court of the United States ruled in New York v. Ferber, 458 U.S. 747 (1982), that child sexual abuse material (referred to in this subsection as ''CSAM'') is a ''category of material outside the protections of the First Amendment''. The Court emphasized that children depicted in CSAM are harmed twice: first through the abuse and exploitation inherent in the creation of the materials, and then through the continued circulation of the imagery, which inflicts its own emotional and psychological injury.

(2) The Supreme Court reiterated this point 10 years ago in Paroline v. United States, 572 U.S. 434 (2014), when it explained that CSAM victims suffer ''continuing and grievous harm as a result of [their] knowledge that a large, indeterminate number of individuals have viewed and will in the future view images of the sexual abuse [they] endured''.

(3) In these decisions, the Supreme Court noted that the distribution of CSAM invades the privacy interests of the victims.

(4) The co-mingling online of CSAM with other, non-explicit depictions of the victims links the victim's identity with the images of their abuse. This further invades a victim's privacy and disrupts their sense of security, thwarting what the Supreme Court has described as ''the individual interest in avoiding disclosure of personal matters''.

(5) The internet is awash with child sexual abuse material. In 2022, the CyberTipline, operated by the National Center for Missing & Exploited Children to combat online child sexual exploitation, received reports about 49,400,000 images and 37,700,000 videos depicting child sexual abuse.

(6) Since 2017, Project Arachnid, operated by the Canadian Centre for Child Protection, has sent over 38,000,000 notices to online providers about CSAM and other exploitive material found on their platforms. According to the Canadian Centre, some providers are slow to remove the material, or take it down only for it to be reposted again a short time later.

(7) This legislation is needed to create an easy-to-use and effective procedure to get CSAM and harmful related imagery quickly taken offline and kept offline to protect children, stop the spread of illegal and harmful content, and thwart the continued invasion of the victims' privacy.

(b) IMPLEMENTATION.—

(1) IMPLEMENTATION.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act, the Child Online Protection Board established under subsection (d), shall begin operations, at which point providers shall begin receiving notifications as set forth in subsection (c)(2).

(2) EXTENSION.—The Commission may extend the deadline under paragraph (1) by not more than 180 days if the Commission provides notice of the extension to the public and to Congress.

(3) PUBLIC NOTICE.—The Commission shall provide notice to the public of the date that the Child Online Protection Board established under subsection (d) is scheduled to begin operations on—

(A) the date that is 60 days before such date that the Board is scheduled to begin operations; and

(B) the date that is 30 days before such date that the Board is scheduled to begin operations.

(c) REPORTING AND REMOVAL OF CHILD SEXUAL ABUSE MATERIAL.—

(1) IN GENERAL.—If a provider receives a complete notification as set forth in paragraph (2)(A) that the provider is hosting child sexual abuse material, as soon as possible, but in any event not later than 48 hours after such notification is received by the provider (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), the provider shall—

(A)(i) remove the child sexual abuse material; and

(ii) notify the complainant that it has done so; or

(B) notify the complainant that the provider—

(i) has determined that the visual depiction referenced in the notification does not constitute child sexual abuse material;

(ii) is unable to remove the child sexual abuse material using reasonable means; or

(iii) has determined that the notification is duplicative under paragraph (2)(C)(i).

(2) NOTIFICATIONS.—

(A) IN GENERAL.—To be complete under this subsection, a notification must be a written communication to the designated reporting system of the provider (or, if the provider does not have a designated reporting system, a written communication that is served on the provider in accordance with subparagraph (F)) that includes the following:

(i) An identification of, and information reasonably sufficient to permit the provider to locate, the child sexual abuse material. Such information may include, at the option of the complainant, a copy of the child sexual abuse material or the uniform resource locator where such child sexual abuse material is located.

(ii) The complainant's name and contact information, to include a mailing address, telephone number, and an electronic mail address, except that, if the complainant is the victim depicted in the child sexual abuse material, the complainant may elect to use an alias, including for purposes of the signed statement described in clause (v), and omit a mailing address.

(iii) If applicable, a statement indicating that the complainant has previously notified the provider about the child sexual abuse material which may, at the option of the complainant, include a copy of the previous notification.

(iv) A statement indicating that the complainant has a good faith belief that the information in the notification is accurate.

(v) A signed statement under penalty of perjury indicating that the notification is submitted by—

(I) the victim depicted in the child sexual abuse material;

(II) an authorized representative of the victim depicted in the child sexual abuse material; or

(III) a qualified organization.

(B) INCLUSION OF ADDITIONAL VISUAL DEPICTIONS IN A NOTIFICATION.—

(i) MULTIPLE ITEMS OF CHILD SEXUAL ABUSE MATERIAL IN SAME NOTIFICATION.—A notification may contain information about more than one item of child sexual abuse material, but shall only be effective with respect to each item of child sexual abuse material included in the notification to the extent that the notification includes sufficient information to identify and locate such item of child sexual abuse material.

(ii) RELATED EXPLOITIVE VISUAL DEPICTIONS.—

(I) IN GENERAL.—A notification may contain information about any related exploitive visual depictions associated with the child sexual abuse material described in the notification, along with the information described in subparagraph (A)(i) for each related exploitive visual depiction. Such notification shall clearly indicate which visual depiction is a related exploitive visual depiction. Such notification shall include a statement indicating that the complainant acknowledges that the provider may, but is not required to, remove the related exploitive visual depiction, and that the complainant cannot file a petition with the Child Online Protection Board concerning any alleged failure to remove a related exploitive visual depiction.

(II) NO OBLIGATION.—A provider shall not be required to take any action under this section concerning a related exploitive visual depiction. A provider may, in its sole discretion, remove a related exploitive visual depiction. The procedure set forth in subsection (g)(1) shall not apply to related exploitive visual depictions.

(C) LIMITATION ON DUPLICATIVE NOTIFICATIONS.—

(i) IN GENERAL.—After a complainant has submitted a notification to a provider, the complainant may submit additional notifications at any time only if the subsequent notifications involve—

(I) a different item of child sexual abuse material;

(II) the same item of child sexual abuse material relating to a minor that is in a different location; or

(III) recidivist hosting.

(ii) NO OBLIGATION.—A provider who receives any additional notifications that do not comply with clause (i) shall not be required to take any additional action except—

(I) as may be required with respect to the original notification; and

(II) to notify the complainant as provided in paragraph (1)(B)(iii).

(D) INCOMPLETE OR MISDIRECTED NOTIFICATION.—

(i) REQUIREMENT TO CONTACT COMPLAINANT REGARDING INSUFFICIENT INFORMATION.—

(I) REQUIREMENT TO CONTACT COMPLAINANT.—If a notification that is submitted to a provider under this subsection does not contain sufficient information under subparagraph (A)(i) to identify or locate the child sexual abuse material that is the subject of the notification but does contain the complainant contact information described in subparagraph (A)(ii), the provider shall, not later than 48 hours after receiving the notification (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(II) EFFECT OF COMPLAINANT PROVIDING SUFFICIENT INFORMATION.—If the provider is able to contact the complainant and obtain sufficient information to identify or locate the child sexual abuse material that is the subject of the notification, the provider shall then proceed as set forth in paragraph (1), except that the applicable timeframes described in such paragraph shall commence on the day the provider receives the information needed to identify or locate the child sexual abuse material.

(III) EFFECT OF COMPLAINANT INABILITY TO PROVIDE SUFFICIENT INFORMATION.—If the provider is able to contact the complainant but does not obtain sufficient information to identify or locate the child sexual abuse material that is the subject of the notification, the provider shall so notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the child sexual abuse material (or, in the case of a small provider, not later than 2 business days after the small provider makes such determination), after which no further action by the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(IV) EFFECT OF COMPLAINANT FAILURE TO RESPOND.—If the complainant does not respond to the provider's attempt to contact the complainant under this clause within 14 days of such attempt, no further action by the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(ii) TREATMENT OF INCOMPLETE NOTIFICATION WHERE COMPLAINANT CANNOT BE CONTACTED.—If a notification that is submitted to a provider under this subsection does not contain sufficient information under subparagraph (A)(i) to identify or locate the child sexual abuse material that is the subject of the notification and does not contain the complainant contact information described in subparagraph (A)(ii) (or if the provider is unable to contact the complainant using such information), no further action by the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(iii) TREATMENT OF NOTIFICATION NOT SUBMITTED TO DESIGNATED REPORTING SYSTEM.—If a provider has a designated reporting system, and a complainant submits a notification under this subsection to the provider without using such system, the provider shall not be considered to have received the notification.

(E) OPTION TO CONTACT COMPLAINANT REGARDING THE CHILD SEXUAL ABUSE MATERIAL.—

(i) CONTACT WITH COMPLAINANT.—If the provider believes that the child sexual abuse material referenced in the notification does not meet the definition of such term as provided in subsection (q)(10), the provider may, not later than 48 hours after receiving the notification (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to so indicate.

(ii) FAILURE TO RESPOND.—If the complainant does not respond to the provider within 14 days after receiving the notification, no further action by the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(iii) COMPLAINANT RESPONSE.—If the complainant responds to the provider within 14 days after receiving the notification, the provider shall then proceed as set forth in paragraph (1), except that the applicable timeframes described in such paragraph shall commence on the day the provider receives the complainant's response.

(F) SERVICE OF NOTIFICATION WHERE PROVIDER HAS NO DESIGNATED REPORTING SYSTEM; PROCESS WHERE COMPLAINANT CANNOT SERVE PROVIDER.—

(i) NO DESIGNATED REPORTING SYSTEM.—If a provider does not have a designated reporting system, a complainant may serve the provider with a notification under this subsection to the provider in the same manner that petitions are required to be served under subsection (g)(4).

(ii) COMPLAINANT CANNOT SERVE PROVIDER.—If a provider does not have a designated reporting system and a complainant cannot reasonably serve the provider with a notification as described in clause (i), the complainant may bring a petition under subsection (g)(1) without serving the provider with the notification.

(G) RECIDIVIST HOSTING.—If a provider engages in recidivist hosting of child sexual abuse material, in addition to any action taken under this section, a complainant may submit a report concerning such recidivist hosting to the CyberTipline operated by the National Center for Missing and Exploited Children, or any successor to the CyberTipline operated by the National Center for Missing and Exploited Children.

(H) PRESERVATION.—A provider that receives a complete notification under this subsection shall preserve the information in such notification in accordance with the requirements of sections 2713 and 2258A(h) of title 18, United States Code. For purposes of this subparagraph, the period for which providers shall be required to preserve information in accordance with such section 2258A(h) may be extended in 90-day increments on written request by the complainant or order of the Board.

(I) NON-DISCLOSURE.—Except as otherwise provided in subsection (g)(19)(C), for 120 days following receipt of a notification under this subsection, a provider may not disclose the existence of the notification to any person or entity except to an attorney for purposes of obtaining legal advice, the Board, the Commission, a law enforcement agency described in subparagraph (A), (B), or (C) of section 2258A(g)(3) of title 18, United States Code, the National Center for Missing and Exploited Children, or as necessary to respond to legal process. Nothing in the preceding sentence shall be construed to infringe on the provider's ability to communicate general information about terms of service violations.

(d) ESTABLISHMENT OF CHILD ONLINE PROTECTION BOARD.—

(1) IN GENERAL.—There is established in the Federal Trade Commission a Child Online Protection Board, which shall administer and enforce the requirements of subsection (e) in accordance with this section.

(2) OFFICERS AND STAFF.—The Board shall be composed of 3 full-time Child Online Protection Officers who shall be appointed by the Commission in accordance with paragraph (5)(A). A vacancy on the Board shall

not impair the right of the remaining Child Online Protection Officers to exercise the functions and duties of the Board.

(3) CHILD ONLINE PROTECTION ATTORNEYS.—Not fewer than 2 full-time Child Online Protection Attorneys shall be hired to assist in the administration of the Board.

(4) TECHNOLOGICAL ADVISER.—One or more technological advisers may be hired to assist with the handling of digital evidence and consult with the Child Online Protection Officers on matters concerning digital evidence and technological issues.

(5) QUALIFICATIONS.—

(A) OFFICERS.—

(i) IN GENERAL.—Each Child Online Protection Officer shall be an attorney duly licensed in at least 1 United States jurisdiction who has not fewer than 7 years of legal experience concerning child sexual abuse material and technology-facilitated crimes against children.

(ii) EXPERIENCE.—Two of the Child Online Protection Officers shall have substantial experience in the evaluation, litigation, or adjudication of matters relating to child sexual abuse material or technology-facilitated crimes against children.

(B) ATTORNEYS.—Each Child Online Protection Attorney shall be an attorney duly licensed in at least 1 United States jurisdiction who has not fewer than 3 years of substantial legal experience concerning child sexual abuse material and technology-facilitated crimes against children.

(C) TECHNOLOGICAL ADVISER.—A technological adviser shall have at least one year of specialized experience with digital forensic analysis.

(6) COMPENSATION.—

(A) CHILD ONLINE PROTECTION OFFICERS.—

(i) DEFINITION.—In this subparagraph, the term ''senior level employee of the Federal Government'' means an employee, other than an employee in the Senior Executive Service, the position of whom is classified above GS–15 of the General Schedule.

(ii) PAY RANGE.—Each Child Online Protection Officer shall be compensated at a rate of pay that is not less than the minimum, and not more than the maximum, rate of pay payable for senior level employees of the Federal Government, including locality pay, as applicable.

(B) CHILD ONLINE PROTECTION ATTORNEYS.—Each Child Online Protection Attorney shall be compensated at a rate of pay that is not more than the maximum rate of pay payable for level 10 of GS–15 of the General Schedule, including locality pay, as applicable.

(C) TECHNOLOGICAL ADVISER.—A technological adviser of the Board shall be compensated at a rate of pay that is not more than the maximum rate of pay payable for level 10 of GS–14 of the General Schedule, including locality pay, as applicable.

(7) VACANCY.—If a vacancy occurs in the position of Child Online Protection Officer, the Commission shall act expeditiously to appoint an Officer for that position.

(8) SANCTION OR REMOVAL.—Subject to subsection (e)(2), the Chair of the Commission or the Commission may sanction or remove a Child Online Protection Officer.

(9) ADMINISTRATIVE SUPPORT.—The Commission shall provide the Child Online Protection Officers and Child Online Protection Attorneys with necessary administrative support, including technological facilities, to carry out the duties of the Officers and Attorneys under this section. The Department of Justice may provide equipment for and guidance on the storage and handling of child sexual abuse material.

(10) LOCATION OF BOARD.—The offices and facilities of the Child Online Protection Officers and Child Online Protection Attorneys shall be located at the headquarters or other office of the Commission.

(e) AUTHORITY AND DUTIES OF THE BOARD.—

(1) FUNCTIONS.—

(A) OFFICERS.—Subject to the provisions of this section and applicable regulations, the functions of the Officers of the Board shall be as follows:

(i) To render determinations on petitions that may be brought before the Officers under this section.

(ii) To ensure that petitions and responses are properly asserted and otherwise appropriate for resolution by the Board.

(iii) To manage the proceedings before the Officers and render determinations pertaining to the consideration of petitions and responses, including with respect to scheduling, discovery, evidentiary, and other matters.

(iv) To request, from participants and nonparticipants in a proceeding, the production of information and documents relevant to the resolution of a petition or response.

(v) To conduct hearings and conferences.

(vi) To facilitate the settlement by the parties of petitions and responses.

(vii) To impose fines as set forth in subsection (g)(24).

(viii) To provide information to the public concerning the procedures and requirements of the Board.

(ix) To maintain records of the proceedings before the Officers, certify official records of such proceedings as needed, and, as provided in subsection (g)(19)(A), make the records in such proceedings available to the public.

(x) To carry out such other duties as are set forth in this section.

(xi) When not engaged in performing the duties of the Officers set forth in this section, to perform such other duties as may be assigned by the Chair of the Commission or the Commission.

(B) ATTORNEYS.—Subject to the provisions of this section and applicable regulations, the functions of the Attorneys of the Board shall be as follows:

(i) To provide assistance to the Officers of the Board in the administration of the duties of those Officers under this section.

(ii) To provide assistance to complainants, providers, and members of the public with respect to the procedures and requirements of the Board.

(iii) When not engaged in performing the duties of the Attorneys set forth in this section, to perform such other duties as may be assigned by the Commission.

(C) DESIGNATED SERVICE AGENTS.—The Board may maintain a publicly available directory of service agents designated to receive service of petitions filed with the Board.

(2) INDEPENDENCE IN DETERMINATIONS.—

(A) IN GENERAL.—The Board shall render the determinations of the Board in individual proceedings independently on the basis of the records in the proceedings before it and in accordance with the provisions of this section, judicial precedent, and applicable regulations of the Commission.

(B) PERFORMANCE APPRAISALS.—Notwithstanding any other provision of law or any regulation or policy of the Commission, any performance appraisal of an Officer or Attorney of the Board may not consider the substantive result of any individual determination reached by the Board as a basis for appraisal except to the extent that result may relate to any actual or alleged violation of an ethical standard of conduct.

(3) DIRECTION BY COMMISSION.—Subject to paragraph (2), the Officers and Attorneys shall, in the administration of their duties, be under the supervision of the Chair of the Commission.

(4) INCONSISTENT DUTIES BARRED.—An Officer or Attorney of the Board may not undertake any duty that conflicts with the duties of the Officer or Attorney in connection with the Board, to include the obligation to render impartial determinations on petitions considered by the Board under this section.

(5) RECUSAL.—An Officer or Attorney of the Board shall recuse himself or herself from participation in any proceeding with respect to which the Officer or Attorney, as the case may be, has reason to believe that he or she has a conflict of interest.

(6) EX PARTE COMMUNICATIONS.—Except as may otherwise be permitted by applicable law, any party or interested owner involved in a proceeding before the Board shall refrain from ex parte communications with the Officers of the Board and the Commission relevant to the merits of such proceeding before the Board.

(7) JUDICIAL REVIEW.—Actions of the Officers and the Commission under this section in connection with the rendering of any determination are subject to judicial review as provided under subsection (g)(28).

(f) CONDUCT OF PROCEEDINGS OF THE BOARD.—

(1) IN GENERAL.—Proceedings of the Board shall be conducted in accordance with this section and regulations established by the Commission under this section, in addition to relevant principles of law.

(2) RECORD.—The Board shall maintain records documenting the proceedings before the Board.

(3) CENTRALIZED PROCESS.—Proceedings before the Board shall—

(A) be conducted at the offices of the Board without the requirement of in-person appearances by parties or others;

(B) take place by means of written submissions, hearings, and conferences carried out through internet-based applications and other telecommunications facilities, except that, in cases in which physical or other nontestimonial evidence material to a proceeding cannot be furnished to the Board through available telecommunications facilities, the Board may make alternative arrangements for the submission of such evidence that do not prejudice any party or interested owner; and

(C) be conducted and concluded in an expeditious manner without causing undue prejudice to any party or interested owner.

(4) REPRESENTATION.—

(A) IN GENERAL.—A party or interested owner involved in a proceeding before the Board may be, but is not required to be, represented by—

(i) an attorney; or

(ii) a law student who is qualified under applicable law governing representation by law students of parties in legal proceedings and who provides such representation on a pro bono basis.

(B) REPRESENTATION OF VICTIMS.—

(i) IN GENERAL.—A petition involving a victim under the age of 16 at the time the petition is filed shall be filed by an authorized representative, qualified organization, or a person described in subparagraph (A).

(ii) NO REQUIREMENT FOR QUALIFIED ORGANIZATIONS TO HAVE CONTACT WITH, OR KNOWLEDGE OF, VICTIM.—A qualified organization may submit a notification to a provider or file a petition on behalf of a victim without regard to whether the qualified organization has contact with the victim or knows the identity, location, or contact information of the victim.

(g) PROCEDURES TO CONTEST A FAILURE TO REMOVE CHILD SEXUAL ABUSE MATERIAL OR A NOTIFICATION REPORTING CHILD SEXUAL ABUSE MATERIAL.—

(1) PROCEDURE TO CONTEST A FAILURE TO REMOVE.—

(A) COMPLAINANT PETITION.—A complainant may file a petition to the Board claiming that, as applicable—

(i) the complainant submitted a complete notification to a provider concerning alleged child sexual abuse material, and that—

(I) the provider—

(aa) did not remove the alleged child sexual abuse material within the timeframe required under subsection (c)(1)(A)(i); or

(bb) incorrectly claimed that—

(AA) the alleged child sexual abuse material at issue could not be located or removed through reasonable means;

(BB) the notification was incomplete; or

(CC) the notification was duplicative under subsection (c)(2)(C)(i); and

(II) did not file a timely petition to contest the notification with the Board under paragraph (2); or

(ii) a provider is hosting alleged child sexual abuse material, does not have a designated reporting system, and the complainant was unable to serve a notification on the provider under this subsection despite reasonable efforts.

(B) ADDITIONAL CLAIM.—As applicable, a petition filed under subparagraph (A) may also claim that the alleged child sexual abuse material at issue in the petition involves recidivist hosting.

(C) TIMEFRAME.—

(i) IN GENERAL.—A petition under this paragraph shall be considered timely if it is filed within 30 days of the applicable start date, as defined under clause (ii).

(ii) APPLICABLE START DATE.—For purposes of clause (i), the term ''applicable start date'' means—

(I) in the case of a petition under subparagraph (A)(i) claiming that the alleged child sexual abuse material was not removed or that the provider made an incorrect claim relating to the alleged child sexual abuse material or notification, the day that the provider's option to file a petition has expired under paragraph (2)(B); and

(II) in the case of a petition under subparagraph (A)(ii) related to a notification that could not be served, the last day of the 2-week period that begins on the day on which the complainant first attempted to serve a notification on the provider involved.

(D) IDENTIFICATION OF VICTIM.—Any petition filed to the Board by the victim or an authorized representative of the victim shall include the victim's legal name. A petition filed to the Board by a qualified organization may, but is not required to, include the victim's legal name. Any petition containing the victim's legal name shall be filed under seal. The victim's legal name shall be redacted from any documents served on the provider and interested owner or made publicly available.

(E) FAILURE TO REMOVE CHILD SEXUAL ABUSE MATERIAL IN TIMELY MANNER.—A complainant may file a petition under subparagraph (A)(i) claiming that alleged child sexual abuse material was not removed even if the alleged child sexual abuse material was removed prior to the petition being filed, so long as the petition claims that the alleged child sexual abuse material was not removed within the timeframe specified in subsection (c)(1).

(2) PROCEDURE TO CONTEST A NOTIFICATION.—

(A) PROVIDER PETITION.—If a provider receives a complete notification as described in subsection (c)(2) through its designated reporting system or in accordance with subsection (c)(2)(F)(i), the provider may file a petition to the Board claiming that the provider has a good faith belief that, as applicable—

(i) the visual depiction that is the subject of the notification does not constitute child sexual abuse material;

(ii) the notification is frivolous or was submitted with an intent to harass the provider or any person;

(iii) the alleged child sexual abuse material cannot reasonably be located by the provider;

(iv) for reasons beyond the control of the provider, the provider cannot remove the alleged child sexual abuse material using reasonable means; or

(v) the notification was duplicative under subsection (c)(2)(C)(i).

(B) TIMEFRAME.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 14 days after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).

(ii) NO DESIGNATED REPORTING SYSTEM.—Subject to clause (iii), if a provider does not have a designated reporting system, a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 7 days after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).

(iii) SMALL PROVIDERS.—In the case of a small provider, each of the timeframes applicable under clauses (i) and (ii) shall be increased by 48 hours.

(3) COMMENCEMENT OF PROCEEDING.—

(A) IN GENERAL.—In order to commence a proceeding under this section, a petitioning party shall, subject to such additional requirements as may be prescribed in regulations established by the Commission, file a petition with the Board, that includes a statement of claims and material facts in support of each claim in the petition. A petition may set forth more than one claim. A petition shall also include information establishing that it has been filed within the applicable timeframe.

(B) REVIEW OF PETITIONS BY CHILD ONLINE PROTECTION ATTORNEYS.—Child Online Protection Attorneys may review petitions to assess whether they are complete. The Board may permit a petitioning party to refile a defective petition. The Attorney may assist the petitioning party in making any corrections.

(C) DISMISSAL.—The Board may dismiss, with or without prejudice, any petition that fails to comply with subparagraph (A).

(4) SERVICE OF PROCESS REQUIREMENTS FOR PETITIONS.—

(A) IN GENERAL.—For purposes of petitions under paragraphs (1) and (2), the petitioning party shall, at or before the time of filing a petition, serve a copy on the other party. A corporation, partnership, or unincorporated association that is subject to suit in courts of general jurisdiction under a common name shall be served by delivering a copy of the petition to its service agent, if one has been so designated.

(B) MANNER OF SERVICE.—

(i) SERVICE BY NONDIGITAL MEANS.—Service by nondigital means may be any of the following:

(I) Personal, including delivery to a responsible person at the office of counsel.

(II) By priority mail.

(III) By third-party commercial carrier for delivery within 3 days.

(ii) SERVICE BY DIGITAL MEANS.—Service of a paper may be made by sending it by any digital means, including through a provider's designated reporting system.

(iii) WHEN SERVICE IS COMPLETED.—Service by mail or by commercial carrier is complete 3 days after the mailing or delivery to the carrier. Service by digital means is complete on filing or sending, unless the party making service is notified that the paper was not received by the party served.

(C) PROOF OF SERVICE.—A petition filed under paragraph (1) or (2) shall contain—

(i) an acknowledgment of service by the person served;

(ii) proof of service consisting of a statement by the person who made service certifying—

(I) the date and manner of service;

(II) the names of the persons served; and

(III) their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service; or

(iii) a statement indicating that service could not reasonably be completed.

(D) ATTORNEY FEES AND COSTS.—Except as otherwise provided in this subsection, all parties to a petition shall bear their own attorney fees and costs.

(5) SERVICE OF OTHER DOCUMENTS.—Documents submitted or relied upon in a proceeding, other than the petition, shall be served in accordance with regulations established by the Commission.

(6) NOTIFICATION OF RIGHT TO OPT OUT.—In order to effectuate service on a responding party, the petition shall notify the responding party of their right to opt out of the proceeding before the Board, and the consequences of opting out and not opting out, including a prominent statement that by not opting out the respondent—

(A) loses the opportunity to have the dispute decided by a court created under article III of the Constitution of the United States; and

(B) waives the right to a jury trial regarding the dispute.

(7) INITIAL PROCEEDINGS.—

(A) CONFERENCE.—Within 1 week of completion of service of a petition under paragraph (4), 1 or more Officers of the Board shall hold a conference to address the matters described in subparagraphs (B) and (C).

(B) OPT-OUT PROCEDURE.—At the conference, an Officer of the Board shall explain that the responding party has a right to opt out of the proceeding before the Board, and describe the consequences of opting out and not opting out as described in paragraph (6). A responding party shall have a period of 30 days, beginning on the date of the conference, in which to provide written notice of such choice to the petitioning party and the Board. If the responding party does not submit an opt-out notice to the Board within that 30-day period, the proceeding shall be deemed an active proceeding and the responding party shall be bound by the determination in the proceeding. If the responding party opts out of the proceeding during that 30-day period, the proceeding shall be dismissed without prejudice. For purposes of any subsequent litigation or other legal proceeding, no adverse inference shall be drawn from a responding party's decision to opt out of a proceeding before the Board under this subparagraph.

(C) DISABLING ACCESS.—At the conference, except for petitions setting forth claims described in clauses (iii) and (iv) of paragraph (2)(A), an Officer of the Board shall order the provider involved to disable public and user access to the alleged child sexual abuse material at issue in the petition for the pendency of the proceeding, including judicial review as provided in subsection (g)(28), unless the Officer of the Board finds that—

(i) it is likely that the Board will find that the petition is frivolous or was filed with an intent to harass any person;

(ii) there is a probability that disabling public and user access to such alleged child

sexual abuse material will cause irreparable harm;

(iii) the balance of equities weighs in favor of preserving public and user access to the alleged child sexual abuse material; and

(iv) disabling public and user access to the alleged child sexual abuse material is contrary to the public interest.

(D) EFFECT OF FAILURE TO DISABLE ACCESS.—

(i) PROVIDER PETITION.—If the petition was filed by a provider, and the provider fails to comply with an order issued pursuant to subparagraph (B), the Board may—

(I) dismiss the petition with prejudice; and

(II) refer the matter to the Attorney General.

(ii) EFFECT OF DISMISSAL.—If a provider's petition is dismissed under clause (i)(I), the complainant may bring a petition under paragraph (1) as if the provider did not file a petition within the timeframe specified in paragraph (2)(B). For purposes of paragraph (1)(C)(ii), the applicable start date shall be the date the provider's petition was dismissed.

(iii) COMPLAINANT PETITION.—If the petition was filed by a complainant, and the provider fails to comply with an order issued pursuant to subparagraph (B), the Board—

(I) shall—

(aa) expedite resolution of the petition; and

(bb) refer the matter to the Attorney General; and

(II) may apply an adverse inference with respect to disputed facts against such provider.

(8) SCHEDULING.—Upon receipt of a complete petition and at the conclusion of the opt out procedure described in paragraph (7), the Board shall issue a schedule for the future conduct of the proceeding. A schedule issued by the Board may be amended by the Board in the interests of justice.

(9) CONFERENCES.—One or more Officers of the Board may hold a conference to address case management or discovery issues in a proceeding, which shall be noted upon the record of the proceeding and may be recorded or transcribed.

(10) PARTY SUBMISSIONS.—A proceeding of the Board may not include any formal motion practice, except that, subject to applicable regulations and procedures of the Board—

(A) the parties to the proceeding and an interested owner may make requests to the Board to address case management and discovery matters, and submit responses thereto; and

(B) the Board may request or permit parties and interested owners to make submissions addressing relevant questions of fact or law, or other matters, including matters raised sua sponte by the Officers of the Board, and offer responses thereto.

(11) DISCOVERY.—

(A) IN GENERAL.—Discovery in a proceeding shall be limited to the production of relevant information and documents, written interrogatories, and written requests for admission, as provided in regulations established by the Commission, except that—

(i) upon the request of a party, and for good cause shown, the Board may approve additional relevant discovery, on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice;

(ii) upon the request of a party or interested owner, and for good cause shown, the Board may issue a protective order to limit the disclosure of documents or testimony that contain confidential information;

(iii) after providing notice and an opportunity to respond, and upon good cause shown, the Board may apply an adverse inference with respect to disputed facts against a party or interested owner who has failed to timely provide discovery materials in response to a proper request for materials that could be relevant to such facts; and

(iv) an interested owner shall only produce or receive discovery to the extent it relates to whether the visual depiction at issue constitutes child sexual abuse material.

(B) PRIVACY.—Any alleged child sexual abuse material received by the Board or the Commission as part of a proceeding shall be filed under seal and shall remain in the care, custody, and control of the Board or the Commission. For purposes of discovery, the Board or Commission shall make the alleged child sexual abuse material reasonably available to the parties and interested owner but shall not provide copies. The privacy protections described in section 3509(d) of title 18, United States Code, shall apply to the Board, Commission, provider, complainant, and interested owner.

(12) RESPONSES.—The responding party may refute any of the claims or factual assertions made by the petitioning party, and may also claim that the petition was not filed in the applicable timeframe or is barred under subsection (h). If a complainant is the petitioning party, a provider may additionally claim in response that the notification was incomplete and could not be made complete under subsection (c)(2)(D)(i). The petitioning party may refute any responses submitted by the responding party.

(13) INTERESTED OWNER.—An individual notified under paragraph (19)(C)(ii) may, within 14 days of being so notified, file a motion to join the proceeding for the limited purpose of claiming that the visual depiction at issue does not constitute child sexual abuse material. The Board shall serve the motion on both parties. Such motion shall include a factual basis and a signed statement, submitted under penalty of perjury, indicating that the individual produced or created the visual depiction at issue. The Board shall dismiss any motion that does not include the signed statement or that was submitted by an individual who did not produce or create the visual depiction at issue. If the motion is granted, the interested owner may also claim that the notification and petition were filed with an intent to harass the interested owner. Any party may refute the claims and factual assertions made by the interested owner.

(14) EVIDENCE.—The Board may consider the following types of evidence in a proceeding, and such evidence may be admitted without application of formal rules of evidence:

(A) Documentary and other nontestimonial evidence that is relevant to the petitions or responses in the proceeding.

(B) Testimonial evidence, submitted under penalty of perjury in written form or in accordance with paragraph (15), limited to statements of the parties and nonexpert witnesses, that is relevant to the petitions or responses in a proceeding, except that, in exceptional cases, expert witness testimony or other types of testimony may be permitted by the Board for good cause shown.

(15) HEARINGS.—Unless waived by all parties, the Board shall conduct a hearing to receive oral presentations on issues of fact or law from parties and witnesses to a proceeding, including oral testimony, subject to the following:

(A) Any such hearing shall be attended by not fewer than two of the Officers of the Board.

(B) The hearing shall be noted upon the record of the proceeding and, subject to subparagraph (C), may be recorded or transcribed as deemed necessary by the Board.

(C) A recording or transcript of the hearing shall be made available to any Officer of the Board who is not in attendance.

(16) VOLUNTARY DISMISSAL.—

(A) BY PETITIONING PARTY.—Upon the written request of a petitioning party, the Board shall dismiss the petition, with or without prejudice.

(B) BY RESPONDING PARTY OR INTERESTED OWNER.—Upon written request of a responding party or interested owner, the Board shall dismiss any responses to the petition, and shall consider all claims and factual assertions in the petition to be true.

(17) FACTUAL FINDINGS.—Subject to paragraph (11)(A)(iii), the Board shall make factual findings based upon a preponderance of the evidence.

(18) DETERMINATIONS.—

(A) NATURE AND CONTENTS.—A determination rendered by the Board in a proceeding shall—

(i) be reached by a majority of the Board;

(ii) be in writing, and include an explanation of the factual and legal basis of the determination; and

(iii) include a clear statement of all fines, costs, and other relief awarded.

(B) DISSENT.—An Officer of the Board who dissents from a decision contained in a determination under subparagraph (A) may append a statement setting forth the grounds for that dissent.

(19) PUBLICATION AND DISCLOSURE.—

(A) PUBLICATION.—Each final determination of the Board shall be made available on a publicly accessible website, except that the final determination shall be redacted to protect confidential information that is the subject of a protective order under paragraph (11)(A)(ii) or information protected pursuant to paragraph (11)(B) and any other information protected from public disclosure under the Federal Trade Commission Act or any other applicable provision of law.

(B) FREEDOM OF INFORMATION ACT.—All information relating to proceedings of the Board under this section is exempt from disclosure to the public under section 552(b)(3) of title 5, except for determinations, records, and information published under subparagraph (A). Any information that is disclosed under this subparagraph shall have redacted any information that is the subject of a protective order under paragraph (11)(A)(ii) or protected pursuant to paragraph (11)(B).

(C) EFFECT OF PETITION ON NON-DISCLOSURE PERIOD.—

(i) Submission of a petition extends the non-disclosure period under subsection (c)(2)(I) for the pendency of the proceeding. The provider may submit an objection to the Board that nondisclosure is contrary to the interests of justice. The complainant may, but is not required to, respond to the objection. The Board should sustain the objection unless there is reason to believe that the circumstances in section 3486(a)(6)(B) of title 18, United States Code, exist and outweigh the interests of justice.

(ii) If the Board sustains an objection to the nondisclosure period, the provider or the Board may notify the apparent owner of the visual depiction at issue about the proceeding, and include instructions on how the owner may move to join the proceeding under paragraph (13).

(iii) If applicable, the nondisclosure period expires 120 days after the Board's determination becomes final, except it shall expire immediately upon the Board's determination becoming final if the Board finds that the visual depiction at issue is not child sexual abuse material.

(iv) The interested owner of a visual depiction at issue may not bring any legal action against any party related to the alleged child sexual abuse material until the Board's

determination is final. Once the determination is final, the interested owner of the visual depiction may pursue any legal relief available under the law, subject to subsections (h), (k), and (l).

(20) RESPONDING PARTY'S DEFAULT.—If the Board finds that service of the petition on the responding party could not reasonably be completed, or the responding party has failed to appear or has ceased participating in a proceeding, as demonstrated by the responding party's failure, without justifiable cause, to meet one or more deadlines or requirements set forth in the schedule adopted by the Board, the Board may enter a default determination, including the dismissal of any responses asserted by the responding party, as follows and in accordance with such other requirements as the Commission may establish by regulation:

(A) The Board shall require the petitioning party to submit relevant evidence and other information in support of the petitioning party's claims and, upon review of such evidence and any other requested submissions from the petitioning party, shall determine whether the materials so submitted are sufficient to support a finding in favor of the petitioning party under applicable law and, if so, the appropriate relief and damages, if any, to be awarded.

(B) If the Board makes an affirmative determination under subparagraph (A), the Board shall prepare a proposed default determination, and shall provide written notice to the responding party at all addresses, including electronic mail addresses, reflected in the records of the proceeding before the Board, of the pendency of a default determination by the Board and of the legal significance of such determination. Such notice shall be accompanied by the proposed default determination and shall provide that the responding party has a period of 30 days, beginning on the date of the notice, to submit any evidence or other information in opposition to the proposed default determination.

(C) If the responding party responds to the notice provided under subparagraph (B) within the 30-day period provided in such subparagraph, the Board shall consider responding party's submissions and, after allowing the petitioning party to address such submissions, maintain, or amend its proposed determination as appropriate, and the resulting determination shall not be a default determination.

(D) If the respondent fails to respond to the notice provided under subparagraph (B), the Board shall proceed to issue the default determination. Thereafter, the respondent may only challenge such determination to the extent permitted under paragraph (28).

(21) PETITIONING PARTY OR INTERESTED OWNER'S FAILURE TO PROCEED.—If a petitioning party or interested owner who has joined the proceeding fails to proceed, as demonstrated by the failure, without justifiable cause, to meet one or more deadlines or requirements set forth in the schedule adopted by the Board, the Board may, upon providing written notice to the petitioning party or interested owner and a period of 30 days, beginning on the date of the notice, to respond to the notice, and after considering any such response, issue a determination dismissing the claims made by the petitioning party or interested owner. The Board may order the petitioning party to pay attorney fees and costs under paragraph (26)(B), if appropriate. Thereafter, the petitioning party may only challenge such determination to the extent permitted under paragraph (28).

(22) REQUEST FOR RECONSIDERATION.—A party or interested owner may, within 30 days after the date on which the Board issues a determination under paragraph (18), submit to the Board a written request for reconsideration of, or an amendment to, such determination if the party or interested owner identifies a clear error of law or fact material to the outcome, or a technical mistake. After providing the other parties an opportunity to address such request, the Board shall either deny the request or issue an amended determination.

(23) REVIEW BY COMMISSION.—If the Board denies a party or interested owner a request for reconsideration of a determination under paragraph (22), the party or interested owner may, within 30 days after the date of such denial, request review of the determination by the Commission in accordance with regulations established by the Commission. After providing the other party or interested owner an opportunity to address the request, the Commission shall either deny the request for review, or remand the proceeding to the Board for reconsideration of issues specified in the remand and for issuance of an amended determination. Such amended determination shall not be subject to further consideration or review, other than under paragraph (28).

(24) FAVORABLE RULING ON COMPLAINANT PETITION.—

(A) IN GENERAL.—If the Board grants a complainant's petition filed under this section, notwithstanding any other law, the Board shall—

(i) order the provider to immediately remove the child sexual abuse material, and to permanently delete all copies of the child sexual abuse material known to and under the control of the provider unless the Board orders the provider to preserve the child sexual abuse material;

(ii) impose a fine of $50,000 per item of child sexual abuse material covered by the determination, but if the Board finds that—

(I) the provider removed the child sexual abuse material after the period set forth in subsection (c)(1)(A)(i), but before the complainant filed a petition, such fine shall be $25,000;

(II) the provider has engaged in recidivist hosting for the first time with respect to the child sexual abuse material at issue, such fine shall be $100,000 per item of child sexual abuse material; or

(III) the provider has engaged in recidivist hosting of the child sexual abuse material at issue 2 or more times, such fine shall be $200,000 per item of child sexual abuse material;

(iii) order the provider to pay reasonable costs to the complainant; and

(iv) refer any matters involving intentional or willful conduct by a provider with respect to child sexual abuse material, or recidivist hosting, to the Attorney General for prosecution under any applicable laws.

(B) PROVIDER PAYMENT OF FINE AND COSTS.—Notwithstanding any other law, the Board shall direct a provider to promptly pay fines and costs imposed under subparagraph (A) as follows:

(i) If the petition was filed by a victim, such fine and costs shall be paid to the victim.

(ii) If the petition was filed by an authorized representative of a victim—

(I) 30 percent of such fine shall be paid to the authorized representative and 70 percent of such fine paid to the victim; and

(II) costs shall be paid to the authorized representative.

(iii) If the petition was filed by a qualified organization—

(I) the fine shall be paid to the Reserve for Victims of Child Sexual Abuse Material as provided in section 2259B of title 18, United States Code (as amended by this title); and

(II) costs shall be paid to the qualified organization.

(25) EFFECT OF DENIAL OF PROVIDER PETITION.—

(A) IN GENERAL.—If the Board denies a provider's petition to contest a notification filed under paragraph (2), it shall order the provider to immediately remove the child sexual abuse material, and to permanently delete all copies of the child sexual abuse material known to and under the control of the provider unless the Board orders the provider to preserve the child sexual abuse material.

(B) REFERRAL FOR FAILURE TO REMOVE MATERIAL.—If a provider does not remove and, if applicable, permanently delete child sexual abuse material within 48 hours of the Board issuing a determination under subparagraph (A), or not later than 2 business days of the Board issuing a determination under subparagraph (A) concerning a small provider, the Board shall refer the matter to the Attorney General for prosecution under any applicable laws.

(C) COSTS FOR FRIVOLOUS PETITION.—If the Board finds that a provider filed a petition under paragraph (2) for a harassing or improper purpose or without reasonable basis in law or fact, the Board shall order the provider to pay the reasonable costs of the complainant.

(26) EFFECT OF DENIAL OF COMPLAINANT'S PETITION OR FAVORABLE RULING ON PROVIDER'S PETITION.—

(A) RESTORATION.—If the Board grants a provider's petition filed under paragraph (2) or if the Board denies a petition filed by the complainant under paragraph (1), the provider may restore access to any visual depiction that was at issue in the proceeding.

(B) COSTS FOR INCOMPLETE OR FRIVOLOUS NOTIFICATION AND HARASSMENT.—If, in granting or denying a petition as described in subparagraph (A), the Board finds that the notification contested in the petition could not be made complete under subsection (c)(2)(D), is frivolous, or is duplicative under subsection (c)(2)(C)(i), the Board may order the complainant to pay costs to the provider and any interested owner, which shall not exceed a total of $10,000, or, if the Board finds that the complainant filed the notification with an intent to harass the provider or any person, a total of $15,000.

(27) CIVIL ACTION; OTHER RELIEF.—

(A) IN GENERAL.—Whenever any provider or complainant fails to comply with a final determination of the Board issued under paragraph (18), the Department of Justice may commence a civil action in a district court of the United States to enforce compliance with such determination.

(B) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit the authority of the Commission or Department of Justice under any other provision of law.

(28) CHALLENGES TO THE DETERMINATION.—

(A) BASES FOR CHALLENGE.—Not later than 45 days after the date on which the Board issues a determination or amended determination in a proceeding, or not later than 45 days after the date on which the Board completes any process of reconsideration or the Commission completes a review of the determination, whichever occurs later, a party may seek an order from a district court, located where the provider or complainant conducts business or resides, vacating, modifying, or correcting the determination of the Board in the following cases:

(i) If the determination was issued as a result of fraud, corruption, misrepresentation, or other misconduct.

(ii) If the Board exceeded its authority or failed to render a determination concerning the subject matter at issue.

(iii) In the case of a default determination or determination based on a failure to prosecute, if it is established that the default or failure was due to excusable neglect.

(B) PROCEDURE TO CHALLENGE.—

(i) NOTICE OF APPLICATION.—Notice of the application to challenge a determination of the Board shall be provided to all parties to the proceeding before the Board, in accordance with the procedures applicable to service of a motion in the court where the application is made.

(ii) STAYING OF PROCEEDINGS.—For purposes of an application under this paragraph, any judge who is authorized to issue an order to stay the proceedings in an any other action brought in the same court may issue an order, to be served with the notice of application, staying proceedings to enforce the award while the challenge is pending.

(29) FINAL DETERMINATION.—A determination of the Board shall be final on the date that all opportunities for a party or interested owner to seek reconsideration or review of a determination under paragraph (22) or (23), or for a party to challenge the determination under paragraph (28), have expired or are exhausted.

(h) EFFECT OF PROCEEDING.—

(1) SUBSEQUENT PROCEEDINGS.—The issuance of a final determination by the Board shall preclude the filing by any party of any subsequent petition that is based on the notification at issue in the final determination. This paragraph shall not limit the ability of any party to file a subsequent petition based on any other notification.

(2) DETERMINATION.—Except as provided in paragraph (1), the issuance of a final determination by the Board, including a default determination or determination based on a failure to prosecute, shall, solely with respect to the parties to such determination, preclude relitigation of any claim or response asserted and finally determined by the Board in any subsequent legal action or proceeding before any court, tribunal, or the Board, and may be relied upon for such purpose in a future action or proceeding arising from the same specific activity, subject to the following:

(A) No interested owner may relitigate any claim or response that was properly asserted and considered by the Board in any subsequent proceeding before the Board involving the same interested owner and the same child sexual abuse material.

(B) A finding by the Board that a visual depiction constitutes child sexual abuse material—

(i) may not be relitigated in any civil proceeding brought by an interested owner; and

(ii) may not be relied upon, and shall not have preclusive effect, in any other action or proceeding involving any party before any court or tribunal other than the Board.

(C) A determination by the Board shall not preclude litigation or relitigation as between the same or different parties before any court or tribunal other than the Board of the same or similar issues of fact or law in connection with allegations or responses not asserted or not finally determined by the Board.

(D) Except to the extent permitted under this subsection, any determination of the Board may not be cited or relied upon as legal precedent in any other action or proceeding before any court or tribunal, including the Board.

(3) OTHER MATERIALS IN PROCEEDING.—A submission or statement of a party, interested owner, or witness made in connection with a proceeding before the Board, including a proceeding that is dismissed, may not serve as the basis of any action or proceeding before any court or tribunal except for any legal action related to perjury or for conduct described in subsection (k)(2). A statement of a party, interested owner, or witness may be received as evidence, in accordance with applicable rules, in any subsequent legal action or proceeding before any court, tribunal, or the Board.

(4) FAILURE TO ASSERT RESPONSE.—Except as provided in paragraph (1), the failure or inability to assert any allegation, factual claim, or response in a proceeding before the Board shall not preclude the assertion of that response in any subsequent legal action or proceeding before any court, tribunal, or the Board.

(i) ADMINISTRATION.—The Commission may issue regulations in accordance with section 553 of title 5, United States Code, to implement this section.

(j) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which Child Online Protection Board issues the first determination under this section, the Commission shall conduct, and report to Congress on, a study that addresses the following:

(A) The use and efficacy of the Child Online Protection Board in expediting the removal of child sexual abuse material and resolving disputes concerning alleged child sexual abuse material, including the number of proceedings the Child Online Protection Board could reasonably administer with current allocated resources.

(B) Whether adjustments to the authority of the Child Online Protection Board are necessary or advisable, including with respect to permissible claims, responses, fines, costs, and joinder by interested parties.

(C) Whether the Child Online Protection Board should be permitted to expire, be extended, or be expanded.

(D) Such other matters as the Commission believes may be pertinent concerning the Child Online Protection Board.

(2) CONSULTATION.—In conducting the study and completing the report required under paragraph (1), the Commission shall, to the extent feasible, consult with complainants, victims, and providers to include their views on the matters addressed in the study and report.

(k) LIMITED LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), a civil claim or criminal charge against the Board, a provider, a complainant, interested owner, or representative under subsection (f)(4), for distributing, receiving, accessing, or possessing child sexual abuse material for the sole and exclusive purpose of complying with the requirements of this section, or for the sole and exclusive purpose of seeking or providing legal advice in order to comply with this section, may not be brought in any Federal or State court.

(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) shall not apply to a claim against the Board, a provider, a complainant, interested owner, or representative under subsection (f)(4)—

(A) for any conduct unrelated to compliance with the requirements of this section;

(B) if the Board, provider, complainant, interested owner, or representative under subsection (f)(4) (as applicable)—

(i) engaged in intentional misconduct; or

(ii) acted, or failed to act—

(I) with actual malice; or

(II) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

(C) in the case of a claim against a complainant, if the complainant falsely claims to be a victim, an authorized representative of a victim, or a qualified organization.

(3) MINIMIZING ACCESS.—The Board, a provider, a complainant, an interested owner, or a representative under subsection (f)(4) shall—

(A) minimize the number of individuals that are provided access to any alleged, contested, or actual child sexual abuse material under this section;

(B) ensure that any alleged, contested, or actual child sexual abuse material is transmitted and stored in a secure manner and is not distributed to or accessed by any individual other than as needed to implement this section; and

(C) ensure that all copies of any child sexual abuse material are permanently deleted upon a request from the Board, Commission, or the Federal Bureau of Investigation.

(l) PROVIDER IMMUNITY FROM CLAIMS BASED ON REMOVAL OF VISUAL DEPICTION.—A provider shall not be liable to any person for any claim based on the provider's good faith removal of any visual depiction that is alleged to be child sexual abuse material pursuant to a notification under this section, regardless of whether the visual depiction involved is found to be child sexual abuse material by the Board. A provider shall not be liable to any person for any claim based on the provider's good faith discretionary removal of any alleged related exploitive visual depictions pursuant to a notification under this section.

(m) DISCOVERY.—Nothing in this section affects discovery, a subpoena or any other court order, or any other judicial process otherwise in accordance with Federal or State law.

(n) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve a provider from any obligation imposed on the provider under section 2258A of title 18, United States Code.

(o) FUNDING.—There are authorized to be appropriated to pay the costs incurred by the Commission under this section, including the costs of establishing and maintaining the Board and its facilities, $40,000,000 for each year during the period that begins with the year in which this Act is enacted and ends with the year in which certain subsections of this section expire under subsection (p).

(p) SUNSET.—Except for subsections (a), (h), (k), (l), (m), (n), and (q), this section shall expire 5 years after the date on which the Child Online Protection Board issues its first determination under this section.

(q) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Child Online Protection Board established under subsection (d).

(2) CHILD SEXUAL ABUSE MATERIAL.—The term ''child sexual abuse material'' has the meaning provided in section 2256(8) of title 18, United States Code.

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

(4) COMPLAINANT.—The term ''complainant'' means—

(A) the victim appearing in the child sexual abuse material;

(B) an authorized representative of the victim appearing in the child sexual abuse material; or

(C) a qualified organization.

(5) DESIGNATED REPORTING SYSTEM.—The term ''designated reporting system'' means a digital means of submitting a notification to a provider under this subsection that is publicly and prominently available, easily accessible, and easy to use.

(6) HOST.—The term ''host'' means to store or make a visual depiction available or accessible to the public or any users through digital means or on a system or network controlled or operated by or for a provider.

(7) IDENTIFIABLE PERSON.—The term ''identifiable person'' means a person who is recognizable as an actual person by the person's

face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.

(8) INTERESTED OWNER.—The term ''interested owner'' means an individual who has joined a proceeding before the Board under subsection (g)(13).

(9) PARTY.—The term ''party'' means the complainant or provider.

(10) PROVIDER.—The term ''provider'' means a provider of an interactive computer service, as that term is defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230), and for purposes of subsections (k) and (l), includes any director, officer, employee, or agent of such provider.

(11) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from tax under section 501(a) of that Code that works to address child sexual abuse material and to support victims of child sexual abuse material.

(12) RECIDIVIST HOSTING.—The term ''recidivist hosting'' means, with respect to a provider, that the provider removes child sexual abuse material pursuant to a notification or determination under this subsection, and then subsequently hosts a visual depiction that has the same hash value or other technical identifier as the child sexual abuse material that had been so removed.

(13) RELATED EXPLOITIVE VISUAL DEPICTION.—The term ''related exploitive visual depiction'' means a visual depiction of an identifiable person of any age where—

(A) such visual depiction does not constitute child sexual abuse material, but is published with child sexual abuse material depicting that person while under 18 years of age; and

(B) there is a connection between such visual depiction and the child sexual abuse material depicting that person while under 18 years of age that is readily apparent from—

(i) the content of such visual depiction and the child sexual abuse material; or

(ii) the context in which such visual depiction and the child sexual abuse material appear.

(14) SMALL PROVIDER.—The term ''small provider'' means a provider that, for the most recent calendar year, averaged less than 10,000,000 active users on a monthly basis in the United States.

(15) VICTIM.—

(A) IN GENERAL.—The term ''victim'' means an individual of any age who is depicted in child sexual abuse material while under 18 years of age.

(B) ASSUMPTION OF RIGHTS.—In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by a court, may assume the victim's rights to submit a notification or file a petition under this section, but in no event shall an individual who produced or conspired to produce the child sexual abuse material depicting the victim be named as such representative or guardian.

(16) VISUAL DEPICTION.—The term ''visual depiction'' has the meaning provided in section 2256(5) of title 18, United States Code.

SEC. 1407. USE OF TERM "CHILD SEXUAL ABUSE MATERIAL".

(a) SENSE OF CONGRESS.—It is the sense of Congress that the term ''child sexual abuse material'' has the same legal meaning as the term ''child pornography'', as that term was used in Federal statutes and case law before the date of enactment of this Act.

(b) AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Chapter 65 of title 5, United States Code, is amended—

(A) in section 6502(a)(2)(B), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in section 6504(c)(2)(F), by striking ''child pornography'' and inserting ''child sexual abuse material''.

(2) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 307(b)(3)(D) (6 U.S.C. 187(b)(3)(D)), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in section 890A (6 U.S.C. 473)—

(i) in subsection (b)(2)(A)(ii), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(ii) in subsection (e)(3)(B)(ii), by striking ''child pornography'' and inserting ''child sexual abuse material''.

(3) IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(I)) is amended by striking ''child pornography'' and inserting ''child sexual abuse material''.

(4) SMALL BUSINESS JOBS ACT OF 2010.—Section 3011(c) of the Small Business Jobs Act of 2010 (12 U.S.C. 5710(c)) is amended by striking ''child pornography'' and inserting ''child sexual abuse material''.

(5) BROADBAND DATA IMPROVEMENT ACT.—Section 214(a)(2) of the Broadband Data Improvement Act (15 U.S.C. 6554(a)(2)) is amended by striking ''child pornography'' and inserting ''child sexual abuse material''.

(6) CAN-SPAM ACT OF 2003.—Section 4(b)(2)(B) of the CAN-SPAM Act of 2003 (15 U.S.C. 7703(b)(2)(B)) is amended by striking ''child pornography'' and inserting ''child sexual abuse material''.

(7) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended—

(A) in section 1956(c)(7)(D), by striking ''child pornography'' each place the term appears and inserting ''child sexual abuse material'';

(B) in chapter 110—

(i) in section 2251(e), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(ii) in section 2252(b)—

(I) in paragraph (1), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(II) in paragraph (2), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(iii) in section 2252A—

(I) in the section heading, by striking ''**material constituting or containing child pornography**'' and inserting ''**child sexual abuse material**'';

(II) in subsection (a)—

(aa) in paragraph (1), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(bb) in paragraph (2)—

(AA) in subparagraph (A), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(BB) in subparagraph (B), by striking ''material that contains child pornography'' and inserting ''child sexual abuse material'';

(cc) in paragraph (3)(A), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(dd) in paragraph (4)—

(AA) in subparagraph (A), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(BB) in subparagraph (B), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(ee) in paragraph (5)—

(AA) in subparagraph (A), by striking ''material that contains an image of child pornography'' and inserting ''item containing child sexual abuse material''; and

(BB) in subparagraph (B), by striking ''material that contains an image of child pornography'' and inserting ''item containing child sexual abuse material''; and

(ff) in paragraph (7)—

(AA) by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(BB) by striking the period at the end and inserting a comma;

(III) in subsection (b)—

(aa) in paragraph (1), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(bb) in paragraph (2), by striking ''child pornography'' each place the term appears and inserting ''child sexual abuse material'';

(IV) in subsection (c)—

(aa) in paragraph (1)(A), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(bb) in paragraph (2), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(cc) in the undesignated matter following paragraph (2), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(V) in subsection (d)(1), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(VI) in subsection (e), by striking ''child pornography'' each place the term appears and inserting ''child sexual abuse material'';

(iv) in section 2256(8)—

(I) by striking ''child pornography'' and inserting ''child sexual abuse material''; and

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

(v) in section 2257A(h)—

(I) in paragraph (1)(A)(iii)—

(aa) by inserting a comma after ''marketed'';

(bb) by striking ''such than'' and inserting ''such that''; and

(cc) by striking ''a visual depiction that is child pornography'' and inserting ''child sexual abuse material''; and

(II) in paragraph (2), by striking ''any visual depiction that is child pornography'' and inserting ''child sexual abuse material'';

(vi) in section 2258A(g)(2)(B), by striking ''visual depictions of apparent child pornography'' and inserting ''apparent child sexual abuse material'';

(vii) in section 2258B—

(I) in the section heading, by striking ''**certain visual depictions of apparent child pornography**'' and inserting ''**apparent child sexual abuse material**'';

(II) in subsection (e)—

(aa) in the subsection heading, by striking ''CHILD PORNOGRAPHY'' each place it appears and inserting ''CHILD SEXUAL ABUSE MATERIAL'';

(bb) in paragraph (1), by striking ''child pornography'' each place it appears and inserting ''child sexual abuse material'';

(cc) in paragraph (3), by striking ''child pornography'' each place it appears and inserting ''child sexual abuse material''; and

(dd) in paragraph (4) in the matter preceding subparagraph (A), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(viii) in section 2258C, as amended by section 1404 of this title—

(I) in the section heading, by striking ''**Use to combat child pornography of technical elements relating to reports made to NCMEC**'' and inserting ''**Use of technical elements from reports made to NCMEC to combat child sexual abuse material**'';

(II) in subsection (a)—

(aa) in paragraph (2), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(bb) in paragraph (3), by striking ''the actual visual depictions of apparent child pornography'' and inserting ''any apparent child sexual abuse material'';

(III) in subsection (d), by striking ''child pornography visual depiction'' and inserting ''child sexual abuse material''; and

(IV) in subsection (e), by striking ''child pornography visual depiction'' and inserting ''child sexual abuse material'';

(ix) in section 2259, as amended by section 1403 of this title—

(I) in paragraph (b)(2)—

(aa) in the paragraph heading, by striking ''CHILD PORNOGRAPHY'' and inserting ''CHILD SEXUAL ABUSE MATERIAL'';

(bb) in the matter preceding subparagraph (A), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(cc) in subparagraph (A), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(II) in subsection (c)(2), in the matter preceding subparagraph (A), by striking ''trafficking in child pornography offenses'' each place the term appears and inserting ''offenses for trafficking in child sexual abuse material'' ; and

(III) in subsection (d)(1)—

(aa) in subparagraph (A)—

(AA) by striking ''child pornography'' each place the term appears and inserting ''child sexual abuse material''; and

(BB) by striking ''Child Pornography Victims Reserve'' and inserting ''Reserve for Victims of Child Sexual Abuse Material'';

(bb) in subparagraph (B), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(cc) in subparagraph (C)—

(AA) by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(BB) by striking ''Child Pornography Victims Reserve'' and inserting ''Reserve for Victims of Child Sexual Abuse Material'';

(x) in section 2259A—

(I) in the section heading, by striking ''**child pornography cases**'' and inserting ''**cases involving child sexual abuse material**'';

(II) in subsection (a)(3), by striking ''a child pornography production offense'' and inserting ''an offense for production of child sexual abuse material''; and

(III) in subsection (d)(2)(B), by striking ''child pornography production or trafficking offense that the defendant committed'' and inserting ''offense for production of child sexual abuse material or trafficking in child sexual abuse material committed by the defendant''; and

(xi) in section 2259B—

(I) in the section heading, by striking ''**Child pornography victims reserve**'' and inserting ''**Reserve for victims of child sexual abuse material**'';

(II) in subsection (a), by striking ''Child Pornography Victims Reserve'' each place the term appears and inserting ''Reserve for Victims of Child Sexual Abuse Material'';

(III) in subsection (b), by striking ''Child Pornography Victims Reserve'' each place the term appears and inserting ''Reserve for Victims of Child Sexual Abuse Material''; and

(IV) in subsection (c), by striking ''Child Pornography Victims Reserve'' and inserting ''Reserve for Victims of Child Sexual Abuse Material'';

(C) in chapter 117—

(i) in section 2423(f)(3), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(ii) in section 2427—

(I) in the section heading, by striking ''**child pornography**'' and inserting ''**child sexual abuse material**''; and

(II) by striking ''child pornography'' and inserting ''child sexual abuse material'';

(D) in section 2516—

(i) in paragraph (1)(c), by striking ''material constituting or containing child pornography'' and inserting ''child sexual abuse material''; and

(ii) in paragraph (2), by striking ''child pornography production'' and inserting ''production of child sexual abuse material'';

(E) in section 3014(h)(3), by striking ''child pornography victims'' and inserting ''victims of child sexual abuse material'';

(F) in section 3509, as amended by section 1402(a) of this title—

(i) in subsection (a)(6), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(ii) in subsection (m)—

(I) in the subsection heading, by striking ''CHILD PORNOGRAPHY'' and inserting ''CHILD SEXUAL ABUSE MATERIAL'';

(II) in paragraph (1), by striking ''property or material that constitutes child pornography'' and inserting ''child sexual abuse material, or property or item containing such material,'';

(III) in paragraph (2)—

(aa) in subparagraph (A)—

(AA) by striking ''property or material that constitutes child pornography'' and inserting ''child sexual abuse material, or property or item containing such material,''; and

(BB) by striking ''the property or material'' and inserting ''the child sexual abuse material, property, or item''; and

(bb) in subparagraph (B)—

(AA) by striking ''property or material'' the first place the term appears and inserting ''the child sexual abuse material, property, or item''; and

(BB) by striking ''the property or material'' and inserting ''the child sexual abuse material, property, or item'';

(IV) in paragraph (3)—

(aa) by striking ''property or material that constitutes child pornography'' and inserting ''child sexual abuse material'';

(bb) by striking ''such child pornography'' and inserting ''such child sexual abuse material''; and

(cc) by striking ''Such property or material'' and inserting ''Such child sexual abuse material''; and

(G) in section 3632(d)(4)(D)(xlii), by striking ''material constituting or containing child pornography'' and inserting ''child sexual abuse material''.

(8) TARIFF ACT OF 1930.—Section 583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1583(a)(2)(B)) is amended by striking ''child pornography'' and inserting ''child sexual abuse material''.

(9) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 4121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)(ii), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(ii) in paragraph (2)(A)(ii), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in subsection (e)(5)—

(i) in the paragraph heading, by striking ''CHILD PORNOGRAPHY'' and inserting ''CHILD SEXUAL ABUSE MATERIAL''; and

(ii) by striking ''child pornography'' and inserting ''child sexual abuse material''.

(10) MUSEUM AND LIBRARY SERVICES ACT.—Section 224(f) of the Museum and Library Services Act (20 U.S.C. 9134(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i)(II), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(ii) in subparagraph (B)(i)(II), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in paragraph (7)(A)—

(i) in the subparagraph heading, by striking ''CHILD PORNOGRAPHY'' and inserting ''CHILD SEXUAL ABUSE MATERIAL''; and

(ii) by striking ''child pornography'' and inserting ''child sexual abuse material''.

(11) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 3031(b)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10721(b)(3)) is amended by striking ''child pornography'' and inserting ''child sexual abuse material''.

(12) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 404(b)(1)(K) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)) is amended—

(A) in clause (i)(I)(aa), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in clause (ii), by striking ''child pornography'' and inserting ''child sexual abuse material''.

(13) VICTIMS OF CRIME ACT OF 1984.—Section 1402(d)(6)(A) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)(6)(A)) is amended by striking ''Child Pornography Victims Reserve'' and inserting ''Reserve for Victims of Child Sexual Abuse Material''.

(14) VICTIMS OF CHILD ABUSE ACT OF 1990.—The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—

(A) in section 212(4) (34 U.S.C. 20302(4)), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(B) in section 214(b) (34 U.S.C. 20304(b))—

(i) in the subsection heading, by striking ''CHILD PORNOGRAPHY'' and inserting ''CHILD SEXUAL ABUSE MATERIAL''; and

(ii) by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(C) in section 226(c)(6) (34 U.S.C. 20341(c)(6)), by striking ''child pornography'' and inserting ''child sexual abuse material''.

(15) SEX OFFENDER REGISTRATION AND NOTIFICATION ACT.—Section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. 20911) is amended—

(A) in paragraph (3)(B)(iii), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in paragraph (7)(G), by striking ''child pornography'' and inserting ''child sexual abuse material''.

(16) ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.—Section 143(b)(3) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20942(b)(3)) is amended by striking ''child pornography and enticement cases'' and inserting ''cases involving child sexual abuse material and enticement of children''.

(17) PROTECT OUR CHILDREN ACT OF 2008.—The PROTECT Our Children Act of 2008 (34 U.S.C. 21101 et seq.) is amended—

(A) in section 101(c) (34 U.S.C. 21111(c))—

(i) in paragraph (16)—

(I) in the matter preceding subparagraph (A), by striking ''child pornography trafficking'' and inserting ''trafficking in child sexual abuse material'';

(II) in subparagraph (A), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(III) in subparagraph (B), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(IV) in subparagraph (C), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(V) in subparagraph (D), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(ii) in paragraph (17)(A), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in section 105(e)(1)(C) (34 U.S.C. 21115(e)(1)(C)), by striking ''child pornography trafficking'' and inserting ''trafficking in child sexual abuse material''.

(18) SOCIAL SECURITY ACT.—Section 471(a)(20)(A)(i) of the Social Security Act (42 U.S.C. 671(a)(20)(A)(i)) is amended by striking ''child pornography'' and inserting ''offenses involving child sexual abuse material''.

(19) PRIVACY PROTECTION ACT OF 1980.—Section 101 of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa) is amended—

(A) in subsection (a)(1), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(B) in subsection (b)(1), by striking ''child pornography'' and inserting ''child sexual abuse material''.

(20) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Section 658H(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(c)(1)) is amended—

(A) in subparagraph (D)(iii), by striking ''child pornography'' and inserting ''offenses relating to child sexual abuse material''; and

(B) in subparagraph (E), by striking ''child pornography'' and inserting ''child sexual abuse material''.

(21) COMMUNICATIONS ACT OF 1934.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended—

(A) in section 223 (47 U.S.C. 223)—

(i) in subsection (a)(1)—

(I) in subparagraph (A), in the undesignated matter following clause (ii), by striking ''child pornography'' and inserting ''which constitutes child sexual abuse material''; and

(II) in subparagraph (B), in the undesignated matter following clause (ii), by striking ''child pornography'' and inserting ''which constitutes child sexual abuse material''; and

(ii) in subsection (d)(1), in the undesignated matter following subparagraph (B), by striking ''child pornography'' and inserting ''that constitutes child sexual abuse material''; and

(B) in section 254(h) (47 U.S.C. 254(h))—

(i) in paragraph (5)—

(I) in subparagraph (B)(i)(II), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(II) in subparagraph (C)(i)(II), by striking ''child pornography'' and inserting ''child sexual abuse material'';

(ii) in paragraph (6)—

(I) in subparagraph (B)(i)(II), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(II) in subparagraph (C)(i)(II), by striking ''child pornography'' and inserting ''child sexual abuse material''; and

(iii) in paragraph (7)(F)—

(I) in the subparagraph heading, by striking ''CHILD PORNOGRAPHY'' and inserting ''CHILD SEXUAL ABUSE MATERIAL''; and

(II) by striking ''child pornography'' and inserting ''child sexual abuse material''.

(c) TABLE OF SECTIONS AMENDMENTS.—

(1) CHAPTER 110 OF TITLE 18.—The table of sections for chapter 110 of title 18, United States Code, is amended—

(A) by striking the item relating to section 2252A and inserting the following:

''2252A. Certain activities relating to child sexual abuse material.'';

(B) by striking the item relating to section 2258B and inserting the following:

''2258B. Limited liability for the reporting, storage, and handling of apparent child sexual abuse material to the National Center for Missing & Exploited Children.'';

(C) by striking the item relating to section 2258C and inserting the following:

''2258C. Use of technical elements from reports made to the CyberTipline to combat child sexual abuse material.'';

(D) by striking the item relating to section 2259A and inserting the following:

''2259A. Assessments in cases involving child sexual abuse material.'';

and

(E) by striking the item relating to section 2259B and inserting the following:

''2259B. Reserve for victims of child sexual abuse material.''.

(2) CHAPTER 117 OF TITLE 18.—The table of sections for chapter 117 of title 18, United States Code, is amended by striking the item relating to section 2427 and inserting the following:

''2427. Inclusion of offenses relating to child sexual abuse material in definition of sexual activity for which any person can be charged with a criminal offense.''.

(d) AMENDMENT TO THE FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall amend the Federal sentencing guidelines, including application notes, to replace the terms ''child pornography'' and ''child pornographic material'' with ''child sexual abuse material''.

(e) EFFECTIVE DATE.—The amendments made by this section to title 18 of the United States Code shall apply to conduct that occurred before, on, or after the date of enactment of this Act.

SEC. 1408. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

SEC. 1409. CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.

(a) FEDERAL LAW.—Nothing in this title or the amendments made by this title, nor any rule or regulation issued pursuant to this title or the amendments made by this title, shall affect or diminish any right or remedy for a victim of child sexual abuse material or child sexual exploitation under any other Federal law, rule, or regulation, including any claim under section 2255 of title 18, United States Code, with respect to any individual or entity.

(b) STATE OR TRIBAL LAW.—Nothing in this title or the amendments made by this title, nor any rule or regulation issued pursuant to this title or the amendments made by this title, shall—

(1) preempt, diminish, or supplant any right or remedy for a victim of child sexual abuse material or child sexual exploitation under any State or Tribal common or statutory law; or

(2) prohibit the enforcement of a law governing child sexual abuse material or child sexual exploitation that is at least as protective of the rights of a victim as this title and the amendments made by this title.

SA 2012. Mr. CORNYN (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TERMINATION OF TAX-EXEMPT STATUS OF TERRORIST SUPPORTING ORGANIZATIONS.

(a) IN GENERAL.—Section 501(p) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) APPLICATION TO TERRORIST SUPPORTING ORGANIZATIONS.—

''(A) IN GENERAL.—For purposes of this subsection, in the case of any terrorist supporting organization—

''(i) such organization (and the designation of such organization under subparagraph (B)) shall be treated as described in paragraph (2), and

''(ii) the period of suspension described in paragraph (3) with respect to such organization shall be treated as beginning on the date that the Secretary designates such organization under subparagraph (B) and ending on the date that the Secretary rescinds such designation under subparagraph (D).

''(B) TERRORIST SUPPORTING ORGANIZATION.—For purposes of this paragraph, the term 'terrorist supporting organization' means any organization which is designated by the Secretary as having provided, during the 3-year period ending on the date of such designation, material support or resources (within the meaning of section 2339B of title 18, United States Code) to an organization described in paragraph (2) (determined after the application of this paragraph to such organization) in excess of a de minimis amount.

''(C) DESIGNATION PROCEDURE.—

''(i) NOTICE REQUIREMENT.—Prior to designating any organization as a terrorist supporting organization under subparagraph (B), the Secretary shall mail to the most recent mailing address provided by such organization on the organization's annual return or notice under section 6033 (or subsequent form indicating a change of address) a written notice which includes—

''(I) a statement that the Secretary will designate such organization as a terrorist supporting organization unless the organization satisfies the requirements of subclause (I) or (II) of clause (ii),

''(II) the name of the organization or organizations with respect to which the Secretary has determined such organization provided material support or sources as described in subparagraph (B), and

''(III) a description of such material support or resources to the extent consistent with national security and law enforcement interests.

''(ii) OPPORTUNITY TO CURE.—In the case of any notice provided to an organization under clause (i), the Secretary shall, at the close of the 90-day period beginning on the date that such notice was sent, designate such organization as a terrorist supporting organization under subparagraph (B) if (and only if) such organization has not (during such period)—

''(I) demonstrated to the satisfaction of the Secretary that such organization did not provide the material support or resources referred to in subparagraph (B), or

''(II) made reasonable efforts to have such support or resources returned to such organization and certified in writing to the Secretary that such organization will not provide any further support or resources to organizations described in paragraph (2).

A certification under subclause (II) shall not be treated as valid if the organization making such certification has provided any other such certification during the preceding 5 years.

''(D) RESCISSION.—The Secretary shall rescind a designation under subparagraph (B) if (and only if)—

''(i) the Secretary determines that such designation was erroneous,

''(ii) after the Secretary receives a written certification from an organization that such organization did not receive the notice described in subparagraph (C)(i)—

''(I) the Secretary determines that it is reasonable to believe that such organization did not receive such notice, and

''(II) such organization satisfies the requirements of subclause (I) or (II) of subparagraph (C)(ii) (determined after taking into account the last sentence thereof), or

''(iii) the Secretary determines, with respect to all organizations to which the material support or resources referred to in subparagraph (B) were provided, the periods of suspension under paragraph (3) have ended.

A certification described in the matter preceding subclause (I) of clause (ii) shall not be treated as valid if the organization making such certification has provided any other such certification during the preceding 5 years.

''(E) ADMINISTRATIVE REVIEW BY INTERNAL REVENUE SERVICE INDEPENDENT OFFICE OF APPEALS.—In the case of the designation of an organization by the Secretary as a terrorist supporting organization under subparagraph (B), a dispute regarding such designation shall be subject to resolution by the Internal Revenue Service Independent Office of Appeals under section 7803(e) in the same manner as if such designation were made by the Internal Revenue Service and paragraph (5) of this subsection did not apply.

''(F) JURISDICTION OF UNITED STATES COURTS.—Notwithstanding paragraph (5), the United States district courts shall have exclusive jurisdiction to review a final determination with respect to an organization's designation as a terrorist supporting organization under subparagraph (B). In the case of any such determination which was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act), such information may be submitted to the reviewing court ex parte and in camera. For purposes of this subparagraph, a determination with respect to an organization's designation as a terrorist supporting organization shall not fail to be treated as a final determination merely because such organization fails to utilize the dispute resolution process of the Internal Revenue Service Independent Office of Appeals provided under subparagraph (E).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to designations made after the date of the enactment of this Act in taxable years ending after such date.

SA 2013. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE 2 AIRCRAFT.

Section 172(a) of the FAA Reauthorization Act of 2018 (49 U.S.C. 47521 note) is amended in the matter preceding paragraph (1), by striking ''medium hub airports or nonhub airports'' and inserting ''medium hub airports, nonhub airports, or airports that have a maintenance facility''.

At the appropriate place, insert the following:

SEC. ____. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE 2 AIRCRAFT.

Section 172(a) of the FAA Reauthorization Act of 2018 (49 U.S.C. 47521 note) is amended in the matter preceding paragraph (1), by striking ''medium hub airports or nonhub airports'' and inserting ''medium hub airports, nonhub airports, or airports that have a maintenance facility''.

SA 2014. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE 2 AIRCRAFT.

Section 172 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47521 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''medium hub airports or nonhub airports'' and inserting ''medium hub airports, nonhub airports, or airports that have a maintenance facility''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(3) NONPRIMARY AIRPORT.—The term 'nonprimary airport' means an airport that is not a primary airport (as defined in section 47102 of title 49, United States Code).''.

SA 2015. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 937. EXPANDING USE OF INNOVATIVE TECHNOLOGIES IN THE GULF OF MEXICO.

(a) IN GENERAL.—The Administrator shall prioritize the authorization of an eligible UAS test range sponsor partnering with an eligible airport authority to achieve the goals specified in subsection (b).

(b) GOALS.—The goals of a partnership authorized pursuant to subsection (a) shall be to test the operations of innovative technologies in both commercial and non-commercial applications, consistent with existing law, to—

(1) identify challenges associated with aviation operations over large bodies of water;

(2) provide transportation of cargo and passengers to offshore energy infrastructure;

(3) assess the impacts of operations in saltwater environments;

(4) identify the challenges of integrating such technologies in complex airspace, including with commercial rotorcraft; and

(5) identify the differences between coordinating with Federal air traffic control towers and towers operated under the FAA Contract Tower Program.

(c) BRIEFING TO CONGRESS.—The Administrator shall provide an annual briefing to the appropriate committees of Congress on the status of the partnership authorized under this section, including detailing any barriers to the commercialization of innovative technologies in the Gulf of Mexico.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE AIRPORT AUTHORITY.—The term ''eligible airport authority'' means an AIP-eligible airport authority that is—

(A) located in a state bordering the Gulf of Mexico which does not already contain a UAS Test Range;

(B) has an air traffic control tower operated under the FAA Contract Tower Program;

(C) is located within 60 miles of a port; and

(D) does not have any scheduled passenger airline service as of the date of the enactment of this Act.

(2) INNOVATIVE TECHNOLOGIES.—The term ''innovative technologies'' means unmanned aircraft systems and powered-lift aircraft.

(3) UAS.—The term ''UAS'' means an unmanned aircraft system.

SA 2016. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 771(a)(1)(A), strike ''2032'' and insert ''2034''.

SA 2017. Ms. CANTWELL (for herself and Mr. LUJÁN) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—SPECTRUM AND NATIONAL SECURITY

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Spectrum and National Security Act of 2024''.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) electromagnetic spectrum is a scarce, valuable resource that fuels the technological leadership of the United States globally, which supports the national security and critical operations of the United States;

(2) because spectrum is a finite and limited resource, the United States must invest in advanced spectrum technologies, such as dynamic spectrum sharing, to make the best use of spectrum to promote private sector innovation, and protect and further the mission of Federal agencies;

(3) to retain the global technology leadership of the United States, the United States must have an accurate assessment of the current and future demand for spectrum, and the tools to meet that demand;

(4) ensuring a clear and fair process for Federal agencies to assess how to meet the demand for spectrum and reauthorizing the spectrum auction authority of the Commission will provide the tools described in paragraph (3);

(5) as agreed to by both the Department of Defense and the National Telecommunications and Information Administration in the National Spectrum Strategy, an assessment of future spectrum demand, the promotion of research and development on dynamic spectrum sharing and other new and emerging spectrum technologies, and support for a workforce to support an advanced spectrum ecosystem are critical for expanding the overall capacity, usability, and efficiency of spectrum to enhance the competitiveness and national security of the United States; and

(6) a unified, forward-looking domestic spectrum policy is vital for enabling the United States to advocate effectively for its interests on the global stage, including at the International Telecommunication Union, against the competing spectrum policies advanced by foreign adversaries.

SEC. ___03. DEFINITIONS.

In this title:

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

(2) DYNAMIC SPECTRUM SHARING.—The term ''dynamic spectrum sharing'' means a technique that enables multiple electromagnetic spectrum users to operate on the same frequencies in the same geographic area without causing harmful interference to other users by using capabilities that can adjust and optimize electromagnetic spectrum usage in real time or near-real time, consistent with defined regulations and policies for a particular spectrum band.

(3) SPECTRUM ADVISORY COUNCIL.—The term ''Spectrum Advisory Council'' has the meaning given the term in section 106(a) of the National Telecommunications and Information Administration Organization Act, as added by section ___21 of this title.

(4) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Communications and Information, as so designated by the amendment made by section ___22(a).

Subtitle A—Development of Spectrum Maximizing Technologies

SEC. ___11. NATIONAL SPECTRUM RESEARCH AND DEVELOPMENT PLAN.

(a) DEFINITION.—In this section, the term ''Federal entity'' has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(b) DYNAMIC SPECTRUM SHARING.—

(1) NATIONAL TESTBED.—Not later than 18 months after the date of enactment of this Act, the Under Secretary shall establish, or coordinate with other Federal entities to establish or identify, a national testbed for dynamic spectrum sharing that—

(A) enables the identification of bands of Federal and non-Federal spectrum that can be accessed on a short-term basis for experimentation;

(B) considers specific areas for testing and measurement to improve future study efforts across spectrum bands, including researching and developing solutions that can be applied across a range of spectrum bands;

(C) is focused on developing technologically neutral approaches;

(D) enables Federal entities to work cooperatively with non-Federal entities, including industry entities, academic institutions, and research organizations, to objectively examine new technologies to improve spectrum management; and

(E) minimizes duplication of effort by synchronizing, to the extent practicable, with other relevant research and engineering activities underway across the Federal Government in areas including artificial intelligence, machine learning, zero-trust networks, data-source management, autonomy and autonomous systems, and advanced radar technologies.

(2) FUNDING.—The Under Secretary may use the funding provided under section ___62(c)(1)(E) of this Act to establish the national testbed for dynamic spectrum sharing under paragraph (1).

(c) RESEARCH AND DEVELOPMENT PLAN.—The Office of Science and Technology Policy, in coordination with each member agency of the Spectrum Advisory Council, shall develop a National Spectrum Research and Development Plan that—

(1) identifies the key innovation areas for spectrum research and development, including dynamic spectrum sharing, artificial intelligence and machine learning techniques, and other emerging technologies for improving spectrum efficiency and innovation;

(2) establishes a process to refine and enhance the innovation areas identified under paragraph (1) on an ongoing basis;

(3) considers recommendations developed through the collaborative framework established under subsection (d)(1); and

(4) will encourage Federal entities to conduct spectrum-related testing and research in cooperation with the Institute for Telecommunication Sciences of the National Telecommunications and Information Administration.

(d) PUBLIC AND PRIVATE SECTOR COLLABORATIVE FRAMEWORK.—

(1) ESTABLISHMENT.—The Under Secretary, in coordination with the Commission, as appropriate, shall establish a collaborative framework for coordination, technical exchange, and information sharing between Federal entities and non-Federal entities for purposes of short-term and long-term spectrum planning and management.

(2) REQUIREMENTS.—The collaborative framework established under paragraph (1) shall consider—

(A) leveraging Federal and non-Federal advisory groups that advise the Federal Government on spectrum planning or management, as appropriate;

(B) identifying new advisory groups that could be established to aid long-term spectrum planning;

(C) defining the interactions among the groups described in subparagraphs (A) and (B), including their roles and responsibilities and desired outputs;

(D) adhering to applicable interagency memoranda of understanding on spectrum planning or management;

(E) engaging with a variety of stakeholders, including unserved and historically underserved populations, Tribal Nations, and the Native Hawaiian community; and

(F) establishing a standardized submission process for Federal entities and non-Federal entities to provide information, on an ongoing basis, regarding their current and projected future spectrum needs.

(3) EVIDENCE-BASED SPECTRUM DECISION-MAKING.—The Under Secretary shall use the collaborative framework established under paragraph (1) to develop best practices for conducting technical and economic analyses that are—

(A) data-driven;

(B) science-based;

(C) peer-reviewed; and

(D) publicly available in an easily accessible electronic format, to the extent practicable, with appropriate redactions for classified information, or other information reflecting technical, procedural, or policy concerns that are exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(e) PROMOTION OF ADVANCED SPECTRUM-SHARING TECHNOLOGIES.—The Under Secretary shall help promote the development of advanced spectrum-sharing technologies, including dynamic spectrum sharing, by identifying, in coordination with the Commission—

(1) incentives for non-Federal development and use of such technologies; and

(2) mechanisms to incentivize non-Federal users to adopt such technologies.

Subtitle B—Exerting United States Spectrum Leadership

SEC. ___21. EMPOWERING FEDERAL AGENCIES IN THE MANAGEMENT OF THEIR SPECTRUM.

Part A of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

''SEC. 106. IMPROVING SPECTRUM MANAGEMENT.

''(a) DEFINITIONS.—In this section:

''(1) CHAIR.—The term 'Chair' means the Chair of the Commission.

''(2) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

''(3) MEMORANDUM.—The term 'Memorandum' means the Memorandum of Understanding between the Commission and the National Telecommunications and Information Administration (relating to increased coordination between Federal spectrum management agencies to promote the efficient use of the radio spectrum in the public interest), signed on August 1, 2022, or any successor memorandum.

''(4) SPECTRUM ACTION.—The term 'spectrum action' means any proposed action by the Commission to reallocate radio frequency spectrum that—

''(A) is anticipated to result in—

''(i) a system of competitive bidding conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

''(ii) some other form of licensing; and

''(B) could potentially impact the spectrum operations of a Federal entity.

''(5) SPECTRUM ADVISORY COUNCIL.—The term 'Spectrum Advisory Council' means the interagency advisory body established under the memorandum of the President entitled 'Memorandum on Modernizing United States Spectrum Policy and Establishing a National Spectrum Strategy', issued on November 13, 2023, or any successor interagency advisory body.

''(b) FEDERAL COORDINATION PROCEDURES.—

''(1) RESPONSIBILITIES OF NTIA.—The Under Secretary shall—

''(A) ensure, in coordination with the Spectrum Advisory Council and, as appropriate, the Interdepartment Radio Advisory Committee, that the views of the executive branch on spectrum matters are properly—

''(i) developed;

''(ii) documented; and

''(iii) presented, as necessary, to the Commission and, as appropriate and in coordination with the Director of the Office of Management and Budget, to Congress, as required by sections 102(b)(6) and 103(b)(2)(J);

''(B) adhere to the terms of the Memorandum;

''(C) solicit views of affected Federal entities and provide those Federal entities with sufficient time and procedures to present their views and supporting technical information to the NTIA;

''(D) provide affected Federal entities with timely written feedback explaining why and how their views will be taken into account in the position that the NTIA communicates to the Commission;

''(E) facilitate the presentation by affected Federal entities of classified or otherwise sensitive views to the Commission;

''(F) develop the position of the executive branch on issues related to spectrum, including any supporting technical and operational information to facilitate decision-making by the Commission;

''(G) provide the position described in subparagraph (F) to the Commission; and

''(H) provide the position described in subparagraph (F) within the applicable timelines established by the Commission or, as needed, request additional time from the Commission.

''(2) PROCESS FOR ADDRESSING NON-CONSENSUS VIEWS.—If a Federal entity and the Under Secretary are unable to reach consensus on the views concerning Federal spectrum matters to be presented to the Commission, the Under Secretary shall—

''(A) notify the Commission of the lack of consensus and the anticipated next steps and timing to resolve the dispute;

''(B) request the joint assistance of the Secretary and the head of the Federal entity objecting to the proposed submission to the Commission to find a mutually agreeable resolution; and

''(C) keep the Commission informed, as appropriate, regarding anticipated next steps and the timing of resolution.

''(3) SECONDARY PROCESS FOR ADDRESSING NON-CONSENSUS.—If a Federal entity and the Under Secretary are unable to reach a mutually agreeable resolution under the process under paragraph (2)—

''(A) not later than 90 days after completing the process, the Under Secretary or the Federal entity may submit the dispute to the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy;

''(B) the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, in consultation with the Director of the Office of Science and Technology Policy and, if appropriate, the National Space Council, shall resolve the dispute through the interagency process described in the national security memorandum of the President entitled 'Memorandum on Renewing the National Security Council System', issued on February 4, 2021; and

''(C) the Under Secretary shall advise the Commission on the executive branch position following the adjudication and decision under the process described in this paragraph.

''(4) POST-COMMISSION ACTION PROCEDURES.—If the Commission takes a spectrum action to make spectrum available for non-Federal use and an affected Federal entity has knowledge, unforeseen before the Commission took the spectrum action, that the non-Federal use is causing or potentially will cause harmful interference to existing Federal operations or non-Federal operations that are regulated by the Federal entity—

''(A) not later than 45 days after the date on which the affected Federal entity learns of the unforeseen risk of harmful interference, the Federal entity may formally request that the Under Secretary address the issue with the Commission for an appropriate remedy, which request shall—

''(i) clearly indicate the manner in which the public interest will be implicated or harmed or in which the mission of the Federal entity will be adversely affected;

''(ii) present evidence to the Under Secretary that the non-Federal use is causing or potentially will cause harmful interference or potential harm to the public interest, including any technical or scientific data that supports that position; and

''(iii) explain why the Federal entity cannot take steps to ensure mission continuity that are consistent with the spectrum action of the Commission;

''(B) if the Under Secretary believes that the affected Federal entity has produced sufficient evidence under subparagraph (A) that the non-Federal use will risk harmful interference that cannot be reasonably mitigated without Commission action, the Under Secretary, not later than 60 days after receiving the request from the Federal entity, shall address the Commission under established processes under the Memorandum and, as applicable, the Practice and Procedure of the Commission under part 1 of title 47, Code of Federal Regulations, or any successor regulations, for seeking appropriate relief; and

''(C) if the Under Secretary concludes that there is not sufficient evidence to seek relief from the Commission, the affected Federal entity may follow the processes established under paragraphs (2) and (3) of this subsection.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the disclosure of classified information, or other information reflecting technical, procedural, or policy concerns that are exempt from disclosure under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act').

''(c) FEDERAL SPECTRUM COORDINATION RESPONSIBILITIES.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Under Secretary shall establish a charter for the Spectrum Advisory Council.

''(2) SPECTRUM ADVISORY COUNCIL REPRESENTATIVE.—

''(A) IN GENERAL.—The head of each Federal entity that is reflected in the membership of the Spectrum Advisory Council, as identified in the charter established under paragraph (1), shall appoint a senior-level employee (or an individual occupying a Senior Executive Service position, as defined in section 3132(a) of title 5, United States Code) who is eligible to receive a security clearance that allows for access to sensitive compartmented information to serve as the representative of the Federal entity to the Spectrum Advisory Council.

''(B) SECURITY CLEARANCE REQUIREMENT.—If an individual appointed under subparagraph (A) is not eligible to receive a security clearance described in that subparagraph—

''(i) the appointment shall be invalid; and

''(ii) the head of the Federal entity making the appointment shall appoint another individual who satisfies the requirements of that subparagraph, including the requirement that the individual is eligible to receive such a security clearance.

''(3) DUTIES.—An individual appointed under paragraph (2) shall—

''(A) oversee the spectrum coordination policies and procedures of the applicable Federal entity;

''(B) be responsible for timely notification of technical or procedural concerns of the applicable Federal entity to the Spectrum Advisory Council;

''(C) work closely with the representative of the applicable Federal entity to the Interdepartment Radio Advisory Committee;

''(D) respond to a request from the NTIA for, and to the extent feasible, share with the NTIA, any technical and operational information needed to facilitate spectrum coordination not later than—

''(i) the applicable reasonable deadline established by the NTIA, at the discretion of the NTIA, pursuant to section IV(3) of the Memorandum, or any successor provision; or

''(ii) 45 days after the date of the request, in the case of a request to which clause (i) does not apply;

''(E) furnish the NTIA with all relevant information to be considered for filing with the Commission;

''(F) coordinate with the NTIA on a significant regulatory action to be taken by the applicable Federal entity pursuant to its regulatory authority directly relating to spectrum before the Federal entity submits the regulatory action to the Office of Information and Regulatory Affairs in accordance with Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review); and

''(G) collaborate with the NTIA on spectrum planning.

''(d) COORDINATION BETWEEN FEDERAL AGENCIES AND THE NTIA.—

''(1) UPDATES.—Not later than 3 years after the date of enactment of this section, and every 4 years thereafter (or more frequently, as appropriate), the Commission and the NTIA shall reassess the Memorandum and, based on such a reassessment, update the Memorandum, as necessary.

''(2) NATURE OF UPDATE.—Any update to the Memorandum under paragraph (1) shall reflect changing technological, procedural, and policy circumstances, as determined necessary and appropriate by the Commission and the NTIA.

''(e) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chair and the Under Secretary shall submit to Congress a report on joint spectrum planning activities conducted by the Chair and the Under Secretary under this section.

''(f) TESTING.—A Federal entity shall coordinate with the NTIA before carrying out any electromagnetic compatibility study or testing plan that the Federal entity seeks to be considered in formulating the views of the executive branch regarding spectrum regulatory matters.

''(g) REPORT ON SPECTRUM MANAGEMENT PRINCIPLES AND METHODS.—Not later than May 14, 2025, the Under Secretary, in coordination with the Spectrum Advisory Council, shall publish a report that identifies—

''(1) spectrum management principles and methods to guide the Federal Government in spectrum studies and science;

''(2) coordination guidelines for spectrum studies; and

''(3) processes for determining types of studies, criteria, assumptions, and timelines that shall be acceptable in decision-making involving the use of Federal spectrum and the use of non-Federal spectrum by Federal entities.''.

SEC. ____22. UNDER SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

(a) IN GENERAL.—Section 103(a)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)(2)) is amended by striking ''Assistant Secretary of Commerce for Communications and Information'' and inserting ''Under Secretary of Commerce for Communications and Information''.

(b) PAY.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by striking ''and Under Secretary of Commerce for Minority Business Development'' and inserting ''Under

Secretary of Commerce for Minority Business Development, and Under Secretary of Commerce for Communications and Information''; and

(2) in section 5315, by striking ''(11)'' after ''Assistant Secretaries of Commerce'' and inserting ''(10)''.

(c) DEPUTY UNDER SECRETARY.—

(1) IN GENERAL.—Section 103(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)), as amended by subsection (a) of this section, is amended by adding at the end the following:

''(3) DEPUTY UNDER SECRETARY.—The Deputy Under Secretary of Commerce for Communications and Information shall—

''(A) be the principal policy advisor of the Under Secretary;

''(B) perform such other functions as the Under Secretary shall from time to time assign or delegate; and

''(C) act as Under Secretary during the absence or disability of the Under Secretary or in the event of a vacancy in the office of the Under Secretary.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 106(c) of the Public Telecommunications Financing Act of 1978 (5 U.S.C. 5316 note; Public Law 95–567) is amended by striking ''The position of Deputy Assistant Secretary of Commerce for Communications and Information, established in Department of Commerce Organization Order Numbered 10–10 (effective March 26, 1978),'' and inserting ''The position of Deputy Under Secretary of Commerce for Communications and Information, established under section 103(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)),''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—Section 344(d)(2) of the Communications Act of 1934 (as added by section 60602(a) of the Infrastructure Investment and Jobs Act (Public Law 117–58)) is amended by striking ''Assistant Secretary'' and inserting ''Under Secretary''.

(2) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.—The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(3) HOMELAND SECURITY ACT OF 2002.—Section 1805(d)(2) of the Homeland Security Act of 2002 (6 U.S.C. 575(d)(2)) is amended by striking ''Assistant Secretary for Communications and Information of the Department of Commerce'' and inserting ''Under Secretary of Commerce for Communications and Information''.

(4) AGRICULTURE IMPROVEMENT ACT OF 2018.—Section 6212 of the Agriculture Improvement Act of 2018 (7 U.S.C. 950bb–6) is amended—

(A) in subsection (d)(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(5) REAL ID ACT OF 2005.—Section 303 of the REAL ID Act of 2005 (8 U.S.C. 1721 note; Public Law 109–13) is repealed.

(6) BROADBAND DATA IMPROVEMENT ACT.—Section 214 of the Broadband Data Improvement Act (15 U.S.C. 6554) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''Assistant Secretary'' and inserting ''Under Secretary'';

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(7) ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.—Section 103(c) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7003(c)) is amended—

(A) by striking ''Exceptions'' and all that follows through ''DETERMINATIONS.—If'' and inserting ''EXCEPTIONS.—If''; and

(B) by striking ''such exceptions'' and inserting ''of the exceptions in subsections (a) and (b)''.

(8) TITLE 17, UNITED STATES CODE.—Section 1201 of title 17, United States Code, is amended—

(A) in subsection (a)(1)(C), in the matter preceding clause (i), by striking ''Assistant Secretary for Communications and Information of the Department of Commerce'' and inserting ''Under Secretary of Commerce for Communications and Information''; and

(B) in subsection (g), by striking paragraph (5).

(9) UNLOCKING CONSUMER CHOICE AND WIRELESS COMPETITION ACT.—Section 2(b) of the Unlocking Consumer Choice and Wireless Competition Act (17 U.S.C. 1201 note; Public Law 113–144) is amended by striking ''Assistant Secretary for Communications and Information of the Department of Commerce'' and inserting ''Under Secretary of Commerce for Communications and Information''.

(10) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 2201(d) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (42 U.S.C. 247d–3a note; Public Law 110–53) is repealed.

(11) COMMUNICATIONS SATELLITE ACT OF 1962.—Section 625(a)(1) of the Communications Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is amended, in the matter preceding subparagraph (A), by striking ''Assistant Secretary'' and inserting ''Under Secretary of Commerce''.

(12) SPECTRUM PIPELINE ACT OF 2015.—The Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note; title X of Public Law 114–74) is amended—

(A) in section 1002(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(13) WARNING, ALERT, AND RESPONSE NETWORK ACT.—Section 606 of the Warning, Alert, and Response Network Act (47 U.S.C. 1205) is amended—

(A) in subsection (b), in the first sentence, by striking ''Assistant Secretary of Commerce for Communications and Information'' and inserting ''Under Secretary of Commerce for Communications and Information''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(14) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305) is amended by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(15) MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.—Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401 et seq.) is amended—

(A) in section 6001 (47 U.S.C. 1401)—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) through (31) as paragraphs (4) through (30), respectively; and

(iii) by inserting after paragraph (30), as so redesignated, the following:

''(31) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Communications and Information.'';

(B) in subtitle D (47 U.S.C. 1451 et seq.)—

(i) in section 6406 (47 U.S.C. 1453)—

(I) by striking subsections (b) and (c); and

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

''(b) DEFINITION.—In this section, the term '5350 -5470 MHz band' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.''; and

(ii) by striking section 6408; and

(C) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(16) RAY BAUM'S ACT OF 2018.—The RAY BAUM'S Act of 2018 (division P of Public Law 115–141; 132 Stat. 348) is amended by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(17) SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019.—Section 8 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607) is amended—

(A) in subsection (c)(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(18) TITLE 51, UNITED STATES CODE.—Section 50112(3) of title 51, United States Code, is amended, in the matter preceding subparagraph (A), by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(19) CONSOLIDATED APPROPRIATIONS ACT, 2021.—The Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1182) is amended—

(A) in title IX of division N—

(i) in section 902(a)(2) (47 U.S.C. 1306(a)(2)), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(ii) in section 905 (47 U.S.C. 1705)—

(I) in subsection (a)(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(II) in subsection (c)(3)(B), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(III) in subsection (d)(2)(B), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(iii) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''; and

(B) in title IX of division FF—

(i) in section 903(g)(2), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(ii) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(20) INFRASTRUCTURE INVESTMENT AND JOBS ACT.—The Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429) is amended—

(A) in section 27003, by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary'';

(B) in division F—

(i) in section 60102 (47 U.S.C. 1702)—

(I) in subsection (a)(2)(A), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(II) in subsection (d)(1), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(III) in subsection (h)—

(aa) in paragraph (1)(B), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(bb) in paragraph (5)(B)(iii), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(ii) in title III—

(I) in section 60302(5) (47 U.S.C. 1721(5)), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(II) in section 60305(d)(2)(B)(ii) (47 U.S.C. 1724(d)(2)(B)(ii)), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(iii) in section 60401(a)(2) (47 U.S.C. 1741(a)(2)), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(iv) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary'';

(C) in section 90008(b)(3) (47 U.S.C. 921 note), by striking ''Assistant Secretary'' and inserting ''Under Secretary''; and

(D) in division J, in title I, in the matter under the heading ''DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM'' under the heading ''RURAL UTILITIES SERVICE'' under the heading ''RURAL DEVELOPMENT PROGRAMS'', by striking ''Assistant Secretary'' and inserting ''Under Secretary''.

(e) CONTINUATION IN OFFICE.—The individual serving as the Assistant Secretary of Commerce for Communications and Information and the individual serving as the Deputy Assistant Secretary of Commerce for Communications and Information on the day before the date of enactment of this Act may serve as the Under Secretary of Commerce for Communications and Information and the Deputy Under Secretary of Commerce for Communications and Information, respectively, on and after that date without the need for renomination or reappointment.

(f) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary of Commerce for Communications and Information is deemed to refer to the Under Secretary of Commerce for Communications and Information.

(g) SAVINGS PROVISIONS.—

(1) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(A) that have been issued, made, granted, or allowed to become effective by the Assistant Secretary of Commerce for Communications and Information, any officer or employee of the National Telecommunications and Information Administration, or any other Government official, or by a court of competent jurisdiction; and

(B) that are in effect on the date of enactment of this Act (or become effective after that date pursuant to their terms as in effect on that date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(2) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Assistant Secretary of Commerce for Communications and Information shall abate by reason of the enactment of this subtitle and the amendments made by this subtitle.

(3) PROCEEDINGS.—This subtitle, and the amendments made by this subtitle, shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of enactment of this Act before the National Telecommunications and Information Administration, but those proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subtitle had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this subtitle had not been enacted.

(4) SUITS.—This subtitle, and the amendments made by this subtitle, shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subtitle, and the amendments made by this subtitle, had not been enacted.

Subtitle C—Creation of a Spectrum Pipeline

SEC. ____31. CREATION OF A SPECTRUM PIPELINE.

(a) DEFINITIONS.—In this section:

(1) AFFECTED FEDERAL ENTITY.—The term ''affected Federal entity'' means a Federal entity—

(A) with operations in the band of frequencies described in subsection (b)(1)(A) or with future planned operations in the band of frequencies described in subsection (b)(1)(B); and

(B) that the Under Secretary determines might be affected by a reallocation, or another action to expand spectrum access, in a band described in subparagraph (A).

(2) CO-LEAD.—The term ''co-lead'' means an official who—

(A) is the head of a Federal entity—

(i) with operations in the band of frequencies described in subsection (b)(1)(A) or with future planned operations in the band of frequencies described in subsection (b)(1)(B); and

(ii) that the Under Secretary determines might be affected by a reallocation, or another action to expand spectrum access, in a band of frequencies described in subsection (b)(1); and

(B) elects to serve as a co-lead of the feasibility assessment required under subsection (b).

(3) FEDERAL ENTITY.—The term ''Federal entity'' has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(b) FEASIBILITY ASSESSMENT.—

(1) COMPLETION OF ASSESSMENT.—The Secretary of Commerce, acting through the Under Secretary, with the assistance of the co-leads, shall complete a feasibility assessment of making spectrum available for—

(A) non-Federal use, shared Federal and non-Federal use, or a combination thereof, in the bands of frequencies between 7125 and 8400 megahertz, inclusive; and

(B) shared Federal and non-Federal use in the bands of frequencies between 37000 and 37600 megahertz, inclusive.

(2) OTHER REQUIREMENTS.—In conducting the feasibility assessment required under paragraph (1), the Under Secretary, with the assistance of the co-leads, shall—

(A) coordinate directly with each affected Federal entity with respect to frequencies allocated to, and used by, that affected Federal entity in the bands described in that paragraph and in affected adjacent or near adjacent bands;

(B) ensure that each affected Federal entity leads that portion of the feasibility assessment that is relevant to individual mission requirements of the affected Federal entity for the systems supported by the incumbent spectrum assignments in an applicable band of frequencies;

(C) consider dynamic spectrum sharing and, for the bands of frequencies described in paragraph (1)(A), relocation of systems, compression or re-packing of systems, consolidation of systems, and any other re-purposing options the Under Secretary, with the assistance of the co-leads, determines will enable the most efficient and effective use of frequencies considered under that paragraph; and

(D) comply with the requirements of section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(3) ASSISTANCE FROM AFFECTED FEDERAL ENTITIES.—Each affected Federal entity shall provide any assistance that the Under Secretary and the co-leads determine necessary in order to carry out the assessment required under this subsection.

(4) DEADLINE FOR COMPLETION OF ASSESSMENT.—The Under Secretary and the co-leads shall complete the assessment required under this subsection—

(A) if affected Federal entities submit requests for funding under subsection (c)(1), not later than 2 years after the date on which all such requests for funding have been approved or denied; and

(B) if no affected Federal entity submits a request for funding under subsection (c)(1), not later than 850 days after the date of enactment of this Act.

(c) FUNDING OF ACTIVITIES TO ASSIST IN CONDUCTING FEASIBILITY ASSESSMENT.—

(1) IN GENERAL.—If an affected Federal entity determines that the affected Federal entity requires funding to conduct activities described in section 118(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)) that are necessary to assist the Under Secretary and the co-leads in carrying out the assessment required under subsection (b), the affected Federal entity shall, not later than 120 days after the date of enactment of this Act, submit a request for payment pursuant to such section 118(g).

(2) EXEMPTION.—Section 118(g)(2)(D)(ii) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(D)(ii)) shall not apply with respect to a payment requested under paragraph (1).

(d) REPORT TO THE COMMISSION AND CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Under Secretary and the co-leads complete the feasibility assessment required under subsection (b), and subject to the other requirements of this subsection, the Under Secretary shall submit to the Commission and Congress a report regarding that assessment.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) which Federal entities are affected Federal entities and the contributions of those affected Federal entities to the feasibility assessment required under subsection (b);

(B) the necessary steps to make the bands of frequencies considered under subsection (b)(1)(A) available for non-Federal use, shared Federal and non-Federal use, or a combination thereof, including—

(i) the technical requirements necessary to make those bands of frequencies available for—

(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use; and

(ii) an estimate of the cost to affected Federal entities to make the bands of frequencies considered under subsection (b)(1)(A) available for—

(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use;

(C) the necessary steps to make the bands of frequencies considered under subsection (b)(1)(B) available for shared Federal and non-Federal use, including the technical requirements necessary to make those bands so available and an estimate of the cost to affected Federal entities to make those bands so available;

(D) an assessment of the likelihood that authorizing mobile or fixed terrestrial operations in any of the frequencies considered under subsection (b)(1)(B) would result in harmful interference to an affected Federal entity; and

(E) an assessment of the potential impact that authorizing mobile or fixed terrestrial wireless operations, including advanced mobile services operations, in any of the frequencies considered under subsection (b) could have on the mission of an affected Federal entity.

(3) PUBLIC AVAILABILITY.—The Under Secretary shall ensure that all information in the report submitted under this subsection that is permitted to be released to the public is made available on the public website of the National Telecommunications and Information Administration.

(4) CLASSIFIED INFORMATION.—If there is classified material in the report submitted under this subsection, the Under Secretary shall—

(A) provide the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and each other committee of Congress with jurisdiction over affected Federal entities with operations in the applicable bands of frequencies with a briefing on the classified components of that report; and

(B) transmit at least 1 copy of both the classified report and the classified annexes to the sensitive compartmented information facilities of the Senate and House of Representatives.

(5) PREPARATION OF REPORT.—Before finalizing the report required under this subsection with respect to the feasibility assessment required under subsection (b), the Under Secretary shall—

(A) submit the report for review by the Spectrum Advisory Council; and

(B) resolve any disputes regarding the feasibility assessment through the interagency process described in the national security memorandum of the President entitled ''Memorandum on Renewing the National Security Council System'', issued on February 4, 2021.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the disclosure of classified information, law enforcement sensitive information, or other information reflecting technical, procedural, or policy concerns subject to protection under section 552 of title 5, United States Code.

(e) REPORTS ON FUTURE FEASIBILITY ASSESSMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Under Secretary completes any feasibility assessment with respect to bands of electromagnetic spectrum (other than the assessment required under subsection (b)), the Under Secretary shall submit to the Commission and Congress a report regarding that assessment.

(2) CONTENTS.—Each report required under paragraph (1) shall include, with respect to the applicable feasibility assessment described in that paragraph—

(A) the Federal entities identified by the Assistant Secretary with equities in the bands with respect to frequencies allocated to, and used by, those Federal entities and the contributions of those Federal entities to that feasibility assessment;

(B) the necessary steps to make the bands of frequencies considered under that feasibility assessment available for non-Federal use, shared Federal and non-Federal use, or a combination thereof, including—

(i) the technical requirements necessary to make bands in the frequencies considered under that feasibility assessment available for—

(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use; and

(ii) an estimate of the cost to Federal entities affected by making bands in the frequencies considered under that feasibility assessment available for—

(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use;

(C) an assessment of the likelihood that authorizing mobile or fixed terrestrial operations in any of the frequencies considered under that feasibility assessment would result in harmful interference to a Federal entity; and

(D) an assessment of the potential impact that authorizing mobile or fixed terrestrial wireless operations, including advanced mobile services operations, in any of the frequencies considered under that feasibility assessment could have on the mission of a Federal entity.

(3) PUBLIC AVAILABILITY.—The Under Secretary shall ensure that all information in a report submitted under this subsection that may be released to the public is made available on the public website of the National Telecommunications and Information Administration.

(4) CLASSIFIED INFORMATION.—If there is classified material in a report submitted under this subsection, the Under Secretary shall—

(A) provide the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and each other committee of Congress with jurisdiction over Federal entities with equities in the applicable bands of frequencies with a briefing on the classified components of that report; and

(B) transmit at least 1 copy of both the classified report and the classified annexes to the sensitive compartmented information facilities of the Senate and House of Representatives.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the disclosure of classified information, law enforcement sensitive information, or other information reflecting technical, procedural, or policy concerns subject to protection under section 552 of title 5, United States Code.

SEC. ___32. SPECTRUM AUCTIONS.

Not later than December 30, 2027, the Commission shall complete a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the band of frequencies between 12700 megahertz and 13250 megahertz, inclusive.

Subtitle D—Extension of FCC Auction Authority

SEC. ___41. EXTENSION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''March 9, 2023'' and inserting ''September 30, 2029''.

Subtitle E—Workforce Development

CHAPTER 1—IMPROVING MINORITY PARTICIPATION

SEC. ___51. SHORT TITLE.

This chapter may be cited as the ''Improving Minority Participation And Careers in Telecommunications Act'' or the ''IMPACT Act''.

SEC. ___52. DEFINITIONS.

(a) DEFINITIONS.—In this chapter:

(1) COVERED GRANT.—The term ''covered grant'' means a grant awarded under section ___53.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a historically Black college or university, a Tribal College or University, or any other minority-serving institution, or a consortium of those entities, that forms a partnership with 1 or more of the following entities to carry out a training program:

(A) A member of the telecommunications industry, such as a company or industry association.

(B) A labor or labor-management organization with experience working in the telecommunications industry, the electromagnetic spectrum industry, or a similar industry.

(C) The Telecommunications Industry Registered Apprenticeship Program.

(D) A nonprofit organization dedicated to helping individuals gain employment in the telecommunications or electromagnetic spectrum industry.

(E) A community or technical college with experience in providing workforce development for individuals seeking employment in the telecommunications industry, electromagnetic spectrum industry, or a similar industry.

(F) A Federal agency laboratory specializing in telecommunications or electromagnetic spectrum technology that is located within the National Telecommunications and Information Administration.

(3) GRANT PROGRAM.—The term ''Grant Program'' means the Telecommunications Workforce Training Grant Program established under section ___53.

(4) HISPANIC-SERVING INSTITUTION.—The term ''Hispanic-serving institution'' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(5) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or 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).

(6) IMPROPER PAYMENT.—The term ''improper payment'' has the meaning given the term in section 2(d) of the Improper Payments Information Act of 2002 (Public Law 107–300; 116 Stat. 2351).

(7) INDUSTRY FIELD ACTIVITY.—The term ''industry field activity'' means an activity at an active telecommunications, cable, or broadband network worksite, such as a tower, construction site, or network management hub.

(8) INDUSTRY PARTNER.—The term ''industry partner'' means an entity described in any of subparagraphs (A) through (F) of paragraph (2) with which an eligible entity forms a partnership to carry out a training program.

(9) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an eligible institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(10) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(11) TRAINING PROGRAM.—The term ''training program'' means a credit or non-credit program developed by an eligible entity, in partnership with an industry partner, that—

(A) is designed to educate and train students to participate in the telecommunications or electromagnetic spectrum workforce; and

(B) includes a curriculum and apprenticeship or internship opportunity that can also be paired with—

(i) a degree program; or

(ii) stacked credentialing toward a degree.

(12) 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. ___53. PROGRAM.

(a) PROGRAM.—The Under Secretary, acting through the Director of the Office of Minority Broadband Initiatives established under section 902(b)(1) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1306), shall establish a program, to be known as the ''Telecommunications Workforce Training Grant Program'', under which the Under Secretary shall award grants to eligible entities to develop training programs.

(b) APPLICATION.—

(1) IN GENERAL.—An eligible entity desiring a covered grant shall submit to the Under Secretary an application at such time, in such manner, and containing such information as the Under Secretary may require.

(2) CONTENTS.—An eligible entity shall include in an application submitted under paragraph (1)—

(A) a commitment from the industry partner of the eligible entity to collaborate with the eligible entity to develop a training program, including curricula and internships or apprenticeships;

(B) a description of how the eligible entity plans to use the covered grant funds, including the type of training program the eligible entity plans to develop;

(C) a plan for recruitment of students and potential students to participate in the applicable training program;

(D) a plan to increase female student participation in the applicable training program;

(E) a description of potential jobs to be secured through the applicable training program, including jobs in the communities surrounding the eligible entity; and

(F) a description of how the eligible entity will meet the short-term and long-term goals established under subsection (e)(2) and performance metrics established under that subsection.

(c) USE OF FUNDS.—An eligible entity may use covered grant funds, with respect to the training program of the eligible entity, to—

(1) hire faculty members to teach courses in the applicable training program;

(2) train faculty members to prepare students for employment in jobs related to the deployment of next-generation wired and wireless communications networks, including 5G networks, hybrid fiber-coaxial networks, and fiber infrastructure, particularly in—

(A) broadband, electromagnetic spectrum, or wireless network engineering;

(B) network deployment and maintenance; and

(C) industry field activities;

(3) design and develop curricula and other components necessary for degrees, courses, or programs of study, including certificate programs and credentialing programs, that comprise the training program;

(4) pay for costs associated with instruction under the training program, including the costs of equipment, telecommunications training towers, laboratory space, classroom space, and instructional field activities;

(5) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities in the areas described in paragraph (2);

(6) recruit students for the training program; and

(7) support the enrollment in the training program of individuals working in the telecommunications or electromagnetic spectrum industry in order for those individuals to advance professionally in the industry.

(d) GRANT AWARDS.—

(1) DEADLINE.—Not later than 2 years after the date on which amounts are made available to carry out this section, the Under Secretary shall award all covered grants.

(2) MINIMUM ALLOCATION TO CERTAIN ENTITIES.—Of the total amount of covered grants made under this section, the Under Secretary shall award not less than—

(A) 20 percent of covered grant amounts to eligible entities that include historically Black colleges or universities;

(B) 20 percent of covered grant amounts to eligible entities that include Tribal Colleges or Universities; and

(C) 20 percent of covered grant amounts to eligible entities that include Hispanic-serving institutions.

(3) COORDINATION.—The Under Secretary shall ensure that covered grant amounts awarded under paragraph (2) are coordinated with grant amounts provided under section 902 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1306).

(4) CONSTRUCTION.—In awarding covered grants for education relating to construction, the Under Secretary may prioritize applications that partner with registered apprenticeship programs, industry-led apprenticeship programs, pre-apprenticeship programs, other work-based learning opportunities, or public 2-year community or technical colleges that have a written agreement with 1 or more registered apprenticeship programs, industry-led apprenticeship programs, pre-apprenticeship programs, or other work-based learning opportunities.

(e) RULES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, after providing public notice and an opportunity to comment, the Under Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall issue final rules governing the Grant Program.

(2) CONTENT OF RULES.—In the rules issued under paragraph (1), the Under Secretary shall—

(A) establish short term and long-term goals for an eligible entity that receives a covered grant;

(B) establish performance metrics that demonstrate whether the goals described in paragraph (1) have been met by an eligible entity;

(C) identify the steps the Under Secretary will take to award covered grants through the Grant Program if the demand for covered grants exceeds the amount appropriated to carry out the Grant Program; and

(D) develop criteria for evaluating applications for covered grants.

(f) TERM.—The Under Secretary shall establish the term of a covered grant, which may not be less than 5 years.

(g) GRANTEE REPORTS.—During the term of a covered grant received by an eligible entity, the eligible entity shall submit to the Under Secretary a semiannual report that, with respect to the preceding 180-day period—

(1) describes how the eligible entity used the covered grant amounts;

(2) describes the progress the eligible entity made in developing and executing the applicable training program;

(3) describes the number of faculty and students participating in the applicable training program;

(4) describes the partnership with the industry partner of the eligible entity, including—

(A) the commitments and in-kind contributions made by the industry partner; and

(B) the role of the industry partner in curriculum development, the degree program, and internships and apprenticeships;

(5) includes data on internship, apprenticeship, and employment opportunities and placements; and

(6) provides information determined necessary by Under Secretary to—

(A) measure progress toward the goals established under subsection (e)(2)(A); and

(B) assess whether the goals described in subparagraph (A) are being met.

(h) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce shall audit the Grant Program in order to—

(A) ensure that eligible entities use covered grant amounts in accordance with the requirements of this section, including the purposes for which covered grants may be used, as described in subsection (c); and

(B) prevent waste, fraud, abuse, and improper payments in the operation of the Grant Program.

(2) REVOCATION OF FUNDS.—The Under Secretary shall revoke a covered grant awarded to an eligible entity if the eligible entity is not in compliance with the requirements of this section, including if the eligible entity uses the grant for a purpose that is not in compliance with subsection (c).

(3) AUDIT FINDINGS.—Any finding by the Inspector General of the Department of Commerce under paragraph (1) of waste, fraud, or abuse in the Grant Program, or that an improper payment has been made with respect to the Grant Program, shall identify the following:

(A) Any entity within the eligible entity that committed the applicable act.

(B) The amount of funding made available from the Grant Program to the eligible entity.

(C) The amount of funding determined to be an improper payment to an eligible entity, if applicable.

(4) NOTIFICATION OF AUDIT FINDINGS.—Not later than 7 days after making a finding under paragraph (1) of waste, fraud, or abuse in the Grant Program, or that an improper payment has been made with respect to the Grant Program, the Inspector General of the Department of Commerce shall concurrently notify the Under Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of that finding, which shall include the information identified under paragraph (3) with respect to the finding.

(5) FRAUD RISK MANAGEMENT.—The Under Secretary shall, with respect to the Grant Program—

(A) designate an entity within the Office of Minority Broadband Initiatives to lead fraud risk management activities;

(B) ensure that the entity designated under subparagraph (A) has defined responsibilities and the necessary authority to serve the role of the entity;

(C) conduct risk-based monitoring and evaluation of fraud risk management activities with a focus on outcome measurement;

(D) collect and analyze data from reporting mechanisms and instances of detected fraud for real-time monitoring of fraud trends;

(E) use the results of the monitoring, evaluations, and investigations to improve fraud prevention, detection, and response;

(F) plan regular fraud risk assessments and assess risks to determine a fraud risk profile;

(G) develop, document, and communicate an antifraud strategy, focusing on preventative control activities;

(H) consider the benefits and costs of controls to prevent and detect potential fraud and develop a fraud response plan; and

(I) establish collaborative relationships with stakeholders and create incentives to help ensure effective implementation of the antifraud strategy.

(i) ANNUAL REPORT TO CONGRESS.—Until the year in which all covered grants have expired, the Under Secretary shall submit to Congress an annual report that, for the year covered by the report—

(1) identifies each eligible entity that received a covered grant and the amount of the covered grant;

(2) describes the progress each eligible entity described in paragraph (1) has made toward accomplishing the overall purpose of the Grant Program, as described in subsection (c);

(3) summarizes the job placement status or apprenticeship opportunities of students who have participated in each training program;

(4) includes the findings of any audits conducted by the Inspector General of the Department of Commerce under subsection (h)(1) that were not included in the previous report submitted under this subsection; and

(5) includes information on—

(A) the progress of each eligibly entity towards the short-term and long-term goals established under subsection (e)(2)(A); and

(B) the performance of each eligible entity with respect to the performance metrics described in subsection (e)(2)(B).

CHAPTER 2—NATIONAL SPECTRUM WORKFORCE PLAN

SEC. ___55. NATIONAL SPECTRUM WORKFORCE PLAN.

(a) NATIONAL SPECTRUM WORKFORCE PLAN.—Not later than 1 year after the date of enactment of this Act, the Under Secretary, in coordination with the Executive Office of the President, and in consultation with the heads of the member agencies of the Spectrum Advisory Council and the stakeholders described in subsection (b), shall develop a National Spectrum Workforce Plan to—

(1) understand the spectrum workforce development needs for the United States;

(2) prioritize the development of, and enhancement to, the spectrum ecosystem workforce, including the operational, technical, and policy positions involved in spectrum-related activities; and

(3) consider strategies and methods to encourage the development of spectrum engineering training programs, work-study programs, and trade school certification programs to strengthen the spectrum workforce ecosystem.

(b) STAKEHOLDER ENGAGEMENT.—The Under Secretary, in coordination with the Executive Office of the President, shall use the collaborative framework established under section ___11(d) to collect input from stakeholders, including academia, Federal agencies, Tribal Nations, and industry, to identify the education and training programs necessary to equip the existing workforce, and prepare the future workforce, to meet the evolving spectrum-related workforce demands.

(c) UPDATES.—Not later than 3 years after the date of enactment of this Act, and once every 4 years thereafter (or more frequently, as appropriate, as determined by the Under Secretary), the Under Secretary, in coordination with the Executive Office of the President, shall update the National Spectrum Workforce Plan developed under subsection (a).

(d) REPORT TO CONGRESS.—The Under Secretary shall submit to Congress the National Spectrum Workforce Plan established subsection (a) and any updates to that Plan made under subsection (c).

Subtitle F—Spectrum Auction Trust Fund

SEC. ___61. DEFINITION.

In this subtitle, the term ''covered auction'' means a system of competitive bidding—

(1) conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this title, that commences during the period beginning on March 9, 2023, and ending on September 30, 2029;

(2) conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this title, for the band of frequencies between 12700 megahertz and 13250 megahertz, inclusive, on or after the date of enactment of this Act;

(3) that involves a band of frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) and is conducted on or after the date of enactment of this Act; or

(4) with respect to which the Commission shares with a licensee a portion of the proceeds, as described in paragraph (8)(G) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this title, and that is conducted on or after the date of enactment of this Act.

SEC. ___62. SPECTRUM AUCTION TRUST FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ''Spectrum Auction Trust Fund'' (referred to in this section as the ''Fund'') for the purposes described in subparagraphs (A) through (J) of subsection (c)(1).

(2) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts deposited in the Fund shall remain available until expended.

(b) DEPOSIT OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, except section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), the proceeds (including deposits and upfront payments from successful bidders) from any covered auction shall be deposited or available as follows:

(A) With respect to a covered auction described in paragraph (3) or (4) of section ___61, the proceeds of the covered auction shall be deposited or available as follows:

(i) With respect to a covered auction described in section ___61(3)—

(I) such amount of those proceeds as is necessary to cover 110 percent of the relocation or sharing costs (as defined in subsection (g)(3) of section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923)) of Federal entities (as defined in subsection (l) of such section 113) relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act (47 U.S.C. 928); and

(II) any remaining proceeds after making the deposit described in subclause (I) shall be deposited in accordance with subsection (c).

(ii) With respect to a covered auction described in section ___61(4)—

(I) such amount of those proceeds as the Commission has agreed to share with licensees under section 309(j)(8)(G) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(G)) shall be shared with those licensees; and

(II) any remaining proceeds after sharing proceeds, as described in subclause (I), shall be deposited in accordance with subsection (c).

(B) After carrying out subparagraph (A) (if that subparagraph is applicable to the covered auction), $2,000,000,000 of the proceeds of the covered auction shall be deposited in the general fund of the Treasury, where those proceeds shall be dedicated for the sole purpose of deficit reduction.

(C) Any proceeds of the covered auction that remain after carrying out subparagraphs (A) and (B) shall be deposited in accordance with subsection (c).

(2) PROCEEDS OF SPECTRUM PIPELINE ACT OF 2015 AUCTION.—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law (including paragraph (1)), the proceeds of the system of competitive bidding required under section 1004 of the Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note) shall be deposited or available as follows:

(A) If that system of competitive bidding is a covered auction described in paragraph (3) or (4) of section ___61, the proceeds of the system of competitive bidding shall be deposited or available as follows:

(i) With respect to a covered auction described in section ___61(3), such amount of those proceeds as is necessary to cover 110 percent of the relocation or sharing costs (as defined in subsection (g)(3) of section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923)) of Federal entities (as defined in subsection (l) of such section 113) relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act (47 U.S.C. 928).

(ii) With respect to a covered auction described in section ___61(4), such amount of those proceeds as the Commission has agreed to share with licensees under section 309(j)(8)(G) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(G)) shall be shared with those licensees.

(B) After carrying out subparagraph (A) (if that subparagraph is applicable to that system of competitive bidding), $300,000,000 of the proceeds of that system of competitive bidding shall be deposited in the general fund of the Treasury, where those proceeds shall be dedicated for the sole purpose of deficit reduction.

(C) Any proceeds of that system of competitive bidding that remain after carrying out subparagraphs (A) and (B) shall be deposited in accordance with subsection (c).

(c) DEPOSIT OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (except for subsection (b)), an aggregate total amount of $22,805,000,000 of the proceeds of covered auctions that remain after carrying out that subsection shall be deposited in the Fund as follows:

(A) 10 percent of those remaining amounts, but not more than $3,080,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (d)(1)(A).

(B) 10 percent of those remaining amounts, but not more than $7,000,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (d)(1)(B).

(C) 10 percent of those remaining amounts, but not more than $2,000,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (e)(1)(A).

(D) 10 percent of those remaining amounts, but not more than $3,000,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (e)(1)(B).

(E) 10 percent of those remaining amounts, but not more than $3,300,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (e)(1)(C).

(F) 10 percent of those remaining amounts, but not more than $1,700,000,000 cumulatively, shall be transferred to the general

fund of the Treasury to reimburse the amount borrowed under subsection (e)(1)(D).

(G) 10 percent of those remaining amounts, but not more than $200,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (f).

(H) 10 percent of those remaining amounts, but not more than $2,000,000,000 cumulatively, shall be made available to the Under Secretary, to remain available until expended, to carry out sections 159, 160, and 161 of the National Telecommunications and Information Administration Organization Act, as added by section ____81 of this title, except that not more than 4 percent of the amount made available under this subparagraph may be used for administrative purposes (including carrying out such sections 160 and 161).

(I) 10 percent of those remaining amounts, but not more than $500,000,000 cumulatively, shall be made available to the Under Secretary to carry out the Telecommunications Workforce Training Grant Program established under section ____53.

(J) 10 percent of those remaining amounts, but not more than $25,000,000 cumulatively, shall be made available to the Under Secretary and the Secretary of Defense for the purpose of research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of spectrum use of the Department of Defense.

(2) DISTRIBUTION.—If the maximum amount permitted under any subparagraph of paragraph (1) is reached, whether through covered auction proceeds or appropriations to the program specified in that subparagraph, any remaining proceeds from the amount of proceeds of covered auctions described in that paragraph shall be deposited pro rata based on the original distribution to all subparagraphs of paragraph (1) for which the maximum amount permitted has not been met.

(3) DEFICIT REDUCTION.—After the amounts required to be made available by paragraphs (1) and (2) are so made available, any remaining amounts shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(d) FCC BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to the limitation under paragraph (2), not later than 90 days after the date of enactment of this Act, the Commission may borrow from the Treasury of the United States an amount not to exceed—

(A) $3,080,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.); and

(B) $7,000,000,000 to carry out section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752).

(2) LIMITATION.—The Commission may not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2033.

(e) DEPARTMENT OF COMMERCE BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to the limitation under paragraph (2), not later than 90 days after the date of enactment of this Act, the Secretary of Commerce may borrow from the Treasury of the United States an amount not to exceed—

(A) $2,000,000,000 to carry out section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722a);

(B) $3,000,000,000 for the fund established under section 102(a) of the CHIPS Act of 2022 (Public Law 117–167), which shall be used to carry out section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652);

(C) $3,300,000,000 to be made available to the Director of the National Science Foundation to carry out research and related activities, of which—

(i) $1,650,000,000 shall be for the Directorate for Technology, Innovation, and Partnerships established under section 10381 of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19101); and

(ii) $1,650,000,000 shall be used to carry out other research and related activities for which amounts are authorized to be appropriated under section 10303 of the Research and Development, Competition, and Innovation Act (Public Law 117–167); and

(D) $1,700,000,000 to be made available to the Under Secretary of Commerce for Standards and Technology, of which—

(i) $1,475,000,000 shall be used to carry out scientific and technical research and services laboratory activities for which amounts are authorized to be appropriated under section 10211 of the Research and Development, Competition, and Innovation Act (Public Law 117–167); and

(ii) $225,000,000 shall be used for Safety, Capacity, Maintenance, and Major Repairs for which amounts are authorized to be appropriated under section 10211 of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(2) LIMITATION.—The Secretary of Commerce may not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2033.

(f) NTIA BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to the limitation under paragraph (2), not later than 90 days after the date of enactment of this Act, the Under Secretary may borrow from the Treasury of the United States an amount not to exceed $200,000,000 to carry out the program established under section ____92.

(2) LIMITATION.—The Under Secretary may not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2033.

(g) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until funds are fully expended, the heads of the agencies to which funds are made available under each subparagraph of subsection (c)(1) 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 amount transferred or made available under the applicable subparagraph.

Subtitle G—Secure and Trusted Communications Networks Reimbursement Program

SEC. ____71. INCREASE IN LIMITATION ON EXPENDITURE.

Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking ''$1,900,000,000'' and inserting ''$4,980,000,000''.

Subtitle H—Next Generation 9–1–1

SEC. ____81. FURTHER DEPLOYMENT AND COORDINATION OF NEXT GENERATION 9–1–1.

Part C of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following:

''SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) DUTIES OF UNDER SECRETARY WITH RESPECT TO NEXT GENERATION 9–1–1.—

''(1) IN GENERAL.—The Under Secretary, after consulting with the Administrator, shall—

''(A) take actions, in coordination with State points of contact described in subsection (c)(3)(A)(ii) as applicable, to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

''(B) develop, collect, and disseminate information concerning the practices, procedures, and technology used in the implementation of Next Generation 9–1–1;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (c)(3)(A)(iii);

''(D) provide technical assistance to eligible entities provided a grant under subsection (c) in support of efforts to explore efficiencies related to Next Generation 9–1–1;

''(E) review and approve or disapprove applications for grants under subsection (c); and

''(F) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(2) ANNUAL REPORTS.—Not later than October 1, 2025, and each year thereafter until funds made available to make grants under subsection (c) are no longer available to be expended, the Under Secretary shall submit to Congress a report on the activities conducted by the Under Secretary under paragraph (1) in the year preceding the submission of the report.

''(3) ASSISTANCE.—The Under Secretary may seek the assistance of the Administrator in carrying out the duties described in subparagraphs (A) through (D) of paragraph (1) as the Under Secretary determines necessary.

''(b) ADDITIONAL DUTIES.—

''(1) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Under Secretary, after consulting with the Administrator, shall develop a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of the grant program; and

''(ii) funding profiles for each fiscal year of the duration of the grant program.

''(B) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this section, the Under Secretary shall—

''(i) submit the management plan developed under subparagraph (A) to—

''(I) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

''(II) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives;

''(ii) publish the management plan on the website of the National Telecommunications and Information Administration; and

''(iii) provide the management plan to the Administrator for the purpose of publishing the management plan on the website of the National Highway Traffic Safety Administration.

''(2) MODIFICATION OF PLAN.—

''(A) MODIFICATION.—The Under Secretary, after consulting with the Administrator, may modify the management plan developed under paragraph (1)(A).

''(B) SUBMISSION.—Not later than 90 days after the plan is modified under subparagraph (A), the Under Secretary shall—

''(i) submit the modified plan to—

''(I) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

''(II) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives;

''(ii) publish the modified plan on the website of the National Telecommunications and Information Administration; and

''(iii) provide the modified plan to the Administrator for the purpose of publishing the modified plan on the website of the National Highway Traffic and Safety Administration.

''(c) NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) GRANTS.—The Under Secretary shall provide grants to eligible entities for—

''(A) implementing Next Generation 9–1–1;

''(B) maintaining Next Generation 9–1–1;

''(C) training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed—

''(i) 3 percent of the total grant award for eligible entities that are not Tribes; and

''(ii) 5 percent of the total grant award for eligible entities that are Tribes;

''(D) public outreach and education on how the public can best use Next Generation 9–1–1 and the capabilities and usefulness of Next Generation 9–1–1;

''(E) administrative costs associated with planning of Next Generation 9–1–1, including any cost related to planning for and preparing an application and related materials as required by this subsection, if—

''(i) the cost is fully documented in materials submitted to the Under Secretary; and

''(ii) the cost is reasonable and necessary and does not exceed—

''(I) 1 percent of the total grant award for eligible entities that are not Tribes; and

''(II) 2 percent of the total grant award for eligible entities that are Tribes; and

''(F) costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.

''(2) APPLICATION.—In providing grants under paragraph (1), the Under Secretary, after consulting with the Administrator, shall require an eligible entity to submit to the Under Secretary an application, at the time and in the manner determined by the Under Secretary, containing the certification required by paragraph (3).

''(3) COORDINATION REQUIRED.—An eligible entity shall include in the application required by paragraph (2) a certification that—

''(A) in the case of an eligible entity that is a State, the entity—

''(i) has coordinated the application with the emergency communications centers located within the jurisdiction of the entity;

''(ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for the State, except that the designation need not vest the officer or governmental body with direct legal authority to implement Next Generation 9–1–1 or to manage emergency communications operations; and

''(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

''(I) ensures interoperability by requiring the use of commonly accepted standards;

''(II) ensures reliability;

''(III) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

''(IV) incorporates cybersecurity tools, including intrusion detection and prevention measures;

''(V) includes strategies for coordinating cybersecurity information sharing between Federal, State, Tribal, and local government partners;

''(VI) uses open and competitive request for proposal processes, including through shared government procurement vehicles, for deployment of Next Generation 9–1–1;

''(VII) documents how input was received and accounted for from relevant rural and urban emergency communications centers, regional authorities, local authorities, and Tribal authorities;

''(VIII) includes a governance body or bodies, either by creation of new, or use of existing, body or bodies, for the development and deployment of Next Generation 9–1–1 that—

''(aa) ensures full notice and opportunity for participation by relevant stakeholders; and

''(bb) consults and coordinates with the State point of contact required by clause (ii);

''(IX) creates efficiencies related to Next Generation 9–1–1 functions, including cybersecurity and the virtualization and sharing of infrastructure, equipment, and services; and

''(X) utilizes an effective, competitive approach to establishing authentication, credentialing, secure connections, and access in deploying Next Generation 9–1–1, including by—

''(aa) requiring certificate authorities to be capable of cross-certification with other authorities;

''(bb) avoiding risk of a single point of failure or vulnerability; and

''(cc) adhering to Federal agency best practices such as those promulgated by the National Institute of Standards and Technology; and

''(B) in the case of an eligible entity that is a Tribe, the entity has complied with clauses (i) and (iii) of subparagraph (A) (except for subclause (VIII)(bb) of such clause (iii)).

''(4) CRITERIA.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Under Secretary, after consulting with the Administrator, shall issue rules, after providing the public with notice and an opportunity to comment, establishing the criteria for selecting eligible entities for grants under this subsection.

''(B) REQUIREMENTS.—The criteria established under subparagraph (A) shall—

''(i) include performance requirements and a schedule for completion of any project to be financed by a grant under this subsection; and

''(ii) specifically permit regional or multi-State applications for funds.

''(C) UPDATES.—The Under Secretary shall update the rules issued under subparagraph (A) as necessary.

''(5) GRANT CERTIFICATIONS.—An eligible entity shall certify to the Under Secretary at the time of application for a grant under this subsection, and an eligible entity that receives such a grant shall certify to the Under Secretary annually thereafter during the period during which the funds from the grant are available to the eligible entity, that—

''(A) beginning on the date that is 180 days before the date on which the application is filed, no portion of any 9–1–1 fee or charge imposed by the eligible entity (or if the eligible entity is not a State or Tribe, any State or taxing jurisdiction within which the eligible entity will carry out, or is carrying out, activities using grant funds) is obligated or expended for a purpose or function not designated as acceptable under the rules issued under section 6(f)(3) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as those rules are in effect on the date on which the eligible entity makes the certification);

''(B) any funds received by the eligible entity will be used, consistent with paragraph (1), to support the deployment of Next Generation 9–1–1 in a manner that ensures reliability and interoperability by requiring the use of commonly accepted standards;

''(C) the eligible entity (or if the eligible entity is not a State or Tribe, any State or taxing jurisdiction within which the eligible entity will carry out or is carrying out activities using grant funds) has established, or has committed to establish not later than 3 years after the date on which the grant funds are distributed to the eligible entity—

''(i) a sustainable funding mechanism for Next Generation 9–1–1; and

''(ii) effective cybersecurity resources for Next Generation 9–1–1;

''(D) the eligible entity will promote interoperability between emergency communications centers deploying Next Generation 9–1–1 and emergency response providers, including users of the nationwide public safety broadband network;

''(E) the eligible entity has taken or will take steps to coordinate with adjoining States and Tribes to establish and maintain Next Generation 9–1–1; and

''(F) the eligible entity has developed a plan for public outreach and education on how the public can best use Next Generation 9–1–1 and on the capabilities and usefulness of Next Generation 9–1–1.

''(6) CONDITION OF GRANT.—An eligible entity shall agree, as a condition of receipt of a grant under this subsection, that if any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds fails to comply with a certification required under paragraph (5), during the period during which the funds from the grant are available to the eligible entity, all of the funds from the grant shall be returned to the Under Secretary.

''(7) PENALTY FOR PROVIDING FALSE INFORMATION.—An eligible entity that knowingly provides false information in a certification under paragraph (5)—

''(A) shall not be eligible to receive the grant under this subsection;

''(B) shall return any grant awarded under this subsection; and

''(C) shall not be eligible to receive any subsequent grants under this subsection.

''(8) PROHIBITION.—Grant funds provided under this subsection may not be used—

''(A) to support any activity of the First Responder Network Authority; or

''(B) to make any payments to a person who has been, for reasons of national security, prohibited by any entity of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

''(d) DEFINITIONS.—In this section and sections 160 and 161:

''(1) 9–1–1 FEE OR CHARGE.—The term '9–1–1 fee or charge' has the meaning given the term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)).

''(2) 9–1–1 REQUEST FOR EMERGENCY ASSISTANCE.—The term '9–1–1 request for emergency assistance' means a communication, such as voice, text, picture, multimedia, or any other type of data, that is sent to an emergency communications center for the purpose of requesting emergency assistance.

''(3) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Highway Traffic Safety Administration.

''(4) COMMONLY ACCEPTED STANDARDS.—The term 'commonly accepted standards' means the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

''(A) enable interoperability; and

''(B) are—

''(i) developed and approved by a standards development organization that is accredited by an American standards body (such as the American National Standards Institute) or an equivalent international standards body in a process—

''(I) that is open for participation by any person; and

''(II) provides for a conflict resolution process;

"(ii) subject to an open comment and input process before being finalized by the standards development organization;

"(iii) consensus-based; and

"(iv) made publicly available once approved.

"(5) COST RELATED TO THE TRAINING.—The term 'cost related to the training' means—

"(A) actual wages incurred for travel and attendance, including any necessary overtime pay and backfill wage;

"(B) travel expenses;

"(C) instructor expenses; or

"(D) facility costs and training materials.

"(6) ELIGIBLE ENTITY.—The term 'eligible entity'—

"(A) means—

"(i) a State or a Tribe; or

"(ii) an entity, including a public authority, board, or commission, established by 1 or more entities described in clause (i); and

"(B) does not include any entity that has failed to submit the certifications required under subsection (c)(5).

"(7) EMERGENCY COMMUNICATIONS CENTER.—

"(A) IN GENERAL.—The term 'emergency communications center' means—

"(i) a facility that—

"(I) is designated to receive a 9–1–1 request for emergency assistance; and

"(II) performs 1 or more of the functions described in subparagraph (B); or

"(ii) a public safety answering point, as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

"(B) FUNCTIONS DESCRIBED.—The functions described in this subparagraph are the following:

"(i) Processing and analyzing 9–1–1 requests for emergency assistance and information and data related to such requests.

"(ii) Dispatching appropriate emergency response providers.

"(iii) Transferring or exchanging 9–1–1 requests for emergency assistance and information and data related to such requests with 1 or more other emergency communications centers and emergency response providers.

"(iv) Analyzing any communications received from emergency response providers.

"(v) Supporting incident command functions.

"(8) EMERGENCY RESPONSE PROVIDER.—The term 'emergency response provider' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

"(9) FIRST RESPONDER NETWORK AUTHORITY.—The term 'First Responder Network Authority' means the authority established under 6204 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1424).

"(10) INTEROPERABILITY.—The term 'interoperability' means the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and information and data related to such requests, such as location information and callback numbers from a person initiating the request, then process and share the 9–1–1 requests for emergency assistance and information and data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

"(11) NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—The term 'nationwide public safety broadband network' has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

"(12) NEXT GENERATION 9–1–1.—The term 'Next Generation 9–1–1' means an Internet Protocol-based system that—

"(A) ensures interoperability;

"(B) is secure;

"(C) employs commonly accepted standards;

"(D) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

"(E) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

"(F) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

"(13) RELIABILITY.—The term 'reliability' means the employment of sufficient measures to ensure the ongoing operation of Next Generation 9–1–1, including through the use of geo-diverse, device- and network-agnostic elements that provide more than 1 route between end points with no common points where a single failure at that point would cause all routes to fail.

"(14) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

"(15) SUSTAINABLE FUNDING MECHANISM.—The term 'sustainable funding mechanism' means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

"(16) TRIBE.—The term 'Tribe' has the meaning given to the term 'Indian Tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

"SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

"The Under Secretary, after consulting with the Administrator and the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, shall establish a Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next Generation 9–1–1.

"SEC. 161. NEXT GENERATION 9–1–1 ADVISORY BOARD.

"(a) NEXT GENERATION 9–1–1 ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The Under Secretary shall establish a Public Safety Next Generation 9–1–1 Advisory Board (in this section referred to as the 'Board') to provide recommendations to the Under Secretary—

"(A) with respect to carrying out the duties and responsibilities of the Under Secretary in issuing the rules required under section 159(c)(4);

"(B) as required by paragraph (7) of this subsection; and

"(C) upon request under paragraph (8) of this subsection.

"(2) MEMBERSHIP.—

"(A) APPOINTMENT.—Not later than 150 days after the date of enactment of this section, the Under Secretary shall appoint 16 members to the Board, of which—

"(i) 4 members shall represent local law enforcement officials;

"(ii) 4 members shall represent fire and rescue officials;

"(iii) 4 members shall represent emergency medical service officials; and

"(iv) 4 members shall represent 9–1–1 professionals.

"(B) DIVERSITY OF MEMBERSHIP.—Members of the Board shall be representatives of States or Tribes and local governments, chosen to reflect geographic and population density differences, as well as public safety organizations at the national level across the United States.

"(C) EXPERTISE.—Each member of the Board shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and expertise related to public safety communications and 9–1–1 services.

"(D) RANK AND FILE MEMBERS.—In making the appointments under subparagraph (A), the Under Secretary shall appoint a rank and file member from each of the public safety disciplines listed in clauses (i) through (iv) of that subparagraph as a member of the Board and shall select the member from an organization that represents its public safety discipline at the national level.

"(3) PERIOD OF APPOINTMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Board shall serve for a 3-year term.

"(B) REMOVAL FOR CAUSE.—A member of the Board may be removed for cause upon the determination of the Under Secretary.

"(4) VACANCIES.—A vacancy in the Board shall be filled in the same manner as the original appointment.

"(5) QUORUM.—A majority of the members of the Board shall constitute a quorum.

"(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

"(7) DUTY OF BOARD TO SUBMIT RECOMMENDATIONS.—Not later than 120 days after all members of the Board are appointed under paragraph (2), the Board shall submit to the Under Secretary recommendations for—

"(A) deploying Next Generation 9–1–1 in rural and urban areas;

"(B) ensuring flexibility in guidance, rules, and grant funding to allow for technology improvements;

"(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;

"(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(c)(3)(A)(iii); and

"(E) incorporating existing cybersecurity resources into Next Generation 9–1–1 procurement and deployment.

"(8) AUTHORITY TO PROVIDE ADDITIONAL RECOMMENDATIONS.—Except as provided in paragraphs (1) and (7), the Board may provide recommendations to the Under Secretary only upon request of the Under Secretary.

"(9) DURATION OF AUTHORITY.—The Board shall terminate on the date on which funds made available to make grants under section 159(c) are no longer available to be expended.

"(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the Under Secretary to seek comment from stakeholders and the public.".

Subtitle I—Minority Serving Institutions Program

SEC. ___91. DEFINITIONS.

In this subtitle:

(1) BROADBAND.—The term "broadband" means broadband—

(A) having—

(i) a speed of not less than—

(I) 100 megabits per second for downloads; and

(II) 20 megabits per second for uploads; and

(ii) a latency sufficient to support reasonably foreseeable, real-time, interactive applications; and

(B) with respect to an eligible community, offered with a low-cost option that is affordable to low- and middle-income residents of the eligible community, including through the Affordable Connectivity Program established under section 904(b) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(b)) or any successor program, and a low-cost program available through a provider.

(2) COVERED PLANNING GRANT.—The term ''covered planning grant'' means funding made available to an eligible applicant for the purpose of developing or carrying out a local broadband plan from—

(A) an administering entity through a subgrant under section 60304(c)(3)(E) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1723); or

(B) an eligible entity—

(i) carrying out pre-deployment planning activities under subparagraph (A) of section 60102(d)(2) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702(d)(2)) or carrying out the administration of the grant under subparagraph (B) of that Act; or

(ii) carrying out planning activities under section 60102(e)(1)(C)(iii) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702(e)(1)(C)(iii)).

(3) DIGITAL EQUITY.—The term ''digital equity'' has the meaning given the term in section 60302 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1721).

(4) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means an organization that does not receive a covered planning grant and—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code;

(B) has a mission that is aligned with advancing digital equity;

(C) has relevant experience and expertise supporting eligible community anchor institutions to engage in the planning for the expansion and adoption of reliable and affordable broadband and deployment of broadband, and the advancement of digital equity—

(i) on campus at those institutions; and

(ii) to low-income residents in eligible communities with respect to those institutions; and

(D) employs staff with expertise in the development of broadband plans, the construction of internet infrastructure, or the design and delivery of digital equity programs, including through the use of contractors and consultants, except that the employment of the staff does not rely solely on outsourced contracts.

(5) ELIGIBLE COMMUNITY.—The term ''eligible community'' means a community that—

(A) is located—

(i) within a census tract any portion of which is not more than 15 miles from an eligible community anchor institution; and

(ii) with respect to a Tribal College or University located on land held in trust by the United States—

(I) not more than 15 miles from the Tribal College or University; or

(II) within a maximum distance established by the Under Secretary, in consultation with the Secretary of the Interior, to ensure that the area is statistically comparable to other areas described in clause (i); and

(B) has an estimated median annual household income of not more than 250 percent of the poverty line, as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(6) ELIGIBLE COMMUNITY ANCHOR INSTITUTION.—The term ''eligible community anchor institution'' means a historically Black college or university, a Tribal College or University, or a Minority-serving institution.

(7) ELIGIBLE ENTITY.—The term ''eligible entity'' has the meaning given the term in section 60102 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702).

(8) HISTORICALLY BLACK COLLEGE OR UNIVERSITY; TRIBAL COLLEGE OR UNIVERSITY; MINORITY-SERVING INSTITUTION.—The terms ''historically Black college or university'', ''Tribal College or University'', and ''Minority-serving institution'' have the meanings given those terms in section 902(a) of title IX of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1306(a)), and include an established fiduciary of such educational institution, such as an affiliated foundation, or a district or State system affiliated with such educational institution.

(9) IMPROPER PAYMENTS.—The term ''improper payments'' has the meaning given the term in section 3351 of title 31, United States Code.

(10) LOCAL BROADBAND PLAN.—The term ''local broadband plan'' means a plan developed pursuant to section ____92(c).

(11) PROGRAM.—The term ''Program'' means the pilot program established under section ____92(a).

SEC. ____92. PROGRAM.

(a) ESTABLISHMENT.—The Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall use the amounts borrowed under section ____62(f) to establish within the National Telecommunications and Information Administration a pilot program for the purposes described in subsection (c) of this section, provided that not more than 6 percent of the amounts used to establish the pilot program may be used for salary, expenses, administration, and oversight with respect to the pilot program.

(b) AUTHORITY.—The Under Secretary may use funding mechanisms, including grants, cooperative agreements, and contracts, for the effective implementation of the Program.

(c) PURPOSES.—Funding made available under the Program shall enable an eligible applicant to work with an eligible community anchor institution, and each eligible community with respect to the eligible community anchor institution, to develop a local broadband plan to—

(1) identify barriers to broadband deployment and adoption in order to expand the availability and adoption of broadband at the eligible community anchor institution and within each such eligible community;

(2) advance digital equity at the eligible community anchor institution and within each such eligible community; and

(3) help each such eligible community to prepare applications for funding from multiple sources, including from—

(A) the various programs authorized under the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429); and

(B) other Federal, State, and Tribal sources of funding for broadband deployment, affordable broadband internet service, or digital equity.

(d) CONTENTS OF LOCAL BROADBAND PLAN.—A local broadband plan shall—

(1) be developed in coordination with stakeholder representatives; and

(2) with respect to support for infrastructure funding—

(A) reflect an approach that is performance-based and does not favor any particular technology, provider, or type of provider; and

(B) include—

(i) a description of the demographic profile of each applicable eligible community;

(ii) an assessment of the needs of each applicable eligible community, including with respect to digital literacy, workforce development, and device access needs;

(iii) a summary of current (as of the date of the most current data published by the Commission) service providers operating in each applicable eligible community and the broadband offerings and related services in each applicable eligible community;

(iv) an estimate of capital and operational expenditures for the course of action recommended in the local broadband plan;

(v) a preliminary implementation schedule for the deployment of broadband required under the local broadband plan; and

(vi) a summary of the potential employment, development, and revenue creation opportunities for the eligible community anchor institution and each applicable eligible community.

(e) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive funding under the Program, an applicant that is an eligible applicant shall submit to the Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, an application containing—

(A) the name and mailing address of the applicant;

(B) the name and email address of the point of contact for the applicant;

(C) documentation providing evidence that the applicant is an eligible applicant;

(D) a summary description of the proposed approach that the applicant will take to expand the availability and adoption of broadband;

(E) an outline or sample of the proposed local broadband plan with respect to the funds;

(F) a draft proposal for carrying out the local broadband plan with respect to the funds, describing with specificity how funds will be used;

(G) a summary of past performance in which the applicant created plans similar to the local broadband plan for communities similar to each applicable eligible community;

(H) a description of the approach the applicant will take to engage each applicable eligible community and the applicable eligible community anchor institution and report outcomes relating to that engagement;

(I) a description of how the applicant will meet the short-term and long-term goals described in subsection (h)(2)(A); and

(J) a certification that the applicant is not a recipient of a covered planning grant.

(2) DEADLINES.—The Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall publish a notice for the Program not later than 60 days after the date of enactment of this Act.

(f) SELECTION CRITERIA.—When selecting an eligible applicant to receive funding under the Program, the Under Secretary may give preference or priority to an eligible applicant, the application of which, if awarded, would enable a greater number of eligible communities to be served.

(g) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, 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, which the Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall make available to the public.

(2) CONTENTS.—The report described in paragraph (1) shall include, for the period covered by the report—

(A) the number of eligible applicants that submitted applications under the Program;

(B) the number of eligible applicants that received funding under the Program;

(C) a summary of the funding amounts made available to eligible applicants under the Program and the list of eligible community anchor institutions the eligible applicants propose to serve;

(D) the number of eligible communities that ultimately received funding or financing to promote broadband adoption and to deploy broadband in the eligible community under the Program;

(E) information determined necessary by the Under Secretary to measure progress toward the goals described in subsection (h)(2)(A) and assess whether the goals described in that subsection are being met; and

(F) an identification of each eligible applicant that received funds through the Program and a description of the progress each eligible applicant has made toward accomplishing the purpose of the Program, as described in subsection (c).

(h) PUBLIC NOTICE; REQUIREMENTS.—

(1) PUBLIC NOTICE.—Not later than 90 days after the date on which the Under Secretary provides public notice of the Program, the Under Secretary, in consultation with the head of the Office of Minority Broadband Initiatives, shall issue the Notice of Funding Opportunity governing the Program.

(2) REQUIREMENTS.—In the notice required under paragraph (1), the Under Secretary shall—

(A) establish short-term and long-term goals for eligible applicants that receive funds under the Program;

(B) establish performance metrics by which to evaluate whether an eligible applicant has met the goals described in subparagraph (A); and

(C) identify the selection criteria described in subsection (f) that the Under Secretary will use to award funds under the Program if demand for funds under the Program exceeds the amount appropriated for carrying out the Program.

(i) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce (referred to in this subsection as the ''Inspector General'') shall conduct an audit of the Program in order to—

(A) ensure that eligible applicants use funds awarded under the Program in accordance with—

(i) the requirements of this subtitle; and

(ii) the purposes of the Program, as described in subsection (c); and

(B) prevent waste, fraud, abuse, and improper payments.

(2) REVOCATION OF FUNDS.—The Under Secretary shall revoke funds awarded to an eligible applicant that is not in compliance with the requirements of this section or the purposes of the Program, as described in subsection (c).

(3) AUDIT FINDINGS.—Each finding of waste, fraud, abuse, or an improper payment by the Inspector General in an audit under paragraph (1) shall include the following:

(A) The name of the eligible applicant.

(B) The amount of funding made available under the Program to the eligible applicant.

(C) The amount of funding determined to be an improper payment made to an eligible applicant involved in the waste, fraud, abuse, or improper payment.

(4) NOTIFICATION OF AUDIT FINDINGS.—Not later than 7 days after the date of a finding described under paragraph (3), the Inspector General shall concurrently notify the Under Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the information described in that paragraph.

(5) FRAUD RISK MANAGEMENT.—In issuing rules under this subsection, the Under Secretary shall—

(A) designate an entity within the Program office to lead fraud risk management activities;

(B) ensure the entity designated under subparagraph (A) has defined responsibilities and the necessary authority to serve its role;

(C) conduct risk-based monitoring and evaluation of fraud risk management activities with a focus on outcome measurement;

(D) collect and analyze data from reporting mechanisms and instances of detected fraud for real-time monitoring of fraud trends;

(E) use the results of the monitoring, evaluations, and investigations to improve fraud prevention, detection, and response;

(F) plan regular fraud risk assessments and assess risks to determine a fraud risk profile;

(G) develop, document, and communicate an anti-fraud strategy, focusing on preventative control activities;

(H) consider the benefits and costs of controls to prevent and detect potential fraud, and develop a fraud response plan; and

(I) establish collaborative relationships with stakeholders and create incentives to help ensure effective implementation of the anti-fraud strategy described in subparagraph (G).

Subtitle J—Modernizing the Affordable Connectivity Program

SEC. ____01A. MODERNIZING THE AFFORDABLE CONNECTIVITY PROGRAM.

(a) ELIGIBILITY.—

(1) LIMITATION ON ELIGIBILITY THROUGH THE COMMUNITY ELIGIBILITY PROVISION OF THE FREE LUNCH PROGRAM AND THE FREE SCHOOL BREAKFAST PROGRAM.—Section 904(a)(6) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)(6)) is amended by striking subparagraph (B) and inserting the following:

''(B) at least one member of the household—

''(i) is eligible for and receives—

''(I) a free or reduced price lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

''(II) a free or reduced price breakfast under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(ii) attends a school the local educational agency of which does not elect to receive special assistance payments under section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) with respect to the school;''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect on the date that is 180 days after the date of enactment of this Act.

(B) UPDATING RULES.—Not later than 180 days after the date of enactment of this Act, the Commission shall update the rules of the Commission relating to the program carried out under section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) (referred to in this paragraph as the ''Affordable Connectivity Program'') to implement the amendments made by this subsection.

(C) RE-VERIFICATION.—Not later than 60 days after the date of enactment of this Act, a participating provider, as defined in section 904(a) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)), shall re-verify the eligibility of a household with respect to the Affordable Connectivity Program based on the amendments made by this subsection.

(b) REPEAL OF AFFORDABLE CONNECTIVITY PROGRAM DEVICE SUBSIDY.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively; and

(2) in subsection (b)—

(A) in paragraph (1), by striking '', or an affordable connectivity benefit and a connected device,'';

(B) by striking paragraph (5);

(C) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively;

(D) in paragraph (5), as so redesignated—

(i) in the matter preceding subparagraph (A), by striking ''or (5)'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(E) in paragraph (11), as so redesignated—

(i) in subparagraph (D), by striking ''a connected device or a reimbursement for'';

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(F) in paragraph (13), as so redesignated, by striking ''paragraph (12)'' and inserting ''paragraph (11)''.

SA 2018. Ms. HIRONO (for herself, Ms. MURKOWSKI, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXEMPTION FROM EXCISE TAX ON ALTERNATIVE MOTORBOAT FUELS EXTENDED TO INCLUDE CERTAIN VESSELS SERVING ONLY ONE COAST.

(a) IN GENERAL.—Section 4041(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of subsection (a)(2), the exemption under paragraph (1) shall also apply to fuel sold for use or used by a vessel which is both described in section 4042(c)(1) and actually engaged in trade between the Atlantic (including the Gulf of Mexico) or Pacific ports of the United States (including any territory or possession of the United States).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold for use or used after December 31, 2021.

SA 2019. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STOPPING HARMFUL IMAGE EXPLOITATION AND LIMITING DISTRIBUTION.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

"§ 1802. Certain activities relating to intimate visual depictions

"(a) DEFINITIONS.—In this section:

"(1) COMMUNICATIONS SERVICE.—The term 'communications service' means—

"(A) a service provided by a person that is a common carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153), insofar as the person is acting as a common carrier;

"(B) an electronic communication service, as that term is defined in section 2510;

"(C) an information service, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

"(D) an interactive computer service, as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

"(2) INFORMATION CONTENT PROVIDER.—The term 'information content provider' has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

"(3) INTIMATE VISUAL DEPICTION.—The term 'intimate visual depiction' means any visual depiction (as that term is defined in section 2256(5)) of an individual—

"(A) who has attained 18 years of age at the time the intimate visual depiction is created;

"(B) who is recognizable to a third party from the intimate image itself or information or text displayed in connection with the intimate image itself or information or text displayed in connection with the intimate image; and

"(C)(i) who is depicted engaging in sexually explicit conduct; or

"(ii) whose genitals, anus, pubic area, or female nipple are unclothed and visible.

"(4) MINOR.—The term 'minor' has the meaning given that term in section 2256.

"(5) SEXUALLY EXPLICIT CONDUCT.—The term 'sexually explicit conduct' has the meaning given that term in section 2256(2)(A).

"(6) VISUAL DEPICTION OF A NUDE MINOR.—The term 'visual depiction of a nude minor' means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image who was under 18 years of age at the time the visual depiction was created in which the actual anus, genitals, or pubic area, or post-pubescent female nipple, of the minor are unclothed, visible, and displayed in a manner that does not constitute sexually explicit conduct.

"(b) OFFENSES.—

"(1) IN GENERAL.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, an intimate visual depiction of an individual—

"(A) that was obtained or created under circumstances in which the actor knew or reasonably should have known the individual depicted had a reasonable expectation of privacy;

"(B) where what is depicted was not voluntarily exposed by the individual in a public or commercial setting;

"(C) where what is depicted is not a matter of public concern; and

"(D) if the distribution—

"(i) is intended to cause harm; or

"(ii) causes harm, including psychological, financial, or reputational harm, to the individual depicted.

For purposes of this paragraph, the fact that the subject of the depiction consented to the creation of the depiction shall not establish that that person consented to its distribution.

"(2) INVOLVING MINORS.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, a visual depiction of a nude minor with intent to abuse, humiliate, harass, or degrade the minor, or to arouse or gratify the sexual desire of any person.

"(c) PENALTY.—

"(1) IN GENERAL.—

"(A) VISUAL DEPICTION OF A NUDE MINOR.—Any person who violates subsection (b)(2) shall be fined under this title, imprisoned not more than 3 years, or both.

"(B) INTIMATE VISUAL DEPICTION.—Any person who violates subsection (b)(1) shall be fined under this title, imprisoned for not more than 2 years, or both.

"(2) FORFEITURE.—

"(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, or convicted of a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

"(i) any material distributed in violation of this section;

"(ii) such person's interest in property, real or personal, constituting or derived from any gross proceeds of such violation, or any property traceable to such property, obtained or retained directly or indirectly as a result of such violation; and

"(iii) any personal property of the person used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation.

"(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subparagraph (A).

"(3) RESTITUTION.—Restitution shall be available as provided in section 2264 of this title.

"(d) EXCEPTIONS.—

"(1) LAW ENFORCEMENT, LAWFUL REPORTING, AND OTHER LEGAL PROCEEDINGS.—This section—

"(A) does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States; and

"(B) shall not apply to distributions that are made reasonably and in good faith—

"(i) to report unlawful or unsolicited activity or in pursuance of a legal or professional or other lawful obligation;

"(ii) to seek support or help with respect to the receipt of an unsolicited intimate visual depiction;

"(iii) relating to an individual who possesses or distributes a visual depiction of himself or herself engaged in nudity or sexually explicit conduct;

"(iv) to assist the depicted individual;

"(v) for legitimate medical, scientific, or educational purposes; or

"(vi) as part of a document production or filing associated with a legal proceeding.

"(2) SERVICE PROVIDERS.—This section shall not apply to any provider of a communications service with regard to content provided by another information content provider unless the provider of the communications service intentionally solicits, or knowingly and predominantly distributes, such content.

"(e) THREATS.—Any person who intentionally threatens to commit an offense under subsection (b) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be punished as provided in subsection (c).

"(f) EXTRATERRITORIALITY.—There is extraterritorial Federal jurisdiction over an offense under this section if the defendant or the depicted individual is a citizen or permanent resident of the United States.

"(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the application of any other relevant law, including section 2252 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 88 of title 18, United States Code, is amended by inserting after the item relating to section 1801 the following:

"1802. Certain activities relating to intimate visual depictions.".

(c) CONFORMING AMENDMENT.—Section 2264(a) of title 18, United States Code, is amended by inserting ", or under section 1802 of this title" before the period.

SA 2020. Mr. KELLY (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 360, strike subsection (b) and insert the following:

(b) SURPLUS MILITARY AIRCRAFT.—In issuing a rule under subsection (a), the Administrator may not enable any aircraft of a type that has been manufactured in accordance with the requirements of, and accepted for use by, the armed forces (as defined in section 101 of title 10, United States Code) and later modified to be used for wildfire suppression operations, unless—

(1) such aircraft is later type-rated by the Administrator;

(2) such aircraft was manufactured after 1970;

(3) such aircraft is equipped with redundant hydraulic systems (2 or more);

(4) such aircraft is equipped with 2 engines; and

(5) the engines are equipped with Full-Authority Digital Engine Control (FADEC) technology.

SA 2021. Mr. BENNET (for himself and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO MEDICARE PAYMENT SYSTEM FOR AIR AMBULANCE SERVICES.

Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

''(18) IMPROVEMENTS TO MEDICARE PAYMENT SYSTEM FOR AIR AMBULANCE SERVICES.—

''(A) IN GENERAL.—The Secretary may revise the fee schedule otherwise established under this subsection for air ambulance services based on data described in subparagraph (B) and data collected under subparagraph (C).

''(B) DATA DESCRIBED.—For purposes of subparagraph (A), the data described in this subparagraph is data collected pursuant to the provisions of, and amendments made by, section 106 of division BB of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

''(C) ADDITIONAL DATA COLLECTION.—The Secretary shall require, once every 3 years, providers of services and suppliers furnishing air ambulance services to submit to the Secretary—

''(i) data relating to the fixed and operated costs per air ambulance base attributable to furnishing air ambulance services to individuals enrolled under this part and data relating to the utilization of such services by such individuals;

''(ii) data relating to the revenue obtained by such providers and suppliers under this part attributable to the furnishing of such services; and

''(iii) any other information determined appropriate by the Secretary.

''(D) CONSULTATION.—In the case that the Secretary elects to revise the fee schedule for air ambulance services under subparagraph (A), the Secretary shall consider stakeholder input in a process that is transparent and appropriately considers data described in subparagraph (B) and data collected under subparagraph (C).''.

SEC. ___. GAO STUDY ON EMERGENCY AIR AMBULANCE COSTS.

Not later than 1 year after the date on which data begins to be collected pursuant to the provisions of, and amendments made by, section 106 of division BB of the Consolidated Appropriations Act, 2021 (Public Law 116–260), the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, a report detailing—

(1) the average annual operating costs per air ambulance base;

(2) the average cost per transport by air ambulance;

(3) the payor mix for air ambulance services;

(4) the adequacy of Medicare payments for such services;

(5) geographic variations in the cost of furnishing such services; and

(6) recommendations on improving the fee schedule under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) for air ambulance services.

SA 2022. Ms. KLOBUCHAR (for herself, Mr. MORAN, Mr. COONS, and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XIV—FULFILLING PROMISES TO AFGHAN ALLIES

SEC. 1401. 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 1406(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. 1402. 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. 1403. 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 1403 of the FAA Reauthorization Act of 2024 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. 1404. 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. 1405. 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. 1406. 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. 1407. 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. 1408. 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 1403, 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 1403 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 1403 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 1403—

(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. 1409. 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 2023. Mr. SCHATZ (for himself, Mr. VAN HOLLEN, Mr. WELCH, Mr. PADILLA, Mr. SANDERS, Ms. HIRONO, Mr. WARNOCK, and Mr. OSSOFF) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—SUPPLEMENTAL DISASTER APPROPRIATIONS

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2024, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'', $3,500,000,000, to remain available until expended, for the same purposes and under the same terms and conditions as funds appropriated under such heading in title VIII of the Disaster Relief Supplemental Appropriations Act, 2022 (division B of Public Law 117–43; 135 Stat. 369), except that such amounts shall be for major disasters that occurred in 2023 or 2024 and the fourth, 20th, and 21st provisos under such heading in such Act shall not apply: *Provided*, That of the amounts made available under this heading in this Act, $5,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes, and subrecipients that receive allocations related to major disasters under this heading in this Act and allocations for disaster recovery in any prior or future Acts: *Provided further*, That of the amounts made available under this heading in this Act, $10,000,000 shall be transferred to ''Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development'' for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts made available under the heading ''Community Development Fund'' in this Act or any prior or future Act that makes amounts available for purposes related to major disasters under such heading: *Provided further*, That of the amounts made available under this heading in this Act, $3,000,000 shall be transferred to ''Department of Housing and Urban Development—Office of Inspector General'' for necessary costs of overseeing and auditing funds amounts made available under the heading ''Community Development Fund'' in this Act or any prior or future Act that makes amounts available for purposes related to major disasters under such heading: *Provided further*, That amounts made available under this heading in this Act may be used by a grantee to assist utilities as part of a disaster-related eligible activity under section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

BUDGETARY EFFECTS

BUDGETARY EFFECT

SEC. 2001. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

SA 2024. Mr. LUJÁN (for himself, Mr. WELCH, Mr. VANCE, Mr. WICKER, Mr. DAINES, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XIV—COMMUNICATIONS MATTERS

SEC. 1401. ADDITIONAL ''RIP AND REPLACE'' FUNDING.

(a) INCREASE IN EXPENDITURE LIMIT.—Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking ''$1,900,000,000'' and inserting ''$4,980,000,000''.

(b) APPROPRIATION OF FUNDS.—There is appropriated to the Federal Communications Commission for fiscal year 2024, out of amounts in the Treasury not otherwise appropriated, $3,080,000,000, to remain available until expended, to carry out section 4 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603).

SEC. 1402. IMPROVING THE AFFORDABLE CONNECTIVITY PROGRAM.

(a) IMPROVING VERIFICATION OF ELIGIBILITY.—

(1) REQUIRED USE OF NATIONAL VERIFIER TO DETERMINE ELIGIBILITY.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) is amended—

(A) in subsection (a)(6)(C), by striking ''or the participating provider verifies eligibility under subsection (a)(2)(B)''; and

(B) in subsection (b)(2), by striking ''shall'' and all that follows and inserting the following: ''shall use the National Verifier or National Lifeline Accountability Database.''.

(2) REPEAL OF ELIGIBILITY THROUGH A PROVIDER'S EXISTING LOW-INCOME PROGRAM.—Section 904(a)(6) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)(6)) is amended—

(A) in subparagraph (C), by adding ''or'' at the end;

(B) by striking subparagraph (D); and

(C) by redesignating subparagraph (E) as subparagraph (D).

(3) LIMITATION ON ELIGIBILITY THROUGH THE COMMUNITY ELIGIBILITY PROVISION OF THE FREE LUNCH PROGRAM AND THE FREE SCHOOL BREAKFAST PROGRAM.—Section 904(a)(6) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)(6)) is amended by striking subparagraph (B) and inserting the following:

''(B) at least 1 member of the household—

''(i) is eligible for and receives—

''(I) free or reduced price lunch under the school lunch program school established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

''(II) free or reduced price breakfast under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(ii) attends a school the local educational agency of which does not elect to receive special assistance payments under section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)).''.

(4) REDUCTION OF ELIGIBLE HOUSEHOLDS.—Section 904(a)(6)(A) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)(6)(A)) is amended by striking ''except that'' and all that follows and inserting a semicolon.

(5) EFFECTIVE DATE; RULES.—

(A) DEFINITIONS.—In this paragraph—

(i) the terms ''affordable connectivity benefit'', ''Commission'', ''eligible household'', and ''participating provider'' have the meanings given those terms in section 904(a) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)), as amended by this subsection; and

(ii) the term ''Affordable Connectivity Program'' means the program established under section 904(b)(1) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(b)(1)).

(B) EFFECTIVE DATE.—Except as provided in subparagraph (C), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(C) ENROLLED HOUSEHOLDS.—A household that received the affordable connectivity benefit as of April 30, 2024, but is no longer an eligible household by reason of the amendments made by this subsection shall nonetheless be treated an eligible household until the date that is 180 days after the date of enactment of this Act.

(D) UPDATING RULES.—Not later than 180 days after the date of enactment of this Act, the Commission shall update the rules of the Commission relating to the Affordable Connectivity Program to implement the amendments made by this subsection.

(E) RE-CERTIFICATION.—During the period beginning on the date on which the Commission updates the rules under subparagraph (D) and ending on the date that is 240 days after the date of enactment of this Act, a participating provider or the Administrator of the Universal Service Administrative Company, as applicable, shall re-certify the eligibility of a household for the Affordable Connectivity Program in accordance with section 54.1806(f) of title 47, Code of Federal Regulations, or any successor regulation, based on the amendments made by this subsection.

(b) REPEAL OF AFFORDABLE CONNECTIVITY PROGRAM DEVICE SUBSIDY.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively; and

(2) in subsection (b)—

(A) in paragraph (1), by striking '', or an affordable connectivity benefit and a connected device,'';

(B) in paragraph (2), by striking ''subsection (b)(6)(C)'' and inserting ''subsection (b)(5)(C)'';

(C) by striking paragraph (5);

(D) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively;

(E) by amending paragraph (5), as so redesignated, to read as follows:

''(5) CERTIFICATION REQUIRED.—To receive a reimbursement under paragraph (4), a participating provider shall certify to the Commission that each eligible household for which the participating provider is seeking reimbursement for providing an internet service offering discounted by the affordable connectivity benefit—

''(A) will not be required to pay an early termination fee if such eligible household elects to enter into a contract to receive such internet service offering if such household later terminates such contract;

''(B) was not, after December 27, 2020, subject to a mandatory waiting period for such internet service offering based on having previously received broadband internet access service from such participating provider; and

''(C) will otherwise be subject to the participating provider's generally applicable terms and conditions as applied to other customers.'';

(F) in paragraph (11), as so redesignated—

(i) in subparagraph (D), by striking ''a connected device or a reimbursement for'';

(ii) by striking subparagraph (E);

(iii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(iv) in subparagraph (F), as so redesignated, by striking ''subsection (a)(6)'' and inserting ''subsection (a)(5)''; and

(G) in paragraph (13), as so redesignated, by striking ''paragraph (12)'' and inserting ''paragraph (11)''.

(c) ANTIFRAUD CONTROLS, PERFORMANCE GOALS, AND MEASURES.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) is amended by adding at the end the following:

''(k) ANTIFRAUD CONTROLS, PERFORMANCE GOALS, AND MEASURES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Commission shall develop and implement antifraud controls, performance goals, and performance measures for the Affordable Connectivity Program, and in doing so, shall consider the recommendations submitted by the Comptroller General of the United States to the Commission in the report entitled 'Affordable Broadband: FCC Could Improve Performance Goals and Measures, Consumer Outreach, and Fraud Risk Management', publicly released January 25, 2023 (GAO–23–105399).''.

(d) REPORT ON EFFECTIVENESS.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Federal Communications 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 analyzing the effects of this section, including the amendments made by this section, with respect to improving the efficiency and quality of the Affordable Connectivity Program established under section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752).

(e) APPROPRIATION OF FUNDS.—Section 904(i)(2) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(i)(2)) is amended—

(1) in the paragraph heading, by striking ''APPROPRIATION'' and inserting ''APPROPRIATIONS'';

(2) by striking ''There is'' and inserting the following:

''(A) FISCAL YEAR 2021.—There is''; and

(3) by adding at the end the following:

''(B) FISCAL YEAR 2024.—There is appropriated to the Affordable Connectivity Fund, out of any money in the Treasury not otherwise appropriated, $6,000,000,000 for fiscal year 2024, to remain available until expended.''.

SEC. 1403. REAUCTION OF CERTAIN LICENSES.

(a) FCC REAUCTION AUTHORITY.—Not later than 2 years after the date of enactment of this Act, the Federal Communications Commission, without regard to whether the authority of the Commission under paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) has expired—

(1) shall initiate 1 or more systems of competitive bidding under that section to grant licenses for—

(A) the bands referred to by the Commission as the ''AWS–3 bands''; and

(B) any other unassigned spectrum bands with respect to which the Commission previously offered licenses in competitive bidding, as determined appropriate by the Commission; and

(2) shall initiate 1 or more systems of competitive bidding under that section to grant licenses for any unassigned spectrum bands, other than the bands auctioned under paragraph (1), with respect to which the Commission—

(A) previously offered licenses in competitive bidding; and

(B) determines there is sufficient current demand.

(b) COMPLETION OF REAUCTION.—The Federal Communications Commission shall complete each system of competitive bidding described in subsection (a), including receiving payments, processing applications, and granting licenses, without regard to whether the authority of the Commission under paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) has expired.

SA 2025. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GPS MONITORING PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall conduct a pilot program to evaluate technologies to detect, measure, and locate disrupting sources of interference to the GPS Standard Positioning Service in order to mitigate the impacts on air commerce and other related government and civilian functions within the air traffic management ecosystem.

(b) EVALUATION OF TECHNOLOGIES.—

(1) TYPES OF TECHNOLOGIES.—The pilot program shall evaluate commercially available technologies, as well as technologies under development by the FAA, the Department of Transportation, the Department of Defense, the Department of Homeland Security, and the National Aeronautics and Space Administration.

(2) SCOPE.—The pilot program shall consider technologies that have both physical electronics equipment and software components, as well as technologies with only software components.

(c) NUMBER OF EVALUATION SITES.—The pilot program shall evaluate technologies for the purposes described in subsection (a) at not less than 5, and not more than 7, airports unless the Administrator determines that additional evaluation sites are needed to carry out the pilot program.

(d) LOCATION OF EVALUATION SITES.—

(1) IN GENERAL.—The pilot program shall be conducted at each of the following types of airports:

(A) A primary airport in Class B airspace.

(B) A primary airport in Class C airspace.

(C) A primary airport in Class D airspace.

(D) An airport in Class E airspace.

(E) A Joint-Use Airport.

(2) DOCUMENTED INTERFERENCE.—In determining whether an airport should be an evaluation site for the pilot program, the Administrator shall consider airports described in paragraph (1) that have experienced documented instances of interference to the GPS Standard Positioning Service during the 5-year period ending with the date of enactment of this section.

(e) PRIVATE SECTOR PARTICIPATION.—The Administrator shall collaborate with the private sector, including providers of technology that can cost-effectively implement a capability to potentially mitigate the impacts of GPS Standard Positioning Service interference on air commerce.

(f) CONGRESSIONAL BRIEFINGS.—Beginning 12 months after the date of enactment of this section, and annually thereafter until the date on which the report required by subsection (g) is submitted, the Administrator shall provide the appropriate committees of Congress with a briefing summarizing the status of, and findings from, the pilot program.

(g) REPORT.—Not later than 180 days after the date on which the pilot program is terminated, the Administrator shall provide a report to the appropriate committees of Congress on the results of the pilot program.

(h) GPS STANDARD POSITIONING SERVICE DEFINED.—In this section, the term ''GPS Standard Positioning Service'' has the meaning given such term in section 2281(d)(2) of title 10, United States Code.

SA 2026. Mr. SCHUMER proposed an amendment to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 2027. Mr. SCHUMER proposed an amendment to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

SA 2028. Mr. SCHUMER proposed an amendment to amendment SA 2027 proposed by Mr. SCHUMER to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; as follows:

On page 1, line 3, strike ''3 days'' and insert ''4 days''.

SA 2029. Mr. SCHUMER proposed an amendment to amendment SA 2028 proposed by Mr. SCHUMER to the amendment SA 2027 proposed by Mr. SCHUMER to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; as follows:

On page 1, line 1, strike ''4 days'' and insert ''5 days''.

SA 2030. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

The matter preceding the first proviso under the heading ''FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE'' under the heading ''FEDERAL FUNDS'' in title IV of division B of the Further Consolidated Appropriations Act, 2024 (Public Law 118–47; 138 Stat. 460) is amended by striking '', of which $3,000,000 shall remain available until September 30, 2026, for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities''.

SA 2031. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL ACADEMIES STUDY AND REPORT ON EXTENT AND EFFECTS OF MEGATRENDS IN AVIATION.

(a) STUDY.— The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a study to identify megatrends in aviation and how such megatrends impact aviation safety and freedom of movement, including—

(1) extreme weather;

(2) rapid urbanization;

(3) demographic shifts;

(4) technological and aerospace innovations;

(5) international geopolitical challenges;

(6) infrastructure resiliency;

(7) digital security;

(8) increased passenger traffic;

(9) fuel sources and types; and

(10) rural access to aviation.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure , the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report containing the results of the study conducted under subsection (a), together with a plan for responding to the results and recommendations of the study.

SA 2032. Mr. MARSHALL (for himself, Mrs. SHAHEEN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—COOPER DAVIS ACT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Cooper Davis 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 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.

ORDERS FOR WEDNESDAY, MAY 8, 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Wednesday, May 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of Calendar No. 211, H.R. 3935; further, that the Senate recess from 1 p.m. until 2:15 to allow for the weekly caucus meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., stands adjourned until Wednesday, May 8, 2024, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JERED P. HELWIG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY K. ANDERSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 7037, AND 7064:

To be brigadier general

COL. TERRI J. ERISMAN
COL. CHRISTOPHER A. KENNEBECK
COL. STEVEN M. RANIERI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN D. SKLENKA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CALVERT L. WORTH, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL J. VERNAZZA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN F. WADE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PAULA M. CHAVIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

FRANK J. PANEBIANCO
ANDREW W. WASHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES L. SCHNEIDER III

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

ZHIBIN JIANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BENNET D. KRAWCHUK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624: