

SA 243. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

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SA 248. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 249. Mr. HICKENLOOPER (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 250. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 251. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 252. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 253. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 254. Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 255. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 256. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 257. Mr. COONS (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 258. Mr. WHITEHOUSE (for himself, Mr. TILLIS, Mr. BLUMENTHAL, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 259. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. KING, Mr. CASSIDY, Mr. PADILLA, Ms. COLLINS, Mr. VAN HOLLEN, Mr. SCOTT of Florida, Mr. BOOKER, Ms. STABENOW, and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 260. Ms. HIRONO (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 261. Mr. WELCH (for himself, Mr. TILLIS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 262. Mr. WELCH (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 263. Mr. WELCH (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 264. Mr. RISCH (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 265. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 266. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 267. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 268. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 269. Mr. SCHATZ (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 270. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 271. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 272. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 273. Mr. GRASSLEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 274. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 275. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 276. Mr. MORAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 277. Mr. MORAN (for himself, Mr. CARDIN, Mr. SCOTT of Florida, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 278. Mr. DURBIN (for himself, Mrs. SHAHEEN, Mr. BOOZMAN, Mr. COONS, and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 279. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 280. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 281. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

proportions for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1269. OPPOSITION TO PROVISION OF ASSISTANCE TO PEOPLE'S REPUBLIC OF CHINA BY MULTILATERAL DEVELOPMENT BANKS.**

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

(1) The People's Republic of China is the world's second largest economy and a major global lender.

(2) In the third quarter of 2022, the foreign exchange reserves of the People's Republic of China totaled more than \$3,000,000,000,000.

(3) The World Bank classifies the People's Republic of China as a country with an upper-middle-income economy.

(4) On February 25, 2021, President Xi Jinping announced "complete victory" over extreme poverty in the People's Republic of China.

(5) The Government of the People's Republic of China utilizes state resources to create and promote the Asian Infrastructure Investment Bank, the New Development Bank, and the Belt and Road Initiative.

(6) The People's Republic of China is the world's largest official creditor.

(7) Through a multilateral development bank, countries are eligible to borrow until they can manage long-term development and access to capital markets without financial resources from the bank.

(8) The World Bank reviews the graduation of a country from eligibility to borrow from the International Bank for Reconstruction and Development once the country reaches the graduation discussion income, which is equivalent to the gross national income. For fiscal year 2023, the graduation discussion income is a gross national income per capita exceeding \$7,455.

(9) Many of the other multilateral development banks, such as the Asian Development Bank, use the gross national income per capita benchmark used by the International Bank for Reconstruction and Development to trigger the graduation process.

(10) The People's Republic of China exceeded the graduation discussion income threshold in 2016.

(11) Since 2016, the International Bank for Reconstruction and Development has approved projects totaling \$9,610,000,000 to the People's Republic of China.

(12) Since 2016, the Asian Development Bank has continued to approve loans and technical assistance to the People's Republic of China totaling more than \$10,600,000,000. The Bank has also approved non-sovereign commitments in the People's Republic of China totaling more than \$2,400,000,000 since 2016.

(13) The World Bank calculates the People's Republic of China's 2019 gross national income per capita as \$10,390.

(b) STATEMENT OF POLICY.—It is the policy of the United States to oppose any additional lending from the multilateral development banks, including the International Bank for Reconstruction and Development and the Asian Development Bank, to the People's Republic of China as a result of the People's Republic of China's successful graduation from the eligibility requirements for assistance from those banks.

(c) OPPOSITION TO LENDING TO PEOPLE'S REPUBLIC OF CHINA.—The Secretary of the Treasury shall instruct the United States

**TEXT OF AMENDMENTS**

**SA 155.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize ap-

Executive Director at each multilateral development bank to use the voice, vote, and influence of the United States—

(1) to oppose any loan or extension of financial or technical assistance by the bank to the People's Republic of China; and

(2) to end lending and assistance to countries that exceed the graduation discussion income of the bank.

(d) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of the status of borrowing by the People's Republic of China from each multilateral development bank;

(2) a description of voting power, shares, and representation by the People's Republic of China at each such bank;

(3) a list of countries that have exceeded the graduation discussion income at each such bank;

(4) a list of countries that have graduated from eligibility for assistance from each such bank; and

(5) a full description of the efforts taken by the United States to graduate countries from such eligibility once they exceed the graduation discussion income at each such bank.

(e) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

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

(2) **MULTILATERAL DEVELOPMENT BANKS.**—The term “multilateral development banks” has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

**SA 156.** Mr. ROMNEY (for himself, Mr. VAN HOLLEN, Mr. SULLIVAN, Mr. CORNYN, Mr. SCOTT of South Carolina, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. ENDING CHINA'S DEVELOPING NATION STATUS.**

(a) **SHORT TITLE.**—This section may be cited as the “Ending China's Developing Nation Status Act”.

(b) **FINDING; STATEMENT OF POLICY.**—

(1) **FINDING.**—Congress finds that the People's Republic of China is still classified as a developing nation under multiple treaties and international organization structures, even though China has grown to be the second largest economy in the world.

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

(A) to oppose the labeling or treatment of the People's Republic of China as a developing nation in current and future treaty negotiations and in each international organization of which the United States and the People's Republic of China are both current members;

(B) to pursue the labeling or treatment of the People's Republic of China as a developed nation in each international organiza-

tion of which the United States and the People's Republic of China are both current members; and

(C) to work with allies and partners of the United States to implement the policies described in paragraphs (1) and (2).

(c) **DEFINITIONS.**—In this section:

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

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

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

(2) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(d) **REPORT ON DEVELOPMENT STATUS IN CURRENT TREATY NEGOTIATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

(1) identifies all current treaty negotiations in which—

(A) the proposed treaty would provide for different treatment or standards for enforcement of the treaty based on respective development status of the states that are party to the treaty; and

(B) the People's Republic of China is actively participating in the negotiations, or it is reasonably foreseeable that the People's Republic of China would seek to become a party to the treaty; and

(2) for each treaty negotiation identified pursuant to paragraph (1), describes how the treaty under negotiation would provide different treatment or standards for enforcement of the treaty based on development status of the states parties.

(e) **REPORT ON DEVELOPMENT STATUS IN EXISTING ORGANIZATIONS AND TREATIES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

(1) identifies all international organizations or treaties, of which the United States is a member, that provide different treatment or standards for enforcement based on the respective development status of the member states or states parties;

(2) describes the mechanisms for changing the country designation for each relevant treaty or organization; and

(3) for each of the organizations or treaties identified pursuant to paragraph (1)—

(A) includes a list of countries that—

(i) are labeled as developing nations or receive the benefits of a developing nation under the terms of the organization or treaty; and

(ii) meet the World Bank classification for upper middle income or high-income countries; and

(B) describes how the organization or treaty provides different treatment or standards for enforcement based on development status of the member states or states parties.

(f) **MECHANISMS FOR CHANGING DEVELOPMENT STATUS.**—

(1) **IN GENERAL.**—In any international organization of which the United States and the People's Republic of China are both current members, the Secretary, in consultation with allies and partners of the United States, shall pursue—

(A) changing the status of the People's Republic of China from developing nation to developed nation if a mechanism exists in such organization to make such status change; or

(B) proposing the development of a mechanism described in paragraph (1) to change the status of the People's Republic of China in such organization from developing nation to developed nation.

(2) **WAIVER.**—The President may waive the application of subparagraph (A) or (B) of

paragraph (1) with respect to any international organization if the President notifies the appropriate committees of Congress that such a waiver is in the national interests of the United States.

**SA 157.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . WEATHERIZATION ASSISTANCE PROGRAM.**

(a) **WEATHERIZATION READINESS FUND.**—Section 414 of the Energy Conservation and Production Act (42 U.S.C. 6864) is amended by adding at the end the following:

“(d) **WEATHERIZATION READINESS FUND.**—

“(1) **IN GENERAL.**—The Secretary shall establish a fund, to be known as the ‘Weatherization Readiness Fund’, from which the Secretary shall distribute funds to States receiving financial assistance under this part, in accordance with subsection (a).

“(2) **USE OF FUNDS.**—

“(A) **IN GENERAL.**—A State receiving funds under paragraph (1) shall use the funds for repairs to dwelling units described in subparagraph (B) that will remediate the applicable structural defects or hazards of the dwelling unit so that weatherization measures may be installed.

“(B) **DWELLING UNIT.**—A dwelling unit referred to in subparagraph (A) is a dwelling unit occupied by a low-income person that, on inspection pursuant to the program under this part, was found to have significant defects or hazards that prevented the installation of weatherization measures under the program.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated under section 422, there is authorized to be appropriated to the Secretary to carry out this subsection \$30,000,000 for each of fiscal years 2024 through 2028.”.

(b) **STATE AVERAGE COST PER UNIT.**—

(1) **IN GENERAL.**—Section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking “\$6,500” and inserting “\$12,000”; and

(II) by striking “(c)(1) Except as provided in paragraphs (3) and (4)” and inserting the following:

“(c) **FINANCIAL ASSISTANCE.**—

“(1) **IN GENERAL.**—Except as provided in paragraphs (3), (4), and (6);”

(ii) by conforming the margins of subparagraphs (A) through (D) to the margin of subparagraph (E);

(iii) in subparagraph (D), by striking “, and” and inserting “; and”; and

(iv) in subparagraph (E), by adding a period at the end;

(B) in paragraph (2), in the first sentence, by striking “weatherized (including dwelling units partially weatherized)” and inserting “fully weatherized”;

(C) in paragraph (4), by striking “\$3,000” and inserting “\$6,000”; and

(D) in paragraph (5)—

(i) in subparagraph (A)(i), by striking “(6)(A)(ii)” and inserting “(7)(A)(ii)”; and

(ii) by striking “(6)(A)(i)(I)” each place it appears and inserting “(7)(A)(i)(I)”; and

(E) by redesignating paragraph (6) as paragraph (7); and

(F) by inserting after paragraph (5) the following:

“(6) LIMIT INCREASE.—The Secretary may increase the amount of financial assistance provided per dwelling unit under this part beyond the limit specified in paragraph (1) if the Secretary determines that market conditions require such an increase to achieve the purposes of this part.”.

(2) CONFORMING AMENDMENT.—Section 414D(b)(1)(C) of the Energy Conservation and Production Act (42 U.S.C. 6864d(b)(1)(C)) is amended by striking “415(c)(6)(A)” and inserting “415(c)(7)”.

**SA 158.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1005. TREATMENT OF FUNDS RECEIVED BY NATIONAL GUARD BUREAU AS REIMBURSEMENT FROM STATES.**

Section 710 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(g) TREATMENT OF REIMBURSED FUNDS.—Any funds received by the National Guard Bureau from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands as reimbursement under this section for the use of military property shall be credited to—

“(1) the appropriation, fund, or account used in incurring the obligation; or

“(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.”.

**SA 159.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.**

(a) FINDING.—Congress finds that section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 63 Stat. 2241)—

(1) expresses the sense of Congress that, due to threats that are ever-changing, Congress must be informed with respect to allied contributions to the common defense to properly assess the readiness of the United States and the countries described in subsection (c)(2) for threats; and

(2) requires the Secretary of Defense to submit to Congress an annual report on the contributions of allies to the common defense.

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

(1) the threats facing the United States—

(A) extend beyond the global war on terror; and

(B) include near-peer threats; and

(2) the President should seek from each country described in subsection (c)(2) acceptance of international security responsibilities and agreements to make contributions to the common defense in accordance with the collective defense agreements or treaties to which such country is a party.

(c) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary, in coordination with the heads of other Federal agencies, as the Secretary determines to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic products of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Each member country of the North Atlantic Treaty Organization.

(B) Each member country of the Gulf Cooperation Council.

(C) Each country party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 1838).

(D) Australia.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

(I) Thailand.

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

(4) AVAILABILITY.—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

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

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

**SA 160.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. TRANSPARENCY FOR 2001 AUTHORIZATION FOR USE OF MILITARY FORCE.**

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall publish a declassified list of nations, organizations, or persons the United States is using force against or authorized to use force against pursuant to section 2(a) of the Authorization for Use of Military Force (Public Law 107-40; 115 Stat. 224; 50 U.S.C. 1541 note) (commonly known as the “2001 AUMF”).

**SA 161.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_\_. SEPARATE VOTE REQUIREMENT FOR INDUCTION OF MEN AND WOMEN.**

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

(1) Clause 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to “raise and support Armies”.

(2) The United States first required military conscription in the American Civil War under the Civil War Military Draft Act of 1863.

(3) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the volunteer force to support exceedingly high demand for additional forces when the U.S. entered the first World War.

(4) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President’s induction authority to “no greater number of men than the Congress shall hereafter make specific appropriation for from time to time”.

(5) Congress allowed induction authority to lapse in 1947.

(6) Congress reinstated the President’s induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.

(7) Congress maintained the President’s induction authority under the Selective Service Act of 1948 through the beginning of the Vietnam War.

(8) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.

(9) Congress prohibited any further use of the draft after July 1, 1973.

(10) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose.

(b) AMENDMENT.—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection:

“(d) No person shall be inducted for training and service in the Armed Forces unless Congress first passes and there is enacted—

“(1) a law expressly authorizing such induction into service; and

“(2) a law authorizing separately—

“(A) the number of male persons subject to such induction into service; and

“(B) the number of female persons subject to such induction into service.”.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of the enactment of this Act.

**SA 162.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. —. PROHIBITION ON USE OF FORCE AGAINST THE RUSSIAN FEDERATION.**

(a) NO AUTHORITY FOR USE OF FORCE.—No provision of law enacted before the date of the enactment of this Act may be construed to provide authorization for the use of military force against the Russian Federation.

(b) PROHIBITION ON FUNDING FOR USE OF MILITARY FORCE AGAINST THE RUSSIAN FEDERATION.—

(1) IN GENERAL.—No Federal funds may be made available for the use of military force in or against the Russian Federation unless—

(A) Congress has declared war; or

(B) there is enacted specific statutory authorization for such use of military force that meets the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(2) COMMANDER-IN-CHIEF EXCEPTION.—The prohibition under paragraph (1) does not apply to a use of military force that is consistent with section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)).

(c) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the President from using necessary and appropriate force to defend United States allies and partners if Congress enacts specific statutory authorization for such use of force consistent with the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.);

(2) to relieve the executive branch of restrictions on the use of force, reporting, or consultation requirements set forth in the War Powers Resolution (50 U.S.C. 1541 et seq.); or

(3) to authorize the use of military force.

(d) SCOPE OF MILITARY FORCE.—In this section, the term “military force”—

(1) includes—

(A) sharing intelligence with Ukraine for the purpose of enabling offensive strikes against the Russian Federation;

(B) providing logistical support to Ukraine for offensive strikes against the Russian Federation; and

(C) any situation involving any use of lethal or potentially lethal force by United States forces against Russian forces, irrespective of the domain, whether such force is deployed remotely, or the intermittency thereof; and

(2) does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093).

**SA 163.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

**Subtitle —Spectrum Valuation and Audit**  
**SEC. —01. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPECTRUM.**

(a) IN GENERAL.—Part A of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended—

(1) by redesignating section 105 (47 U.S.C. 904) as section 106; and

(2) by inserting after section 104 (47 U.S.C. 903) the following:

**“SEC. 105. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPECTRUM.**

**“(a) DEFINITIONS.—In this section—**

**“(1) the term ‘covered band’ means the band of frequencies between 3 kilohertz and 95 gigahertz;**

**“(2) the term ‘Federal entity’ has the meaning given the term in section 113(l); and**

**“(3) the term ‘OMB’ means the Office of Management and Budget.**

**“(b) ESTIMATES REQUIRED.—The Assistant Secretary, in consultation with the Commission and OMB, shall estimate the value of electromagnetic spectrum in the covered band that is assigned or otherwise allocated to each Federal entity as of the date of the estimate, in accordance with the schedule under subsection (c).**

**“(c) SCHEDULE.—The Assistant Secretary shall conduct the estimates under subsection (b) for the frequencies between—**

**“(1) 3 kilohertz and 33 gigahertz not later than 1 year after the date of enactment of this section, and every 3 years thereafter;**

**“(2) 33 gigahertz and 66 gigahertz not later than 2 years after the date of enactment of this section, and every 3 years thereafter; and**

**“(3) 66 gigahertz and 95 gigahertz not later than 3 years after the date of enactment of this section, and every 3 years thereafter.**

**“(d) BASIS FOR ESTIMATE.—**

**“(1) IN GENERAL.—The Assistant Secretary shall base each value estimate under subsection (b) on the value that the electromagnetic spectrum would have if the spectrum were reallocated for the use with the highest potential value of licensed or unlicensed commercial wireless services that do not have access to that spectrum as of the date of the estimate.**

**“(2) CONSIDERATION OF GOVERNMENT CAPABILITIES.—In estimating the value of spectrum under subsection (b), the Assistant Secretary may consider the spectrum needs of commercial interests while preserving the spectrum access necessary to satisfy mission requirements and operations of Federal entities.**

**“(3) DYNAMIC SCORING.—To the greatest extent practicable, the Assistant Secretary shall incorporate dynamic scoring methodology into the value estimate under subsection (b).**

**“(4) DISCLOSURE.—**

**“(A) IN GENERAL.—Subject to subparagraph (B), the Assistant Secretary shall publicly disclose how the Assistant Secretary arrived at each value estimate under subsection (b), including any findings made under paragraph (2) of this subsection.**

**“(B) CLASSIFIED, LAW ENFORCEMENT-SENSITIVE, AND PROPRIETARY INFORMATION.—If any information involved in a value estimate under subsection (b), including any finding made under paragraph (2) of this subsection, is classified, law enforcement-sensitive, or proprietary, the Assistant Secretary—**

**“(i) may not publicly disclose the classified, law enforcement-sensitive, or proprietary information; and**

**“(ii) shall make the classified, law enforcement-sensitive, or proprietary information**

available to any Member of Congress, upon request, in a classified annex.

**“(e) AGENCY REPORT ON VALUE OF ELECTROMAGNETIC SPECTRUM.—A Federal entity that has been assigned or otherwise allocated use of electromagnetic spectrum within the covered band shall report the value of the spectrum as most recently estimated under subsection (b)—**

**“(1) in the budget of the Federal entity to be included in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code; and**

**“(2) in the annual financial statement of the Federal entity required to be filed under section 3515 of title 31, United States Code.”.**

**(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 103(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(b)) is amended—**

**(1) in paragraph (1), by striking “section 105(d)” and inserting “section 106(d)”;** and

**(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “section 105(d)” and inserting “section 106(d)”.**

**SEC. —02. DEPARTMENT OF DEFENSE SPECTRUM AUDIT.**

**(a) DEFINITIONS.—In this section—**

**(1) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information;**

**(2) the term “Department” means the Department of Defense; and**

**(3) 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) AUDIT AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Assistant Secretary, in consultation with the Secretary of Defense, shall—**

**(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit; and**

**(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).**

**(c) CONTENTS OF REPORT.—The Assistant Secretary shall include in the report submitted under subsection (b)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit—**

**(1) each particular band of spectrum being used by the Department;**

**(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;**

**(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;**

**(4) whether a particular band described in paragraph (1) is used exclusively by the Department or shared with another Federal entity or a non-Federal entity; and**

**(5) any portion of the spectrum that is not being used by the Department.**

**(d) FORM OF REPORT.—The report required under subsection (b)(2) shall be submitted in unclassified form but may include a classified annex.**

**SA 164.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . REPORTING ON END STRENGTH RATIONALES.**

Section 115a(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary”;

(2) by inserting “, including an assessment of the most important threats facing the United States by regional command and how personnel end strength level requests address those specific threats” after “in effect at the time”;

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

“(2) Not later than May 1 each year, the Secretary shall provide a briefing to Congress including—

“(A) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense;

“(B) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each of the regional combatant commands;

“(C) the primary functions or missions of military and civilian personnel in each regional combatant command; and

“(D) an assessment of any areas in which decreases in active, reserve, or civilian personnel would not result in a decrease in readiness.”.

**SA 165.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12 \_\_\_\_ . PRIORITIZING EXCESS DEFENSE ARTICLE TRANSFERS FOR THE INDO-PACIFIC REGION.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) prioritize the review of excess defense article transfers to Indo-Pacific allies and partners;

(2) coordinate and align excess defense article transfers with capacity building efforts of Indo-Pacific allies and partners; and

(3) assist Taiwan to develop asymmetric capability through excess defense article transfers under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(b) PLAN REQUIRED.—Not later than February 15, 2024, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit a report to the congressional defense committees on planned future activities and the resources needed to accomplish the purposes described in subsection (a) that includes—

(1) a summary of the progress made towards achieving the purposes described in subsection (a); and

(2) an evaluation of potential excess defense articles scheduled for decommissioning that could be transferred under the Excess Defense Articles program administered by the Defense Security Cooperation Agency to allies and partners, including Taiwan regarding its asymmetric capability development.

**SA 166.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . TWO-YEAR TIME LIMIT FOR AUTHORIZATIONS FOR USE OF MILITARY FORCE.**

(a) IN GENERAL.—Any law authorizing the use of military force that is enacted on or after the date of the enactment of this Act shall terminate two years after the date of the enactment of such law unless a joint resolution of extension is enacted pursuant to subsection (b) extending such authority prior to such termination date.

(b) CONSIDERATION OF JOINT RESOLUTION OF EXTENSION.—

(1) JOINT RESOLUTION OF EXTENSION DEFINED.—In this subsection, the term “joint resolution of extension” means only a joint resolution of either House of Congress—

(A) the title of which is as follows: “A joint resolution extending the [ ] for a two-year period beginning on the date of the enactment of this joint resolution.”, with the blank being filled with the title of the law authorizing the use of military force that is being extended pursuant to subsection (a); and

(B) the sole matter after the resolving clause of which is the following: “Congress extends the authority for the use of military force provided under [ ] for a two-year period beginning on the date of the enactment of this joint resolution.”, with the blank being filled with the title of the law authorizing the use of military force that is being extended pursuant to subsection (a).

(2) INTRODUCTION.—A joint resolution of extension may be introduced by any member of Congress.

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a joint resolution of extension has been referred has not reported the joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of extension introduced in the Senate shall be referred to the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If the Committee on Foreign Relations has not reported the joint resolution within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee of Foreign Relations reports a joint resolution of extension to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order, excluding budgetary points of order, against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is

not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of extension shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of extension, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of extension received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(i) The joint resolution shall be referred to the appropriate committees.

(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The joint resolution shall be considered as read. All points of order, excluding budgetary points of order, against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

(i) If, before the passage by the Senate of a joint resolution of extension, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

(I) That joint resolution shall not be referred to a committee.

(II) With respect to that joint resolution—

(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

(ii) If, following passage of a joint resolution of extension in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

(iii) If a joint resolution of extension is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SA 167.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. EXPIRATION OF SPECIAL PRESIDENTIAL DRAWDOWN AUTHORITY.**

Section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) is amended, in the undesignated matter following subparagraph (B), by inserting before the period at the end the following: “, provided that the authority for any drawdown authorized under this paragraph shall expire on the last day of the fiscal year of such authorization, after which date no defense articles or equipment may be delivered to a foreign country or international organization without another authorization”.

**SA 168.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10. UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION EXCHANGE.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration” means the Utah School and Institutional Trust Lands Administration.

(2) AGREEMENT.—The term “Agreement” means the agreement between the Administration, the State, and the Secretary to exchange certain Federal land and interests in Federal land for certain State land and interests in State land managed by the Administration entitled “Memorandum of Understanding—Exchange of Lands” and dated March 17, 2023.

(3) LEGAL DESCRIPTION.—The term “Legal Description” means a legal description that is included in Exhibit A to the Agreement and that is part of the Agreement as of the date of the conveyance of the applicable land under this section.

(4) MAP.—The term “Map” means the map described in the Agreement.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Utah.

(b) RATIFICATION OF AGREEMENT BETWEEN THE ADMINISTRATION, THE STATE OF UTAH, AND THE SECRETARY OF THE INTERIOR.—

(1) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions included in the Agreement—

(A) shall be considered to be in the public interest;

(B) are incorporated by reference into this section;

(C) are ratified and confirmed by Congress; and

(D) set forth the obligations of the United States, the State, and the Administration under the Agreement as a matter of Federal law.

(2) IMPLEMENTATION.—The Secretary shall implement the Agreement.

(c) CONVEYANCES.—

(1) PUBLIC INTEREST DETERMINATION.—The land exchange directed by the Agreement shall be considered to be in the public interest.

(2) AUTHORIZATION.—

(A) CONVEYANCES.—Notwithstanding any other provision of law, the conveyances of land and interests in land described in paragraphs (2), (3), and (5) of the Agreement shall be executed in accordance with this section and the Agreement.

(B) DEADLINE FOR CERTAIN CONVEYANCES.—The conveyances of land and interests in land described in paragraphs (2) and (3) of the Agreement shall be completed not later than 45 days after the date of enactment of this Act.

(C) REQUIREMENT.—If necessary, the conveyances of land and interests in land described in the Agreement shall be equalized in accordance with subsection (d)(2).

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) PUBLIC AVAILABILITY.—The Map and Legal Descriptions shall be on file and available for public inspection in the offices of the Secretary and the State Director of the Bureau of Land Management.

(B) CONFLICT.—In the case of any conflict between the Map and the Legal Descriptions, the Legal Descriptions shall control.

(C) TECHNICAL CORRECTIONS.—Nothing in this section prevents the Secretary and the Administration from agreeing to the correction of technical errors or omissions in the Map or Legal Descriptions.

(4) ADEQUACY OF APPLICABLE PLANS.—A conveyance of Federal land or an interest in Federal land to the State under the Agreement shall be considered to comply with any applicable land use plan developed under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(d) EQUALIZATION OF THE EXCHANGE.—

(1) APPRAISAL.—

(A) IN GENERAL.—Not later than 18 months after the date of execution of the exchange under subsection (c), the total value of the land exchanged shall be determined by an appraisal in accordance with paragraph (5) of the Agreement, that shall—

(i) be based on land and mineral values determined as of the date of enactment of this Act;

(ii) be conducted in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

(iii) use nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(B) MINERALS.—

(1) MINERAL REPORTS.—The appraisals conducted under subparagraph (A) may take into account mineral and technical reports provided by the Secretary and the Administration in the evaluation of mineral deposits in the land and interests in land exchanged under the Agreement.

(ii) MINING CLAIMS.—The appraisal of any parcel of Federal land or interest in Federal land that is encumbered by a mining claim, mill site, or tunnel site located under the mining laws shall be conducted in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(iii) VALIDITY EXAMINATIONS.—Nothing in this subparagraph requires the United States to conduct a mineral examination for any mining claim on the Federal land or interest in Federal land conveyed under the Agreement.

(C) ADJUSTMENT.—

(i) IN GENERAL.—If value is attributed to any parcel of Federal land or interest in Federal land through an appraisal under subparagraph (A) based on the presence of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the value of the parcel or interest in Federal land (as otherwise established under this paragraph) shall be reduced by the percentage of the applicable Federal revenue sharing obligation under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

(ii) LIMITATION.—Any adjustment under clause (i) shall not be considered to be a property right of the State.

(D) APPROVAL; DURATION.—An appraisal conducted under subparagraph (A) shall—

(i) be submitted to the Secretary and the Administration for approval; and

(ii) remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the Administration under clause (i).

(E) DISPUTE RESOLUTION.—If, by the date that is 90 days after the date of submission of an appraisal for review and approval under subparagraph (D)(i), the Secretary and the Administration do not agree to accept the findings of the appraisal with respect to any parcel of land or interest in land to be exchanged, the dispute shall be resolved in accordance with section 206(d)(2) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)(2)).

(2) EQUALIZATION OF VALUES.—If the total value of the State land described in paragraph (2) of the Agreement and the total value of the Federal land and interests in Federal land described in paragraph (3) of the Agreement, as determined under paragraph (1), are not equal—

(A) the value shall be equalized in accordance with paragraph (5) of the Agreement; and

(B) the conveyance of equalization parcels, in accordance with paragraph (5) of the Agreement, shall occur not later than 45 days after the date of the identification of the appraised equalization parcels or portions of parcels to be conveyed to ensure that the exchange is of equal value.

(e) WITHDRAWALS.—

(1) WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid existing rights, the Federal land and interests in Federal land to be conveyed to the State under subsection (c)(2) are withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land and interests in Federal land to the State.

(2) WITHDRAWAL OF STATE LAND CONVEYED TO THE UNITED STATES.—Subject to valid existing rights, on the date of acquisition by



the United States, the State land described in paragraph (2) of the Agreement acquired by the United States under subsection (c)(2), to the extent not subject to previous withdrawals, is permanently withdrawn from all forms of appropriation and disposal under—

(A) the public land laws (including the mining and mineral leasing laws); and

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) **WITHDRAWAL REVOCATION.**—Any withdrawal of the parcels of Federal land and interests in Federal land described in paragraph (3) of the Agreement to be conveyed to the State under subsection (c)(2) from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit the conveyance of the Federal land parcel to the State free of any encumbrances associated with power site reserves or classifications.

(f) **SUNNYSIDE, UTAH, WATER SUPPLY PROVISIONS.**—The Act of January 7, 1921 (41 Stat. 1087, chapter 13), is amended by adding at the end the following:

**“SEC. 5. CERTAIN EXCLUSIONS.**

“Notwithstanding any other provision of this Act, the provisions of this Act of shall not apply to the following:

“(1) S½SW¼ sec 34, T. 13 S., R. 14 E., of the Salt Lake Meridian.

“(2) Lots 1–4, T. 14 S., R. 14 E., sec. 11, S½N½ and S½, of the Salt Lake Meridian.

“(3) Lots 3 and 4, T. 14 S., R. 14 E., sec. 12, S½NW¼ and SW¼, of the Salt Lake Meridian.

“(4) Lots 1 and 2, T. 14 S., R. 14 E., sec. 13, NE¼, W½, and N½SE¼, of the Salt Lake Meridian.

“(5) T. 14 S., R. 14 E., sec. 14, of the Salt Lake Meridian.”.

**SA 169.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. . TERMINATION OF DESIGNATION OF RUSSIAN INVASION OF UKRAINE AS AN UNFORESEEN EMERGENCY UNDER SECTION 506(A)(1) OF THE FOREIGN ASSISTANCE ACT OF 1961.**

Beginning on the date of the enactment of this Act, the President may not designate the Russian invasion of Ukraine, which began in February 2022, as an unforeseen emergency for purposes of section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)).

**SA 170.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle** —Military Humanitarian Operations

**SEC. 1. SHORT TITLE.**

This subtitle may be cited as the “Military Humanitarian Operations Act of 2023”.

**SEC. 2. MILITARY HUMANITARIAN OPERATION DEFINED.**

(a) **IN GENERAL.**—In this subtitle, the term “military humanitarian operation” means a military operation involving the deployment of members or weapons systems of the United States Armed Forces where hostile activities are reasonably anticipated and with the aim of preventing or responding to a humanitarian catastrophe, including its regional consequences, or addressing a threat posed to international peace and security. The term includes—

(1) operations undertaken pursuant to the principle of the “responsibility to protect” as referenced in United Nations Security Council Resolution 1674 (2006);

(2) operations specifically authorized by the United Nations Security Council, or other international organizations; and

(3) unilateral deployments and deployments made in coordination with international organizations, treaty-based organizations, or coalitions formed to address specific humanitarian catastrophes.

(b) **OPERATIONS NOT INCLUDED.**—The term “military humanitarian operation” does not mean a military operation undertaken for the following purposes:

(1) Responding to or repelling attacks, or preventing imminent attacks, on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(2) Direct acts of reprisal for attacks on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(3) Invoking the inherent right to individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations.

(4) Military missions to rescue United States citizens or military or diplomatic personnel abroad.

(5) Humanitarian missions in response to natural disasters where no civil unrest or combat with hostile forces is reasonably anticipated, and where such operation is for not more than 30 days.

(6) Actions to maintain maritime freedom of navigation, including actions aimed at combating piracy.

(7) Training exercises conducted by the United States Armed Forces abroad where no combat with hostile forces is reasonably anticipated.

**SEC. 3. REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION.**

The President may not deploy members of the United States Armed Forces into the territory, airspace, or waters of a foreign country for a military humanitarian operation not previously authorized by statute unless—

(1) the President submits to Congress a formal request for authorization to use members of the Armed Forces for the military humanitarian operation; and

(2) Congress enacts a specific authorization for such use of forces.

**SEC. 4. SEVERABILITY.**

If any provision of this subtitle is held to be unconstitutional, the remainder of the subtitle shall not be affected.

**SA 171.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. . PROHIBITION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO VETTED SYRIAN OPPOSITION.**

None of the funds authorized to be appropriated by this Act may be obligated or expended for activities under section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3541).

**SA 172.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. . REPORT ON THE DEMILITARIZATION ABROAD OF UNSERVICEABLE MUNITIONS LOCATED OUTSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of demilitarizing abroad unserviceable munitions that are located outside the United States in order to avoid the costs of transporting such munitions to the United States for demilitarization.

(b) **CONSIDERATIONS.**—In preparing the evaluation required for the report, the Secretary shall take into account the following:

(1) The need for mitigation of adverse environmental impacts, or impacts to the health and safety of local populations, in the demilitarization of unserviceable munitions.

(2) The availability and ease of use of munitions demilitarization technologies and mechanisms abroad, whether or not currently in use by the Army, including available non-incineration technologies.

(3) Any costs savings achievable through demilitarization of unserviceable munitions abroad.

(c) **TECHNOLOGIES.**—If the Secretary determines for purposes of the report that the demilitarization abroad of unserviceable munitions located outside the United States is feasible and advisable, the report shall include a description and assessment of various technologies and other mechanisms that would be suitable for such demilitarization.

**SA 173.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10. . LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF UTAH.**

Section 320301(d) of title 54, United States Code, is amended—

(1) in the heading, by striking “WYOMING” and inserting “THE STATE OF WYOMING OR UTAH”; and

(2) by striking “Wyoming” and inserting “the State of Wyoming or Utah”.

**SA 174.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10. CONFIRMATION OF USE OF CERTAIN NON-FEDERAL LAND IN SALT LAKE CITY, UTAH, FOR VALID PUBLIC PURPOSES.**

(a) CONFIRMATION OF USES.—

(1) IN GENERAL.—The use by the University of Utah of the land described in subsection (b) as a University research park, as approved by the letter from the Secretary of the Interior to the University of Utah dated December 10, 1970, and any modifications of the approved plan of development and management approved by the Department of the Interior prior to the date of enactment of this Act, is confirmed as a valid public purpose consistent with the requirements of the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.), subject to the terms and conditions included in the letter and approvals.

(2) OTHER USES.—Any other uses of the land described in subsection (b) by the University of Utah that are consistent with use as a University research park and related university purposes (including development of student housing and a transit hub) are confirmed as valid public purposes consistent with the requirements of the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.), subject to the terms and conditions referred to in paragraph (1).

(b) DESCRIPTION OF NON-FEDERAL LAND.—The land referred to in subsection (a) is the approximately 593.54 acres of land conveyed to the University of Utah under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.), by patent numbered 43-99-0012 and dated October 18, 1968, and more particularly described as tracts D (excluding parcels numbered 1, 2, 3, 4, and 5), G, and J, T. 1 S., R. 1 E., Salt Lake Meridian.

**SA 175.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

**SEC. 10. GREATER SAGE-GROUSE PROTECTION AND RECOVERY; LESSER-PRAIRIE CHICKEN CONSERVATION; AMERICAN BURYING BEETLE LISTING STATUS.**

(a) GREATER SAGE-GROUSE PROTECTION AND RECOVERY.—

(1) PURPOSES.—The purposes of this subsection are—

(A) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(B) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(2) DEFINITIONS.—In this subsection:

(A) FEDERAL RESOURCE MANAGEMENT PLAN.—The term “Federal resource management plan” means—

(i) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(ii) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(B) GREATER SAGE-GROUSE.—The term “greater sage-grouse” means a sage-grouse of the species *Centrocercus urophasianus*.

(C) STATE MANAGEMENT PLAN.—The term “State management plan” means a State-approved plan for the protection and recovery of the greater sage-grouse.

(3) PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.—

(A) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(i) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled “Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List Greater Sage-Grouse (*Centrocercus urophasianus*) as an Endangered or Threatened Species” (80 Fed. Reg. 59858 (October 2, 2015)) during the 10-year period beginning on the date of enactment of this Act.

(ii) EFFECT ON OTHER LAWS.—The delay required under clause (i) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(iii) EFFECT ON CONSERVATION STATUS.—The conservation status of the greater sage-grouse shall be considered not to warrant listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) during the 10-year period beginning on the date of enactment of this Act.

(B) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.—

(i) PROHIBITION ON WITHDRAWAL AND MODIFICATION OF FEDERAL RESOURCE MANAGEMENT PLANS.—On notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not make, modify, or extend any withdrawal or amend or otherwise modify any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(ii) RETROACTIVE EFFECT.—In the case of any State that provides notification under clause (i), if any withdrawal was made, modified, or extended or any amendment or modification of a Federal resource management plan applicable to Federal land in the State was issued after June 1, 2014, and the withdrawal, amendment, or modification altered the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(I) implementation and operation of the withdrawal, amendment, or modification shall be stayed to the extent that the withdrawal, amendment, or modification is in-

consistent with the State management plan; and

(II) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan.

(iii) DETERMINATION OF INCONSISTENCY.—Any disagreement regarding whether a withdrawal, amendment, or other modification of a Federal resource management plan is inconsistent with a State management plan shall be resolved by the Governor of the affected State.

(C) RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(D) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date that is 10 years after that date of enactment, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(E) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this paragraph, including any determination made under subparagraph (B)(iii), shall not be subject to judicial review.

(b) IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN RANGE-WIDE CONSERVATION PLAN AND OTHER CONSERVATION MEASURES.—

(1) DEFINITIONS.—In this subsection:

(A) CANDIDATE CONSERVATION AGREEMENT; CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.—The terms “Candidate Conservation Agreement” and “Candidate Conservation Agreement with Assurances” have the meanings given those terms in the announcement of the Department of the Interior and the Department of Commerce entitled “Announcement of Final Policy for Candidate Conservation Agreements with Assurances” (64 Fed. Reg. 32726 (June 17, 1999)).

(B) LESSER PRAIRIE-CHICKEN.—The term “lesser prairie-chicken” means a prairie-chicken of the species *Tympanuchus pallidicinctus*.

(C) RANGE-WIDE PLAN.—The term “Range-Wide Plan” means the lesser prairie-chicken Range-Wide Conservation Plan of the Western Association of Fish and Wildlife Agencies, as described in the proposed rule of the United States Fish and Wildlife Service entitled “Endangered and Threatened Wildlife and Plants; Listing the Lesser-Prairie Chicken as a Threatened Species with a Special Rule” (79 Fed. Reg. 4652 (January 29, 2014)).

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) PROHIBITION ON TREATMENT AS THREATENED OR ENDANGERED SPECIES.—

(A) IN GENERAL.—Notwithstanding any prior action by the Secretary, the lesser prairie-chicken shall not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) before the date that is 10



years after the date of enactment of this Act.

(B) PROHIBITION ON PROPOSAL.—Effective beginning on the date that is 10 years after the date of enactment of this Act, the lesser prairie-chicken may not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) unless the Secretary publishes a determination, based on the totality of the scientific evidence, that conservation (as that term is used in that Act) under the Range-Wide Plan and the agreements, programs, and efforts described in paragraph (3) have not achieved the conservation goals established by the Range-Wide Plan.

(3) MONITORING OF PROGRESS OF CONSERVATION PROGRAMS.—The Secretary shall monitor and annually submit to Congress a report on the conservation progress of the lesser prairie-chicken under the Range-Wide Plan and all related—

(A) Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances;

(B) Federal conservation programs administered by the Director of the United States Fish and Wildlife Service, the Director of the Bureau of Land Management, and the Secretary of Agriculture;

(C) State conservation programs; and

(D) private conservation efforts.

(C) REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.—Notwithstanding the final rule of the United States Fish and Wildlife Service entitled “Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the American Burying Beetle” (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle (*Nicrophorus americanus*) may not be listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

**SA 176.** Mr. TESTER (for himself, Mr. CASSIDY, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1299L. MODIFICATION OF DESCRIPTION OF INTEREST FOR PURPOSES OF CERTAIN DISTRIBUTIONS OF ANTI-DUMPING DUTIES AND COUNTERVAILING DUTIES.**

(a) IN GENERAL.—Section 605(c)(1) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4401(c)(1)) is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by striking “October 1, 2014, by U.S. Customs and Border Protection under, or in connection with—” and inserting “October 1, 2000, by U.S. Customs and Border Protection.”.

(b) FUNDING.—In carrying out the amendments made by subsection (a), the Commissioner of U.S. Customs and Border Protection may use amounts available in the “Refund of Moneys Erroneously Received and Covered” account of the Department of the Treasury.

**SA 177.** Mr. MARSHALL (for himself, Mr. DURBIN, and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize

appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 633. REPORT ON CREDIT AND DEBIT CARD USER FEES IMPOSED ON VETERANS AND CAREGIVERS AT COMMISSARY STORES AND MWR FACILITIES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the imposition of user fees under subsection (g) of section 1065 of title 10, United States Code, with respect to the use of credit or debit cards at commissary stores and MWR facilities by individuals eligible to use commissary stores and MWR facilities under that section.

(b) ELEMENTS.—The report required by subsection (a) shall provide the following, for the fiscal year preceding submission of the report:

(1) The total amount of expenses borne by the Department of the Treasury on behalf of commissary stores and MWR facilities associated with the use of credit or debit cards for customer purchases by individuals described in subsection (a), including expenses related to card network use and related transaction processing fees.

(2) The total amount of fees related to credit and debit card network use and related transaction processing paid by the Department of the Treasury on behalf of commissary stores and MWR facilities to credit and debit card networks and issuers.

(3) An identification of all credit and debit card networks to which the Department of the Treasury paid fees described in paragraph (2).

(4) An identification of the 10 credit card issuers and the 10 debit card issuers to which the Department of the Treasury paid the most fees described in paragraph (2).

(5) The total amount of user fees imposed on individuals under section 1065(g) of title 10, United States Code, who are—

(A) veterans who were awarded the Purple Heart;

(B) veterans who were Medal of Honor recipients;

(C) veterans who are former prisoners of war;

(D) veterans with a service-connected disability; and

(E) caregivers or family caregivers of a veteran.

(6) The total amount of fees described in paragraph (2) that were reimbursed to the Department of the Treasury by credit and debit card networks and issuers in order to spare individuals described in subsection (a) from being charged user fees for credit and debit card use at commissary stores or MWR retail facilities.

(c) DEFINITIONS.—In this section, the terms “caregiver”, “family caregiver”, and “MWR facilities” have the meanings given those terms in section 1065(h) of title 10, United States Code.

**SA 178.** Mr. KING (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 7. HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY DURING PERIOD PRIOR TO DISCHARGE, RELEASE, RETIREMENT, OR SEPARATION.**

(a) CARE FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—

(1) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

**“§1790. Care for members of the Armed Forces on active duty**

“(a) IN GENERAL.—The Secretary shall furnish hospital care and medical services that the Secretary determines to be needed—

“(1) to a member of the armed forces throughout the 90-day period immediately preceding discharge or release of such member from the armed forces upon completion by such member of 180 or more continuous days of active duty; and

“(2) to a member of the armed forces throughout the 90-day period immediately preceding retirement or separation of such member from active duty for disability without regard to duration of service of such member on active duty.

“(b) MANNER OF PROVIDING CARE.—In carrying out subsection (a), the Secretary shall furnish hospital care and medical services in the same or similar manner and subject to the same or similar limitations as hospital care and medical services furnished to veterans eligible for such care and services, by—

“(1) establishing processes and procedures to complete enrollment in the patient enrollment system under section 1705(a)(9) of this title of members of the armed forces described in subsection (a) prior to the 90-day authorization window for hospital care and medical services under such subsection;

“(2) establishing access standards for furnishing hospital care and medical services to such members; and

“(3) ensuring that such access standards mitigate the absence of service-connected disability determinations for such members.

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than April 30 of each year, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on hospital care and medical services furnished under subsection (a) during the previous calendar year.

“(2) ELEMENTS.—Each report required under paragraph (1) shall include, for the year covered by the report—

“(A) the number of individuals who received hospital care or medical services under subsection (a);

“(B) demographic information for such individuals;

“(C) the types of such care or services furnished or paid for by the Department; and

“(D) the total cost to the Department of providing such care or services.

“(d) ARMED FORCES DEFINED.—In this section, the term ‘armed forces’ has the meaning given that term in section 101 of title 10.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“1790. Care for members of the Armed Forces on active duty.”.

(b) **ENROLLMENT OF MEMBERS.**—Section 1705(a) of title 38, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “enrollment of veterans” and inserting “enrollment of individuals under such system”; and

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

“(9) Members of the Armed Forces for purposes of furnishing hospital care and medical services under section 1790(a) of this title.”.

(c) **IMPLEMENTATION DATE.**—The Secretary of Veterans Affairs shall begin furnishing care and services under section 1790 of title 38, United States Code, as added by subsection (a), by not later than one year after the date of the enactment of this Act.

(d) **PROGRESS BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a briefing regarding the progress of the Secretary in meeting the requirements under section 1790 of title 38, United States Code, as added by subsection (a).

**SA 179.** Mr. KING (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10. IMPROVEMENTS TO DEPARTMENT OF VETERANS AFFAIRS-DEPARTMENT OF DEFENSE JOINT EXECUTIVE COMMITTEE.**

(a) **SHORT TITLE.**—This section may be cited as the “Ensuring Interagency Cooperation to Support Veterans Act of 2023”.

(b) **IN GENERAL.**—Section 320 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “; and” and inserting a semicolon;

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

(iii) by adding at the end the following new subparagraphs:

“(C) the Assistant Secretary of Labor for Veterans’ Employment and Training and such other officers and employees of the Department of Labor as the Secretary of Labor may designate; and

“(D) such officers and employees of other Executive agencies as the Secretary of Veterans Affairs and the Secretary of Defense jointly determine, with the consent of the heads of the Executive agencies of such officers and employees, necessary to carry out the goals and objectives of the Committee.”;

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

“(3) The co-chairs of the Committee are the Deputy Secretary of Veterans Affairs and the Under Secretary of Defense for Personnel and Readiness.”;

(2) in subsection (b)(2), by striking “Job Training and Post-Service Placement Executive Committee” and inserting “Transition Executive Committee”;

(3) in subsection (d), by adding at the end the following new paragraph:

“(6) Develop, implement, and oversee such other joint actions, initiatives, programs,

and policies as the two Secretaries determine appropriate and consistent with the purpose of the Committee.”; and

(4) in subsection (e)—

(A) in the subsection heading, by striking “JOB TRAINING AND POST-SERVICE PLACEMENT” and inserting “TRANSITION”;

(B) in the matter before paragraph (1)—

(i) by striking “Job Training and Post-Service Placement” and inserting “Transition”;

(ii) by inserting “, in addition to such other activities as may assigned to the committee under subsection (d)(6)” after “shall”; and

(C) in paragraph (2), by inserting “, transition from life in the Armed Forces to civilian life,” after “job training”.

**SA 180.** Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1702 and 1703 and insert the following:

**SEC. 1702. COMPREHENSIVE ASSESSMENT OF SPACE FORCE EQUITIES IN THE NATIONAL GUARD.**

(a) **STUDY REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a Federally funded research and development center under which such center will conduct an independent study to determine the a cost benefit analysis of the range of feasible options for the future of State National Guard units with space based missions and provide to the Secretary a report on the findings of the study. The conduct of such study shall include—

(1) an analysis of the current model of National Guard units with space-based missions, the potential plan to transition these aforementioned National Guard units in to the Space Force, and the potential creation of a Space Force National Guard.

(2) a cost-benefit analysis for each of the analyzed courses of action; and

(3) an analysis of the best replacement missions or units for the State National Guards that would lose a mission or unit under any of the proposed plans analyzed.

(b) **DEADLINE FOR COMPLETION.**—An agreement entered into pursuant to subsection (a) shall specify that the study conducted under the agreement shall be completed by not later than February 1, 2025.

(c) **BRIEFING AND REPORT.**—

(1) **IN GENERAL.**—Upon completion of a study conducted under an agreement entered into pursuant to subsection (a), the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and report on the findings of the study.

(2) **CLASSIFICATION OF REPORT.**—The report required under paragraph (1) shall be submitted in unclassified form but may include classified appendices as required.

In section 1743—

(1) in the section heading, strike “AND THE AIR NATIONAL GUARD”;

(2) strike “or the Air National Guard” each place it appears;

(3) in subsection (d)(2), strike “and the Air National Guard”; and

(4) in subsection (e)(1), strike “, the Air National Guard.”.

In section 1744(a), strike “or the Air National Guard”.

**SA 181.** Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. SENATE NATIONAL SECURITY WORKING GROUP.**

(a) **IN GENERAL.**—Section 21 of Senate Resolution 64 (113th Congress), agreed to March 5, 2013, is amended by striking subsection (d).

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as though enacted on December 31, 2022.

**SA 182.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle H—Dream Act of 2023**

**SEC. 1091. SHORT TITLE.**

This subtitle may be cited as the “Dream Act of 2023”.

**SEC. 1092. DEFINITIONS.**

In this subtitle:

(1) **IN GENERAL.**—Except as otherwise specifically provided, any term used in this subtitle that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) **DACA.**—The term “DACA” means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012.

(3) **DISABILITY.**—The term “disability” has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(4) **EARLY CHILDHOOD EDUCATION PROGRAM.**—The term “early childhood education program” has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) **ELEMENTARY SCHOOL; HIGH SCHOOL; SECONDARY SCHOOL.**—The terms “elementary school”, “high school”, and “secondary school” have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **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)).

(7) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education”—

(A) except as provided in subparagraph (B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(8) **PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.**—The term “permanent resident status on a conditional basis” means

status as an alien lawfully admitted for permanent residence on a conditional basis under this subtitle.

(9) **POVERTY LINE.**—The term “poverty line” has the meaning given such term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(10) **SECRETARY.**—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Homeland Security.

(11) **UNIFORMED SERVICES.**—The term “Uniformed Services” has the meaning given the term “uniformed services” in section 101(a) of title 10, United States Code.

**SEC. 1093. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

(a) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions under this subtitle.

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if—

(A) the alien has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;

(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

(C) subject to paragraphs (2) and (3), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) has not been convicted of—

(I) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more; and

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States; or

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or its recognized equivalent under State law; or

(II) in passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam.

(2) **WAIVER.**—With respect to any benefit under this subtitle, the Secretary may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or family unity or if the waiver is otherwise in the public interest.

(3) **TREATMENT OF EXPUNGED CONVICTIONS.**—An expunged conviction shall not automatically be treated as an offense under paragraph (1). The Secretary shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the Secretary determines that the alien should be eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

(4) **DACA RECIPIENTS.**—The Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who was granted DACA unless the alien has engaged in conduct since the alien was granted DACA that would make the alien ineligible for DACA.

(5) **APPLICATION FEE.**—

(A) **IN GENERAL.**—The Secretary may require an alien applying for permanent resident status on a conditional basis under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) **EXEMPTION.**—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv) during the 12-month period immediately preceding the date on which the alien files an application under this section, accumulated \$10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(6) **SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.**—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(7) **BACKGROUND CHECKS.**—

(A) **REQUIREMENT FOR BACKGROUND CHECKS.**—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status.

(B) **COMPLETION OF BACKGROUND CHECKS.**—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants such alien permanent resident status on a conditional basis under this section.

(8) **MEDICAL EXAMINATION.**—

(A) **REQUIREMENT.**—An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination.

(B) **POLICIES AND PROCEDURES.**—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under subparagraph (A).

(9) **MILITARY SELECTIVE SERVICE.**—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under such Act.

(c) **DETERMINATION OF CONTINUOUS PRESENCE.**—

(1) **TERMINATION OF CONTINUOUS PERIOD.**—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) **TREATMENT OF CERTAIN BREAKS IN PRESENCE.**—

(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(B) **EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.**—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) **TRAVEL AUTHORIZED BY THE SECRETARY.**—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) **LIMITATION ON REMOVAL OF CERTAIN ALIENS.**—

(1) **IN GENERAL.**—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

(2) **ALIENS SUBJECT TO REMOVAL.**—The Secretary shall provide a reasonable opportunity to apply for relief under this section to any alien who requests such an opportunity or who appears prima facie eligible for relief under this section if the alien is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order.

(3) **CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.**—

(A) **STAY OF REMOVAL.**—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all the requirements under subparagraphs (A), (B), and (C) of subsection

(b)(1), subject to paragraphs (2) and (3) of such subsection;

(ii) is at least 5 years of age; and

(iii) is enrolled in an elementary school, a secondary school, or an early childhood education program.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien under subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph.

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis under this subtitle.

#### SEC. 1094. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(1) valid for a period of 8 years, unless such period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this subtitle and the requirements to have the conditional basis of such status removed.

(c) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under paragraph (1)(C) of section 1093(b), subject to paragraphs (2) and (3) of that section; and

(2) prior to the termination, provides the alien—

(A) notice of the proposed termination; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis or applying for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) immediately before receiving or applying for such permanent resident status on a conditional basis, as appropriate, may not return to such temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for such temporary protected status.

#### SEC. 1095. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of an alien's permanent resident status granted under this subtitle and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in paragraph (1)(C) of section 1093(b), subject to paragraphs (2) and (3) of that section;

(B) has not abandoned the alien's residence in the United States; and

(C)(i) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section 1093(b)(1)(D)(iii), shall not count toward the time requirements under this clause.

(2) HARDSHIP EXCEPTION.—The Secretary shall remove the conditional basis of an alien's permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(B) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and

(C) demonstrates that—

(i) the alien has a disability;

(ii) the alien is a full-time caregiver of a minor child; or

(iii) the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence.

(3) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status granted under this subtitle may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable to meet the requirements under such section 312(a) due to disability.

(4) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require aliens applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, the alien accumulated \$10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the alien's permanent resident status.

(b) TREATMENT FOR PURPOSES OF NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and be present in the United States, as an alien lawfully admitted for permanent residence.

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis.

#### SEC. 1096. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under section 1093(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section 1095(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records that include the employer's name and contact information;

(2) records from any educational institution the alien has attended in the United States;

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien's participation in a religious ceremony;

(5) passport entries;

(6) a birth certificate for a child who was born in the United States;

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;

(10) insurance policies;

(11) remittance records;

(12) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(13) copies of money order receipts for money sent in or out of the United States;

(14) dated bank transactions; or

(15) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(c) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under section 1093(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

(1) an admission stamp on the alien's passport;

(2) records from any educational institution the alien has attended in the United States;

(3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

(5) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(6) employment records that include the employer's name and contact information;

(7) official records from a religious entity confirming the alien's participation in a religious ceremony;

(8) a birth certificate for a child who was born in the United States;

(9) automobile license receipts or registration;

(10) deeds, mortgages, or rental agreement contracts;

(11) tax receipts;

(12) travel records;

(13) copies of money order receipts sent in or out of the country;

(14) dated bank transactions;

(15) remittance records; or

(16) insurance policies.

(d) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

(1) has been admitted to the institution; or

(2) is currently enrolled in the institution as a student.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

(1) a high school diploma, certificate of completion, or other alternate award;

(2) a high school equivalency diploma or certificate recognized under State law; or

(3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 1093(b)(1)(D)(iii), 1093(d)(3)(A)(iii), or 1095(a)(1)(C), the alien shall submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

(2) the alien's name, periods of attendance, and current grade or educational level.

(h) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 1093(b)(5)(B) or 1095(a)(4)(B), the alien shall submit to the Secretary the following relevant documents:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—

(A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS,

OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familial support, is homeless, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(4) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

(A) bear the provider's name and address;

(B) bear the name of the individual receiving treatment; and

(C) document that the alien has accumulated \$10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies one of the criteria for the hardship exemption set forth in section 1095(a)(2)(C), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

(1) the name, address, and telephone number of the affiant; and

(2) the nature and duration of the relationship between the affiant and the alien.

(j) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

(1) a Department of Defense form DD-214;

(2) a National Guard Report of Separation and Record of Service form 22;

(3) personnel records for such service from the appropriate Uniformed Service; or

(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

(1) IN GENERAL.—An alien may satisfy the employment requirement under section 1095(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such employment requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

(A) bank records;

(B) business records;

(C) employer records;

(D) records of a labor union, day labor center, or organization that assists workers in employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(1) **AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.**—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

#### SEC. 1097. RULEMAKING.

(a) **INITIAL PUBLICATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this subtitle in the Federal Register. Such regulations shall allow eligible individuals to immediately apply affirmatively for the relief available under section 1093 without being placed in removal proceedings.

(b) **INTERIM REGULATIONS.**—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a) shall be effective, on an interim basis, immediately upon publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) **FINAL REGULATIONS.**—Not later than 180 days after the date on which interim regulations are published under this section, the Secretary shall publish final regulations implementing this subtitle.

(d) **PAPERWORK REDUCTION ACT.**—The requirements under chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to any action to implement this subtitle.

#### SEC. 1098. CONFIDENTIALITY OF INFORMATION.

(a) **IN GENERAL.**—The Secretary may not disclose or use information provided in applications filed under this subtitle or in requests for DACA for the purpose of immigration enforcement.

(b) **REFERRALS PROHIBITED.**—The Secretary may not refer any individual who has been granted permanent resident status on a conditional basis or who was granted DACA to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) **LIMITED EXCEPTION.**—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for DACA may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for permanent resident status on a conditional basis;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) **PENALTY.**—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

#### SEC. 1099. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) **IN GENERAL.**—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) **EFFECTIVE DATE.**—The repeal under subsection (a) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

**SA 183.** Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 1035. EXTENSION OF ANNUAL REPORT ON STRIKES UNDERTAKEN BY THE UNITED STATES AGAINST TERRORIST TARGETS OUTSIDE AREAS OF ACTIVE HOSTILITIES.

Section 1723 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1811) is amended—

(1) in subsection (a), by striking “until 2022”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “The report” and inserting “Each report”; and

(B) in paragraph (1), by striking the semicolon and inserting “; and”; and

(3) in subsection (d), by striking “The report” and inserting “Each report”.

**SA 184.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1031 through 1034 and insert the following:

#### SEC. 1031. PROHIBITION ON USE OF FUNDS TO OPERATE THE DETENTION FACILITY AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AFTER SEPTEMBER 30, 2025.

None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act may be used to operate the detention facility at United States Naval Station, Guantanamo Bay, Cuba, after September 30, 2025.

#### SEC. 1032. REPEAL OF PROHIBITIONS RELATING TO DETAINEES AT AND CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.**—Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1953), as most recently amended by section 1031 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263), is repealed.

(b) **USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**—Section 1034 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1954), as most recently amended by section 1032 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263), is repealed.

(c) **USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.**—Section 1035 of the John S. McCain National Defense Au-

thorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1954), as most recently amended by section 1033 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263), is repealed.

#### SEC. 1033. REPEAL OF CERTAIN REQUIREMENTS FOR CERTIFICATIONS AND NOTIFICATIONS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) **CERTIFICATION.**—Section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 969; 10 U.S.C. 801 note) is repealed.

(b) **NOTIFICATION.**—Section 308 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112-87; 125 Stat. 1883; 10 U.S.C. 801 note) is repealed.

#### SEC. 1034. REPEAL OF CHAPTER 47A OF TITLE 10, UNITED STATES CODE.

(a) **IN GENERAL.**—Subchapters I through VI and subchapter VIII of chapter 47A of title 10, United States Code, are repealed.

(b) **CONFORMING AMENDMENTS TO SUBCHAPTER VII.**—

(1) **IN GENERAL.**—Subchapter VII of chapter 47A of such title is amended—

(A) in section 950d(a)(3), by inserting “(as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024)” after “of this title”;

(B) in section 950f—

(i) in subsection (b)—

(I) in paragraph (2), by inserting “(as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024)” after “of this title”; and

(II) in paragraph (6)(B), by striking “section 949b(b)(4) of this title” and inserting “paragraph (7)”; and

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

“(7) No appellate military judge on the United States Court of Military Commission Review may be reassigned to other duties, except under circumstances as follows:

“(A) The appellate military judge voluntarily requests to be reassigned to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, approves such reassignment.

“(B) The appellate military judge retires or otherwise separates from the armed forces.

“(C) The appellate military judge is reassigned to other duties by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, based on military necessity and such reassignment is consistent with service rotation regulations (to the extent such regulations are applicable).

“(D) The appellate military judge is withdrawn by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, for good cause consistent with applicable procedures under chapter 47 of this title (the Uniform Code of Military Justice).”;

(C) in section 950h(c), by inserting “(as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024)” after “of this title”; and

(D) by adding at the end the following new section:



**“§ 950k. Definition**

“In this subchapter, the term ‘military commission under this chapter’ means a military commission under this chapter as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VII of chapter 47A of such title is amended by adding at the end the following new item:

“950k. Definition.”.

(c) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 47A of such title is amended by striking the items relating to subchapters I through VI and subchapter VIII.

**SA 185.** Mr. DURBIN (for himself, Mr. CORNYN, and Ms. DUCKWORTH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . IMPACT AID ELIGIBILITY FOR CERTAIN LOCAL EDUCATIONAL AGENCIES.**

(a) CERTAIN HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended—

(1) in subparagraph (B)(i)(IV)(aa), by striking “35” and inserting “20”; and

(2) in the matter preceding item (aa) of subparagraph (D)(i)(II), by striking “35” and inserting “20”.

(b) AGENCIES AFFECTED BY PRIVATIZATION OR CLOSURE OF MILITARY HOUSING.—Section 7003(b)(2)(G) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(G)) is amended—

(1) in clause (i), by striking “clause (iii)” and inserting “clause (iv)”;

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

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

“(iii) SPECIAL RULE.—Notwithstanding any other provision of this section, a local educational agency that was eligible for, and received, a basic support payment under this paragraph for fiscal year 2023 through the application of clause (i) shall remain eligible for a basic support payment under this paragraph for fiscal year 2024 and any succeeding fiscal year. The amount of a payment under this clause shall be calculated in accordance with clause (ii).”.

**SA 186.** Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RECYCLING INFRASTRUCTURE AND ACCESSIBILITY PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CURBSIDE RECYCLING.—The term “curbside recycling” means the process by which residential recyclable materials are picked up curbside.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903));

(B) a unit of local government;

(C) an Indian Tribe; and

(D) a public-private partnership.

(4) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) MATERIALS RECOVERY FACILITY.—

(A) IN GENERAL.—The term “materials recovery facility” means a recycling facility where primarily residential recyclables, which are diverted from disposal by a generator and collected separately from municipal solid waste, are mechanically or manually sorted into commodities for further processing into specification-grade commodities for sale to end users.

(B) EXCLUSION.—The term “materials recovery facility” does not include a solid waste management facility that may process municipal solid waste to remove recyclable materials.

(6) PILOT GRANT PROGRAM.—The term “pilot grant program” means the Recycling Infrastructure and Accessibility Program established under subsection (b).

(7) RECYCLABLE MATERIAL.—The term “recyclable material” means obsolete, previously used, off-specification, surplus, or incidentally produced material for processing into a specification-grade commodity for which a market exists.

(8) TRANSFER STATION.—The term “transfer station” means a facility that—

(A) receives and consolidates recyclable material from curbside recycling or drop-off facilities; and

(B) loads the recyclable material onto tractor trailers, railcars, or barges for transport to a distant materials recovery facility or another recycling-related facility.

(9) UNDERSERVED COMMUNITY.—The term “underserved community” means a community, including an unincorporated area, without access to full recycling services because—

(A) transportation, distance, or other reasons render utilization of available processing capacity at an existing materials recovery facility cost prohibitive; or

(B) the processing capacity of an existing materials recovery facility is insufficient to manage the volume of recyclable materials produced by that community.

(b) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall establish a pilot grant program, to be known as the “Recycling Infrastructure and Accessibility Program”, to award grants, on a competitive basis, to eligible entities to improve recycling accessibility in a community or communities within the same geographic area.

(c) GOAL.—The goal of the pilot grant program is to fund eligible projects that will significantly improve accessibility to recycling systems through investments in infrastructure in underserved communities through the use of a hub-and-spoke model for recycling infrastructure development.

(d) APPLICATIONS.—To be eligible to receive a grant under the pilot grant program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(e) CONSIDERATIONS.—In selecting eligible entities to receive a grant under the pilot grant program, the Administrator shall consider—

(1) whether the community or communities in which the eligible entity is seeking to carry out a proposed project has curbside recycling;

(2) whether the proposed project of the eligible entity will improve accessibility to recycling services in a single underserved community or multiple underserved communities; and

(3) if the eligible entity is a public-private partnership, the financial health of the private entity seeking to enter into that public-private partnership.

(f) PRIORITY.—In selecting eligible entities to receive a grant under the pilot grant program, the Administrator shall give priority to eligible entities seeking to carry out a proposed project in a community in which there is not more than 1 materials recovery facility within a 75-mile radius of that community.

(g) USE OF FUNDS.—An eligible entity awarded a grant under the pilot grant program may use the grant funds for projects to improve recycling accessibility in communities, including in underserved communities, by—

(1) increasing the number of transfer stations;

(2) expanding curbside recycling collection programs where appropriate; and

(3) leveraging public-private partnerships to reduce the costs associated with collecting and transporting recyclable materials in underserved communities.

(h) PROHIBITION ON USE OF FUNDS.—An eligible entity awarded a grant under the pilot grant program may not use the grant funds for projects relating to recycling education programs.

(i) MINIMUM AND MAXIMUM GRANT AMOUNT.—A grant awarded to an eligible entity under the pilot grant program shall be in an amount—

(1) not less than \$500,000; and

(2) not more than \$15,000,000.

(j) SET-ASIDE.—The Administrator shall set aside not less than 70 percent of the amounts made available to carry out the pilot grant program for each fiscal year to award grants to eligible entities to carry out a proposed project or program in a single underserved community or multiple underserved communities.

(k) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a project or program carried out by an eligible entity using grant funds shall be not more than 90 percent.

(2) WAIVER.—The Administrator may waive the Federal share requirement under paragraph (1) if the Administrator determines that an eligible entity would experience significant financial hardship as a result of that requirement.

(l) REPORT.—Not later than 2 years after the date on which the first grant is awarded under the pilot grant program, the Administrator shall submit to Congress a report describing the implementation of the pilot grant program, which shall include—

(1) a list of eligible entities that have received a grant under the pilot grant program;

(2) the actions taken by each eligible entity that received a grant under the pilot grant program to improve recycling accessibility with grant funds; and

(3) to the extent information is available, a description of how grant funds received under the pilot grant program improved recycling rates in each community in which a project or program was carried out under the pilot grant program.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out the pilot grant program \$30,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

(2) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Of the amounts made available under paragraph (1), the Administrator may use up to 5 percent—

(A) for administrative costs relating to carrying out the pilot grant program; and

(B) to provide technical assistance to eligible entities applying for a grant under the pilot grant program.

**SA 187.** Mr. LEE (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1005. TREATMENT OF FUNDS RECEIVED BY NATIONAL GUARD BUREAU AS REIMBURSEMENT FROM STATES.**

Section 710 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(g) TREATMENT OF REIMBURSED FUNDS.—Any funds received by the National Guard Bureau from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands as reimbursement under this section for the use of military property shall be credited to—

“(1) the appropriation, fund, or account used in incurring the obligation; or

“(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.”.

**SA 188.** Mr. CRUZ (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

**SEC. \_\_\_\_ . INFORMING CONSUMERS ABOUT SMART DEVICES ACT.**

(a) REQUIRED DISCLOSURE OF A CAMERA OR RECORDING CAPABILITY IN CERTAIN INTERNET-CONNECTED DEVICES.—Each manufacturer of a covered device shall disclose, clearly and conspicuously and prior to purchase, whether the covered device manufactured by the manufacturer contains a camera or microphone as a component of the covered device.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) 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) ACTIONS BY THE COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission (in this section referred to as the

“Commission”) shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PENALTIES AND PRIVILEGES.—Any person who violates this section or a regulation promulgated under this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(3) COMMISSION GUIDANCE.—Not later than 180 days after the date of enactment of this section, the Commission, through outreach to relevant private entities, shall issue guidance to assist manufacturers in complying with the requirements of this section, including guidance about best practices for making the disclosure required by subsection (a) as clear and conspicuous and age appropriate as practicable and about best practices for the use of a pictorial (as defined in section 2(a) of the Consumer Review Fairness Act of 2016 (15 U.S.C. 45b(a))) visual representation of the information to be disclosed.

(4) TAILORED GUIDANCE.—A manufacturer of a covered device may petition the Commission for tailored guidance as to how to meet the requirements of subsection (a) consistent with existing rules of practice or any successor rules.

(5) LIMITATION ON COMMISSION GUIDANCE.—No guidance issued by the Commission with respect to this section shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this section, the Commission shall allege a specific violation of a provision of this section. The Commission may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate subsection (a).

(c) DEFINITION OF COVERED DEVICE.—In this section, the term “covered device”—

(1) means a consumer product, as defined by section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)) that is capable of connecting to the internet, a component of which is a camera or microphone; and

(2) does not include—

(A) a telephone (including a mobile phone), a laptop, tablet, or any device that a consumer would reasonably expect to have a microphone or camera;

(B) any device that is specifically marketed as a camera, telecommunications device, or microphone; or

(C) any device or apparatus described in sections 255, 716, and 718, and subsections (aa) and (bb) of section 303 of the Communications Act of 1934 (47 U.S.C. 255; 617; 619; and 303(aa) and (bb)), and any regulations promulgated thereunder.

(d) EFFECTIVE DATE.—This section shall apply to all covered devices manufactured after the date that is 180 days after the date on which guidance is issued by the Commission under subsection (b)(3), and shall not apply to covered devices manufactured or sold before such date, or otherwise introduced into interstate commerce before such date.

**SA 189.** Mr. DURBIN (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the

bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 144. SENSE OF THE SENATE ON USE OF TOTAL COST OF OWNERSHIP MODEL FOR PROCUREMENT OF NONTACTICAL VEHICLES.**

(a) FINDINGS.—Congress finds the following:

(1) It is financially prudent for the Department of Defense to procure cost-effective zero-emission vehicles by considering the total cost of ownership (referred to in this section as “TCO”) of such vehicles.

(2) A TCO procurement model would account for operating costs of vehicles, including fuel, maintenance, and public health savings.

(3) Use of a TCO procurement model by the Department of Defense in the procurement of nontactical vehicles would maximize cost savings and bolster energy and national security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Defense should calculate and consider the TCO when procuring a nontactical vehicle; and

(2) the Department of Defense, when conducting any action with the Government Services Administration relating to the procurement or requisition of a nontactical vehicle, should—

(A) work with the Department of Energy to develop a TCO procurement model that uses State-wide, regional, and inventory variables to estimate the cost of converting the nontactical vehicle fleet of the Department of Defense to zero-emission vehicles;

(B) submit to Congress a report summarizing such procurement or requisition that, at a minimum, identifies—

(i) types of vehicles by—

(I) size; and

(II) fuel source; and

(ii) the total estimated cost savings and avoided emissions that result or would have resulted from the purchase or lease of a zero-emission vehicle instead of an internal combustion engine vehicle;

(C) incorporate the TCO procurement model developed under subparagraph (A) into any such procurement or requisition action; and

(D) authorize any exemptions from use of the TCO procurement model developed under subparagraph (A) as the Secretary of Defense considers appropriate, including by—

(i) authorizing exemptions for certain categories of vehicles, including emergency vehicles or other nontactical vehicles as determined by the Secretary, when a vehicle type is not available for the needed application;

(ii) authorizing exemptions upon finding that a zero-emission vehicle is not a practicable alternative to an internal combustion engine vehicle for a particular use, or for some other compelling reason; and

(iii) developing guidance regarding procedures for requesting such exemptions, including the criteria for evaluating such exemption requests, which should be published on the website of the Department of Defense and given a 30-day period for public review and comment before the Department adopts or revises such guidance.

**SA 190.** Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

**SEC. 10. DEPARTMENT OF ENERGY CENTER OF EXCELLENCE FOR ASSESSING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES IN WATER SOURCES AND PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCE REMEDIATION SOLUTIONS.**

(a) **PURPOSE.**—The purpose of this section is to dedicate resources to advancing, and expanding access to, perfluoroalkyl and polyfluoroalkyl substance detection and remediation science, research, and technologies through a Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions.

(b) **DEFINITIONS.**—In this section:

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

(A) the congressional defense committees (as defined in section 101(a) of title 10, United States Code);

(B) the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Veterans’ Affairs of the Senate; and

(C) the Committee on Energy and Commerce, the Committee on Natural Resources, the Committee on Science, Space, and Technology, and the Committee on Veterans’ Affairs of the House of Representatives.

(2) **CENTER.**—The term “Center” means the Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under subsection (c).

(3) **ELIGIBLE RESEARCH UNIVERSITY.**—The term “eligible research university” means an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that—

(A) has annual research expenditures of not less than \$750,000,000; and

(B) is located near a population center of not fewer than 5,000,000 individuals.

(4) **EPA METHOD 533.**—The term “EPA Method 533” means the method described in the document of the Environmental Protection Agency entitled “Method 533: Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem mass Spectrometry” (or a successor document).

(5) **EPA METHOD 537.1.**—The term “EPA Method 537.1” means the method described in the document of the Environmental Protection Agency entitled “Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)” (or a successor document).

(6) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) select from among the applications submitted under paragraph (2) an eligible research university and a National Laboratory applying jointly for the establishment of a center, to be known as the “Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions”, which shall be a bi-institutional collaboration between the eligible research university and National Laboratory co-applicants; and

(B) guide and assist the eligible research university and National Laboratory in the establishment of the Center.

(2) **APPLICATIONS.**—

(A) **IN GENERAL.**—An eligible research university and National Laboratory desiring to establish the Center shall jointly submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) **CRITERIA.**—In evaluating applications submitted under subparagraph (A), the Secretary shall only consider applications that—

(i) include evidence of an existing partnership between the co-applicants that is dedicated to supporting and expanding shared scientific goals with a clear pathway to collaborating on furthering science and research relating to perfluoroalkyl and polyfluoroalkyl substances;

(ii) demonstrate a history of collaboration between the co-applicants on the advancement of shared research capabilities, including instrumentation and research infrastructure relating to perfluoroalkyl and polyfluoroalkyl substances;

(iii) indicate that the co-applicants have the capacity to expand education and research opportunities for undergraduate and graduate students to prepare a generation of experts in sciences relating to perfluoroalkyl and polyfluoroalkyl substances;

(iv) demonstrate that the National Laboratory co-applicant is equipped to scale up newly discovered materials and methods for perfluoroalkyl and polyfluoroalkyl substance detection and perfluoroalkyl and polyfluoroalkyl substance removal processes for low-risk, cost-effective, and validated commercialization; and

(v) identify 1 or more staff members of the eligible research university co-applicant and 1 or more staff members of the National Laboratory co-applicant who—

(I) have expertise in sciences relevant to perfluoroalkyl or polyfluoroalkyl substance detection and remediation; and

(II) have been jointly selected, and will be jointly appointed, by the co-applicants to lead, and carry out the purposes of, the Center.

(3) **TIMING.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Center shall be established not later than 1 year after the date of enactment of this Act.

(B) **DELAY.**—If the Secretary determines that a delay in the establishment of the Center is necessary, the Secretary—

(i) not later than the date described in subparagraph (A), shall submit a notification to the appropriate committees of Congress explaining the necessity of the delay; and

(ii) shall ensure that the Center is established not later than 3 years after the date of enactment of this Act.

(4) **REQUIREMENT.**—The Secretary shall carry out subparagraphs (A) and (B) of paragraph (1)—

(A) in coordination with the Administrator of the Environmental Protection Agency, as the Secretary determines to be appropriate; and

(B) in consultation with the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program of the Department of Defense.

(d) **DUTIES AND CAPABILITIES OF THE CENTER.**—

(1) **IN GENERAL.**—The Center shall develop and maintain—

(A) capabilities for measuring, using methods certified by the Environmental Protection Agency, perfluoroalkyl and polyfluoroalkyl substance contamination in drinking water, ground water, and any other relevant environmental, municipal, industrial, or residential water samples; and

(B) capabilities for—

(i) evaluating emerging perfluoroalkyl and polyfluoroalkyl substance removal and destruction technologies and methods; and

(ii) benchmarking those technologies and methods relative to existing technologies and methods.

(2) **REQUIREMENTS.**—

(A) **IN GENERAL.**—In carrying out paragraph (1), the Center shall, at a minimum—

(i) develop instruments and personnel capable of analyzing perfluoroalkyl and polyfluoroalkyl substance contamination in water using EPA method 533, EPA method 537.1, or other relevant methods for detecting perfluoroalkyl and polyfluoroalkyl substances in water;

(ii) develop and maintain capabilities for evaluating the removal of perfluoroalkyl and polyfluoroalkyl substances from water using newly developed adsorbents or membranes;

(iii) develop and maintain capabilities to evaluate the degradation of perfluoroalkyl and polyfluoroalkyl substances in water or other media;

(iv) make the capabilities and instruments developed under clauses (i) through (iii) available to researchers throughout the region in which the Center is located; and

(v) make reliable perfluoroalkyl and polyfluoroalkyl substance measurement capabilities and instruments available to municipalities and individuals in the region in which the Center is located at reasonable cost.

(B) **OPEN-ACCESS RESEARCH.**—The Center shall provide open access to the research findings of the Center.

(e) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—The Secretary may, as the Secretary determines to be necessary, use staff and other resources from other Federal agencies in carrying out this section.

(f) **REPORTS.**—

(1) **REPORT ON ESTABLISHMENT OF CENTER.**—Not later than 1 year after the date on which the Center is established under subsection (c), the Secretary, in coordination with the Center, shall submit to the appropriate committees of Congress a report describing—

(A) the establishment of the Center; and

(B) the activities of the Center since the date on which the Center was established.

(2) **ANNUAL REPORTS.**—Not later than 1 year after the date on which the report under paragraph (1) is submitted, and annually thereafter until the date on which the Center is terminated under subsection (g), the Secretary, in coordination with the Center, shall submit to the appropriate committees of Congress a report describing—

(A) the activities of the Center during the year covered by the report; and

(B) any policy, research, or funding recommendations relating to the purposes or activities of the Center.

(g) **TERMINATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Center shall terminate on October 1, 2033.

(2) **EXTENSION.**—If the Secretary, in consultation with the Center, determines that

the continued operation of the Center beyond the date described in paragraph (1) is necessary to advance science and technologies to address perfluoroalkyl or polyfluoroalkyl substance contamination—

(A) the Secretary shall submit to the appropriate committees of Congress—

(i) a notification of that determination; and

(ii) a description of the funding necessary for the Center to continue in operation and fulfill its purpose; and

(B) subject to the availability of funds, may extend the duration of the Center for such time as the Secretary determines to be appropriate.

(h) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 2024 by this Act, \$15,000,000 shall be made available to the Secretary to carry out this section, to remain available until September 30, 2033.

(2) ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available to the Secretary under paragraph (1) shall be used by the Secretary for the administrative costs of carrying out this section.

**SA 191.** Mr. MANCHIN (for himself, Mr. BARRASSO, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. SENSE OF CONGRESS ON THE RENEWAL OF THE COMPACTS OF FREE ASSOCIATION WITH THE REPUBLIC OF PALAU, THE FEDERATED STATES OF MICRONESIA, AND THE REPUBLIC OF THE MARSHALL ISLANDS.**

(a) FINDINGS.—Congress finds that—

(1) in 1947, the United Nations entrusted the United States with the defense and security of the region that now comprises—

(A) the Republic of Palau;

(B) the Federated States of Micronesia; and

(C) the Republic of the Marshall Islands;

(2) in 1983, the United States signed Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands;

(3) in 1985, the United States signed a Compact of Free Association with the Republic of Palau;

(4) in 1986, Congress—

(A) enacted the Compact of Free Association Act of 1985 (48 U.S.C. 1901 note; Public Law 99-239), which approved the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands; and

(B) enacted Public Law 99-658 (48 U.S.C. 1931 note), which approved the Compact of Free Association with the Republic of Palau;

(5) in 2003, Congress enacted the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 note; Public Law 108-188), which approved and renewed the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands;

(6) in 2010, the United States and the Republic of Palau agreed to terms for renewing the Compact of Free Association with the Republic of Palau in the Palau Compact Re-

view Agreement, which was approved by Congress in section 1259C of the National Defense Authorization Act for Fiscal Year 2018 (48 U.S.C. 1931 note; Public Law 115-91);

(7) on January 11, 2023, the United States signed a Memorandum of Understanding with the Republic of the Marshall Islands on funding priorities for the Compact of Free Association with the Republic of the Marshall Islands;

(8) on May 22, 2023, the United States signed the U.S.-Palau 2023 Agreement, following the Compact of Free Association Section 432 Review;

(9) on May 23, 2023, the United States signed 3 agreements relating to the U.S.-FSM Compact of Free Association, which included—

(A) an Agreement to Amend the Compact, as amended;

(B) a new fiscal procedures agreement; and

(C) a new trust fund agreement; and

(10) the United States is undergoing negotiations relating to the Compact of Free Association with the Republic of the Marshall Islands.

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

(1) acknowledges that the close alliance of the United States with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands is vital to international peace and security in the Indo-Pacific region;

(2) supports the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, since the Compacts of Free Association form the political, economic, and security architecture that bolsters and sustains security and drives regional development and the prosperity of the larger Indo-Pacific community of nations;

(3) recognizes that—

(A) certain provisions of the current Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands expire on September 30, 2023; and

(B) certain provisions of the Compact of Free Association with the Republic of Palau expire on September 30, 2024;

(4) affirms that it is in the national interest of the United States to successfully renegotiate and renew the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands; and

(5) understands that Congress must enact legislation to approve amended Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

**SA 192.** Mr. DURBIN (for himself, Mr. MURPHY, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1299L. DISBURSEMENT OF FOREIGN MILITARY FINANCING FUNDS FOR EGYPT TO FOREIGN MILITARY SALES TRUST FUND.**

Notwithstanding any other provision of law, funds appropriated pursuant to the Foreign Military Financing Program for assistance for Egypt for fiscal years 2023 and 2024

shall be disbursed to the Foreign Military Sales Trust Fund.

**SA 193.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle H—Crimes Against Humanity and Torture**

**SEC. 1091. ACCOUNTABILITY FOR CRIMES AGAINST HUMANITY.**

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 25 the following:

**“CHAPTER 25A—CRIMES AGAINST HUMANITY**

“Sec.

“515. Crimes against humanity.

**“§ 515. Crimes against humanity**

“(a) OFFENSE.—It shall be unlawful for any person to commit, or attempt or conspire to commit, as part of a widespread or systematic attack directed against any civilian population, and with knowledge of the attack or with intent that the conduct be part of the attack—

“(1) conduct that, if it occurred in the United States or in the special maritime and territorial jurisdiction of the United States, would violate—

“(A) section 1581(a) (relating to peonage);

“(B) section 1583(a)(1) (relating to kidnapping or carrying away individuals for involuntary servitude or slavery);

“(C) section 1584(a) (relating to sale into involuntary servitude);

“(D) section 1589(a) (relating to forced labor);

“(E) section 1590(a) (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor);

“(F) section 1111 (relating to murder);

“(G) section 1591(a) (relating to sex trafficking of children or by force, fraud, or coercion);

“(H) section 2241 (relating to aggravated sexual abuse by force, threat, or other means);

“(I) section 2242 (relating to sexual abuse);

“(J) section 1201(a) (relating to kidnapping), without regard to whether the offender is the parent of the victim;

“(K) section 1203(a) (relating to hostage taking), notwithstanding any exception under subsection (b) of that section; or

“(L) section 2340A (relating to torture), whether or not committed under the color of law; or

“(2) conduct that would, regardless of whether the conduct occurred in the context of an armed conflict, constitute—

“(A) cruel or inhuman treatment, as described in section 2441(d)(1)(B);

“(B) performing biological experiments, as described in section 2441(d)(1)(C);

“(C) mutilation or maiming, as described in section 2441(d)(1)(E); or

“(D) intentionally causing serious bodily injury, as described in section 2441(d)(1)(F).

“(b) PENALTY.—Any person who violates subsection (a)—

“(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

“(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

“(c) JURISDICTION.—There is jurisdiction over an offense under subsection (a) if—

“(1) the offense occurs in whole or in part within the United States; or

“(2) regardless of where the offense occurs—

“(A) the victim or alleged offender is—

“(i) a national of the United States or an alien lawfully admitted for permanent residence, regardless of—

“(I) nationality at the time of the alleged offense;

“(II) whether the alleged offender had been granted that status at the time of the alleged offense; and

“(III) whether the alleged offender was entitled to that status; or

“(ii) a member of the Armed Forces of the United States, regardless of nationality; or

“(B) the alleged offender is present in the United States, regardless of the nationality of the victim or alleged offender.

“(d) **NONAPPLICABILITY OF CERTAIN LIMITATIONS.**—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found or an information may be instituted at any time without limitation.

“(e) **CERTIFICATION REQUIREMENT.**—

“(1) **IN GENERAL.**—No prosecution for an offense described in subsection (a) shall be undertaken by the United States except on written certification of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated, that a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) **OFFENDER PRESENT IN UNITED STATES.**—For an offense for which jurisdiction exists under subsection (c)(2)(B) (and does not exist under any other provision of subsection (c)), the written certification required under paragraph (1) of this subsection that a prosecution by the United States is in the public interest and necessary to secure substantial justice shall be made by the Attorney General or the Deputy Attorney General, which function may not be delegated. In issuing such certification, the same official shall weigh and consider, among other relevant factors—

“(A) whether the alleged offender can be removed from the United States for purposes of prosecution in another jurisdiction; and

“(B) potential adverse consequences for nationals, servicemembers, or employees of the United States.

“(f) **INPUT FROM OTHER AGENCY HEADS.**—The Secretary of Defense and Secretary of State may submit to the Attorney General for consideration their views generally regarding potential benefits, or potential adverse consequences for nationals, servicemembers, or employees of the United States, of prosecutions of offenses for which jurisdiction exists under subsection (c)(2)(B).

“(g) **NO JUDICIAL REVIEW.**—Certifications under subsection (e) and input from other agency heads under subsection (f) are not subject to judicial review.

“(h) **NO LIMITATION ON CONDUCT IN ACCORDANCE WITH THE LAW OF WAR.**—Nothing in this section shall be construed to penalize conduct—

“(1) to which the law of war applies;

“(2) that is undertaken during and in the context of an armed conflict; and

“(3) that is not prohibited by the law of war.

“(i) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed as—

“(1) support for ratification of or accession to the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002; or

“(2) consent by the United States to any assertion or exercise of jurisdiction by any international, hybrid, or foreign court.

“(j) **DEFINITIONS.**—In this section:

“(1) **ALIEN; LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL OF THE UNITED STATES.**—The terms ‘alien’, ‘lawfully admitted for permanent residence’, and ‘national of the United States’ have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(2) **ARMED FORCE OR GROUP.**—The term ‘armed force or group’—

“(A) means any military, militia, paramilitary, security force, or similar organization or group that takes up arms, whether or not the entity is state-sponsored; and

“(B) does not include any group assembled for the purpose of nonviolent association.

“(3) **INTENTIONALLY TARGETS ANY CIVILIAN POPULATION AS SUCH.**—The term ‘intentionally targets any civilian population as such’ does not include conduct undertaken during and in the context of an armed conflict that results in death, damage, or injury incident to a lawful attack targeting a military objective.

“(4) **WIDESPREAD OR SYSTEMATIC ATTACK DIRECTED AGAINST ANY CIVILIAN POPULATION.**—The term ‘widespread or systematic attack directed against any civilian population’ means a course of conduct that—

“(A) involves the multiple commission of acts referred to in subsection (a);

“(B) intentionally targets any civilian population as such; and

“(C) is pursuant to or in furtherance of a policy, plan, or program of a state or armed force or group to commit acts described in subparagraph (A).”

(b) **CLERICAL AMENDMENT.**—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following:

“**25A. Crimes against humanity ..... 515”.**

**SEC. 1092. TORTURE OF A UNITED STATES NATIONAL.**

Section 2340A(b)(1) of title 18, United States Code, is amended by inserting “or victim” after “offender”.

**SA 194.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. RETROACTIVE FOREIGN AGENTS REGISTRATION.**

(a) **SHORT TITLE.**—This section may be cited as the “Retroactive Foreign Agents Registration Act”.

(b) **CLARIFYING OBLIGATION TO REGISTER RETROACTIVELY AS AGENTS OF FOREIGN PRINCIPALS.**—

(1) **OBLIGATION.**—The third sentence of section 2(a) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612(a)) is amended by striking “for the period” and inserting “covering the period”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to any individual who serves as the agent of a foreign principal under the Foreign Agents Registration Act of 1938, as amended, at any time before, on, or after the date of enactment of this Act.

(c) **PERMITTING ORDER REQUIRING COMPLIANCE TO APPLY RETROACTIVELY.**—

(1) **RETROACTIVE COMPLIANCE.**—Section 8(f) of the Foreign Agents Registration Act of

1938, as amended (22 U.S.C. 618(f)) is amended—

(A) by inserting after the first sentence the following: “The Attorney General may make application for an order requiring a person to comply with any appropriate provision of this Act or any regulation thereunder while the person acts as an agent of a foreign principal or at any time thereafter.”; and

(B) by striking the period at the end and inserting the following: “, including an order requiring a person to comply with section 2 with respect to any period during which the person acts as the agent of a foreign principal notwithstanding that the person does not act as the agent of a foreign principal at the time the court issues the order.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to any individual who serves as the agent of a foreign principal under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) at any time before, on, or after the date of enactment of this Act.

**SA 195.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10 . . . FACILITATING REVIEW BY THE SENATE OF CLASSIFIED DOCUMENTATION.**

(a) **FACILITATION REQUIRED.**—

(1) **IN GENERAL.**—The Director of National Intelligence shall facilitate the review of classified documentation when requested to do so by any Senator.

(2) **PERIOD OF FACILITATION.**—The Director shall facilitate for a Senator a review under paragraph (1) not later than 15 days after the date on which the review is requested by the Senator.

(b) **FAIR TREATMENT.**—Notwithstanding any other provision of law, whenever the Director facilitates the review of classified documentation for one Senator, the Director shall facilitate the review of that documentation for any other Senator who requests such documentation.

**SA 196.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . EX OFFICIO MEMBERS OF SELECT COMMITTEE ON INTELLIGENCE OF THE SENATE.**

(a) **IN GENERAL.**—

(1) **MEMBERSHIP.**—Section 2(a)(3) of Senate Resolution 400 (94th Congress), agreed to May 19, 1976, is amended to read as follows:

“(3) Each Member of the Senate (if not already a member of the select committee) shall be an ex officio member of the select committee but shall have no vote in the select committee and shall not be counted for purposes of determining a quorum.”.

(2) CONFORMING AMENDMENT.—Rule XXV of the Standing Rules of the Senate is amended—

(A) in paragraph 3 (b), in the item relating to the Select Committee on Intelligence, by striking “19” and inserting “100”; and

(B) in paragraph 4 (a)(2), by striking “each Senator” and all that follows, and inserting “a Senator may not serve on both the Special Committee on Aging and the Joint Economic Committee.”.

(b) RULEMAKING.—Subsection (a) is enacted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

**SA 197.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1240A. POINT OF ORDER AGAINST RESOLUTION ADVISING AND CONSENTING TO THE RATIFICATION OF A TREATY OR OTHER AGREEMENT TO ADMIT UKRAINE TO THE NORTH ATLANTIC TREATY ORGANIZATION.**

It shall not be in order in the Senate to proceed to the consideration of any resolution advising and consenting to the ratification of a treaty or other agreement to admit Ukraine to the North Atlantic Treaty Organization until the Secretary of State and the Secretary of Defense certify to Congress that Ukraine has settled any international dispute in which they are involved by peaceful means consistent with the 1995 Study on NATO Enlargement conducted by the North Atlantic Treaty Organization.

**SA 198.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1259. RULE OF CONSTRUCTION REGARDING THE TAIWAN RELATIONS ACT AND THE POWER OF CONGRESS TO DECLARE WAR.**

Nothing in the Taiwan Relations Act (22 U.S.C. 3301 et seq.) supersedes the power of Congress to declare war under article I, section 8 of the Constitution of the United States.

**SA 199.** Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**DIVISION FAIR DEBT COLLEC-  
TION PRACTICES FOR  
SERVICEMEMBERS**

**SEC. \_\_\_\_ 01. SHORT TITLE.**

This division may be cited as the “Fair Debt Collection Practices for Servicemembers Act”.

**SEC. \_\_\_\_ 02. ENHANCED PROTECTION AGAINST DEBT COLLECTOR HARASSMENT OF SERVICEMEMBERS.**

(a) COMMUNICATION IN CONNECTION WITH DEBT COLLECTION.—Section 805 of the Fair Debt Collection Practices Act (15 U.S.C. 1692c) is amended by adding at the end the following:

“(e) COMMUNICATIONS CONCERNING SERVICE-MEMBER DEBTS.—

“(1) DEFINITION.—In this subsection, the term ‘covered member’ means—

“(A) a covered member or a dependent as defined in section 987(i) of title 10, United States Code; and

“(B)(i) an individual who was separated, discharged, or released from duty described in such section 987(i)(1), but only during the 365-day period beginning on the date of separation, discharge, or release; or

“(ii) a person, with respect to an individual described in clause (i), described in subparagraph (A), (D), (E), or (I) of section 1072(2) of title 10, United States Code.

“(2) PROHIBITIONS.—A debt collector may not, in connection with the collection of any debt of a covered member—

“(A) threaten to have the covered member reduced in rank;

“(B) threaten to have the covered member’s security clearance revoked; or

“(C) threaten to have the covered member prosecuted under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”.

(b) UNFAIR PRACTICES.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended by adding at the end the following:

“(9) The representation to any covered member (as defined under section 805(e)(1)) that failure to cooperate with a debt collector will result in—

“(A) a reduction in rank of the covered member;

“(B) a revocation of the covered member’s security clearance; or

“(C) prosecution under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”.

**SEC. \_\_\_\_ 03. GAO STUDY.**

The Comptroller General of the United States shall conduct a study and submit a report to Congress on the impact of this division on—

(1) the timely delivery of information to a covered member (as defined in section 805(e) of the Fair Debt Collection Practices Act, as added by this division);

(2) military readiness; and

(3) national security, including the extent to which covered members with security clearances would be impacted by uncollected debt.

**SA 200.** Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

**SEC. 612. INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES FOR MEMBERS OF THE UNIFORMED SERVICES.**

Paragraph (3) of section 403(b) of title 37, United States Code, is amended to read as follows:

“(3) The monthly amount of the basic allowance for housing for an area of the United States for a member of a uniformed service shall be the amount of the monthly cost of adequate housing in that area, as determined by the Secretary of Defense, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.”.

**SA 201.** Mr. SCHMITT submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ SENSE OF SENATE ON PROCUREMENT OF OUTSTANDING F/A-18 SUPER HORNET PLATFORMS.**

(a) FINDINGS.—Congress finds that Congress appropriated funds for twelve F/A-18 Super Hornet platforms in fiscal year 2022 and eight F/A-18 Super Hornet platforms in fiscal year 2023, but the Navy has yet to enter into any contracts for the procurement of such platforms.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Navy should expeditiously enter into contractual agreements to procure the twenty F/A-18 Super Hornet platforms for which funds have been appropriated; and

(2) the Senate urges the Secretary of the Navy to comply with congressional intent and applicable law with appropriate expediency to bolster the Navy’s fleet of strike fighter aircraft and avoid further disruption to the defense industrial base.

**SA 202.** Mr. SCHMITT submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO CENSORSHIP OR BLACKLISTING OF NEWS SOURCES BASED ON SUBJECTIVE CRITERIA OR POLITICAL BIASES.**

(a) PROHIBITION ON AVAILABILITY OF FUNDS.—None of the funds authorized to be appropriated by this Act or otherwise made available for any fiscal year for the Department of Defense may be obligated or expended to—



(1) enter into any contract or other agreement with any entity described in subsection (b) or with any advertising or marketing agency that uses the functions described in subsection (b)(4) of such an entity; or

(2) provide any form of support to an entity described in subsection (b).

(b) ENTITIES DESCRIBED.—The entities described in this subsection are the following:

(1) NewsGuard Technologies Inc., or any company owned or controlled by such entity.

(2) The Global Disinformation Index, incorporated in the United Kingdom as “Disinformation Index LTD”.

(3) Graphika Technologies Inc. or any company owned or controlled by such entity.

(4) Any other entity the function of which is to advise the censorship or blacklisting of news sources based on subjective criteria or political biases, under the stated function of “fact checking” or otherwise removing “misinformation”.

(c) CERTIFICATION REQUIREMENT.—Prior to the Secretary of Defense entering into any contract or other agreement (or extending, renewing, or otherwise modifying an existing contract or other agreement) with an entity for the purpose of that entity implementing military recruitment advertisements on behalf of the Department of Defense, the Secretary shall require, as a condition of such contract or agreement, that the entity certify to the Secretary that the entity is in compliance with subsection (a).

**SA 203.** Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3. REPORT ON INITIATIVES OF DEPARTMENT OF DEFENSE TO SOURCE LOCALLY AND REGIONALLY PRODUCED FOODS FOR INSTALLATIONS OF THE DEPARTMENT.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report detailing—

(1) current procurement practices of the Department of Defense regarding food for consumption or distribution on installations of the Department;

(2) efforts by the Department to establish and strengthen “farm to base” initiatives to source locally and regionally produced foods, including seafood, for consumption or distribution at installations of the Department;

(3) efforts by the Department of Defense to collaborate with relevant Federal agencies, including the Department of Veterans Affairs, the Department of Agriculture, and the Department of Commerce, to procure locally and regionally produced foods;

(4) opportunities where procurement of locally and regionally produced foods would be beneficial to members of the Armed Forces, their families, military readiness by improving health outcomes, and farmers near installations of the Department of Defense;

(5) barriers currently preventing the Department from increasing procurement of locally and regionally produced foods or preventing producers from partnering with nearby installations of the Department; and

(6) recommendations for how the Department can improve procurement practices to

increase offerings of locally and regionally produced foods.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(2) the Committee on Armed Services, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives.

**SA 204.** Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, insert the following:

**SEC. . JUSTICE FOR UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM.**

Subsection (d)(4)(D)(iv)(IV) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(d)(4)(D)(iv)(IV)) is amended—

(1) by redesignating item (bb) as item (dd);

(2) by inserting after item (aa) the following:

“(bb) IRAN HOSTAGES.—There are authorized to be appropriated and there are appropriated to the Fund such sums as are necessary to make lump sum payments for amounts outstanding and unpaid on claims under subparagraphs (B) and (C) of subsection (c)(2).

“(cc) LIMITATION.—Amounts appropriated pursuant to item (bb) may not be used for a purpose other than to make lump sum payments under this clause.”;

(3) in item (cc), as so redesignated, by inserting “item (bb) or” before “subclauses”; and

(4) in item (aa), by striking “disperses” and inserting “disburses”.

**SA 205.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. . BRIEFING ON AIR NATIONAL GUARD ACTIVE ASSOCIATIONS.**

Not later than November 1, 2023, the Secretary of the Air Force shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the potential increase in air refueling capacity and cost savings, including manpower, to be achieved by making all Air National Guard KC-135 units active associations.

**SA 206.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 6. IMPROVEMENTS TO FINANCIAL LITERACY TRAINING.**

(a) IN GENERAL.—Subsection (a) of section 992 of title 10, United States Code, is amended—

(1) in paragraph (2)(C), by striking “grade E-4” and inserting “grade E-6”;

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

“(5) In carrying out the program to provide training under this subsection, the Secretary concerned shall—

“(A) require the development of a standard curriculum across all military departments for such training that—

“(i) focuses on ensuring that members of the armed forces who receive such training develop proficiency in financial literacy rather than focusing on completion of training modules;

“(ii) is based on best practices in the financial services industry, such as the use of a social learning approach and the incorporation of elements of behavioral economics or gamification; and

“(iii) is designed to address the needs of members and their families;

“(B) ensure that such training—

“(i) is conducted by a financial services counselor who is qualified as described in paragraph (3) of subsection (b) or by other means as described in paragraph (2)(A)(ii) of that subsection;

“(ii) is provided, to the extent practicable—

“(I) in a class held in person with fewer than 50 attendees; or

“(II) one-on-one between the member and a financial services counselor or a qualified representative described in subclause (III) or (IV) of subsection (b)(2)(A)(ii); and

“(iii) is provided using computer-based methods only if methods described in clause (ii) are impractical or unavailable;

“(C) ensure that—

“(i) an in-person class described in subparagraph (B)(i)(I) is available to the spouse of a member; and

“(ii) if a spouse of a member is unable to attend such a class in person—

“(I) training is available to the spouse through Military OneSource; and

“(II) the member is informed during the in-person training of the member under subparagraph (B)(i) with respect to how the member's spouse can access the training;

“(D) ensure that such training, and all documents and materials provided in relation to such training, are presented or written in manner that the Secretary determines can be understood by the average enlisted member.”.

(b) QUALIFIED REPRESENTATIVES FOR COUNSELING FOR MEMBERS AND SPOUSES.—Subsection (b)(2)(A)(ii) of such section is amended by adding at the end the following:

“(IV) Through qualified representatives of banks or credit unions operating on military installations pursuant to an operating agreement with the Department of Defense or a military department.”.

(c) PROVISION OF RETIREMENT INFORMATION.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) PROVISION OF RETIREMENT INFORMATION.—In each training under subsection (a) and in each meeting to provide counseling under subsection (b), a member of the armed forces shall be provided with—

“(1) all forms relating to retirement that are relevant to the member, including with respect to the Thrift Savings Plan;

“(2) information with respect to how to find additional information; and

“(3) contact information for counselors provided through—

“(A) the Personal Financial Counselor program, the Personal Financial Management program, or Military OneSource; or

“(B) nonprofit organizations or agencies that have in effect agreements with the Department of Defense to provide financial services counseling.”

(d) ADVISORY COUNCIL ON FINANCIAL READINESS.—Such section is further amended by inserting after subsection (e), as redesignated by subsection (c)(1), the following new subsection:

“(f) ADVISORY COUNCIL ON FINANCIAL READINESS.—

“(1) ESTABLISHMENT.—There is established an Advisory Council on Financial Readiness (in this section referred to as the ‘Council’).

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Council shall consist of 12 members appointed by the Secretary of Defense, as follows:

“(i) Three shall be representatives of military support organizations.

“(ii) Three shall be representatives of veterans service organizations.

“(iii) Three shall be representatives of private, nonprofit organizations with a vested interest in education and communication of financial education and financial services.

“(iv) Three shall be representatives of governmental entities with a vested interest in education and communication of financial education and financial services.

“(B) QUALIFICATIONS.—The Secretary shall appoint members to the Council from among individuals qualified to appraise military compensation, military retirement, and financial literacy training.

“(C) TERMS.—Members of the Council shall serve for terms of three years, except that, of the members first appointed—

“(i) four shall be appointed for terms of one year;

“(ii) four shall be appointed for terms of two years; and

“(iii) four shall be appointed for terms of three years.

“(D) REAPPOINTMENT.—A member of the Council may be reappointed for additional terms.

“(E) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member’s predecessor was appointed shall be appointed only for the remainder of such term.

“(3) DUTIES AND FUNCTIONS.—The Council shall—

“(A) advise the Secretary with respect to matters relating to the financial literacy and financial readiness of members of the armed forces; and

“(B) submit to the Secretary recommendations with respect to those matters.

“(4) MEETINGS.—

“(A) IN GENERAL.—The Council shall meet not less frequently than twice each year and at such other times as the Secretary requests.

“(B) QUORUM.—A majority of members shall constitute a quorum and action shall be taken only by a majority vote of the members present and voting.

“(5) SUPPORT SERVICES.—The Secretary—

“(A) shall provide to the Council an executive secretary and such secretarial, clerical,

and other support services as the Council considers necessary to carry out the duties of the Council; and

“(B) may request that other Federal agencies provide statistical data, reports, and other information that is reasonably accessible to assist the Council in the performance of the duties of the Council.

“(6) COMPENSATION.—While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

“(7) ANNUAL REPORT.—Not less frequently than annually, the Secretary shall submit to Congress a report that—

“(A) describes each recommendation received from the Council during the preceding year; and

“(B) includes a statement, with respect to each such recommendation, of whether the Secretary has implemented the recommendation and, if not, a description of why the Secretary has not implemented the recommendation.

“(8) TERMINATION.—Section 1013 of title 5 (relating to termination) shall not apply to the Council.

“(9) DEFINITIONS.—In this subsection:

“(A) MILITARY SUPPORT ORGANIZATION.—The term ‘military support organization’ means an organization that provides support to members of the armed forces and their families with respect to education, finances, health care, employment, and overall well-being.

“(B) VETERANS SERVICE ORGANIZATION.—The term ‘veterans service organization’ means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38.”

(e) REPORT ON EFFECTIVENESS OF FINANCIAL SERVICES COUNSELING.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) a report on financial literacy training and financial services counseling provided under section 992 of title 10, United States Code, as amended by this section, that assesses—

(1) the effectiveness of such training and counseling, which shall be determined using actual localized data similar to the Unit Risk Inventory Survey of the Army; and

(2) whether additional training or counseling is necessary for enlisted members of the Armed Forces or for officers.

(f) REGULATIONS.—The Secretary of Defense may prescribe such regulations as are necessary to carry out the amendments made by this section.

**SA 207.** Mr. DURBIN (for himself, Mr. OSSOFF, and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_.** **TERMINATION OF AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.**

(a) FUTURE AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF

WAR.—Any authorization for the use of military force or declaration of war enacted into law after the date of the enactment of this Act shall terminate on the date that is 10 years after the date of the enactment of such authorization or declaration.

(b) EXISTING AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.—Any authorization for the use of military force or declaration of war enacted before the date of the enactment of this Act shall terminate on the date that is 6 months after the date of such enactment.

**SA 208.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 633.** **VERIFICATION OF THE FINANCIAL INDEPENDENCE OF FINANCIAL SERVICES COUNSELORS IN THE DEPARTMENT OF DEFENSE.**

(a) VERIFICATION OF FINANCIAL INDEPENDENCE.—Section 992(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii)—

(i) by striking “may” and inserting “shall”;

(ii) by striking “installation by any means elected by the Secretary from among the following:” and inserting “installation—”;

(iii) in subclause (I)—

(I) by striking “Through” and inserting “through”; and

(II) by striking “Defense.” and inserting “Defense.”;

(iv) in subclause (II)—

(I) by striking “By contract” and inserting “by contract”; and

(II) by striking “Internet.” and inserting “Internet; or”; and

(v) in subclause (III)—

(I) by striking “Through” and inserting “through”; and

(II) by striking “counseling.” and inserting “counseling; and”; and

(C) by adding at the end the following new clause:

“(iii) may not provide financial services through any individual unless such individual agrees to submit financial disclosures annually to the Secretary.”;

(2) in paragraph (2)(B), by striking “installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned,” and inserting “installation in accordance with the requirements established under clauses (ii) and (iii) of subparagraph (A).”; and

(3) in paragraph (4)—

(A) by inserting “(A)” before “The Secretary”; and

(B) by inserting at the end the following new subparagraphs:

“(B) In carrying out the requirements of subparagraph (A), the Secretary concerned shall establish a requirement that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), submit financial disclosures annually to the Secretary.

“(C) The Secretary concerned shall review all financial disclosures submitted pursuant

to subparagraph (B) to ensure the counselor, or the individual providing counseling, is free from conflict as required under this paragraph.

“(D) If the Secretary concerned determines that a financial services counselor under paragraph (2)(A)(i), or any other individual providing counseling on financial services under paragraph (2), is not free from conflict as required under this paragraph, the Secretary shall ensure that the counselor, or the individual providing counseling, does not provide such services until such time as the Secretary determines that such conflict is resolved.”

(b) **REPORT ON FINANCIAL INDEPENDENCE.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, each Secretary concerned shall submit to Congress a report on the percentage of financial services counselors under paragraph (2)(A)(i) of section 992(b) of title 10, United States Code (as amended by subsection (a)), and other individuals providing counseling on financial services under paragraph (2) of such section (as amended by subsection (a)), whom the Secretary determined to be free from conflicts as required under paragraph (4) of such section (as amended by subsection (a)).

(c) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” has the meaning given to such term in section 101 of title 10, United States Code.

**SA 209.** Mrs. FEINSTEIN (for herself and Mr. KAINE) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. LIMITATIONS ON EXCEPTING POSITIONS FROM COMPETITIVE SERVICE AND TRANSFERRING POSITIONS.**

(a) **DEFINITIONS.**—In this section—

(1) the term “agency” means any department, agency, or instrumentality of the Federal Government;

(2) the term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code;

(3) the term “Director” means the Director of the Office of Personnel Management; and

(4) the term “excepted service” has the meaning given the term in section 2103 of title 5, United States Code.

(b) **LIMITATIONS.**—A position in the competitive service may not be excepted from the competitive service unless that position is placed—

(1) in any of schedules A through E, as described in section 6.2 of title 5, Code of Federal Regulations, as in effect on September 30, 2020; and

(2) under the terms and conditions under part 6 of title 5, Code of Federal Regulations, as in effect on September 30, 2020.

(c) **TRANSFERS.**—

(1) **WITHIN EXCEPTED SERVICE.**—A position in the excepted service may not be transferred to any schedule other than a schedule described in subsection (b)(1).

(2) **OPM CONSENT REQUIRED.**—An agency may not transfer any occupied position from the competitive service or the excepted service into schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulations, without the prior consent of the Director.

(3) **LIMIT DURING PRESIDENTIAL TERM.**—During any 4-year presidential term, an agency may not transfer from a position in the competitive service to a position in the excepted service the greater of the following:

(A) A total number of employees that is more than 1 percent of the total number of employees employed by that agency, as of the first day of that presidential term.

(B) 5 employees.

(4) **EMPLOYEE CONSENT REQUIRED.**—Notwithstanding any other provision of this section—

(A) an employee who occupies a position in the excepted service may not be transferred to an excepted service schedule other than the schedule in which that position is located without the prior written consent of the employee; and

(B) an employee who occupies a position in the competitive service may not be transferred to the excepted service without the prior written consent of the employee.

(d) **OTHER MATTERS.**—

(1) **APPLICATION.**—Notwithstanding section 7425(b) of title 38, United States Code, this section shall apply to a position under chapter 73 or 74 of that title.

(2) **REPORT.**—Not later than March 15 of each calendar year, the Director shall submit to Congress a report on the immediately preceding calendar year that lists—

(A) each position that, during the year covered by the report, was transferred from the competitive service to the excepted service and a justification as to why each such position was so transferred; and

(B) any violation of this section that occurred during the year covered by the report.

(e) **REGULATIONS.**—Not later than 90 days after the date of enactment of this Act, the Director shall issue regulations to implement this section.

**SA 210.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—ENERGY SECURITY COOPERATION WITH ALLIED PARTNERS IN EUROPE ACT OF 2023**

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Energy Security Cooperation with Allied Partners in Europe Act of 2023”.

**SEC. 1802. STATEMENT OF POLICY.**

It is the policy of the United States—

(1) to reduce the dependency of allies and partners of the United States on Russian energy resources, especially natural gas, in order for those countries to achieve lasting and dependable energy security;

(2) to condemn the Government of the Russian Federation for, and to deter that government from, using its energy resources as a geopolitical weapon to coerce, intimidate, and influence other countries;

(3) to improve energy security in Europe by increasing access to diverse, reliable, and affordable energy;

(4) to promote energy security in Europe by working with the European Union and other allies of the United States to develop liberalized energy markets that provide diversified energy sources, suppliers, and routes;

(5) to continue to strongly oppose the Nord Stream 2 pipeline based on its detrimental

effects on the energy security of the European Union and the economy of Ukraine and other countries in Central Europe through which natural gas is transported; and

(6) to support countries that are allies or partners of the United States by expediting the export of energy resources from the United States.

**SEC. 1803. NORTH ATLANTIC TREATY ORGANIZATION.**

The President should direct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization (in this title referred to as “NATO”) to use the voice and influence of the United States to encourage NATO member countries to work together to achieve energy security for those countries and countries in Europe and Eurasia that are partners of NATO.

**SEC. 1804. TRANSATLANTIC ENERGY STRATEGY.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States and other NATO member countries should explore ways to ensure that NATO member countries diversify their energy supplies and routes in order to enhance their energy security, including through the development of a transatlantic energy strategy.

(b) **TRANSATLANTIC ENERGY STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of Energy, shall submit to the appropriate congressional committees a transatlantic energy strategy for the United States—

(A) to enhance the energy security of NATO member countries and countries that are partners of NATO; and

(B) to increase exports of energy from the United States to such countries.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

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

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

**SEC. 1805. EXPEDITED APPROVAL OF EXPORTATION OF NATURAL GAS TO UNITED STATES ALLIES.**

(a) **IN GENERAL.**—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by inserting “(1)” before “For purposes”;

(2) by striking “nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas” and inserting “foreign country described in paragraph (2)”; and

(3) by adding at the end the following:

“(2) A foreign country described in this paragraph is—

“(A) a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas;

“(B) a member country of the North Atlantic Treaty Organization;

“(C) subject to paragraph (3), Japan; and

“(D) any other foreign country if the Secretary of State, in consultation with the Secretary of Defense, determines that exportation of natural gas to that foreign country would promote the national security interests of the United States.

“(3) The exportation of natural gas to Japan shall be deemed to be consistent with the public interest pursuant to paragraph (1), and applications for such exportation shall be granted without modification or delay under that paragraph, during only such period as the Treaty of Mutual Cooperation and Security, signed at Washington January 19, 1960, and entered into force June 23, 1960

(11 UST 1632; TIAS 4509), between the United States and Japan, remains in effect.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of the enactment of this Act.

**SEC. 1806. MANDATORY SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PIPELINES IN THE RUSSIAN FEDERATION.**

(a) **IN GENERAL.**—The President shall impose five or more of the sanctions described in section 235 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9529) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, makes an investment described in subsection (b) or sells, leases, or provides to the Government of the Russian Federation, or to any entity owned or controlled by that government, for the construction of Russian energy export pipelines, goods, services, technology, information, or support described in subsection (c)—

(1) any of which has a fair market value of \$1,000,000 or more; or

(2) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

(b) **INVESTMENT DESCRIBED.**—An investment described in this subsection is any contribution of assets, including a loan guarantee or any other transfer of value, that directly and significantly contributes to the enhancement of the ability of the Government of the Russian Federation, or any entity owned or controlled by that government, to construct energy export pipelines.

(c) **GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.**—Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of the construction, modernization, or repair of energy export pipelines by the Government of the Russian Federation or any entity owned or controlled by that government.

(d) **PRESIDENTIAL WAIVER AUTHORITY AND NOTICE TO CONGRESS.**—

(1) **PRESIDENTIAL WAIVER AUTHORITY.**—The President may waive the application of sanctions under this section if the President determines that it is in the national security interests of the United States to waive such sanctions.

(2) **NOTICE TO CONGRESS.**—Not less than 15 days before taking action to waive the application of sanctions under paragraph (1), the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification of, and written justification for, the action.

(e) **EXCEPTION FOR IMPORTATION OF GOODS.**—

(1) **IN GENERAL.**—The authority to impose sanctions under subsection (a) shall not include the authority to impose sanctions with respect to the importation of goods.

(2) **GOOD DEFINED.**—In this subsection, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

**SA 211.** Mr. KENNEDY (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. DISCLOSURES BY DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS.**

(a) **IN GENERAL.**—Section 16(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)(1)) is amended by inserting “(including any such security of a foreign private issuer, as that term is defined in section 240.3b-4 of title 17, Code of Federal Regulations, or any successor regulation)” after “pursuant to section 12”.

(b) **EFFECT ON REGULATION.**—If any provision of section 240.3a12-3(b) of title 17, Code of Federal Regulations, or any successor regulation, is inconsistent with the amendment made by subsection (a), that provision of such section 240.3a12-3(b) (or such successor) shall have no force or effect.

(c) **ISSUANCE OR AMENDMENT OF REGULATIONS.**—Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue final regulations (or amend existing regulations of the Commission) to carry out the amendment made by subsection (a).

**SA 212.** Mr. CRAMER (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. BANK SERVICE COMPANY EXAMINATION COORDINATION.**

(a) **BANK SERVICE COMPANY ACT IMPROVEMENTS.**—The Bank Service Company Act (12 U.S.C. 1861 et seq.) is amended—

(1) in section 1(b) (12 U.S.C. 1861(b))—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) the term ‘State banking agency’ has the meaning given the term ‘State bank supervisor’ in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);”;

(2) in section 5(a) (12 U.S.C. 1865(a)), by inserting “, in consultation with the State banking agency,” after “agency”; and

(3) in section 7 (12 U.S.C. 1867)—

(A) in subsection (a)—

(i) in the first sentence, by inserting “or State banking agency” after “agency”; and

(ii) in the second sentence, by inserting “or State banking agency” before “that”;

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by inserting “or a State banking agency” after “banking agency”; and

(ii) by striking “such agency” each place such term appears and inserting “such Federal or State agency”;

(C) by redesignating subsection (d) as subsection (f);

(D) by inserting after subsection (c) the following:

“(d) **AVAILABILITY OF INFORMATION.**—Information obtained pursuant to the regulation

and examination of service providers under this section or applicable State law may be furnished by and accessible to Federal and State agencies to the same extent that supervisory information concerning depository institutions is authorized to be furnished to and required to be accessible by Federal and State agencies under section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) or State law, as applicable.

“(e) **COORDINATION WITH STATE BANKING AGENCIES.**—If a State bank is principal shareholder, principal member, shareholder, or member of a bank service company, the appropriate Federal banking agency, in carrying out examinations authorized by this section, shall—

“(1) provide reasonable and timely notice to the State banking agency; and

“(2) to the fullest extent possible, coordinate and avoid duplication of examination activities, reporting requirements, and requests for information.”;

(E) in subsection (f), as so redesignated, by inserting “, in consultation with State banking agencies,” after “agencies”; and

(F) by adding at the end the following:

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as granting authority for a State banking agency to examine a bank service company if no such authority exists in State law.”.

(b) **DETERMINATION OF BUDGETARY EFFECTS.**—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 213.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10 \_\_\_\_\_. REPORT ON DEPARTMENT OF DEFENSE SECURITY CLEARANCE PROCESS UPDATES.**

(a) **STUDY REQUIRED.**—No later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the updates the Secretary is carrying out to the security clearance process and the methods the Secretary is pursuing to ensure the security clearance process of the Department of Defense continues to protect national security.

(b) **CONTENTS.**—The report submitted pursuant to subsection (a) shall include the following:

(1) A review of the last 10 years of cases of those who held security clearances granted by the Department that were ultimately charged with terrorism, espionage, counterintelligence, or other related crimes.

(2) A review of any existing internal processes applicable to the suspension of security clearances for those individuals.

(3) Any policy that may address revocation of clearances of individuals who are found to pose a threat to other members of the Armed Forces or to national security after their clearance process has been adjudicated.

(4) A review of the processes of the Department to support the transition to the continuous vetting system and status of the transition.

(5) Recommendations on enhancing existing security review processes and recommendations for future new processes to address any gaps identified and lessons learned from the review.

(c) **FORM AND PUBLIC AVAILABILITY.**—The report submitted pursuant to subsection (a) shall be—

(1) submitted to Congress under such subsection in classified form and detailing relevant case information; and

(2) revised to redact classified information and made available to the public on a website of the Department.

**SA 214.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 565. FULL-TIME TELEWORK FOR CERTAIN MILITARY SPOUSES EMPLOYED BY THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—Not later than 30 calendar days after receiving a request from a covered individual under this section, the Secretary of Defense shall—

(1) authorize such covered individual to work 100 percent remotely if the Secretary determines that the duties of such covered individual do not require the presence of the covered individual in the workplace; or

(2) in the case of a covered individual who does not receive authorization under paragraph (1)—

(A) reassign the covered individual to a position in the Department at the new permanent duty location of the spouse of such covered individual; or

(B) grant the covered individual terminal leave without pay for the greater of—

(i) the duration of the service of the spouse of the covered individual at such permanent duty location; or

(ii) the period of 36 consecutive months following the permanent change of station.

(b) **DEFINITION.**—In this section, the term “covered individual” means an individual—

(1) who is the spouse of a member of the Armed Forces;

(2) who is employed by the Department of Defense; and

(3) who relocates because such member receives a permanent change of station.

**SA 215.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 584. REPORTS ON CERTAIN OUT-OF-CYCLE AND PREMATURE PERSONNEL TRANSFERS.**

(a) **IN GENERAL.**—Not later than December 1, 2025, and each December 1 thereafter, the

Secretary of Defense shall submit to the congressional defense committees, and any other committee of Congress the Secretary considers appropriate, a report detailing the number and nature of out-of-cycle or premature personnel transfers carried out during the preceding fiscal year for individuals described in subsection (b) as a result of such individuals, or the dependents of such individuals, being affected by—

(1) sexual assault;

(2) sexual harassment;

(3) humanitarian or compassionate requests;

(4) discrimination, harassment, bullying, reprisals, or threats based on the race, color, national origin, religion, sex (including gender identity), or sexual orientation of such individuals or dependents;

(5) medical issues, including lack of access to care for such individuals or dependents at their current duty location; or

(6) child custody arrangements.

(b) **INDIVIDUAL DESCRIBED.**—An individual described in this subsection is an individual who is—

(1) a member of the armed forces on active duty;

(2) a member of the armed forces in a reserve component;

(3) a member of the National Guard; or

(4) a civilian employee of the Department of Defense.

(c) **ELEMENTS.**—Each report required by subsection (a) shall include the following for the preceding fiscal year:

(1) The total number of personnel transfers for each reason described in paragraphs (1) through (6) of subsection (a).

(2) Demographic information of each individual involved in such a transfer, including the age, gender, and military rank or civilian pay grade of the individual.

(3) An analysis of the geographic distribution of such transfers.

(4) For each such transfer, the branch or component of the Department of Defense to which the individual concerned was transferred.

(5) A description of any trend or pattern identified in the data, including recurring issues or areas of concern.

(6) An estimate of the total cost of such transfers.

(d) **FORM.**—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex, as necessary to protect sensitive information.

(e) **PRIVACY.**—To ensure the privacy of military personnel, personally identifiable information shall not be included in any report under this section.

(f) **PUBLIC AVAILABILITY.**—The Secretary shall make each report required by subsection (a) available to the public on the internet website of the Department of Defense.

(g) **DEFINITIONS.**—In this section:

(1) **OUT-OF-CYCLE OR PREMATURE.**—With respect to a personnel transfer, the term “out-of-cycle or premature” means an assignment action taken in advance of the originally scheduled or anticipated rotation date of the personnel concerned.

(2) **PERSONNEL TRANSFER.**—The term “personnel transfer” includes a permanent change of duty station, temporary duty assignment, reassignment, permanent change of assignment, and any other movement of military personnel within the Department of Defense.

**SA 216.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10. SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.**

(a) **BOUNDARY ADJUSTMENT.**—Section 507(c) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(c)) is amended by striking paragraph (1) and inserting the following:

“(1) **BOUNDARY.**—

“(A) **IN GENERAL.**—The recreation area shall consist of—

“(i) the land, water, and interests in land and water generally depicted as the recreation area on the map entitled ‘Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map’, numbered 80,047-C, and dated August 2001; and

“(ii) the land, water, and interests in land and water, as generally depicted as ‘Proposed Addition’ on the map entitled ‘Rim of the Valley Unit—Santa Monica Mountains National Recreation Area’, numbered 638/147,723, and dated April 2023.

“(B) **AVAILABILITY OF MAPS.**—The maps described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) **REVISIONS.**—After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, of the proposed revision, the Secretary may make minor revisions to the boundaries of the recreation area by publication of a revised drawing or other boundary description in the Federal Register.”.

(b) **ADMINISTRATION.**—Any land or interest in land acquired by the Secretary of the Interior within the Rim of the Valley Unit shall be administered as part of the Santa Monica Mountains National Recreation Area (referred to in this section as the “National Recreation Area”) in accordance with the laws (including regulations) applicable to the National Recreation Area.

(c) **UTILITIES AND WATER RESOURCE FACILITIES.**—The addition of the Rim of the Valley Unit to the National Recreation Area shall not affect the operation, maintenance, or modification of water resource facilities or public utilities within the Rim of the Valley Unit, except that any utility or water resource facility activities in the Rim of the Valley Unit shall be conducted in a manner that reasonably avoids or reduces the impact of the activities on resources of the Rim of the Valley Unit.

**SA 217.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. GLOBAL ELECTORAL EXCHANGE PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “Global Electoral Exchange Act”.

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

(1) recent elections globally have illustrated the urgent need for the promotion and exchange of international best election practices, particularly in the areas of cybersecurity, results transmission, transparency of electoral data, election dispute resolution, and the elimination of discriminatory registration practices and other electoral irregularities;

(2) the advancement of democracy worldwide promotes United States interests, as stable democracies provide new market opportunities, improve global health outcomes, and promote economic freedom and regional security;

(3) credible elections are the cornerstone of a healthy democracy and enable all persons to exercise their basic human right to have a say in how they are governed;

(4) inclusive elections strengthen the credibility and stability of democracies more broadly;

(5) at the heart of a strong election cycle is the professionalism of the election management body and an empowered civil society;

(6) the development of local expertise via peer-to-peer learning and exchanges promotes the independence of such bodies from internal and external influence; and

(7) supporting the efforts of peoples in democratizing societies to build more representative governments in their respective countries is in the national interest of the United States.

(c) ESTABLISHMENT.—The Secretary of State is authorized to establish and administer a Global Electoral Exchange Program (referred to in this section as the “Program”) to promote the utilization of sound election administration practices around the world.

(d) PURPOSE.—The purpose of the Program shall include the promotion and exchange of international best election practices, including in the areas of—

(1) cybersecurity;

(2) the protection of election systems against influence campaigns;

(3) results transmission;

(4) transparency of electoral data;

(5) election dispute resolution;

(6) the elimination of discriminatory registration practices and electoral irregularities;

(7) inclusive and equitable promotion of candidate participation;

(8) equitable access to polling places, voter education information, and voting mechanisms (including by persons with disabilities); and

(9) other sound election administration practices.

(e) EXCHANGE OF ELECTORAL AUTHORITIES.—

(1) IN GENERAL.—The Secretary of State, in consultation, as appropriate, with the Administrator of the United States Agency for International Development, may award grants to any United States-based organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) has experience in, and a primary focus on, foreign comparative election systems or subject matter expertise in the administration or integrity of such systems; and

(C) submits an application in such form, and satisfying such requirements, as the Secretary may require.

(2) TYPES OF GRANTS.—An organization described in paragraph (1) may receive a grant under this subsection to design and implement programs that—

(A) bring to the United States election administrators and officials, including govern-

ment officials, poll workers, civil society representatives, members of the judiciary, and others who participate in the organization and administration of public elections in a foreign country that faces challenges to its electoral process to study election procedures in the United States for educational purposes; or

(B) take election administrators and officials of the United States or of another country, including government officials, poll workers, civil society representatives, members of the judiciary, and others who participate in the organization and administration of public elections to another country to study and discuss election procedures in such country for educational purposes.

(3) LIMITS ON ACTIVITIES.—Activities administered under the Program may not—

(A) include observation of an election for the purposes of assessing the validity or legitimacy of that election;

(B) facilitate any advocacy for a certain electoral result by a grantee when participating in the Program; or

(C) be carried out without proper consultation with State and local authorities in the United States that administer elections.

(4) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should establish and maintain a network of Global Electoral Exchange Program alumni, to promote communication and further exchange of information regarding sound election administration practices among current and former Program participants.

(5) LIMITATION.—A recipient of a grant under the Program may only use such grant for the purpose for which such grant was awarded, unless otherwise authorized by the Secretary of State.

(6) NONDUPLICATIVE.—Grants made under this subsection may not be duplicative of any other grants made under any other provision of law for similar or related purposes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2024 through 2028 to carry out this section.

(g) CONGRESSIONAL OVERSIGHT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter for the following 2 years, the Secretary of State shall provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the status of any activities carried out under this section during the preceding year, including—

(1) a summary of all exchanges conducted under the Program, including information regarding grantees, participants, and the locations where program activities were held;

(2) a description of the criteria used to select grantees under the Program; and

(3) recommendations for the improvement of the Program in furtherance of the purpose specified in subsection (d).

**SA 218.** Ms. KLOBUCHAR (for herself and Mr. CRUZ) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. PROTECTING COVERED INFORMATION IN PUBLIC RECORDS.**

(a) DEFINITIONS.—In this section:

(1) APPLICABLE LEGISLATIVE OFFICERS.—The term “applicable legislative officers” means—

(A) with respect to a Member of the Senate, the Sergeant at Arms and Doorkeeper of the Senate and the Secretary of the Senate, acting jointly; and

(B) with respect to a Member of, or Delegate or Resident Commissioner to, the House of Representatives, the Sergeant at Arms of the House of Representatives and the Chief Administrative Officer of the House of Representatives, acting jointly.

(2) AT-RISK INDIVIDUAL.—The term “at-risk individual” means—

(A) a Member of Congress;

(B) any individual who is the spouse, parent, sibling, or child of an individual described in subparagraph (A);

(C) any individual to whom an individual described in subparagraph (A) stands in loco parentis;

(D) any other individual living in the household of an individual described in subparagraph (A);

(E) any employee whose pay is disbursed by the Secretary of the Senate who is identified by the Director of Senate Security as the target of an ongoing threat; or

(F) any employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives who is identified by the Director of the Office of House Security as the target of an ongoing threat.

(3) COVERED INFORMATION.—The term “covered information” means—

(A) a home address, including a primary residence or secondary residences;

(B) a home or personal mobile telephone number;

(C) a personal email address;

(D) a social security number or driver's license number;

(E) a bank account or credit or debit card number;

(F) a license plate number or other unique identifier of a vehicle owned, leased, or regularly used by an at-risk individual;

(G) the identification of a child, who is under 18 years of age, of an at-risk individual;

(H) information regarding schedules of school or day care attendance or routes taken to or from the school or day care by an at-risk individual;

(I) information regarding routes taken to or from an employment location by an at-risk individual; or

(J) precise geolocation data that is not anonymized and can identify the location of a device of an at-risk individual.

(4) DATA BROKER.—

(A) IN GENERAL.—The term “data broker” means a commercial entity engaged in collecting, assembling, or maintaining personal information concerning an individual who is not a customer, client, or an employee of that entity in order to sell the information or otherwise profit from providing third-party access to the information.

(B) EXCLUSION.—The term “data broker” does not include a commercial entity engaged in the following activities:

(i) Engaging in reporting, news-gathering, speaking, or other activities intended to inform the public on matters of public interest or public concern.

(ii) Providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier.

(iii) Using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a



transaction or service requested by or concerning the individual whose personal information is being transferred.

(iv) Providing publicly available information via real-time or near-real-time alert services for health or safety purposes.

(v) A consumer reporting agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(vi) A financial institution subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and regulations implementing that Act.

(vii) A covered entity for purposes of the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(viii) The collection and sale or licensing of covered information incidental to conducting the activities described in clauses (i) through (vii).

(5) GOVERNMENT AGENCY.—The term “Government agency” includes—

(A) an Executive agency, as defined in section 105 of title 5, United States Code; and

(B) any agency in the judicial branch or legislative branch.

(6) IMMEDIATE FAMILY MEMBER.—The term “immediate family member” means an at-risk individual—

(A) who is the spouse, parent, sibling, or child of another at-risk individual;

(B) to whom another at-risk individual stands in loco parentis; or

(C) living in the household of another at-risk individual.

(7) MEMBER OF CONGRESS.—The term “Member of Congress” means—

(A) a Member of the Senate; or

(B) a Member of, or Delegate or Resident Commissioner to, the House of Representatives.

(8) TRANSFER.—The term “transfer” means to sell, license, trade, or exchange for consideration the covered information of an at-risk individual.

(b) GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Each at-risk individual may—

(A) file written notice of the status of the individual as an at-risk individual, for themselves and their immediate family members, with each Government agency that includes information necessary to ensure compliance with this section, as determined by the applicable legislative officers; and

(B) request that each Government agency described in subparagraph (A) mark as private their covered information and that of their immediate family members.

(2) NO PUBLIC POSTING.—

(A) IN GENERAL.—Government agencies shall not publicly post or display publicly available content that includes covered information of an at-risk individual.

(B) DEADLINE.—Upon receipt of a request by an at-risk individual under paragraph (1)(B), a Government agency shall remove the covered information of the at-risk individual, and any immediate family member on whose behalf the at-risk individual submitted the request, from publicly available content not later than 72 hours after such receipt.

(3) EXCEPTIONS.—Nothing in this section shall prohibit a Government agency from providing access to records containing the covered information of an at-risk individual to a third party if the third party—

(A) possesses a signed release from the at-risk individual or a court order;

(B) is subject to the requirements of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(C) executes a confidentiality agreement with the Government agency.

(c) DELEGATION OF AUTHORITY.—

(1) IN GENERAL.—An at-risk individual may directly, or through an agent designated by the at-risk individual, make any notice or request required or authorized by this section on behalf of the at-risk individual. The notice or request shall include information necessary to ensure compliance with this section.

(2) AUTHORIZATION OF LEGISLATIVE OFFICERS TO MAKE REQUESTS.—

(A) LEGISLATIVE OFFICERS.—Upon written request of a Member of Congress, the applicable legislative officers are authorized to make any notice or request required or authorized by this section on behalf of the Member of Congress. The notice or request shall include information necessary to ensure compliance with this section, as determined by the applicable legislative officers. Any notice or request made under this paragraph shall be deemed to have been made by the Member of Congress and comply with the notice and request requirements of this section.

(B) LIST.—In lieu of individual notices or requests, the applicable legislative officers may provide Government agencies, data brokers, persons, businesses, or associations with a list of Members of Congress and their immediate family members that includes information necessary to ensure compliance with this section, as determined by the applicable legislative officers for the purpose of maintaining compliance with this section. Such list shall be deemed to comply with individual notice and request requirements of this section.

(d) DATA BROKERS AND OTHER BUSINESSES.—

(1) PROHIBITIONS.—

(A) DATA BROKERS.—It shall be unlawful for a data broker to knowingly sell, license, trade for consideration, or purchase covered information of an at-risk individual.

(B) OTHER BUSINESSES.—

(i) IN GENERAL.—Except as provided in clause (ii), no person, business, or association shall publicly post or publicly display on the internet covered information of an at-risk individual if the at-risk individual, or an immediate family member on behalf of the at-risk individual, has made a written request to that person, business, or association to not disclose the covered information of the at-risk individual.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) the display on the internet of the covered information of an at-risk individual if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual voluntarily publishes on the internet after the date of enactment of this Act; or

(III) covered information received from a Federal Government source (or from an employee or agent of the Federal Government).

(2) REQUIRED CONDUCT.—

(A) IN GENERAL.—After receiving a written request under paragraph (1)(B)(i), the person, business, or association shall—

(i) remove within 72 hours the covered information from the internet and ensure that the information is not made available on any website or subsidiary website controlled by that person, business, or association; and

(ii) ensure that the covered information of the at-risk individual is not made available on any website or subsidiary website controlled by that person, business, or association.

(B) TRANSFER.—

(i) IN GENERAL.—Except as provided in clause (ii), after receiving a written request under paragraph (1)(B)(i), the person, busi-

ness, or association shall not transfer the covered information of the at-risk individual to any other person, business, or association through any medium.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) the transfer of the covered information of the at-risk individual if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual voluntarily publishes on the internet after the date of enactment of this Act; or

(III) a transfer made at the request of the at-risk individual or that is necessary to effectuate a request to the person, business, or association from the at-risk individual.

(e) REDRESS.—An at-risk individual whose covered information is made public as a result of a violation of this section may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction.

(f) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed—

(A) to prohibit, restrain, or limit—

(i) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual;

(ii) the reporting on an at-risk individual regarding matters of public concern; or

(iii) the disclosure of information otherwise required under Federal law;

(B) to impair access to the actions or statements of a Member of Congress in the course of carrying out the public functions of the Member of Congress;

(C) to limit the publication or transfer of covered information with the written consent of the at-risk individual; or

(D) to prohibit information sharing by a data broker to a Federal, State, Tribal, or local government, or any unit thereof.

(2) PROTECTION OF COVERED INFORMATION.—This section shall be broadly construed to favor the protection of the covered information of at-risk individuals.

(g) SEVERABILITY.—If any provision of this section, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remaining provisions of this section, and the application of the provision to any other person or circumstance, shall not be affected.

**SA 219.** Ms. KLOBUCHAR (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1063. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON IMPLEMENTATION OF UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND IMPROVING ACCESS TO VOTER REGISTRATION INFORMATION AND ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct—

(1) an analysis of the effectiveness of the Federal Government in carrying out its responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) to promote access to voting for absent uniformed services voters; and

(2) a study on means for improving access to voter registration information and assistance for members of the Armed Forces and their family members.

(b) ELEMENTS.—

(1) ANALYSIS.—The analysis required by subsection (a)(1) shall include analysis of the following:

(A) Data and information pertaining to the transmission of ballots to absent uniformed services voters.

(B) Data and information pertaining to the methods of transmission of voted ballots from absent uniformed services voters, including the efficacy and security of such methods.

(C) Data and information pertaining to the treatment by election officials of voted ballots transmitted by absent uniformed services voters, including—

(i) the rate at which such ballots are counted in elections;

(ii) the rate at which such ballots are rejected in elections; and

(iii) the reasons for such rejections.

(D) An analysis of the effectiveness of the assistance provided to absent uniformed services voters by Voting Assistance Officers of the Federal Voting Assistance Program of the Department of Defense.

(E) A review of the extent of coordination between Voting Assistance Officers and State and local election officials.

(F) Information regarding such other issues relating to the ability of absent uniformed services voters to register to vote, vote, and have their ballots counted in elections for Federal office.

(G) Data and information pertaining to—

(i) the awareness of members of the Armed Forces and their family members of the requirement under section 1566a of title 10, United States Code, that the Secretaries of the military departments provide voter registration information and assistance; and

(ii) whether members of the Armed Forces and their family members received such information and assistance at the times required by subsection (c) of that section.

(2) STUDY.—The study required by subsection (a)(2) shall include the following:

(A) An assessment of potential actions to be undertaken by the Secretary of each military department to increase access to voter registration information and assistance for members of the Armed Forces and their family members.

(B) An estimate of the costs and requirements to fully meet the needs of members of the Armed Forces for access to voter registration information and assistance.

(c) METHODS.—In conducting the analysis and study required by subsection (a), the Comptroller General shall, in cooperation and consultation with the Secretaries of the military departments—

(1) use existing information from available government and other public sources; and

(2) acquire, through the Comptroller General's own investigations, interviews, and analysis, such other information as the Comptroller General requires to conduct the analysis and study.

(d) REPORT REQUIRED.—Not later than September 30, 2025, the Comptroller General shall submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives a report on the analysis and study required by subsection (a).

(e) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given that term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20310).

(2) FAMILY MEMBER.—The term “family member”, with respect to a member of the Armed Forces, means a spouse and other dependent (as defined in section 1072 of title 10, United States Code) of the member.

**SA 220.** Ms. KLOBUCHAR (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**DIVISION F—ARCHITECT OF THE CAPITOL APPOINTMENT ACT OF 2023**

**SEC. 6001. SHORT TITLE.**

This division may be cited as the “Architect of the Capitol Appointment Act of 2023”.

**SEC. 6002. APPOINTMENT AND TERM OF SERVICE OF ARCHITECT OF THE CAPITOL.**

(a) APPOINTMENT.—The Architect of the Capitol shall be appointed, without regard to political affiliation and solely on the basis of fitness to perform the duties of the office, upon a majority vote of a congressional commission (referred to in this section as the “commission”) consisting of the Speaker of the House of Representatives, the majority leader of the Senate, the minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on Appropriations of the House of Representatives, the chairman and ranking minority member of the Committee on House Administration of the House of Representatives, and the chairman and ranking minority member of the Committee on Rules and Administration of the Senate.

(b) TERM OF SERVICE.—The Architect of the Capitol shall be appointed for a term of 10 years and, upon a majority vote of the members of the commission, may be reappointed for additional 10-year terms.

(c) REMOVAL.—The Architect of the Capitol may be removed from office at any time upon a majority vote of the members of the commission.

(d) CONFORMING AMENDMENTS.—

(1) Section 319 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 1801) is repealed.

(2) The matter under the heading “FOR THE CAPITOL” under the heading “DEPARTMENT OF THE INTERIOR” of the Act of February 14, 1902 (32 Stat. 19, chapter 17; incorporated in 2 U.S.C. 1811) is amended by striking “, and he shall be appointed by the President”.

(e) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply with respect to appointments made on or after the date of enactment of this Act.

**SEC. 6003. APPOINTMENT OF DEPUTY ARCHITECT OF THE CAPITOL; VACANCY IN ARCHITECT OR DEPUTY ARCHITECT.**

Section 1203 of title I of division H of the Consolidated Appropriations Resolution, 2003 (2 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by inserting “(in this section referred to as the ‘Architect’)” after “The Architect of the Capitol”; and

(B) by inserting “(in this section referred to as the ‘Deputy Architect’)” after “Deputy Architect of the Capitol”;

(2) by redesignating subsection (b) as subsection (c);

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

“(b) DEADLINE.—The Architect shall appoint a Deputy Architect under subsection (a) not later than 120 days after—

“(1) the date on which the Architect is appointed under section 6002 of the Architect of the Capitol Appointment Act of 2023, if there is no Deputy Architect on the date of the appointment; or

“(2) the date on which a vacancy arises in the office of the Deputy Architect.”;

(4) in subsection (c), as so redesignated, by striking “of the Capitol” each place it appears; and

(5) by adding at the end the following:

“(d) FAILURE TO APPOINT.—If the Architect does not appoint a Deputy Architect on or before the applicable date specified in subsection (b), the congressional commission described in section 6002(a) of the Architect of the Capitol Appointment Act of 2023 shall appoint the Deputy Architect by a majority vote of the members of the commission.

“(e) NOTIFICATION.—If the position of Deputy Architect becomes vacant, the Architect shall immediately notify the members of the congressional commission described in section 6002(a) of the Architect of the Capitol Appointment Act of 2023.”.

**SEC. 6004. DEPUTY ARCHITECT OF THE CAPITOL TO SERVE AS ACTING IN CASE OF ABSENCE, DISABILITY, OR VACANCY.**

(a) IN GENERAL.—The Deputy Architect of the Capitol (in this section referred to as the “Deputy Architect”) shall act as Architect of the Capitol (in this section referred to as the “Architect”) if the Architect is absent or disabled or there is no Architect.

(b) ABSENCE, DISABILITY, OR VACANCY IN OFFICE OF DEPUTY ARCHITECT.—For purposes of subsection (a), if the Deputy Architect is also absent or disabled or there is no Deputy Architect, the congressional commission described in section 6002(a) shall designate, by a majority vote of the members of the commission, an individual to serve as acting Architect until—

(1) the end of the absence or disability of the Architect or the Deputy Architect; or

(2) in the case of vacancies in both positions, an Architect has been appointed under section 6002(a).

(c) AUTHORITY.—An officer serving as acting Architect under subsection (a) or (b) shall perform all the duties and exercise all the authorities of the Architect, including the authority to delegate the duties and authorities of the Architect in accordance with the matter under the heading “OFFICE OF THE ARCHITECT OF THE CAPITOL” under the heading “ARCHITECT OF THE CAPITOL” of the Legislative Appropriation Act, 1956 (2 U.S.C. 1803).

(d) CONFORMING AMENDMENT.—The matter under the heading “SALARIES” under the heading “OFFICE OF THE ARCHITECT OF THE CAPITOL” under the heading “ARCHITECT OF THE CAPITOL” of the Legislative Branch Appropriation Act, 1971 (2 U.S.C. 1804) is amended by striking “: Provided,” and all that follows through “no Architect”.

**SA 221.** Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle B of title XXVIII, add the following:

**SEC. 2853. REPORT ON PLAN TO REPLACE HOUSES AT FORT LEONARD WOOD.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress an unclassified report on the plan of the Army to replace all 1,142 houses at Fort Leonard Wood that the Army has designated as being in need of repair.

**SA 222.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON CONSTITUTIONAL REQUIREMENT THAT CONGRESS DECLARE WAR BEFORE THE UNITED STATES ENGAGES IN WAR.**

It is the sense of Congress that Article 5 of the North Atlantic Treaty does not supersede the constitutional requirement that Congress declare war before the United States engages in war.

**SA 223.** Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12 \_\_\_\_ . ENDING CHILD TRAFFICKING.**

(a) **SHORT TITLE.**—This section may be cited as the “End Child Trafficking Now Act”.

(b) **DNA TESTING.**—

(1) **IN GENERAL.**—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 211 the following:

**“SEC. 211A. FAMILIAL RELATIONSHIP DOCUMENTARY REQUIREMENTS.**

“(a) **IN GENERAL.**—Except as provided in subsection (b), an alien who has attained 18 years of age may not be admitted into the United States with a minor.

“(b) **EXCEPTIONS.**—An alien described in subsection (a) may be admitted into the United States with a minor if—

“(1) the alien presents to the Secretary of Homeland Security—

“(A) 1 or more documents that prove that such alien is a relative or guardian of such minor; and

“(B) a witness that testifies that such alien is a relative or guardian of such minor; or

“(2) a DNA test administered by the Secretary of Health and Human Services proves that such alien is a relative of such minor.

“(c) **ADMINISTRATION OF DNA TEST.**—The Secretary of Homeland Security shall request, and the Secretary of Health and Human Services shall administer, a DNA test only if the Secretary of Homeland Security is unable to determine, based on the evidence presented in accordance with subsection (b)(1), that an adult alien is a relative or guardian of the minor accompanying such alien.

“(d) **DENIAL OF CONSENT.**—

“(1) **ALIEN.**—An alien described in subsection (a) is inadmissible if—

“(A) the Secretary of Homeland Security determines that such alien has presented insufficient evidence under subsection (b)(1) to prove that the alien is a relative of the minor; and

“(B) the alien refuses to consent to a DNA test.

“(2) **MINOR.**—A minor accompanying an alien who is inadmissible under paragraph (1) shall be treated as an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

“(e) **DNA TEST RESULTS.**—If the results of a DNA test administered pursuant to subsection (c) fail to prove that an alien described in subsection (a) is a relative of a minor accompanying such alien, an immigration officer shall conduct such interviews as may be necessary to determine whether such alien is a relative or guardian of such minor.

“(f) **ARREST.**—An immigration officer may, pursuant to section 287, arrest an alien described in subsection (a) if the immigration officer—

“(1) determines, after conducting interviews pursuant to subsection (e), that such alien is not related to the minor accompanying the alien; and

“(2) has reason to believe that such alien is guilty of a felony offense, including the offenses of human trafficking, recycling of a minor, or alien smuggling.

“(g) **DEFINITIONS.**—In this section—

“(1) **MINOR.**—The term ‘minor’ means an alien who has not attained 18 years of age.

“(2) **RECYCLING.**—The term ‘recycling’ means that a minor is being used to enter the United States on more than 1 occasion by an alien who has attained 18 years of age and is not the relative or the guardian of such minor;

“(3) **RELATIVE.**—The term ‘relative’ means an individual related by consanguinity within the second degree, as determined by common law.”.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 211 the following:

“Sec. 211A. Familial relationship documentary requirements.”.

(c) **CRIMINALIZING RECYCLING OF MINORS.**—

(1) **IN GENERAL.**—Chapter 69 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1430. Recycling of minors**

“(a) **IN GENERAL.**—Any person 18 years of age or older who knowingly uses, for the purpose of entering the United States, a minor to whom the individual is not a relative or guardian, shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) **RELATIVE.**—In this section, the term ‘relative’ means an individual related by consanguinity within the second degree, as determined by common law.”.

(2) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 69 of title 18, United States Code, is amended by adding at the end the following:

“1430. Recycling of minors.”.

**SA 224.** Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. AUTHORIZATION OF AMOUNTS TO SUPPORT INITIATIVES FOR MOBILE MAMMOGRAPHY SERVICES FOR VETERANS.**

There is authorized to be appropriated to the Secretary of Veterans Affairs \$10,000,000 for the Office of Women's Health of the Department of Veterans Affairs under section 7310 of title 38, United States Code, to be used by the Secretary to expand access of women veterans to—

- (1) mobile mammography initiatives;
- (2) advanced mammography equipment; and
- (3) outreach activities to publicize those initiatives and equipment.

**SA 225.** Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. TERMINATION OF POLICIES ALLOWING TRAVEL AND TRANSPORTATION ALLOWANCES AND NONCHARGEABLE LEAVE FOR TRAVEL TO ACCESS ABORTION SERVICES.**

Not later than 7 days after the date of the enactment of this Act, the Secretary of Defense shall terminate the policies, pursuant to the Department of Defense memorandum entitled “Ensuring Access to Reproductive Health Care”, and dated October 20, 2022, authorizing—

- (1) the provision of travel and transportation allowances for a member of the Armed Forces to travel to access abortion services or for a dependant of the member to access to such services; and
- (2) a member to take leave that is not chargeable against the member's leave account for such travel.

**SEC. 1084. AUTHORIZATION OF AMOUNTS TO SUPPORT INITIATIVES FOR MOBILE MAMMOGRAPHY SERVICES FOR VETERANS.**

There is authorized to be appropriated to the Secretary of Veterans Affairs \$10,000,000 for the Office of Women's Health of the Department of Veterans Affairs under section 7310 of title 38, United States Code, to be used by the Secretary to expand access of women veterans to—

- (1) mobile mammography initiatives;
- (2) advanced mammography equipment; and
- (3) outreach activities to publicize those initiatives and equipment.

**SA 226.** Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12. MIGRANT PROTECTION PROTOCOLS.**

(a) **SHORT TITLE.**—This section may be cited as the “Make the Migrant Protection Protocols Mandatory Act of 2023”.

(b) **MANDATORY IMPLEMENTATION OF THE MIGRANT PROTECTION PROTOCOLS.**—Section 235(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(2)(C)) is amended by striking “may” and inserting “shall”.

**SA 227.** Mr. BUDD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ PROHIBITION ON DIVESTMENT OF F-15E AIRCRAFT.**

None of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2024 through 2029 may be obligated or expended to divest any F-15E aircraft.

**SA 228.** Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ MICROLOAN PROGRAM DEFINITIONS.**

Section 7(m)(11) of the Small Business Act (15 U.S.C. 636(m)(11)) is amended—

(1) in subparagraph (C)(ii), by striking the period at the end and inserting a semicolon;

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

(3) by adding at the end the following:

“(E) the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.”.

**SA 229.** Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII of division A, add the following:

**SEC. 849. EXPANDING ELIGIBILITY FOR CERTAIN CONTRACTS.**

(a) **COMPETITIVE THRESHOLDS.**—Section 8018 of title VIII of division A of the Department of Defense Appropriations Act, 2007 (15 U.S.C. 637 note) is amended by striking “with agencies of the Department of Defense” and inserting “with agencies and departments of the Federal Government”.

(b) **RULEMAKING.**—Not later than 180 days after the date of enactment of this Act, in

order to carry out the amendments made by subsection (a)—

(1) the Administrator of the Small Business Administration, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations; and

(2) the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code, shall amend the Federal Acquisition Regulation.

**SA 230.** Mr. YOUNG submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ REQUIREMENT FOR UNQUALIFIED OPINION ON FINANCIAL STATEMENT.**

The Secretary of Defense shall ensure that the Department of Defense has received an unqualified opinion on its financial statements by October 1, 2027.

**SA 231.** Mr. YOUNG (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1299L. SENSE OF THE SENATE ON DIGITAL TRADE AND THE DIGITAL ECONOMY.**

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

(1) Over half of the world’s population, totaling more than 5,000,000,000 people, use the internet.

(2) The digital economy encompasses the economic and social activity from billions of online connections among people, businesses, devices, and data as a result of the internet, mobile technology, and the internet of things.

(3) The Bureau of Economic Analysis found that the digital economy contributed nearly 10.3 percent of United States gross domestic product and supported 8,000,000 United States jobs in 2020.

(4) The digital sector added 1,400,000 new jobs between 2019 and 2022.

(5) United States jobs supported by the digital economy have sustained annual wage growth at a rate of 5.9 percent since 2010, as compared to a 4.2 percent for all jobs.

(6) In 2021, United States exports of digital services surpassed \$594,000,000,000, accounting for more than half of all United States services exports and generating a digital services trade surplus for the United States of \$262,300,000,000.

(7) Digital trade bolsters the digital economy by enabling the sale of goods on the internet and the supply of online services across borders and depends on the free flow of data across borders to promote commerce, manufacturing, and innovation.

(8) Digital trade has become increasingly vital to United States workers and busi-

nesses of all sizes, including the countless small and medium-sized enterprises that use digital technology, data flows, and e-commerce to export goods and services across the world.

(9) Digital trade has advanced entrepreneurship opportunities for women, people of color, and individuals from otherwise underrepresented backgrounds and enabled the formation of innovative start-ups.

(10) International supply chains are becoming increasingly digitized and data driven and businesses in a variety of industries, such as construction, healthcare, transportation, and aerospace, invested heavily in digital supply chain technologies in 2020.

(11) United States Trade Representative Katherine Tai said, “[T]here is no bright line separating digital trade from the digital economy—or the ‘traditional’ economy for that matter. Nearly every aspect of our economy has been digitized to some degree.”.

(12) Industries outside of the technology sector, such as manufacturing and agriculture, are integrating digital technology into their businesses in order to increase efficiency, improve safety, reach new customers, and remain globally competitive.

(13) The increasing reliance on digital technologies has modernized legacy processes, accelerated workflows, increased access to information and services, and strengthened security in a variety of industries, leading to better health, environmental, and safety outcomes.

(14) The COVID-19 pandemic has led to increased uptake and reliance on digital technologies, data flows, and e-commerce.

(15) Ninety percent of adults in the United States say that the internet has been essential or important for them personally during the COVID-19 pandemic.

(16) United States families, workers, and business owners have seen how vital access to the internet has been to daily life, as work, education, medicine, and communication with family and friends have shifted increasingly online.

(17) Many individuals and families, especially in rural and Tribal communities, struggle to participate in the digital economy because of a lack of access to a reliable and affordable internet connection.

(18) New developments in technology must be deployed with consideration to the unique access challenges of rural, urban underserved, and vulnerable communities.

(19) Digital trade has the power to help level the playing field and uplift those in traditionally underrepresented or underrepresented communities.

(20) Countries have negotiated international rules governing digital trade in various bilateral and plurilateral agreements, but those rules remain fragmented, and no multilateral agreement on digital trade exists within the World Trade Organization.

(21) The United States, through free trade agreements or other digital agreements, has been a leader in developing a set of rules and standards on digital governance and e-commerce that has helped allies and partners of the United States unlock the full economic and social potential of digital trade.

(22) Congress recognizes the need for agreements on digital trade, as indicated by its support for a robust digital trade chapter in the United States-Mexico-Canada Agreement.

(23) Other countries are operating under their own digital rules, some of which are contrary to democratic values shared by the United States and many allies and partners of the United States.

(24) Those countries are attempting to advance their own digital rules on a global scale.

(25) Examples of the plethora of nontariff barriers to digital trade that have emerged around the globe include—

(A) overly restrictive data localization requirements and limitations on cross border data flows that do not achieve legitimate public policy objectives;

(B) intellectual property rights infringement;

(C) policies that make market access contingent on forced technology transfers or voluntary transfers subject to coercive terms;

(D) web filtering;

(E) economic espionage;

(F) cybercrime exposure; and

(G) government-directed theft of trade secrets.

(26) Certain countries are pursuing or have implemented digital policies that unfairly discriminate against innovative United States technology companies and United States workers that create and deliver digital products and services.

(27) The Government of the People's Republic of China is currently advancing a model for digital governance and the digital economy domestically and abroad through its Digital Silk Road Initiative that permits censorship, surveillance, human and worker rights abuses, forced technology transfers, and data flow restrictions at the expense of human and worker rights, privacy, the free flow of data, and an open internet.

(28) The 2022 Country Reports on Human Rights Practices of the Department of State highlighted significant human rights issues committed by the People's Republic of China in the digital realm, including "arbitrary interference with privacy including pervasive and intrusive technical surveillance and monitoring including the use of COVID-19 tracking apps for nonpublic-health purposes; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others; serious restrictions on internet freedom, including site blocking".

(29) The United States discourages digital authoritarianism, including practices that undermine human and worker rights and result in other social and economic coercion.

(30) Allies and trading partners of the United States in the Indo-Pacific region have urged the United States to deepen economic engagement in the region by negotiating rules on digital trade and technology standards.

(31) The digital economy has provided new opportunities for economic development, entrepreneurship, and growth in developing countries around the world.

(32) Negotiating strong digital trade principles and commitments with allies and partners across the globe enables the United States to unite like-minded economies around common standards and ensure that principles of democracy, rule of law, freedom of speech, human and worker rights, privacy, and a free and open internet are at the very core of digital governance.

(33) United States leadership and substantive engagement is necessary to ensure that global digital rules reflect United States values so that workers are treated fairly, small businesses can compete and win in the global economy, and consumers are guaranteed the right to privacy and security.

(34) The United States supports rules that reduce digital trade barriers, promote free expression and the free flow of information, enhance privacy protections, protect sensitive information, defend human and worker rights, prohibit forced technology transfer, and promote digitally enabled commerce.

(35) The United States supports efforts to cooperate with allies and trading partners to mitigate the risks of cyberattacks, address potentially illegal or deceptive business activities online, promote financial inclusion and digital workforce skills, and develop rules to govern the use of artificial intelligence and other emerging and future technologies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should negotiate strong, inclusive, forward-looking, and enforceable rules on digital trade and the digital economy with like-minded countries as part of a broader trade and economic strategy to address digital barriers and ensure that the United States values of democracy, rule of law, freedom of speech, human and worker rights, privacy, and a free and open internet are at the very core of the digital world and advanced technology;

(2) in conducting such negotiations, the United States must—

(A) pursue digital trade rules that—

(i) serve the best interests of workers, consumers, and small and medium-sized enterprises;

(ii) empower United States workers;

(iii) fuel wage growth; and

(iv) lead to materially positive economic outcomes for all people in the United States;

(B) ensure that any future agreement prevents the adoption of non-democratic, coercive, or overly restrictive policies that would be obstacles to a free and open internet and harm the ability of the e-commerce marketplace to continue to grow and thrive;

(C) coordinate sufficient trade-related assistance to ensure that developing countries can improve their capacity and benefit from increased digital trade; and

(D) consult closely with all relevant stakeholders, including workers, consumers, small and medium-sized enterprises, civil society groups, and human rights advocates; and

(3) with respect to any negotiations for an agreement facilitating digital trade, the United States Trade Representative and the heads of other relevant Federal agencies must—

(A) consult closely and on a timely basis with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives about the substance of those negotiations and the requisite legal authority to bind the United States to any such agreement;

(B) keep both committees fully apprised of those negotiations; and

(C) provide to those committees, including staff with appropriate security clearances, adequate access to the text of the negotiating proposal of the United States before presenting the proposal in the negotiations.

**SA 232.** Mr. YOUNG (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **DIVISION F—COUNTERING ECONOMIC COERCION ACT OF 2023**

##### **SEC. 6001. SHORT TITLE.**

This title may be cited as the "Countering Economic Coercion Act of 2023".

##### **SEC. 6002. SENSE OF CONGRESS.**

The following is the sense of Congress:

(1) Foreign adversaries are increasingly using economic coercion to pressure, punish, and influence United States allies and partners.

(2) Economic coercion causes economic harm to United States allies and partners and creates malign influence on the sovereign political actions of such allies and partners.

(3) Economic coercion can threaten the essential security of the United States and its allies.

(4) Economic coercion is often characterized by—

(A) arbitrary, abusive, and discriminatory actions that seek to interfere with sovereign actions, violate international trade rules, and run counter to the rules-based international order;

(B) capricious, pre-textual, and non-transparent actions taken without due process afforded;

(C) intimidation or threats of punitive actions; and

(D) informal actions that take place without explicit government action.

(5) Existing mechanisms for trade dispute resolution and international arbitration are inadequate for responding to economic coercion in a timely and effective manner as foreign adversaries exploit plausible deniability and lengthy processes to evade accountability.

(6) The United States should provide meaningful economic and political support to foreign trading partners affected by economic coercion.

(7) Supporting foreign trading partners affected by economic coercion can lead to opportunities for United States businesses, investors, and workers to reach new markets and customers.

(8) Responding to economic coercion will be most effective when the United States provides relief to affected foreign trading partners in coordination with allies and like-minded countries.

(9) Such coordination will further demonstrate broad resolve against economic coercion.

##### **SEC. 6003. DEFINITIONS.**

In this title:

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

(A) means—

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

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

(B) includes—

(i) with respect to the exercise of any authority under subsection (a)(1) or (b) of section 6005—

(I) the Committee on Finance of the Senate; and

(II) the Committee on Ways and Means of the House of Representatives; and

(ii) with respect to the exercise of any authority under paragraph (6) or (8) of section 6005(a)—

(I) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(II) the Committee on Financial Services of the House of Representatives.

(2) ECONOMIC COERCION.—The term "economic coercion" means actions, practices, or threats undertaken by a foreign adversary to unreasonably restrain, obstruct, or manipulate trade, foreign aid, investment, or commerce in an arbitrary, capricious, or non-transparent manner with the intention to cause economic harm to achieve strategic political objectives or influence sovereign political actions.

(3) EXPORT; EXPORT ADMINISTRATION REGULATIONS; IN-COUNTRY TRANSFER; REEXPORT.—The terms “export”, “Export Administration Regulations”, “in-country transfer”, and “reexport” have the meanings given those terms in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(4) FOREIGN ADVERSARY.—The term “foreign adversary” has the meaning given that term in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2)).

(5) FOREIGN TRADING PARTNER.—The term “foreign trading partner” means a jurisdiction that is a trading partner of the United States.

#### SEC. 6004. DETERMINATION OF ECONOMIC COERCION.

(a) PRESIDENTIAL DETERMINATION.—

(1) IN GENERAL.—If the President determines that a foreign trading partner is subject to economic coercion by a foreign adversary, the President may exercise, in a manner proportionate to the economic coercion, any authority described—

(A) in section 6005(a) to support or assist the foreign trading partner; or

(B) in section 6005(b) to penalize the foreign adversary.

(2) INFORMATION; HEARINGS.—To inform any determination or exercise of authority under paragraph (1), the President shall—

(A) obtain the written opinion and analysis of the Secretary of State, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, and the heads of other Federal agencies, as the President considers appropriate;

(B) seek information and advice from and consult with other relevant officers of the United States; and

(C) afford other interested parties an opportunity to present relevant information and advice.

(3) CONSULTATION WITH CONGRESS.—The President shall consult with the appropriate congressional committees—

(A) not earlier than 30 days and not later than 10 days before exercising any authority under paragraph (1); and

(B) not less frequently than once every 180 days for the duration of the exercise of such authority.

(4) NOTICE.—Not later than 30 days after the date that the President determines that a foreign trading partner is subject to economic coercion or exercises any authority under paragraph (1), the President shall publish in the Federal Register—

(A) a notice of the determination or exercise of authority; and

(B) a description of the economic coercion that the foreign adversary is applying to the foreign trading partner and other circumstances that led to such determination or exercise of authority.

(b) EXPEDITED DETERMINATION.—

(1) IN GENERAL.—If the Secretary of State determines that a foreign trading partner is subject to economic coercion by a foreign adversary, the Secretary of State or the head of the relevant Federal agency may exercise any authority described in paragraphs (2) through (7) of section 6005(a).

(2) NOTICES.—

(A) IN GENERAL.—Not later than 10 days after a determination under paragraph (1), the Secretary of State shall submit to the appropriate congressional committees a notice of such determination.

(B) EXERCISE OF AUTHORITY.—Not later than 10 days after the exercise of any authority described in paragraphs (2) through (7) of section 6005(a) that relies on the determination for which the Secretary of State submitted notice under subparagraph (A), the Secretary of State or the head of the relevant Federal agency relying on such deter-

mination shall submit to the appropriate congressional committees a notice of intent to exercise such authority, but not more frequently than once every 90 days.

(c) REVOCATION OF DETERMINATION.—

(1) IN GENERAL.—Any determination made by the President under subsection (a) or the Secretary of State under subsection (b) shall be revoked on the earliest of—

(A) the date that is 2 years after the date of such determination;

(B) the date of the enactment of a joint resolution of disapproval revoking the determination; or

(C) the date on which the President issues a proclamation revoking the determination.

(2) TERMINATION OF AUTHORITIES.—Any authority described in section 6005(a) exercised pursuant to a determination that has been revoked under paragraph (1) shall cease to be exercised on the date of such revocation, except that such revocation shall not affect—

(A) any action taken or proceeding pending not finally concluded or determined on such date; or

(B) any rights or duties that matured or penalties that were incurred prior to such date.

#### SEC. 6005. AUTHORITIES TO ASSIST FOREIGN TRADING PARTNERS AFFECTED BY ECONOMIC COERCION.

(a) AUTHORITIES WITH RESPECT TO FOREIGN TRADING PARTNERS.—The authorities described in this subsection are the following:

(1) Subject to section 6007, with respect to goods imported into the United States from a foreign trading partner subject to economic coercion by a foreign adversary—

(A) the reduction or elimination of duties; or

(B) the modification of tariff-rate quotas.

(2) Requesting appropriations for foreign aid to the foreign trading partner.

(3) Expedited decisions with respect to the issuance of licenses for the export or reexport to, or in-country transfer in, the foreign trading partner of items subject to controls under the Export Administration Regulations, consistent with the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.).

(4) Expedited regulatory processes related to the importation of goods and services into the United States from the foreign trading partner.

(5) Requesting the necessary authority and appropriations for sovereign loan guarantees to the foreign trading partner.

(6) The waiver of policy requirements (other than policy requirements mandated by an Act of Congress, including the policies and procedures established pursuant to section 11 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-5)) as necessary to facilitate the provision of financing to support exports to the foreign trading partner.

(7) Requesting appropriations for loan loss reserves to facilitate the provision of financing to support United States exports to the foreign trading partner.

(8) The exemption of financing provided to support United States exports to the foreign trading partner from section 8(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(g)(1)).

(b) AUTHORITIES WITH RESPECT TO FOREIGN ADVERSARIES.—With respect to goods imported into the United States from a foreign adversary engaged in economic coercion of a foreign trading partner, the authorities described in this subsection are the following:

(1) The increase in duties.

(2) The modification of tariff-rate quotas.

#### SEC. 6006. COORDINATION WITH ALLIES AND PARTNERS.

(a) COORDINATION BY PRESIDENT.—After a determination by the President that a foreign trading partner is subject to economic

coercion by a foreign adversary, the President shall endeavor to coordinate—

(1) the exercise of the authorities described in section 6005 with the exercise of relevant authorities by allies and partners in order to broaden economic support to the foreign trading partner affected by economic coercion; and

(2) with allies and partners to issue joint condemnation of the actions of the foreign adversary and support for the foreign trading partner.

(b) COORDINATION BY SECRETARY.—The Secretary of State, in coordination with the heads of the relevant agencies, shall endeavor—

(1) to encourage allies and partners to identify or create mechanisms and authorities necessary to facilitate the coordination under subsection (a)(1);

(2) to coordinate with allies and partners to increase opposition to economic coercion in the international community;

(3) to coordinate with allies and partners to deter the use of economic coercion by foreign adversaries; and

(4) to engage with foreign trading partners to gather information about possible instances of economic coercion and share such information with the appropriate congressional committees.

#### SEC. 6007. CONDITIONS WITH RESPECT TO TARIFF AUTHORITY.

(a) LIMITATIONS ON TARIFF AUTHORITY.—The authority described in section 6005(a)(1)—

(1) does not include the authority to reduce or eliminate antidumping or countervailing duties imposed under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.);

(2) may only apply to an article if—

(A) such article is—

(i) designated by the President as an eligible article for purposes of the Generalized System of Preferences under section 503 of the Trade Act of 1974 (19 U.S.C. 2463); and

(ii) imported directly from the foreign trading partner into the customs territory of the United States; and

(B) the sum of the cost or value of the materials produced in the foreign trading partner and the direct costs of processing operations performed in such foreign trading partner is not less than 35 percent of the appraised value of such article at the time it is entered;

(3) may not apply to any article that is the product of the foreign trading partner by virtue of having merely undergone—

(A) simple combining or packaging operations; or

(B) mere dilution with water or another substance that does not materially alter the characteristics of the article; and

(4) may not be applied in a manner that would provide indirect economic benefit to a foreign adversary.

(b) CONSULTATION WITH CONGRESS.—

(1) IN GENERAL.—Before exercising any authority described in subsection (a)(1) or (b) of section 6005, the President shall submit to the appropriate congressional committees a notice of intent to exercise such authority that includes a description of—

(A) the circumstances that merit the exercise of such authority;

(B) the expected effects of the exercise of such authority on the economy of the United States and businesses, workers, farmers, and ranchers in the United States;

(C) the expected effects of the exercise of such authority on the foreign trading partner; and

(D) the expected effects of the exercise of such authority on the foreign adversary.

(2) CONGRESSIONAL REVIEW.—

(A) IN GENERAL.—During the period of 45 calendar days beginning on the date on



which the President submits a notice of intent under paragraph (1), the appropriate congressional committees should hold hearings and briefings and otherwise obtain information in order to fully review the proposed exercise of authority.

(B) LIMITATION ON EXERCISE OF AUTHORITY DURING CONGRESSIONAL REVIEW.—Notwithstanding any other provision of law, during the period for congressional review described in subparagraph (A) of a notice of intent submitted under paragraph (1), the President may not take the proposed exercise of authority unless a joint resolution of approval with respect to that exercise of authority is enacted.

(C) EFFECT OF ENACTMENT OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a notice of intent submitted under paragraph (1) is enacted during the period for congressional review described in subparagraph (A), the President may not take the proposed exercise of authority.

#### SEC. 6008. PROCESS FOR JOINT RESOLUTIONS OF APPROVAL OR DISAPPROVAL.

(a) DEFINITIONS.—In this division:

(1) JOINT RESOLUTION OF APPROVAL.—The term “joint resolution of approval” means only a joint resolution of either House of Congress—

(A) which does not have a preamble;

(B) the title of which is as follows: “A joint resolution approving the President’s exercise of authority under section 6005 of the Countering Economic Coercion Act of 2023.”; and

(C) the sole matter after the resolving clause of which is as follows: “That Congress approves the exercise of authority by the President under section 6005 of the Countering Economic Coercion Act of 2023, submitted to Congress on \_\_\_\_.”, with the blank space being filled with the appropriate date.

(2) JOINT RESOLUTION OF DISAPPROVAL.—The term “joint resolution of disapproval” means—

(A) with respect to a determination under section 6004(a), only a joint resolution of either House of Congress—

(i) which does not have a preamble;

(ii) the title of which is as follows: “A joint resolution disapproving the President’s determination under section 6004(a) of the Countering Economic Coercion Act of 2023.”; and

(iii) the sole matter after the resolving clause of which is as follows: “That Congress disapproves the determination of the President under section 6004(a) of the Countering Economic Coercion Act of 2023, published in the Federal Register on \_\_\_\_.”, with the blank space being filled with the appropriate date;

(B) with respect to a determination under section 6004(b), only a joint resolution of either House of Congress—

(i) which does not have a preamble;

(ii) the title of which is as follows: “A joint resolution disapproving the Secretary of State’s determination under section 6004(b) of the Countering Economic Coercion Act of 2023.”; and

(iii) the sole matter after the resolving clause of which is as follows: “That Congress disapproves the determination of the Secretary of State under section 6004(b) of the Countering Economic Coercion Act of 2023, submitted to Congress on \_\_\_\_.”, with the blank space being filled with the appropriate date; and

(C) with respect to section 6007, only a joint resolution of either House of Congress—

(i) which does not have a preamble;

(ii) the title of which is as follows: “A joint resolution disapproving the President’s exer-

cise of authority under section 6005 of the Countering Economic Coercion Act of 2023.”; and

(iii) the sole matter after the resolving clause of which is as follows: “That Congress disapproves the exercise of authority by the President under section 6005 of the Countering Economic Coercion Act of 2023, submitted to Congress on \_\_\_\_.”, with the blank space being filled with the appropriate date.

(b) INTRODUCTION IN THE HOUSE OF REPRESENTATIVES.—During a period of 5 legislative days beginning on the date that a notice of determination is published in the Federal Register in accordance with section 6004(a)(4) or submitted to the appropriate congressional committees in accordance with section 6004(b)(2)(A) or a notice of intent is submitted to the appropriate congressional committees in accordance with section 6004(b)(2)(B) or section 6007(b)(1), a joint resolution of approval or a joint resolution of disapproval may be introduced in the House of Representatives by the majority leader or the minority leader.

(c) INTRODUCTION IN THE SENATE.—During a period of 5 days on which the Senate is in session beginning on the date that a notice of determination is published in the Federal Register in accordance with section 6004(a)(4) or submitted to the appropriate congressional committees in accordance with section 6004(b)(2)(A) or a notice of intent is submitted to the appropriate congressional committees in accordance with section 6004(b)(2)(B) or section 6007(b)(1), a joint resolution of approval or a joint resolution of disapproval may be introduced in the Senate by the majority leader (or the majority leader’s designee) or the minority leader (or the minority leader’s designee).

(d) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) REPORTING AND DISCHARGE.—If a committee of the House of Representatives to which a joint resolution of approval or joint resolution of disapproval has been referred has not reported such joint resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(2) PROCEEDING TO CONSIDERATION.—In the House of Representatives, the following procedures shall apply to a joint resolution of approval or a joint resolution of disapproval:

(A) Beginning on the third legislative day after each committee to which a joint resolution of approval or joint resolution of disapproval has been referred reports it to the House of Representatives or has been discharged from further consideration of the joint resolution, it shall be in order to move to proceed to consider the joint resolution in the House of Representatives.

(B) All points of order against the motion are waived. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on a joint resolution with regard to the same certification. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(3) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(e) CONSIDERATION IN THE SENATE.—

(1) COMMITTEE REFERRAL.—A joint resolution of approval or a joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Foreign Relations.

(2) REPORTING AND DISCHARGE.—If the Committee on Foreign Relations has not reported a joint resolution of approval or a joint resolution of disapproval within 10 days on which the Senate is in session after the date of referral of such joint resolution, that committee shall be discharged from further consideration of such joint resolution and the joint resolution shall be placed on the appropriate calendar.

(3) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Foreign Relations reports the joint resolution of approval or the joint resolution of disapproval to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution of approval or the joint resolution of disapproval is agreed to, the joint resolution shall remain the unfinished business until disposed.

(4) DEBATE.—Debate on a joint resolution of approval or a joint resolution of disapproval, and on all debatable motions and appeals in connection with such joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(5) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution of approval or the joint resolution of disapproval and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate.

(6) RULES OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to the joint resolution of approval or the joint resolution of disapproval shall be decided without debate.

(7) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to the joint resolution of approval or the joint resolution of disapproval, including all debatable motions and appeals in connection with such joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(f) PROCEDURES IN THE SENATE.—Except as otherwise provided in this section, the following procedures shall apply in the Senate to a joint resolution of approval or a joint resolution of disapproval to which this section applies:

(1) Except as provided in paragraph (2), a joint resolution of approval or a joint resolution of disapproval that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Foreign Relations for consideration in accordance with this subsection.

(2) If a joint resolution of approval or a joint resolution of disapproval to which this section applies was introduced in the Senate before receipt of a joint resolution of approval or a joint resolution of disapproval that has passed the House of Representatives, the joint resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this paragraph applies, the procedures in the Senate with respect to a joint resolution of approval or a joint resolution of disapproval introduced in the Senate that contains the identical matter as a joint resolution of approval or a joint resolution of disapproval that passed the House of Representatives shall be the same as if no joint resolution of approval or joint resolution of disapproval had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the joint resolution of approval or the joint resolution of disapproval that passed the House of Representatives.

(g) **RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution of approval or a joint resolution of disapproval under this paragraph, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SA 233.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. ENHANCED AUTHORITY TO SHARE INFORMATION WITH RESPECT TO MERCHANDISE SUSPECTED OF VIOLATING INTELLECTUAL PROPERTY RIGHTS.**

Section 628A of the Tariff Act of 1930 (19 U.S.C. 1628a) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) shall provide to the person information that appears on the merchandise, including—

“(A) its packaging, materials, and containers, including labels; and

“(B) its packing materials and containers, including labels; and”;

(2) in subsection (b)—

(A) in paragraph (3), by striking “; and” and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(5) any other party with an interest in the merchandise, as determined appropriate by the Commissioner.”.

**SA 234.** Mr. COONS (for himself and Ms. MURKOWSKI) submitted an amend-

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

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

**SEC. 10 \_\_\_\_ . EXTENSION OF INCREASED DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSES OF VETERANS WHO DIE FROM AMYOTROPHIC LATERAL SCLEROSIS.**

(a) **EXTENSION.**—Section 1311(a)(2) of title 38, United States Code, is amended—

(1) by inserting “(A)” before “The rate”;

and

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

“(B) A veteran whom the Secretary determines died from amyotrophic lateral sclerosis shall be treated as a veteran described in subparagraph (A) without regard for how long the veteran had such disease prior to death.”.

(b) **APPLICABILITY.**—Subparagraph (B) of section 1311(a)(2) of title 38, United States Code, as added by subsection (a), shall apply to a veteran who dies from amyotrophic lateral sclerosis on or after October 1, 2022.

**SA 235.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3 \_\_\_\_ . FUNDING FOR INFRASTRUCTURE AND FACILITIES PROJECTS FOR B-21 BOMBER AIRCRAFT AT DYES AIR FORCE BASE.**

(a) **ADDITIONAL FUNDING.**—The amount authorized to be appropriated for fiscal year 2024 by section 301 for operation and maintenance for the Air Force is hereby increased by \$45,000,000, with the amount of the increase to be available for facilities sustainment to carry out infrastructure and facilities projects to make Dyes Air Force Base capable to receive nuclear-capable B-21 bomber aircraft, including—

(1) project 100012 (ADAL Traffic Lanes Tye Gate Entry);

(2) project 100009 (ADAL Traffic Lanes Main Gate Entry);

(3) project 203002 (Hazardous Cargo Pad); and

(4) project 033005 (Enlisted Dorm).

(b) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2024 by section 201 for research, development, test, and evaluation for the Air Force is hereby decreased by \$45,000,000, with the amount of the decrease to be taken from amounts available for research, development, test, and evaluation for the B-21 bomber program (PE 0604015F).

**SA 236.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 28 \_\_\_\_ . MODIFICATION OF INFRASTRUCTURE TO EXPEDITE THE DEPLOYMENT BY RAIL OF HEAVY ARMORED DIVISIONS AND ASSOCIATED EQUIPMENT FROM INSTALLATIONS OF THE ARMY TO NAVAL PORTS.**

(a) **IN GENERAL.**—The Secretary of Defense shall modify or improve the infrastructure necessary to expedite the deployment by rail of heavy armored divisions and associated equipment from installations of the Army in the United States to naval ports in support of a large-scale conflict with a near-peer adversary to ensure that installations of the Army that house armored divisions have a rail facility with multiple spurs to allow for the expedited deployment of troops and equipment.

(b) **USE OF AMOUNTS.**—The Secretary may expend not more than \$150,000,000 to carry out the requirement under subsection (a).

**SA 237.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3 \_\_\_\_ . USE OF IMMERSIVE LEARNING ACROSS TRAINING ORGANIZATIONS AND MAJOR COMMANDS OF THE AIR FORCE.**

(a) **IN GENERAL.**—The Secretary of the Air Force shall fully integrate and scale the use of immersive learning across training organizations and major commands of the Air Force as a program of record.

(b) **MINIMIZE COST.**—The Secretary of the Air Force shall make efforts to minimize the cost of developing immersive learning training required under subsection (a) by employing software solutions that provide low-code and no-code capabilities—

(1) to enable members of the Air Force to create, manage, and sustain the curriculum going forward; and

(2) to enable instructors to record, edit, and adjust courses without added scope or cost.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the Secretary in incorporating immersive learning platforms into a new program of record to deliver a modernized training capability to members of the Air Force.

**SA 238.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . REPORTING TO DEPARTMENT OF LABOR REGARDING MEMBERS OF THE ARMED FORCES SCHEDULED TO TRANSITION FROM SERVICE.**

(a) IN GENERAL.—Not less than every six months, the Secretary of Defense, in consultation with the service Secretaries, shall provide to the Department of Labor of each State contact information for each member of the Armed Forces scheduled to transition from service in the next six months, including name, current physical address, and civilian email address.

(b) OPT-OUT OPTION.—Members of the Armed Forces and State Departments of Labor shall be provided the opportunity to opt out of providing and receiving the information described in subsection (a).

**SA 239.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3 \_\_\_\_ . AUTHORIZATION OF AMOUNTS TO THE DEPARTMENT OF DEFENSE TO BE USED TO CONDUCT ANNUAL AND PERIODIC INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE TRAINING ALONG THE LAND AND WATER BORDERS OF THE UNITED STATES.**

(a) AUTHORIZATION OF AMOUNTS.—

(1) JOINT TASK FORCE NORTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2024 for operation and maintenance for the Joint Task Force North is hereby increased by \$25,000,000.

(2) JOINT INTERAGENCY TASK FORCE SOUTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2024 for operation and maintenance for the Joint Interagency Task Force South is hereby increased by \$25,000,000.

(b) USE OF AMOUNTS.—

(1) IN GENERAL.—The amounts of the increases under paragraphs (1) and (2) of subsection (a) shall be used by aviation units from the Army, Navy, and Air Force to conduct annual and periodic intelligence, surveillance, and reconnaissance training along the land and water borders of the United States.

(2) USE OF CAMERA FEEDS.—In conducting training under paragraph (1), aviation units described in such paragraph shall provide the live feed from any cameras or sensors used on the aircraft during the training to the Commissioner of U.S. Customs and Border Protection.

**SA 240.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 28 \_\_\_\_ . USE OF MODULAR CONSTRUCTION TO PROCURE BLAST, BALLISTIC, OR ENVIRONMENTAL RESISTANT BUILDINGS FOR THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Where appropriate, the Secretary of Defense shall consider the potential cost and time savings offered by procuring blast, ballistic, or environmental resistant buildings for the Department of Defense produced through modular construction.

(b) MODULAR CONSTRUCTION DEFINED.—In this section, the term “modular construction” means construction done offsite in a controlled factory environment.

**SA 241.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 12 \_\_\_\_ . REPEAL OF WAIVER AND TERMINATION PROVISIONS OF PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.**

Section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116-92; 22 U.S.C. 9526 note) is amended by striking subsections (f) and (h).

**SA 242.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2882. ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) REPORT REQUIRED.—

(1) UPDATE OF 2017 ASSESSMENT ON SCHOOL CAPACITY AND CONDITION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an update of the assessment on the capacity and facility condition deficiencies of elementary and secondary public schools on military installations conducted by the Secretary in July 2017 under section 2814 of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2717). In updating the assessment, the Secretary shall take into consideration factors including—

(A) schools that have had changes in their condition or capacity since the 2017 assessment; and

(B) the capacity and facility condition deficiencies of schools omitted from that assessment.

(2) ADDITIONAL INFORMATION.—The Secretary shall include in the update submitted under paragraph (1) a report on the status of the funds already appropriated, and the schedule for completion of projects already approved, under the programs funded under—

(A) section 8127 of the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 492);

(B) section 8128 of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115-245; 132 Stat. 3029);

(C) section 8121 of the Consolidated Appropriations Act, 2020 (Public Law 116-93; 133 Stat. 2365);

(D) section 8118 of the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1332); and

(E) section 8109 of the Consolidated Appropriations Act, 2022 (Public Law 117-103; 136 Stat. 201).

(b) COMPTROLLER GENERAL EVALUATION.—Not later than 180 days after the date of submission of the report under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an evaluation of the updated assessment prepared by the Secretary of Defense under subsection (a)(1), including an evaluation of the accuracy and analytical sufficiency of the updated assessment.

**SA 243.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . SANCTIONS AGAINST DESTABILIZING IRANIAN-RUSSIAN AGGRESSION ACT OF 2023.**

(a) SHORT TITLE.—This section may be cited as the “Sanctions Against Destabilizing Iranian-Russian Aggression Act of 2023” or the “SADIRA Act of 2023”.

(b) REPORT ON IRANIAN COOPERATION AND SANCTIONS EVASION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on cooperation between the Russian Federation and the Islamic Republic of Iran.

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

(A) a description of the scope and extent of damage inflicted on the military and civilian infrastructure of Ukraine by weapons, including unmanned combat aerial vehicles, transferred to the Russian Federation by the Government of the Islamic Republic of Iran, including an estimate of the monetary cost for the reconstruction of such infrastructure;

(B) a description of any foreign person that, since 2021 for the first report and since the previous report for subsequent reports, has facilitated the transfer of arms, including unmanned combat aerial vehicles and fighter jets, between the Russian Federation and the Islamic Republic of Iran, including—

(i) a determination as to whether any covered Iranian entity has facilitated such transfer;

(ii) an identification of—

(I) each Iranian person or Russian person, including the owner or operator of any airport or seaport, that has facilitated such transfer;

(II) any person over which such an Iranian person or Russian person has significant control;

(III) each Iranian entity identified under subclause (I) or (II) that has attacked a United States citizen using an unmanned

combat aerial vehicle, as defined for the purpose of the United Nations Register of Conventional Arms;

(IV) any entity over which an entity identified under subclause (III) has significant control; and

(V) each airport or seaport used by each Iranian person or Russian person identified under subclause (I) to facilitate such transfer;

(iii) in the case of a positive determination under clause (i) with respect to a covered Iranian entity described in subparagraph (C) or (D) of paragraph (4), an identification of any foreign person that facilitated a significant transaction or transactions with, or provided material support to, the Iran Airports Company or any entity operated by the Iran Airports Company or over which the Iran Airports Company has significant control;

(C) an identification, including any addresses, of any foreign financial institution that has used any financial messaging system—

(i) described by the memorandum of understanding between the Russian Federation and the Islamic Republic of Iran, signed in Tehran on January 30, 2023; or

(ii) otherwise designed to evade sanctions imposed by the United States with respect to the Russian Federation or the Islamic Republic of Iran;

(D) an identification, including the International Maritime Organization number, the Vessel Identification Number, the current name, any past name, the current flag, and any past flag, of any vessel that was—

(i) knowingly used by a foreign person for the transport of petroleum or petroleum products from the Islamic Republic of Iran; and

(ii) subsequently knowingly used by a foreign person for activities that would be prohibited if conducted by a United States person pursuant to sections 1(a)(ii) and 5 of Executive Order 14071 (50 U.S.C. 1701 note; relating to prohibiting new investment in and certain services to the Russian Federation in response to continued Russian Federation aggression);

(E) an identification, including any addresses, of any foreign financial institution that has—

(i) knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another sanctioned Iranian financial institution for the purpose of repatriating to the Government of the Islamic Republic of Iran assets subject to restrictions described in section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)); or

(ii) established financial channels for conducting or facilitating any significant financial transaction described in clause (i); and

(F) a determination as to whether the transfer of an unmanned combat aerial vehicle to the Russian Federation by the Islamic Republic of Iran would still be in violation of United Nations Security Council Resolution 2231 (2015) if such transfer occurred after October 31, 2023.

(3) LIMITATION.—Beginning on the date that is 90 days after the date of the enactment of this Act, none of the funds authorized to be appropriated or otherwise made available for the official travel expenses of the Special Envoy for Iran may be obligated or expended until the report required under this section is submitted to the appropriate congressional committees.

(4) COVERED IRANIAN ENTITY DEFINED.—In this section, the term “covered Iranian entity” means any of the following:

(A) The Islamic Revolutionary Guard Corps.

(B) The Central Bank of Iran.

(C) The Iran Airports Company.

(D) Any entity operated by the Iran Airports Company or over which the Iran Airports Company has significant control.

(C) SANCTIONS WITH RESPECT TO RUSSIAN-IRANIAN TRANSFERS OF ARMS AND SANCTIONS EVASION.—

(1) SANCTIONS WITH RESPECT TO THE EVASION OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION.—

(A) PROPERTY BLOCKING.—Subject to section 10(d) of the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8909(d)), President shall impose, with respect to each foreign person identified pursuant to subparagraphs (C) and (D) and clauses (ii) and (iii) of subparagraph (B) of subsection (b)(2), the sanctions described in section 10(b) of that Act.

(B) INCLUSION ON SDN LIST.—The President shall include on the SDN list each Iranian entity, Russian entity, foreign financial institution, or other foreign person identified pursuant to subparagraphs (C) and (D) and clauses (ii) and (iii) of subparagraph (B) of subsection (b)(2).

(2) ADDITIONAL TERRORISM SANCTIONS WITH RESPECT TO ATTACKS ON UNITED STATES CITIZENS.—

(A) DESIGNATION AS FOREIGN TERRORIST ORGANIZATION.—The President shall designate each Iranian entity identified pursuant to subclause (III) or (IV) of subsection (b)(2)(B)(ii) as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(B) SANCTIONS UNDER EXECUTIVE ORDER 13224.—The President shall impose, with respect to any Iranian entity identified pursuant to subclause (III) or (IV) of subsection (b)(2)(B)(ii), the sanctions applicable with respect to a foreign person pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), as in effect on the date of the enactment of this Act.

(C) ADDITIONAL RESTRICTIONS ON SANCTIONS WITH RESPECT TO ATTACKS ON UNITED STATES CITIZENS.—The President may not issue any termination or waiver, take any licensing action, or remove any person from the SDN list if such termination, waiver, licensing action, or removal would significantly alter the application of sanctions described in this section with respect to any Iranian entity identified pursuant to subclause (III) or (IV) of subsection (b)(2)(B)(ii) until the date that is not earlier than 10 years after the imposition of such sanctions.

(d) APPLICATION OF EXISTING SANCTIONS RELATING TO THE RELEASE OF SANCTIONED IRANIAN ASSETS.—

(1) IN GENERAL.—With respect to each foreign financial institution identified pursuant to subsection (b)(2)(E), the President shall impose the sanctions described in section 1245(d)(1)(A) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(1)(A)).

(2) EXCEPTION RELATED TO COMPENSATION TO UKRAINE.—The President may not impose sanctions under paragraph (1) if the President submits to the appropriate congressional committees a certification that the Government of the Islamic Republic of Iran has fully compensated the Government of Ukraine for reconstruction in an amount not less than the estimate provided pursuant to subsection (b)(2)(A).

(3) REQUIREMENT RELATED TO PRIOR COMPENSATION OWED TO AMERICAN CITIZENS.—The President may not submit the certification under paragraph (2) until the President transmits to the appropriate congressional committees a certification that the Government of the Islamic Republic of Iran has

fully compensated each United States person with an outstanding judgment rendered by a United States court against the Government of the Islamic Republic of Iran.

(e) APPLICATION OF EXISTING SANCTIONS RELATING TO IRANIAN CIVIL AVIATION.—

(1) IN GENERAL.—The President may not issue any termination or waiver, take any licensing action, or remove any person from the SDN list if such termination, waiver, licensing action, or removal would authorize the export or reexport by a foreign person of eligible aircrafts to the Islamic Republic of Iran on temporary sojourn otherwise restricted under part 560 of title 31, Code of Federal Regulations (commonly known as the “Iranian Transactions and Sanctions Regulations”).

(2) APPLICATION TO EXISTING ACTIONS.—Any termination, waiver, or licensing action described in paragraph (1) and issued before the date of the enactment of this Act, including General License J-1 of the Office of Foreign Assets Control, is rescinded and may not be reissued.

(3) EXCEPTION FOR NEGATIVE DETERMINATION RELATED TO THE IRAN AIRPORTS COMPANY.—If the President has made a negative determination with respect to all covered Iranian entities described in paragraphs (C) and (D) of subsection (b)(4) pursuant to subsection (b)(2)(B)(i) in the most recent report submitted under section 2, the President may take actions otherwise prohibited by subsection (a).

(f) APPLICATION OF EXISTING SANCTIONS RELATING TO RUSSIAN PORTS.—

(1) IN GENERAL.—With respect to any port or facility in the Russian Federation, the Secretary shall impose the sanctions described in section 70110(a) of title 46, United States Code.

(2) WAIVER.—If the Secretary has previously determined during the last review period described under section 70108 of title 46, United States Code, that a port or facility in the Russian Federation is maintaining effective anti-terrorism measures and such port or facility has not been identified pursuant to subsection (b)(2)(B)(ii)(V), the Secretary may waive the application of subsection (a) with respect to such port or facility.

(3) RESTRICTION ON PERIODIC REVIEW.—With the exception of paragraph (2), the Secretary may not issue any termination or waiver or take any licensing action if such termination, waiver, or licensing action would significantly alter the application of sanctions described in paragraph (1) until the date that is not earlier than 2 years after the imposition of such sanctions.

(4) SECRETARY DEFINED.—In this section, the term “Secretary” has the meaning given that term in section 70101 of title 46, United States Code.

(g) APPLICATION OF EXISTING SANCTIONS RELATING TO RUSSIAN-IRANIAN NUCLEAR COOPERATION.—

(1) IN GENERAL.—The President may not issue any termination or waiver, take any licensing action, or remove any person from the SDN list if such termination, waiver, licensing action, or removal would significantly alter the application of sanctions under section 1244, 1245, 1246, or 1247 of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803 et seq.) to permit transactions in connection with the nuclear program of the Islamic Republic of Iran involving Russian persons.

(2) APPLICATION TO EXISTING ACTIONS.—Any termination, waiver, or licensing action described in paragraph (1) in effect before the date of the enactment of this Act is rescinded and may not be reissued unless modified to exclude any transaction in connection

with the nuclear program of the Islamic Republic of Iran involving a Russian person.

(h) DEFINITIONS.—

(1) IN GENERAL.—In this Act:

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

(B) ELIGIBLE AIRCRAFT.—The term “eligible aircraft” means a fixed-wing civil aircraft of United States origin or that consists of at least 10 percent of United States controlled content and that—

(i) is classified under Export Control Classification Number (ECCN) 9A991.b on the Commerce Control List (as set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations); and

(ii) is registered in a jurisdiction other than the United States or any country in Country Group E:1 of Supplement No.1 to Part 740 of the Export Administration Regulations.

(C) FOREIGN PERSON.—The term “foreign person” means an individual or entity that is not a United States person.

(D) IRAN AIRPORT COMPANY.—The term “Iran Airport Company” means the Iran Airports and Air Navigation Company and the Iranian Airports Holding Company.

(E) IRANIAN ENTITY.—The term “Iranian entity” means an entity organized under the laws of the Islamic Republic of Iran or otherwise subject to the jurisdiction of the Government of Iran, including—

(i) the Islamic Revolutionary Guard Corps; and

(ii) the Central Bank of the Islamic Republic of Iran.

(F) IRANIAN PERSON.—The term “Iranian person” means—

(i) an individual who is a citizen or national of the Islamic Republic of Iran; or

(ii) an Iranian entity.

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

(H) RUSSIAN ENTITY.—The term “Russian entity” means an entity organized under the laws of Russia or otherwise subject to the jurisdiction of the Russia Federation, including Rosatom State Nuclear Energy Corporation (commonly known as “ROSATOM”), or a successor entity.

(I) RUSSIAN PERSON.—The term “Russian person” means—

(i) an individual who is a citizen or national of the Russian Federation; or

(ii) a Russian entity.

(J) SANCTIONED IRANIAN FINANCIAL INSTITUTION.—The term “sanctioned Iranian financial institution” means an Iranian financial institution (as that term is defined in section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b)) designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(K) SDN LIST.—The term “SDN list” means the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(L) SIGNIFICANT CONTROL.—The term “significant control”, with respect to an entity, means an ownership interest in the entity that is equal to or greater than 10 percent.

(M) UNITED STATES PERSON.—The term “United States person” means—

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

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

(2) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this section, in determining if financial transactions are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

**SA 244.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . EXTENSION OF PROHIBITION ON CERTAIN REDUCTIONS TO B-1 BOMBER AIRCRAFT SQUADRONS.**

Section 133(c)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1574) is amended by striking “September 30, 2023” and inserting “September 30, 2028”.

**SA 245.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 124. ADDITIONAL FUNDING FOR PROCUREMENT OF CMV-22 AIRCRAFT.**

The amount authorized to be appropriated for fiscal year 2024 by section 101 and available for aircraft procurement, Navy, as specified in the corresponding funding table in section 4101, for V-22 (medium lift), Line 8, is hereby increased by \$755,574,000, with the amount of the increase to be available for the procurement of six additional CMV-22 aircraft.

**SA 246.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . PROHIBITION OF ESTABLISHMENT OR MAINTENANCE OF A UNIT OF THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS AT AN EDUCATIONAL INSTITUTION OWNED, OPERATED, OR CONTROLLED BY THE CHINESE COMMUNIST PARTY.**

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) No unit may be established or maintained at an educational institution that is owned, operated, or controlled by a person that—

“(1) is the People’s Republic of China;

“(2) is a member of the Chinese Communist Party;

“(3) is a member of the People’s Liberation Army;

“(4) is identified by the Secretary of Defense under section 1260H(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) as a Chinese military company;

“(5) is included in the Non-SDN Chinese Military-Industrial Complex Companies List published by the Department of the Treasury; or

“(6) is owned by or controlled by or is an agency or instrumentality of any person described in paragraphs (1) through (5).”.

**SA 247.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2 \_\_\_\_ . STRATEGY ON SOLID ROCKET DEVELOPMENT.**

(a) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a strategy to ensure the United States remains at the forefront in solid rocket development by continuing investments in additive manufacturing solid rocket propellants.

(b) ELEMENTS.—The strategy submitted pursuant to subsection (a) shall include strategies for the following:

(1) Bringing new entrants into the solid rocket motor industrial base of the United States.

(2) Accelerating manufacturing technologies that can help meet the replenishment needs in critical munitions.

(3) Ensuring that competitive procurements are used and nontraditional providers are encouraged to compete and become qualified new entrants.

**SA 248.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_\_. ADDITIONAL FUNDING FOR TESTING OF HYPERSONIC WEAPON SYSTEMS WITH B-1 BOMBER.**

The amount authorized to be appropriated for fiscal year 2024 by section 201 for research, development, test, and evaluation is hereby increased by \$30,000,000, with the amount of the increase to be available for the testing of hypersonic weapon systems with the B-1 bomber.

**SA 249.** Mr. HICKENLOOPER (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

**SEC. 10 \_\_\_\_\_. STUDY ON THE ENERGY RESILIENCE AND RELIABILITY POSTURE OF MILITARY DEPARTMENTS.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall conduct, and submit to the congressional defense committees a report (which may include a classified annex, if necessary) describing the results of, a study on the energy resilience and reliability posture of each military department, including—

(1) by identifying any risks to mission readiness posed by inadequate or insufficient domestic electric grid infrastructure or the inability to adequately transfer power between regions of the United States; and

(2) by identifying the potential national security benefits of deploying technologies allowing for superior control of power flows, such as high-voltage direct current transmission.

**SA 250.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. METHANE WASTE EMISSIONS CHARGE.**

(a) AMENDMENT TO REPORTING PERIOD.—Section 136(g) of the Clean Air Act (42 U.S.C. 7436(g)) is amended by striking “The charge” and inserting “Except as provided in subsection (f)(5), the charge”.

(b) EXEMPTION.—Section 136(f)(5) of the Clean Air Act (42 U.S.C. 7436(f)(5)) is amended—

(1) in the paragraph heading, by striking “EXEMPTION” and inserting “EXEMPTIONS”;

(2) by striking “such emissions are caused” and inserting the following: “such emissions—

“(A) are caused”;

(3) in subparagraph (A) (as so designated), by striking the period at the end and inserting “; or”;

(4) by adding at the end the following:

“(B) occur before the date that is 1 year after the later of—

“(i) the date on which financial assistance is provided from the amounts appropriated

in subsections (a) and (b) to owners and operators of applicable facilities in the industry segments listed in subsection (d); and

“(ii) the initial effective date of final regulations or guidance issued by the Administrator for implementing subsection (c) and this subsection.”.

**SA 251.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle H—STOP CSAM Act of 2023**

**SEC. 1091. SHORT TITLE.**

This subtitle may be cited as the “Strengthening Transparency and Obligations to Protect Children Suffering from Abuse and Mistreatment Act of 2023” or the “STOP CSAM Act of 2023”.

**SEC. 1092. 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; and

“(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).”;

(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 “VIDEOTAPE” 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.";

(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"; and

(9) in subsection (l), by striking "child" each place the term appears and inserting "covered person".

(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. 1093. 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) in subsection (b)—

(i) in paragraph (1), by striking "DIRECTIONS.—Except as provided in paragraph (2), the" and inserting "RESTITUTION FOR CHILD PORNOGRAPHY PRODUCTION.—If the defendant was convicted of child pornography production, 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

(B) in subsection (c)—

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

"(1) CHILD PORNOGRAPHY PRODUCTION.—For purposes of this section and section 2259A, the term 'child pornography production' means—

"(A) 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;

"(B) a violation of section 2251A;

"(C) 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 pornography—

"(i) produced by the defendant; or

"(ii) that the defendant attempted or conspired to produce;

"(D) 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;

"(E) a violation of subsection (a) of section 2260, or an attempt or conspiracy to violate that subsection under subsection (c)(1) of that section;

"(F) 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

“(G) a violation of chapter 109A or chapter 117, if the offense involves the production or attempted production of, or conspiracy to produce, child pornography.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) **TRAFFICKING IN CHILD PORNOGRAPHY.**—For purposes of this section and section 2259A, the term ‘trafficking in child pornography’ means—

“(A) a violation of subsection (d) of section 2251 or an attempt or conspiracy to violate that subsection under subsection (e) of that section;

“(B) 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;

“(C) 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 pornography—

“(i) not produced by the defendant; or

“(ii) that the defendant did not attempt or conspire to produce;

“(D) 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;

“(E) 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;

“(F) a violation of section 2252A(g) if the series of felony violations exclusively involves violations described in this paragraph;

“(G) 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

“(H) 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.”;

(4) in section 2259A(a)—

(A) in paragraph (1), by striking “under section 2252(a)(4) or 2252A(a)(5)” and inserting “described in section 2259(c)(3)(C)”;

(B) in paragraph (2), by striking “any other offense for trafficking in child pornography” and inserting “any offense for trafficking in child pornography other than an offense described in section 2259(c)(3)(C)”;

(5) in section 2429—

(A) in subsection (b)(3), by striking “2259(b)(3)” and inserting “2259(c)(2)”;

(B) in subsection (d)—

(i) by inserting “(1)” after “(d)”;

(ii) by striking “chapter, including, in” and inserting the following: “chapter.

“(2) In”;

(iii) in paragraph (2), as so designated, by inserting “may assume the rights of the victim under this section” after “suitable by the court”;

(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. 1094. 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 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 pornography 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 containing—

“(A) the mailing address, telephone number, facsimile number, electronic mailing address of, and individual point of contact for, such provider; and

“(B) information described in subsection (b) concerning such facts or circumstances or apparent child pornography.

“(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 2251, 2251A, 2252, 2252A, 2252B, or 2260.

“(3) **PERMITTED ACTIONS BASED ON REASONABLE BELIEF.**—In order to reduce the proliferation of online child exploitation and to prevent the online sexual exploitation of children, if a provider has a reasonable belief that any facts or circumstances described in paragraph (2) exist, the provider may submit to the CyberTipline of NCMEC, or any successor to the CyberTipline operated by NCMEC, a report described in paragraph (1).

“(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 paragraph (1) or (3) of subsection (a)—

“(A) shall include, to the extent that it is applicable and reasonably available—

“(i) identifying information regarding any individual who is the subject of the report, including name, address, electronic mail address, user or account identification, Internet Protocol address, and uniform resource locator;

“(ii) the terms of service in effect at the time of—

“(I) the apparent violation; or

“(II) the detection of apparent child pornography or a planned or imminent violation;

“(iii) a copy of any apparent child pornography that is the subject of the report that was identified in a publicly available location;

“(iv) for each item of apparent child pornography included in the report under clause (iii) or paragraph (2)(C), information indicating whether—

“(I) the apparent child pornography was publicly available; or

“(II) the provider, in its sole discretion, viewed the apparent child pornography, 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 pornography that is the subject of the report, an indication as to whether the apparent child pornography—

“(I) has previously been the subject of a report under paragraph (1) or (3) of subsection (a); 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) 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.

“(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 customer or subscriber, or stored or obtained by the provider.

“(C) APPARENT CHILD PORNOGRAPHY.—Any apparent child pornography not described in paragraph (1)(A)(iii), or other content related to the subject of the report.

“(D) COMPLETE COMMUNICATION.—The complete communication containing any apparent child pornography 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.

“(E) 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.

“(F) DESCRIPTION.—For any item of apparent child pornography 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.”;

“(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 paragraph (1) or (3) of subsection (a) 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 paragraph (1) or (3) of subsection (a) 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)”; and

(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

(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 \$150,000; and

“(II) in the case of any second or subsequent violation, not more than \$300,000.

“(ii) HARM TO INDIVIDUALS.—The maximum fine under clause (i) shall be tripled 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 \$100,000 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 paragraph (1) or (3) of subsection (a) 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 Child Pornography Victims Reserve 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 pornography.”;

(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”;

(ii) in paragraph (3), in the matter preceding subparagraph (A), by inserting “paragraph (1) or (3) of” before “subsection (a)”; and

(iii) in paragraph (4), by striking “subsection (a)(1)” and inserting “paragraph (1) or (3) of subsection (a)”; and

(F) in subsection (h)—

(i) in paragraph (1), by striking “subsection (a)(1)” and inserting “paragraph (1) or (3) of subsection (a)”; and

(ii) by adding at the end the following:

“(5) RELATION TO REPORTING REQUIREMENT.—Submission of a report as described in paragraph (1) or (3) of subsection (a) 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 2023, 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 paragraph (1) or (3) of subsection (a).

“(ii) Which items of information described in subsection (b)(2) are routinely included in the reports submitted by the provider under paragraph (1) or (3) of subsection (a).

“(B) REPORT AND REMOVE DATA.—With respect to section 1096 of the STOP CSAM Act of 2023—

“(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 Child Pornography Victims Reserve 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 pornography.”;

(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”;

(ii) in paragraph (3), in the matter preceding subparagraph (A), by inserting “paragraph (1) or (3) of” before “subsection (a)”; and

(iii) in paragraph (4), by striking “subsection (a)(1)” and inserting “paragraph (1) or (3) of subsection (a)”; and

(F) in subsection (h)—

(i) in paragraph (1), by striking “subsection (a)(1)” and inserting “paragraph (1) or (3) of subsection (a)”; and

(ii) by adding at the end the following:

“(5) RELATION TO REPORTING REQUIREMENT.—Submission of a report as described in paragraph (1) or (3) of subsection (a) 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 2023, 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 paragraph (1) or (3) of subsection (a).

“(ii) Which items of information described in subsection (b)(2) are routinely included in the reports submitted by the provider under paragraph (1) or (3) of subsection (a).

“(B) REPORT AND REMOVE DATA.—With respect to section 1096 of the STOP CSAM Act of 2023—

“(i) a description of the provider’s designated reporting system;

“(ii) the number of complete notifications received;

“(iii) the number of proscribed visual depictions involving a minor 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.—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 subsection (I); and

“(bb) may, in their discretion, redact from a report published under subparagraph (A) any information that is law enforcement sensitive or otherwise not suitable for public distribution, whether or not requested.”;

(2) in section 2258B—

(A) in subsection (a)—

(i) by striking “may not be brought in any Federal or State court”; and

(ii) by striking “Except as provided in subsection (b), a civil claim or criminal charge” and inserting the following:

“(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”; and

(B) in subsection (b)(1), by inserting “or knowingly failed to comply with a requirement under section 2258A” after “misconduct”;

(3) in section 2258C—

(A) in subsection (a)(1), by inserting “use of the provider’s products or services to commit” after “stop the”; and

(B) in subsection (b)—

(i) by striking “Any provider” and inserting the following:

“(1) IN GENERAL.—Any provider”;

(ii) in paragraph (1), as so designated, by striking “receives” and inserting “, in its sole discretion, obtains”; and

(iii) by adding at the end the following:

“(2) LIMITATION ON SHARING WITH OTHER ENTITIES.—A provider 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.”; and

(C) in subsection (c)—

(i) by striking “subsections” and inserting “subsection”;

(ii) by striking “providers receiving” and inserting “a provider to obtain”; and

(iii) by inserting “, or” after “NCMEC”; and

(iv) by inserting “use of the provider’s products or services to commit” after “stop the”;

(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 “; and”; 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.”;

(5) in section 2259B(a), by inserting “, any fine or penalty collected under section 2258A(e) or subparagraph (A) of section 1096(g)(24) of the STOP CSAM Act of 2023 (except as provided in clauses (i) and (ii)(I) of subparagraph (B) of such section 1096(g)(24)),” after “2259A”; and

(6) by adding at the end the following:

“§2260B. Liability for certain child 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 knowingly—

“(1) host or store child pornography or make child pornography available to any person; or

“(2) otherwise 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) RULES OF CONSTRUCTION.—

“(1) APPLICABILITY TO LEGAL PROCESS.—Nothing in this section shall be construed to apply to any 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.

“(2) KNOWLEDGE WITH RESPECT TO EACH ITEM REQUIRED.—For purposes of subsection (a)(1), the term ‘knowingly’ shall be construed to mean knowledge of each item of child pornography that the provider hosted, stored, or made available.

“(d) DEFENSE.—In a prosecution under subsection (a)(1), it shall be a defense, which the provider must establish by a preponderance of the evidence, that—

“(1) the provider disabled access to or removed the child pornography as soon as possible, and in any event not later than 48 hours after obtaining knowledge that the child pornography 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, as soon as possible, and in any event not later than 2 business days after obtaining such knowledge); or

“(2) the provider—

“(A) exercised its best effort to disable access to or remove the child pornography but was unable to do so for reasons outside the provider’s control; and

“(B) determined it is technologically impossible for the provider to disable access to or remove the child pornography.”.

(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 exploitation offenses.”.

SEC. 1095. EXPANDING CIVIL REMEDIES FOR VICTIMS OF ONLINE CHILD SEXUAL EXPLOITATION.

Section 2255 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title” and inserting “a child exploitation violation or conduct relating to child exploitation”;

(B) by inserting “or conduct” after “as a result of such violation”; and

(C) by striking “sue in any” and inserting “bring a civil action in the”; and

(2) by adding at the end the following:

“(d) DEFINITIONS.—In this section—

“(1) the term ‘child exploitation violation’ means a violation of section 1589, 1590, 1591, 1594(a) (involving a violation of section 1589, 1590, or 1591), 1594(b) (involving a violation of section 1589 or 1590), 1594(c), 2241, 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title;

“(2) the term ‘conduct relating to child exploitation’ means—

“(A) with respect to a provider of an interactive computer service or a software distribution service operating through the use of any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce, the intentional, knowing, or reckless promotion or facilitation of a violation of section 1591, 1594(c), 2251, 2251A, 2252, 2252A, or 2422(b) of this title; and

“(B) with respect to a provider of an interactive computer service operating through the use of any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce, the intentional, knowing, or reckless hosting or storing of child pornography or making child pornography available to any person;

“(3) the term ‘interactive computer service’ has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); and

“(4) the term ‘software distribution service’ means an online service, whether or not operated for pecuniary gain, from which individuals can purchase, obtain, or download software that—

“(A) can be used by an individual to communicate with another individual, by any means, to store, access, distribute, or receive any visual depiction, or to transmit any live visual depiction; and

“(B) was not developed by the online service.

“(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 this section for conduct relating to child exploitation.

“(f) RULES OF CONSTRUCTION.—

“(1) APPLICABILITY TO LEGAL PROCESS.—Nothing in this section shall be construed to apply to any 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.

“(2) KNOWLEDGE WITH RESPECT TO EACH ITEM REQUIRED.—For purposes of conduct relating to child exploitation described in subsection (d)(2)(B), the term ‘knowing’ shall be construed to mean knowledge of each item of child pornography that the provider hosted, stored, or made available.

“(g) ENCRYPTION TECHNOLOGIES.—

“(1) IN GENERAL.—Notwithstanding subsection (a), none of the following actions or circumstances shall serve as an independent basis for liability of a provider of an interactive computer service for conduct relating to child exploitation:

“(A) The provider utilizes full end-to-end encrypted messaging services, device encryption, or other encryption services.

“(B) The provider does not possess the information necessary to decrypt a communication.

“(C) The provider fails to take an action that would otherwise undermine the ability of the provider to offer full end-to-end encrypted messaging services, device encryption, or other encryption services.

“(2) CONSIDERATION OF EVIDENCE.—Nothing in paragraph (1) shall be construed to prohibit a court from considering evidence of actions or circumstances described in that paragraph if the evidence is otherwise admissible.

“(h) DEFENSE.—In a claim under subsection (a) involving knowing conduct relating to child exploitation described in subsection (d)(2)(B), it shall be a defense, which the provider must establish by a preponderance of the evidence, that—

“(1) the provider disabled access to or removed the child pornography as soon as possible, and in any event not later than 48 hours after obtaining knowledge that the child pornography 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, as soon as possible, and in any event not later than 2 business days after obtaining such knowledge); or

“(2) the provider—

“(A) exercised its best effort to disable access to or remove the child pornography but was unable to do so for reasons outside the provider’s control; and

“(B) determined it is technologically impossible for the provider to disable access to or remove the child pornography.”.

#### **SEC. 1096. REPORTING AND REMOVAL OF PROSCRIBED VISUAL DEPICTIONS RELATING TO CHILDREN; 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 9 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 2021, the CyberTipline, operated by the National Center for Missing & Exploited Children to combat online child sexual exploitation, received reports about 39,900,000 images and 44,800,000 videos depicting child sexual abuse.

(6) Since 2017, Project Arachnid, operated by the Canadian Centre for Child Protection, has sent over 26,000,000 notices to online providers about CSAM and other exploitive ma-

terial 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 PROSCRIBED VISUAL DEPICTIONS RELATING TO CHILDREN.—

(1) IN GENERAL.—If a provider receives a complete notification as set forth in paragraph (2)(A) that the provider is hosting a proscribed visual depiction relating to a child, 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 proscribed visual depiction relating to a child; and

(ii) notify the complainant that it has done so; or

(B) notify the complainant that the provider—

(i) has determined that visual depiction referenced in the notification does not constitute a proscribed visual depiction relating to a child;

(ii) is unable to remove the proscribed visual depiction relating to a child using reasonable means; or

(iii) has determined that the notification is duplicative under paragraph (2)(C)(i).

(2) NOTIFICATION REQUIREMENTS.—

(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 alleged proscribed visual depiction relating to a child. Such information may include, at the option of the complainant, a copy of the alleged proscribed visual depiction relating to a child or the uniform resource locator where such alleged proscribed visual depiction 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 alleged proscribed

visual depiction relating to a child, 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 alleged proscribed visual depiction relating to a child 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 alleged proscribed visual depiction relating to a child;

(II) an authorized representative of the victim depicted in the alleged proscribed visual depiction relating to a child; or

(III) a qualified organization.

(B) INCLUSION OF MULTIPLE VISUAL DEPICTIONS IN SAME NOTIFICATION.—A notification may contain information about more than one alleged proscribed visual depiction relating to a child, but shall only be effective with respect to each alleged proscribed visual depiction relating to a child included in the notification to the extent that the notification includes sufficient information to identify and locate such visual depiction.

(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 alleged proscribed visual depiction relating to a minor;

(II) the same alleged proscribed visual depiction 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 visual depiction 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 visual depiction 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 visual depiction.

(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 visual depiction 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 visual depiction (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 visual depiction 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 PROSCRIBED VISUAL DEPICTION INVOLVING A MINOR.—

(i) CONTACT WITH COMPLAINANT.—If the provider believes that the proscribed visual depiction involving a minor referenced in the notification does not meet the definition of such term as provided in subsection (r)(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 a proscribed visual depiction relating to a child, 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 and guidance on the storage and handling of proscribed visual depictions relating to children.

(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 non-participants 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 non-testimonial 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 A PROSCRIBED VISUAL DEPICTION RELATING TO A CHILD OR A NOTIFICATION REPORTING A PROSCRIBED VISUAL DEPICTION RELATING TO A CHILD.—

(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 a proscribed visual depiction relating to a child, and that—

(I) the provider—

(aa) did not remove the proscribed visual depiction relating to a child within the timeframe required under subsection (c)(1)(A)(i); or

(bb) incorrectly claimed that—

(AA) the visual depiction 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 a proscribed visual depiction relating to a child, 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 proscribed visual depiction relating to a child 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 visual depiction was not removed or that the provider made an incorrect claim relating to the visual depiction 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 VISUAL DEPICTIONS IN TIMELY MANNER.**—A complainant may file a petition under subparagraph (A)(i) claiming that a visual depiction was not removed even if the visual depiction was removed prior to the petition being filed, so long as the petition claims that the visual depiction 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 a proscribed visual depiction relating to a child;

(ii) the notification is frivolous or was submitted with an intent to harass the provider or any person;

(iii) the alleged proscribed visual depiction relating to a child cannot reasonably be located by the provider;

(iv) for reasons beyond the control of the provider, the provider cannot remove the proscribed visual depiction relating to a child 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.

(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 proscribed visual depiction relating to a child 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 visual depiction will cause irreparable harm;

(iii) the balance of equities weighs in favor of preserving public and user access to the visual depiction; and

(iv) disabling public and user access to the visual depiction 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 a proscribed visual depiction relating to a child.

(B) PRIVACY.—Any alleged proscribed visual depiction relating to a child 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 proscribed visual depiction relating to a child 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 a proscribed visual depiction relating to a child. 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 in question 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 is not a proscribed visual depiction relating to a minor.

(iv) The interested owner of a visual depiction may not bring any legal action against any party related to the proscribed visual depiction relating to a child until the Board's determination is final. Once the determination is final, the 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 proscribed visual depiction relating to a child, and to permanently delete all copies of the visual depiction known to and under the control of the provider unless the Board orders the provider to preserve the visual depiction;

(ii) impose a fine of \$50,000 per proscribed visual depiction relating to a child covered by the determination, but if the Board finds that—

(I) the provider removed the proscribed visual depiction relating to a child 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 proscribed visual depiction relating to a child in question, such fine shall be \$100,000 per proscribed visual depiction relating to a child; or

(III) the provider has engaged in recidivist hosting of the proscribed visual depiction relating to a child in question 2 or more times, such fine shall be \$200,000 per proscribed visual depiction relating to a child;

(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 a proscribed visual depiction relating to a child, 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 Child Pornography Victims Reserve as provided in section 2259B of title 18, United States Code; 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 proscribed visual depiction relating to a child, and to permanently delete all copies of the visual depiction known to and under the control of the provider unless the Board orders the provider to preserve the visual depiction.

(B) REFERRAL FOR FAILURE TO REMOVE MATERIAL.—If a provider does not remove and, if applicable, permanently delete a proscribed visual depiction relating to a child 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 preclude relitigation of any allegation, factual claim, or response 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 party or interested owner may relitigate any allegation, factual claim, or response that was properly asserted and considered by the Board in any subsequent proceeding before the Board involving the same parties or interested owner and the same proscribed visual depiction relating to a minor.

(B) A finding by the Board that a visual depiction constitutes a proscribed visual depiction relating to a child—

(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 final 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 other than 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 proscribed visual depictions relating to children and resolving disputes concerning said visual depictions, 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 a proscribed visual depiction relating to a child 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 proscribed visual depictions relating to a child under this section;

(B) ensure that any alleged, contested, or actual proscribed visual depictions relating to a child are transmitted and stored in a secure manner and are not distributed to or accessed by any individual other than as needed to implement this section; and

(C) ensure that all copies of any proscribed visual depictions relating to a child 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 alleged proscribed visual depiction relating to a child pursuant to a notification under this section, regardless of whether the visual depiction is found to be a

proscribed visual depiction relating to a child by the Board.

(m) CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.—

(1) IN GENERAL.—This subtitle shall not be construed to impair, supersede, or limit a provision of Federal, State, or Tribal law.

(2) NO PREEMPTION.—Nothing in this subtitle shall prohibit a State or Tribal government from adopting and enforcing a provision of law governing child sex abuse material that is at least as protective of the rights of a victim as this section.

(n) DISCOVERY.—Nothing in this subtitle affects discovery, a subpoena or any other court order, or any other judicial process otherwise in accordance with Federal or State law.

(o) 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.

(p) 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 (q).

(q) SUNSET.—Except for subsections (a), (h), (k), (l), (m), (n), (o), and (r), this section shall expire 5 years after the date on which the Child Online Protection Board issues its first determination under this section.

(r) 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 proscribed visual depiction relating to a child;

(B) an authorized representative of the victim appearing in the proscribed visual depiction relating to a child; 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) PROSCRIBED VISUAL DEPICTION RELATING TO A CHILD.—The term “proscribed visual depiction relating to a child” means child sexual abuse material or a related exploitive visual depiction.

(11) 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

(1), includes any director, officer, employee, or agent of such provider.

(12) **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.

(13) **RECIDIVIST HOSTING.**—The term “recidivist hosting” means, with respect to a provider, that the provider removes a proscribed visual depiction relating to a child 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 visual depiction that had been so removed.

(14) **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; and

(B) there is a connection between such visual depiction and the child sexual abuse material depicting that person 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.

(15) **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.

(16) **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.

(17) **VISUAL DEPICTION.**—The term “visual depiction” has the meaning provided in section 2256(5) of title 18, United States Code.

#### **SEC. 1097. SEVERABILITY.**

If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the amendments made by this subtitle, and the application of the provision or amendment to any other person or circumstance, shall not be affected

**SA 252.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### **SEC. 1240A. LIMITATION ON AVAILABILITY OF FUNDS FOR SUPPORT TO UKRAINE.**

(a) **IN GENERAL.**—None of the funds authorized by this Act or otherwise made available for fiscal year 2024 for the Department of Defense may be obligated or expended for the support of Ukraine until—

(1) the date on which the President submits to Congress a comprehensive diplomatic strategy designed to bring the conflict between Ukraine and the Russian Federation to a rapid conclusion; and

(2) Congress enacts a joint resolution approving such strategy.

(b) **ELEMENTS.**—The strategy described in subsection (a)—

(1) shall be designed to achieve a ceasefire in which the Russian Federation and Ukraine agree to abide by the terms and conditions of such ceasefire; and

(2) may not—

(A) extend beyond one year;

(B) commit United States military resources in excess of the total military contributions made by European member countries of the North Atlantic Treaty Organization; or

(C) be contingent on—

(i) United States involvement or funding of Ukrainian reconstruction; or

(ii) resolving existing territorial disputes between the Russian Federation and Ukraine.

**SA 253.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### **Subtitle A—Limitation on Diplomatic Relations With Syria**

##### **SECTION 12 1. SHORT TITLE.**

This subtitle may be cited as the “Assad Regime Anti-Normalization Act of 2023”.

##### **SEC. 12 2. MODIFICATIONS TO THE CAESAR SYRIA CIVILIAN PROTECTION ACT.**

(a) **CAESAR SYRIA CIVILIAN PROTECTION ACT.**—Section 7412 of the Caesar Syria Civilian Protection Act of 2019 (title LXXIV of the National Defense Authorization Act for Fiscal Year 2020; 22 U.S.C. 8791 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “the President shall impose” and all that follows through the end of the paragraph and inserting “the President—”

“(A) shall impose the sanctions described in subsection (b) with respect to a foreign person that the President determines—

“(i) knowingly engages, on or after such date of enactment, in an activity described in paragraph (2);

“(ii) is an adult family member of a foreign person described in clause (i), unless the President determines there is clear and convincing evidence that such adult family member has disassociated themselves from the foreign person described in such clause and has no history of helping such foreign person conceal assets; or

“(iii) is owned or controlled by a foreign person described in clause (i) or (ii); and

“(B) may impose the sanctions described in subsection (b) with respect to a foreign person that the President determines knowingly provides, on or after such date of enactment, significant financial, material, or techno-

logical support to a foreign person engaging in an activity described in any of subparagraphs (B) through (H) of paragraph (2);”.

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

“(i) the Government of Syria (including any entity owned or controlled by the Government of Syria), a senior political figure of the Government of Syria, a member of the People’s Assembly of Syria, or a senior foreign political figure (as such term is defined in section 101.605 of title 31, Code of Federal Regulations) of the Arab Socialist Ba’ath Party of Syria, including any such senior foreign political figure who is—

“(I) a member of the Central Command, Central Committee, or Auditing and Inspection Committee of such Party; or

“(II) a leader of a local branch of such Party;”;

(II) in clause (ii), by striking “; or” and inserting a semicolon;

(III) in clause (iii), by striking the semicolon and inserting “; or”; and

(IV) by adding at the end the following new clause:

“(iv) Syria Arab Airlines, Cham Wings, or any foreign person owned or controlled by Syria Arab Airlines or Cham Wings;”;

(ii) by amending subparagraph (C) to read as follows:

“(C) knowingly sells or provides aircraft or spare aircraft parts—

“(i) to the Government of Syria; or

“(ii) for or on behalf of the Government of Syria to any foreign person operating in an area directly or indirectly controlled by the Government of Syria or foreign forces associated with the Government of Syria;”;

(iii) in subparagraph (D), by striking “; or” and inserting a semicolon;

(iv) in subparagraph (E)—

(I) by striking “construction or engineering services” and inserting “construction, engineering, or commercial financial services”; and

(II) by striking the closing period and inserting a semicolon; and

(v) by adding at the end the following new subparagraphs:

“(F) purposefully engages in or directs—

“(i) the diversion of goods (including agricultural commodities, food, medicine, and medical devices), or any international humanitarian assistance, intended for the people of Syria; or

“(ii) the dealing in proceeds from the sale or resale of such diverted goods or international humanitarian assistance, as the case may be;

“(G) knowingly, directly or indirectly, engages in or attempts to engage in, the seizure, confiscation, theft, or expropriation for personal gain or political purposes of property, including real property, in Syria or owned by a citizen of Syria;

“(H) knowingly, directly or indirectly, engages in or attempts to engage in a transaction or transactions for or with such seized, confiscated, stolen, or expropriated property described in subparagraph (G); or

“(I) knowingly provides significant financial, material, or technological support to a foreign person engaging in an activity described in subparagraph (A).”;

(C) by adding at the end the following new paragraphs:

“(4) **TRANSACTION DEFINED.**—For purposes of the determination required by subparagraph (a)(2)(A), the term ‘transaction’ includes in-kind transactions.

“(5) **ADDITIONAL DEFINITIONS.**—In this section:

“(A) **COMMERCIAL FINANCIAL SERVICES.**—The term ‘commercial financial services’



means any transaction between the Government of Syria and a foreign bank or foreign financial institution operating in an area under the control of the Government of Syria that has a valuation of more than \$5,000,000.

“(B) FINANCIAL INSTITUTION.—The term ‘financial institution’ means a financial institution specified in any of subparagraphs (A) through (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

“(6) SIGNIFICANT TRANSACTION CLARIFIED.—In this section, the term ‘significant transaction’ includes any natural gas, electricity, or other energy-related transaction.”; and

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

“(c) CONGRESSIONAL REQUESTS.—Not later than 120 days after receiving a request from the chairman and ranking member of one of the appropriate congressional committees with respect to whether a foreign person knowingly engages in an activity described in subsection (a)(2) the President shall—

“(1) make the determination specified in subsection (a)(1) with respect to that foreign person; and

“(2) submit to such chairman and ranking member that submitted the request a report with respect to such determination that includes a statement of whether the President has imposed or intends to impose the sanctions described in subsection (b) with respect to that foreign person.”.

(b) REMOVAL OF EXCEPTION RELATING TO IMPORTATION OF GOODS.—The Caesar Syria Civilian Protection Act of 2019, as amended by subsection (a), is further amended—

(1) by striking section 7434; and

(2) by redesignating sections 7435 through 7438 as sections 7434 through 7437, respectively.

(c) EXTENSION OF SUNSET.—Section 7437 of the Caesar Syria Civilian Protection Act of 2019, as redesignated by subsection (b)(2), is amended by striking “the date that is 5 years after the date of the enactment of this Act” and inserting “December 31, 2032”.

(d) DETERMINATIONS WITH RESPECT TO SYRIA TRUST FOR DEVELOPMENT.—

(1) DEFINED TERM.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

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

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

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

(F) the Committee on Financial Services of the House of Representatives.

(2) DETERMINATIONS.—Not later than 120 days after the enactment of this Act, the President shall—

(A) determine whether the nonprofit organization chaired by Asma Al-Assad, the First Lady of Syria, known as the “Syria Trust for Development” meets the criteria for the imposition of sanctions—

(i) under section 7412(a) of the Caesar Syria Civilian Protection Act of 2019, as amended by subsection (a);

(ii) under Executive Order 13894 (84 Fed. Reg. 55851; relating to blocking property and suspending entry of certain persons contributing to the situation in Syria); or

(iii) by nature of being owned or controlled by a person designated under any executive order or regulation administered by the Office of Foreign Assets Control; and

(B) submit to the appropriate congressional committees each such determination,

including a justification for the determination.

(3) FORM.—The determination made pursuant to paragraph (2)(B) shall be submitted in unclassified form, but the justification specified in such paragraph may be included in a classified annex. The unclassified determination shall be made available on a publicly available website of the Federal government.

(e) FINDINGS ON APPLICABILITY WITH RESPECT TO SYRIAN ARAB AIRLINES, CHAM WINGS AIRLINES, AND RELATED ENTITIES.—Congress finds the following:

(1) In 2013, the President identified Syrian Arab Airlines as a blocked instrumentality or controlled entity of the Government of Syria and concurrently sanctioned Syrian Arab Airlines pursuant to Executive Order 13224 for acting for or on behalf of the Islamic Revolutionary Guard Corps-Qods Force of Iran.

(2) In 2016, the President sanctioned Syria-based Cham Wings Airlines pursuant to Executive Order 13582 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the Government of Syria and Syrian Arab Airlines.

(3) Section 7412(a)(2)(A)(iii) of the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note) mandates the application of sanctions against any foreign person that “knowingly provides significant financial, material, or technological support to, or knowingly engages in a significant transaction with . . . a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria,” which applies to airport service providers outside of Syria.

(f) SEVERABILITY.—If any provision of this subtitle, or the application of such provision to any person or circumstance, is found to be unconstitutional, the remainder of this subtitle, or the application of that provision to other persons or circumstances, shall not be affected.

### SEC. 12\_3. PROHIBITION OF RECOGNITION OF ASSAD REGIME.

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

(1) not to recognize or normalize relations with any Government of Syria that is led by Bashar al-Assad due to the Assad regime’s ongoing crimes against the Syrian people, including failure to meet the criteria outlined in section 7431(a) of the Caesar Syria Civilian Protection Act of 2019;

(2) to actively oppose recognition or normalization of relations by other governments with any Government of Syria that is led by Bashar Al-Assad, including by fully implementing the mandatory primary and secondary sanctions in the Caesar Syria Civilian Protection Act of 2019 and Executive Order 13894; and

(3) to use the full range of authorities, including those provided under the Caesar Syria Civilian Protection Act of 2019 and Executive Order 13894, to deter reconstruction activities in areas under the control of Bashar al-Assad.

(b) PROHIBITION.—In accordance with subsection (a), no Federal official or employee may take any action, and no Federal funds may be made available, to recognize or otherwise imply, in any manner, United States recognition of Bashar al-Assad or any Government in Syria that is led by Bashar al-Assad.

### SEC. 12\_4. INTERAGENCY STRATEGY TO COUNTER NORMALIZATION WITH ASSAD REGIME.

(a) REPORT AND STRATEGY REQUIRED.—

(1) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act,

and annually thereafter for 5 years, the Secretary of State, in consultation with the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report and strategy to describe and counter actions taken or planned by foreign governments to normalize, engage with, or upgrade political, diplomatic, or economic ties with the regime led by Bashar al-Assad in Syria (referred to in this section as the “Assad regime”).

(2) ELEMENTS.—The elements of the report under paragraph (1) shall include—

(A) a description of violations of international law and human rights abuses committed by Bashar al-Assad, the Government of the Russian Federation, or the Government of Iran and progress towards justice and accountability for the Syrian people;

(B) a full list of diplomatic meetings at the Ambassador level or above, between the Syrian regime and any representative of the Governments of Turkey, the United Arab Emirates, Egypt, Jordan, Iraq, Oman, Bahrain, Kuwait, the Kingdom of Saudi Arabia, Tunisia, Algeria, Morocco, Libya, or Lebanon, respectively;

(C) a list including an identification of—

(i) any single covered transaction exceeding \$500,000; and

(ii) any combination of covered transactions by the same source that, in aggregate, exceed \$500,000 and occur within a single year;

(D) for each identified single transaction or aggregate transactions, as the case may be, included in the list described in subparagraph (C), a determination of whether such transaction subjects any of the parties to the transaction to sanctions under the Caesar Syria Civilian Protection Act of 2019, as amended by section 12\_2;

(E) a description of the steps the United States is taking to actively deter recognition or normalization of relations by other governments with the Assad regime, including specific diplomatic engagements and use of economic sanctions authorized by statutes or implemented through Executive Orders, including—

(i) the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note);

(ii) the Syria Accountability and Lebanese Sovereignty Restoration Act (22 U.S.C. 2151 note);

(iii) the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.);

(iv) Executive Order 13894 (84 Fed. Reg. 55851; relating to blocking property and suspending entry of certain persons contributing to the situation in Syria);

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

(vi) the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.); and

(vii) the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.); and

(F) an assessment of how recognition or normalization of relations by other governments with the Assad regime impacts the national security of the United States, prospects for implementation of the United Nations Security Council Resolution 2254, prospects for justice and accountability for war crimes in Syria, and the benefits derived by the Government of the Russian Federation or the Government of Iran.

(b) SCOPE.—The initial report required by subsection (a) shall address the period beginning on January 1, 2021, and ending on the date of the enactment of this Act, and each subsequent report shall address the one-year

period following the conclusion of the scope of the prior report.

(c) FORM.—Each report under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex. The unclassified section of such a report shall be made publicly available on a website of the United States Federal Government.

(d) DEFINITIONS.—In this section:

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

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

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(D) the Committee on Appropriations of the Senate;

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

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives;

(H) the Committee on Financial Services of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

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

(2) COVERED TRANSACTION.—The term “covered transaction” means a transaction, including an investment, grant, contract, or donation (including a loan or other extension of credit) that—

(A) is provided by a foreign person located in Turkey, the United Arab Emirates, Egypt, Jordan, Iraq, Oman, Bahrain, Kuwait, the Kingdom of Saudi Arabia, Tunisia, Algeria, Morocco, Libya, or Lebanon; and

(B) is received by a person or entity in any area of Syria held by the Assad regime.

#### SEC. 12 5. REPORTS ON MANIPULATION OF UNITED NATIONS BY ASSAD REGIME IN SYRIA.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the manipulation of the United Nations by the regime led by Bashar al-Assad in Syria (referred to in this section as the “Assad regime”), including—

(1) a description of conditions, both explicit and implicit, set by the Assad regime with respect to United Nations operations in Syria including with respect to implementing partners, hiring practices, allocation of grants and contracts, and procurement of goods and services;

(2) a description of the extent to which the United Nations has rejected or otherwise opposed any of the conditions described in paragraph (1);

(3) an identification of officials or employees of the United Nations (including funds, programs and specialized agencies of the United Nations) with ties to the Assad regime, including family ties, or persons designated for sanctions by United Nations donor countries;

(4) a full account of access restrictions imposed by the Assad regime and the overall impact on the ability of the United Nations to deliver international assistance to target beneficiaries in areas outside regime control;

(5) a description of ways in which United Nations aid improperly benefits the Assad regime and its associates in defiance of basic humanitarian principles;

(6) a description of the due diligence mechanisms and vetting procedures in place to ensure entities contracted by the United Na-

tions to ensure goods, supplies, or services provided to Syria do not have links to the Assad regime, known human rights abusers, or persons designated for sanctions by United Nations donor countries;

(7) an identification of entities affiliated with the Assad regime, including the Syria Trust for Development and the Syrian Arab Red Crescent, foreign government ministries, and private corporations owned or controlled directly or indirectly by the Assad regime, that have received United Nations funding, contracts, or grants or have otherwise entered into a formalized partnership with the United Nations;

(8) an assessment of how the Assad regime sets arbitrary or punitive exchange rates to extract funding from the United Nations, as well as the total amount extracted by such means;

(9) an assessment of the degree to which the various forms of manipulation described in this section has resulted in compromises of the humanitarian principles of humanity, neutrality, impartiality, and independence of the United Nations; and

(10) a strategy to reduce the ability of the Assad regime to manipulate or otherwise influence the United Nations and other aid operations in Syria and ensure United States and international aid is delivered in a neutral and impartial manner consistent with basic humanitarian principles.

**SA 254.** Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### Subtitle —SAFEGUARDING TUNISIAN DEMOCRACY

#### SEC. 12 1. SHORT TITLE.

This subtitle may be cited as the “Safeguarding Tunisian Democracy Act of 2023”.

#### SEC. 12 2. FINDINGS.

Congress makes the following findings:

(1) In 2010 and 2011, waves of anti-government protests and violence reshaped governments across the Middle East and North Africa.

(2) While other countries in the Middle East and North Africa experienced violent crackdown, rapid changes in government, or descent into civil war, Tunisia’s “Jasmine Revolution” saw the ouster of autocratic President Zine El Abidine Ben Ali and the emergence of a nascent, growing democracy.

(3) On October 14, 2019, Tunisians overwhelmingly elected Kais Saied, a constitutional law professor, as President based on his pledges to combat corruption and improve Tunisia’s economic outlook.

(4) On July 25, 2021, President Saied unilaterally suspended parliament and dismissed the Prime Minister, citing exceptional circumstances and Article 80 of the 2014 constitution.

(5) On September 22, 2021, President Saied issued Presidential Decree 117, consolidating full executive and legislative powers within the presidency and authorizing further decrees regulating the judiciary, media, political parties, electoral law, freedoms and human rights.

(6) On February 6, 2022, President Saied dissolved the Supreme Judicial Council, eliminating an independent judiciary.

(7) On March 30, 2022, President Saied officially dissolved parliament, further consolidating power and eliminating checks and balances on the presidency.

(8) On June 30, 2022, President Saied unilaterally introduced a new draft constitution, subject to a referendum, consolidating broad powers under executive rule.

(9) On July 25, 2022, Saied claimed victory in a constitutional referendum widely criticized for its lack of credibility and participation.

(10) On September 13, 2022, President Saied announced Presidential Decree 2022-54 on Cybercrime, imposing prison terms for “false information or rumors” online and crippling free speech.

(11) On September 15, 2022, President Saied announced Presidential Decree 2022-55 which weakened the role of political parties and imposed burdensome requirements to run for parliament.

(12) On October 15, 2022, the International Monetary Fund reached a staff-level agreement to support Tunisia’s economic policies with a 48-month arrangement under the Extended Fund Facility of \$1,900,000,000 and the potential for more from international donors.

(13) On December 17, 2022, only 11 percent of Tunisians participated in parliamentary elections, reflecting dissatisfaction with the referendum, barriers to political parties, and low public trust for democratic institutions in Tunisia.

(14) On January 20, 2023, four political opponents of President Saied were sentenced through military courts for “insulting a public official” and disturbing public order.

(15) On January 29, 2023, only 11 percent of Tunisians participated in parliamentary runoff elections, reaffirming low public trust for democratic institutions in Tunisia.

(16) On February 1, 2023, President Saied extended the state of emergency until the end of 2023.

(17) On February 10, 2023, President Saied announced strengthened diplomatic ties with the Government of Syria, a United States-designated State Sponsor of Terrorism.

(18) On February 11, 2023, and in the following weeks, President Saied launched a political crackdown by arresting political activists, journalists, and business leaders for allegedly plotting against the state, including by opening a criminal investigation against a former Nidaa Tounes parliamentarian.

(19) On February 21, 2023, President Saied justified widespread arrests and harassment of African migrants and Black Tunisians by accusing “hordes of irregular migrants” of criminality and violence, claiming a “criminal enterprise hatched at the beginning of this century to change the demographic composition of Tunisia” threatened national security.

(20) On February 22, 2023, Tunisian authorities arrested Republican Party leader Issam Chebbi and National Salvation Front member Chaima Issa.

(21) On February 24, 2023, Tunisian authorities arrested National Salvation Front member Jawher Ben Mbarek.

(22) On April 17, 2023, President Kais Saied vowed “relentless war” against opposition figures, such as jailed Ennahdha party leader Rached Ghannouchi, and shuttered Ennahdha offices and the offices of an ideologically broad opposition coalition.

(23) As of April 20, 2023, an International Monetary Fund loan for Tunisia remains stalled as President Saied’s characterized necessary reforms as “foreign diktats” and decried proposed cuts in subsidies as socially destabilizing.

**SEC. 12 3. STATEMENT OF POLICY.**

It shall be the policy of the United States—

(1) to forge a strong and lasting partnership with the Government of Tunisia to support shared national security interests to include countering the enduring threat of transnational terrorism and promoting regional stability;

(2) to develop and implement a security strategy that builds partner capacity to address shared threats and cements the role of the United States as the partner of choice;

(3) to encourage standards and training for the Tunisian Armed Forces that enshrines military professionalism and respect for civil-military relations;

(4) to support the Tunisian people's aspirations for a democratic future and support democratic principles in Tunisia, to include a robust civil society, respect for freedoms of expression and association, press freedom, separation of powers, and the rule of law;

(5) to support the Tunisian people's livelihoods and aspirations for economic dignity;

(6) to work in tandem with our G7 and other partners to promote Tunisia's return to democratic principles in a manner that halts democratic backsliding, stabilizes the economic crisis, spurs economic development, and mitigates destabilizing migration flows; and

(7) to readjust bilateral United States foreign assistance, including security assistance, based on the progress of the Government of Tunisia toward meeting the democratic aspirations and economic needs of the Tunisian people.

**SEC. 12 4. LIMITATION ON FUNDS; CREATION OF TUNISIA DEMOCRACY SUPPORT FUND; REPORT.**

(a) IN GENERAL.—Effective upon the date of the enactment of this Act, the Secretary of State, in conjunction with the Administrator of the United States Agency for International Development—

(1) shall limit funding to Tunisia, as provided for in subsection (b); and

(2) is authorized to establish a "Tunisia Democracy Support Fund", as provided for in subsection (c), to encourage reforms that restore Tunisian democracy and rule of law.

(b) LIMITATION ON FUNDS.—Of the amounts authorized to be appropriated or otherwise made available in fiscal years 2024 and 2025 to carry out chapters 1 and 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), chapters 1 through 6, 8, and 9 of part II of such Act (22 U.S.C. 2301 et seq.), and section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the Government of Tunisia, 25 percent the amount made available under each such authority for each such fiscal year shall be withheld from obligation, with the exception of funding for Tunisian civil society, until the Secretary of State determines and certifies to the appropriate congressional committees that the Government of Tunisia—

(1) has ceased its use of military courts to try civilians;

(2) is making clear and consistent progress in releasing political prisoners; and

(3) has terminated all states of emergency.

(c) TUNISIA DEMOCRACY SUPPORT FUND AUTHORIZED.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State \$100,000,000 for each of the fiscal years 2024 and 2025, which shall be used to establish the "Tunisia Democracy Support Fund" for the purpose of encouraging reforms that—

(A) restore Tunisia's democratic institutions;

(B) restore the rule of law; and

(C) stabilize the Tunisian economy.

(2) LIMITATION.—Amounts authorized to be appropriated under paragraph (1) shall not be

available for obligation until the Secretary of State certifies in writing to the appropriate congressional committees that the Government of Tunisia has demonstrated measurable progress towards the democratic benchmarks outlined in subsection (d).

(d) DEMOCRATIC BENCHMARKS.—Pursuant to subsection (c)(2), the democratic benchmarks to be addressed in the Secretary of State's certification are whether the Government of Tunisia—

(1) appropriately empowers Parliament to serve the Tunisian people and serve as an independent, co-equal branch of government essential to a healthy democracy;

(2) restores judicial independence and establishes the Constitutional Court in a manner that fosters an independent judiciary and serves as a check on the presidency;

(3) is taking credible steps to respect freedoms of expression, association, and the press;

(4) creates an enabling operating environment in which Tunisian civil society organizations can operate without undue interference, including permitting international funding; and

(5) ceases efforts to intimidate Tunisian independent media through arbitrary arrests and criminal prosecutions of journalists on illegitimate charges.

(e) INITIAL REPORT, ANNUAL REPORT AND BRIEFING.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act and annually thereafter through 2028, the Secretary of State shall provide a report and accompanying briefing to the appropriate congressional committees that describes—

(A) the state of Tunisia's democracy and associated progress on the democratic benchmarks outlined in subsection (d); and

(B) how United States foreign assistance is funding programs to support progress towards achieving such benchmarks.

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

(f) WAIVER.—The Secretary of State may waive the limitation on funding under subsection (b) if the Secretary, not later than 15 days before the waiver is to take effect, certifies to the appropriate congressional committees that such waiver is in the national interest of the United States. The Secretary shall submit with the certification a detailed justification explaining the reasons for the waiver.

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

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

(2) the Committee on Appropriations of the Senate;

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

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

**SEC. 12 5. SUNSET.**

This subtitle shall terminate on the date that is 5 years after the date of the enactment of this Act.

**SA 255.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1299L. AUTHORITY TO ENTER INTO COOPERATIVE PROJECT AGREEMENTS TO COUNTER UNMANNED AERIAL SYSTEMS.**

(a) IN GENERAL.—The President is authorized to enter into trilateral and multilateral cooperative project agreements with Israel and Abraham Accords countries, Negev Forum countries, and countries that have signed peace treaties with Israel, under the authority of section 27 of the Arms Export Control Act (22 U.S.C. 2767), to carry out research on and development, testing, evaluation, and joint production (including follow-on support) of defense articles and defense services to detect, track, and destroy armed unmanned aerial systems that threaten the United States, Israel, and partners in the Middle East.

(b) REQUIREMENTS.—The cooperative project agreement described in subsection (a) shall—

(1) provide that any activity carried out pursuant to such agreement shall be subject to—

(A) the applicable requirements described in subparagraphs (A), (B), and (C) of section 27(b)(2) of the Arms Export Control Act (22 U.S.C. 2767(b)(2)); and

(B) any other applicable requirement of the Arms Export Control Act (22 U.S.C. 2751 et seq.) with respect to the use, transfer, and security of such defense articles and defense services under that Act;

(2) establish a framework to negotiate the rights to intellectual property developed under such agreement, with consideration of whether the agreement risks compromise to United States systems, operational capabilities, or overall technological advantage; and

(3) require the government of any country that is a signatory to such agreement to commit to never disclose any intellectual property, research and development, or production of technology acquired through such agreement to the Government of the People's Republic of China, any company based in the People's Republic of China, or any company with which the Government of the People's Republic of China has invested.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Notwithstanding section 27(g) of the Arms Export Control Act (22 U.S.C. 2767(g)), any defense article that results from a cooperative project agreement under this section shall be subject to subsections (b) and (c) of section 36 of that Act (22 U.S.C. 2776).

**SA 256.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 28. AUTHORIZATION OF AMOUNTS FOR CONSTRUCTION OF BARRACKS FACILITIES AT FORT CAVAZOS.**

There is authorized to be appropriated to the Secretary of the Army for fiscal year 2024 \$400,000,000 for the construction of two new barracks facilities (with not fewer than 500 beds each) at Fort Cavazos (Project Numbers 87812 and 97218).

**SA 257.** Mr. COONS (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the

bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. ENHANCING AMERICAN COMPETITIVENESS ACT OF 2023.**

(a) **SHORT TITLE.**—This section may be cited as the “Enhancing American Competitiveness Act of 2023”.

(b) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

(B) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives.

(2) **CORPORATION.**—The term “Corporation” means the United States International Development Finance Corporation.

(c) **FINDINGS.**—Congress finds the following:

(1) The mission of the Corporation is to mobilize investment to advance global development, foreign policy objectives of the United States, and taxpayer interests.

(2) Congress established the Corporation to leverage private sector capabilities and to serve as a robust alternative to state-directed investments by authoritarian governments and strategic competitors of the United States.

(3) Congress authorized the Corporation—

(A) to provide equity financing in order to provide the Corporation with greater flexibility to invest in early- and growth-stage companies, partner with other financial institutions, and enable investees to scale operations more effectively to create greater impact on developments;

(B) under section 1421(d) of the BUILD Act of 2018 (22 U.S.C. 9621(d))—

(i) to provide insurance and reinsurance of debt for the purposes of furthering United States foreign policy, development, and national security objectives; and

(ii) to insure debt investments;

(C) to collect insurance and reinsurance premiums and pay insurance and reinsurance claims; and

(D) to make loans or guaranties upon such terms and conditions as the Corporation may determine under section 1421(b) of the BUILD Act of 2018 (22 U.S.C. 9621(b)) for the purposes of furthering foreign policy, development, and national security objectives of the United States.

(4) Under section 1422(b)(3) of that Act (22 U.S.C. 9621(b)(3)), Congress limited the authority described in paragraph (3)(D) by requiring that for any loan or guaranty to a project, the parties to the project bear the risk of loss in an amount equal to at least 20 percent of the guaranteed support by the Corporation in the project.

(5) Congress authorized the Corporation to guaranty 100 percent of an obligation, including a loan, a bond issuance, or a tranche of any such loan or bond in which other parties to the project bear the risk of loss in an amount equal to at least 20 percent of the guaranteed support by the Corporation in the project.

(6) Obstacles to the implementation of the authorities described in paragraph (3) have constrained the ability of the Corporation to leverage its full capacity to enhance the eco-

nomie and strategic competitiveness of the United States and to cooperate effectively with foreign partners and the private sector.

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

(1) the proper budgetary treatment of the insurance and reinsurance authorities of the Corporation, including insurance and reinsurance of debt, is not subject to budgetary treatment under the requirements of Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.); and

(2) guaranties provided by the Corporation in excess of 80 percent of an obligation are exempt from applicable provisions of the Office of Management and Budget Circular A-129.

(e) **MODIFICATION OF ELIGIBILITY DEFINITIONS.**—The Build Act of 2018 (22 U.S.C. 9601 et seq.) is amended—

(1) in section 1402—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) **FRAGILE AND CONFLICT-AFFECTED STATE.**—The term ‘fragile and conflict-affected state’ means a country that—

“(A) is on the List of Fragile and Conflict-affected Situations maintained by the Fragility, Conflict and Violence Group of the World Bank; or

“(B) the Corporation, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, designates as fragile or conflict-affected.”; and

(2) in section 1412(c), by striking paragraph (2) and inserting the following:

“(2) **ELIGIBLE COUNTRIES.**—The Corporation may provide support under title II in a country that is—

“(A) eligible to receive development lending from the World Bank; and

“(B) a fragile and conflict-affected state.”.

(f) **BUDGETARY TREATMENT OF EQUITY INVESTMENTS BY THE CORPORATION.**—Section 1421(c) of the BUILD Act of 2018 (22 U.S.C. 9521 (c)) is amended by adding at the end the following:

“(7) **PRESENT VALUE OF EQUITY ACCOUNT.**—There is established as a subaccount within the Corporate Capital Account a fund to be known as the ‘Corporate Equity Account’ to carry out this subsection.

“(8) **BUDGETARY TREATMENT OF EQUITY INVESTMENTS.**—

“(A) **CALCULATION OF THE COSTS OF INVESTMENT.**—

“(i) **IN GENERAL.**—The cost of support provided under paragraph (1) with respect to a project shall be the net present value, at the time when funds are disbursed to provide the support, excluding administrative costs and any incidental effects on governmental receipts or outlays, of the following estimated cash flows:

“(I) The purchase price of the investment.

“(II) Dividends, redemptions, and other shareholder distributions during the term of the support.

“(III) Proceeds received upon a sale, redemption, or other liquidation of the investment.

“(IV) Foreign currency fluctuations, for support denominated in foreign currencies.

“(V) Any other relevant cashflow.

“(ii) **CHANGES IN TERMS INCLUDED.**—The estimated cash flows described in subclauses (I) through (V) of clause (i) shall include the effects of changes in terms resulting from the exercise of options included in the agreement to provide the support.

“(iii) **DISCOUNT RATE.**—The discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the support provided under paragraph (1).

“(B) **TRANSFER.**—Subject to the availability of appropriations, an amount equal to the cost of support determined under subparagraph (A) shall be transferred from the Corporate Capital Account to the Corporate Equity Account.

“(C) **DIFFERENTIAL AMOUNT.**—

“(i) **APPROPRIATION.**—For any fiscal year, upon the transfer of an amount pursuant to subparagraph (B), an amount equal to the differential amount shall be appropriated, out of any money in the Treasury not otherwise appropriated, to the Corporate Equity Account.

“(ii) **TREATMENT AS DIRECT SPENDING.**—An amount appropriated pursuant to clause (i) shall be recorded as direct spending (as defined by section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)).

“(iii) **BUDGETARY EFFECTS.**—The following shall apply to budget enforcement under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.), the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), and the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.):

“(I) **FUTURE APPROPRIATIONS.**—Any amount appropriated pursuant to clause (i) shall not be recorded as budget authority or outlays for purposes of any estimate under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.

“(II) **STATUTORY PAYGO SCORECARDS.**—The budgetary effects of any amounts appropriated pursuant to clause (i) shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

“(III) **SENATE PAYGO SCORECARDS.**—The budgetary effects of any amounts appropriated pursuant to clause (i) shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

“(IV) **ELIMINATION OF CREDIT FOR CANCELLATION OR RESCISSION OF DIFFERENTIAL.**—If there is enacted into law an Act that rescinds or reduces an amount appropriated pursuant to clause (i), the amount of any such rescission or reduction shall not be—

“(aa) estimated as a reduction in direct spending under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; or

“(bb) entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 or any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

“(iv) **DIFFERENTIAL AMOUNT DEFINED.**—In this subparagraph, the term ‘differential amount’ means the difference between the cost of support provided under paragraph (1), as determined under subparagraph (A), and the purchase price of the equity investment involved.

“(D) **COORDINATION.**—

“(i) **IN GENERAL.**—The Director of the Office of Management and Budget, in consultation with the Corporation, shall be responsible for coordinating the cost estimates required by this paragraph.

“(ii) **RULE OF CONSTRUCTION.**—Nothing in this subparagraph shall be construed to change the authority or responsibility of the Corporation to determine the terms and conditions of eligibility for, or the amount of support provided by, the Corporation.”.

(g) **MAXIMUM CONTINGENT LIABILITY.**—Section 1433 of the BUILD Act of 2018 (22 U.S.C. 9633) is amended by striking “\$60,000,000,000” and inserting “\$100,000,000,000”.

(h) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Chief Executive Officer of the

Corporation shall submit to the appropriate congressional committees a plan to expand the financing of the Corporation to support national security and development priorities of the United States in critical regions, including—

(1) a description of the budgetary, staffing, and programmatic resources necessary to carry out the plan; and

(2) the effective date and the basis used, in consultation with the Director of the Office of Management and Budget, to calculate the net present value of funds appropriated for use under section 1421(c) of the Build Act of 2018 (22 U.S.C. 9621(c)).

**SA 258.** Mr. WHITEHOUSE (for himself, Mr. TILLIS, Mr. BLUMENTHAL, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. PROHIBITION OF DEMAND FOR BRIBE.**  
Section 201 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(4) the term ‘foreign official’ means—

“(A)(i) any official or employee of a foreign government or any department, agency, or instrumentality thereof; or

“(ii) any senior foreign political figure, as defined in section 1010.605 of title 31, Code of Federal Regulations, or any successor regulation;

“(B) any official or employee of a public international organization;

“(C) any person acting in an official capacity for or on behalf of—

“(i) a government, department, agency, or instrumentality described in subparagraph (A)(i); or

“(ii) a public international organization; or

“(D) any person acting in an unofficial capacity for or on behalf of—

“(i) a government, department, agency, or instrumentality described in subparagraph (A)(i); or

“(ii) a public international organization; and

“(5) the term ‘public international organization’ means—

“(A) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

“(B) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.”; and

(2) by adding at the end the following:

“(f) PROHIBITION OF DEMAND FOR A BRIBE.—

“(1) OFFENSE.—It shall be unlawful for any foreign official or person selected to be a foreign official to corruptly demand, seek, receive, accept, or agree to receive or accept, directly or indirectly, anything of value personally or for any other person or nongovernmental entity, by making use of the mails or any means or instrumentality of interstate commerce, from any person (as defined in section 104A of the Foreign Cor-

rupt Practices Act of 1977 (15 U.S.C. 78dd-3), except that that definition shall be applied without regard to whether the person is an offender) while in the territory of the United States, from an issuer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or from a domestic concern (as defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2)), in return for—

“(A) being influenced in the performance of any official act;

“(B) being induced to do or omit to do any act in violation of the official duty of such foreign official or person; or

“(C) conferring any improper advantage, in connection with obtaining or retaining business for or with, or directing business to, any person.

“(2) PENALTIES.—Any person who violates paragraph (1) shall be fined not more than \$250,000 or 3 times the monetary equivalent of the thing of value, imprisoned for not more than 15 years, or both.

“(3) JURISDICTION.—An offense under paragraph (1) shall be subject to extraterritorial Federal jurisdiction.

“(4) REPORT.—Not later than 1 year after the date of enactment of the Foreign Extortion Prevention Act, and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, and post on the publicly available website of the Department of Justice, a report—

“(A) focusing, in part, on demands by foreign officials for bribes from entities domiciled or incorporated in the United States, and the efforts of foreign governments to prosecute such cases;

“(B) addressing United States diplomatic efforts to protect entities domiciled or incorporated in the United States from foreign bribery, and the effectiveness of those efforts in protecting such entities;

“(C) summarizing major actions taken under this section in the previous year, including enforcement actions taken and penalties imposed;

“(D) evaluating the effectiveness of the Department of Justice in enforcing this section; and

“(E) detailing what resources or legislative action the Department of Justice needs to ensure adequate enforcement of this section.

“(5) RULE OF CONSTRUCTION.—This subsection shall not be construed as encompassing conduct that would violate section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) or section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2; 15 U.S.C. 78dd-3) whether pursuant to a theory of direct liability, conspiracy, complicity, or otherwise.”.

**SA 259.** Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. KING, Mr. CASSIDY, Mr. PADILLA, Ms. COLLINS, Mr. VAN HOLLEN, Mr. SCOTT of Florida, Mr. BOOKER, Ms. STABENOW, and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 1240A. BALTIC SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and carry out an initiative, to be known as the “Baltic Security Initiative” (in this section referred to as the “Initiative”) for the purpose of deepening security cooperation with the Baltic countries.

(b) RELATIONSHIP TO EXISTING AUTHORITIES.—The Initiative required by subsection (a) shall be carried out pursuant to the authorities provided in title 10, United States Code.

(c) OBJECTIVES.—The objectives of the Initiative shall be—

(1) to achieve United States national security objectives by—

(A) deterring aggression by the Russian Federation; and

(B) implementing the North Atlantic Treaty Organization’s new Strategic Concept, which seeks to strengthen the alliance’s deterrence and defense posture by denying potential adversaries any possible opportunities for aggression;

(2) consistent with the Baltic defense assessment and report submitted to Congress pursuant to section 1246 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1661) and the annual United States-Baltic Dialogue among Estonia, Latvia, and Lithuania, and the Department of Defense and the Department of State, to enhance regional planning and cooperation among the Baltic countries, particularly with respect to long-term regional capability projects, including—

(A) long-range precision fire systems and capabilities;

(B) integrated air and missile defense;

(C) maritime domain awareness;

(D) land forces development, including stockpiling large caliber ammunition;

(E) command, control, communications, computers, intelligence, surveillance, and reconnaissance;

(F) special operations forces development;

(G) coordination with and security enhancements for Poland, which is a neighboring North Atlantic Treaty Organization ally; and

(H) other military capabilities, as determined by the Secretary of Defense; and

(3) to improve the Baltic countries’ cyber defenses and resilience to hybrid threats.

(d) STRATEGY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a strategy for the Department of Defense to achieve the objectives described in subsection (b).

(2) CONSIDERATIONS.—The strategy required by this subsection shall include a consideration of—

(A) security assistance programs for the Baltic countries authorized as of the date on which the strategy is submitted;

(B) the ongoing security threats to the North Atlantic Treaty Organization’s eastern flank posed by Russian aggression, including as a result of the Russian Federation’s 2022 invasion of Ukraine with support from Belarus; and

(C) the ongoing security threats to the Baltic countries posed by the presence, coercive economic policies, and other malign activities of the People’s Republic of China.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Defense \$350,000,000 for each of the fiscal years 2024, 2025, and 2026 to carry out the Initiative.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek to require matching funds from each of the Baltic countries that participate in the Initiative in amounts commensurate

with amounts provided by the Department of Defense for the Initiative.

(f) **BALTIC COUNTRIES DEFINED.**—In this section, the term “Baltic countries” means—

- (1) Estonia;
- (2) Latvia; and
- (3) Lithuania.

**SA 260.** Ms. HIRONO (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR CHILDREN OF CERTAIN FILIPINO WORLD WAR II VETERANS.**

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

- “(F) Aliens who—
- “(i) are eligible for a visa under paragraph (1) or (3) of section 203(a); and
- “(ii) have a parent (regardless of whether the parent is living or dead) who was naturalized pursuant to—
- “(I) section 405 of the Immigration Act of 1990 (Public Law 101-649; 8 U.S.C. 1440 note); or
- “(II) title III of the Act of October 14, 1940 (54 Stat. 1137, chapter 876), as added by section 1001 of the Second War Powers Act, 1942 (56 Stat. 182, chapter 199).”.

**SA 261.** Mr. WELCH (for himself, Mr. TILLIS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 345. REPORT BY DEPARTMENT OF DEFENSE ON ALTERNATIVES TO BURN PITS.**

Not later than 60 days after the date on which the President submits the budget of the President under section 1105(a) of title 31, United States Code, for fiscal year 2024, the Under Secretary of Defense for Acquisition and Sustainment shall submit to Congress a report on incinerators and waste-to-energy waste disposal alternatives to burn pits.

**SA 262.** Mr. WELCH (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1083. BURN PIT REGISTRY UPDATES.**

- (a) **INDIVIDUALS ELIGIBLE TO UPDATE.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall take actions necessary to ensure that the burn pit registry may be updated with the cause of death of a deceased registered individual by—

(A) an individual designated by such deceased registered individual; or

(B) if no such individual is designated, an immediate family member of such deceased registered individual.

(2) **DESIGNATION.**—The Secretary shall provide, with respect to the burn pit registry, a process by which a registered individual may make a designation for purposes of paragraph (1)(A).

(b) **DEFINITIONS.**—In this section:

(1) **BURN PIT REGISTRY.**—The term “burn pit registry” means the registry established under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(2) **IMMEDIATE FAMILY MEMBER.**—The term “immediate family member”, with respect to a deceased individual, means—

(A) the spouse, parent, brother, sister, or adult child of the individual;

(B) an adult person to whom the individual stands in loco parentis; or

(C) any other adult person—

(i) living in the household of the individual at the time of the death of the individual; and

(ii) related to the individual by blood or marriage.

(3) **REGISTERED INDIVIDUAL.**—The term “registered individual” means an individual registered with the burn pit registry.

**SA 263.** Mr. WELCH (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 633. OUTREACH TO MEMBERS OF THE ARMED FORCES REGARDING POSSIBLE TOXIC EXPOSURE.**

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall establish—

(1) a new risk assessment for toxic exposure for members of the Armed Forces assigned to work near burn pits; and

(2) an outreach program to inform such members—

(A) regarding such risk of toxic exposure; and

(B) regarding benefits and support programs furnished by the Secretary of Defense (including eligibility requirements and timelines) regarding toxic exposure.

(b) **PROMOTION.**—The Secretary of Defense shall promote the outreach program required under subsection (a) to members of the Armed Forces assigned to work near burn pits by direct mail, email, text messaging, and social media.

(c) **PUBLICATION.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall publish on a website of the Department of Defense a list of resources furnished by the Secretary for—

(1) members of the Armed Forces and veterans who experienced toxic exposure in the

course of serving as a member of the Armed Forces;

(2) dependents and caregivers of such members and veterans; and

(3) survivors of such members and veterans who receive death benefits under laws administered by the Secretary.

(d) **TOXIC EXPOSURE DEFINED.**—In this section, the term “toxic exposure” has the meaning given that term in section 101 of title 38, United States Code.

**SA 264.** Mr. RISCH (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—REBUILDING ECONOMIC PROSPERITY AND OPPORTUNITY FOR UKRAINE ACT**

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Rebuilding Economic Prosperity and Opportunity for Ukraine Act” or the “REPO for Ukraine Act”.

**Subtitle A—Confiscation and Repurposing of Russian Sovereign Assets**

**SEC. 1811. FINDINGS; SENSE OF CONGRESS.**

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

(1) On February 24, 2022, the Government of the Russian Federation violated the sovereignty and territorial integrity of Ukraine by engaging in a premeditated, second illegal invasion of Ukraine.

(2) The international community has condemned the illegal invasions of Ukraine by the Russian Federation, as well as the commission of war crimes by the Russian Federation, including through the deliberate targeting of civilians and civilian infrastructure and the commission of sexual violence.

(3) The leaders of the G7 have called the Russian Federation’s “unprovoked and completely unjustified attack on the democratic state of Ukraine” a “serious violation of international law and a grave breach of the United Nations Charter and all commitments Russia entered in the Helsinki Final Act and the Charter of Paris and its commitments in the Budapest Memorandum”.

(4) On March 2, 2022, the United Nations General Assembly adopted Resolution ES-11/1, entitled “Aggression against Ukraine”, by a vote of 141 to 5. That resolution “deplore[d] in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the [United Nations] Charter” and demanded that the Russian Federation “immediately cease its use of force against Ukraine” and “immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders”.

(5) On March 16, 2022, the International Court of Justice issued provisional measures ordering the Russian Federation to “immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine”.

(6) On November 14, 2022, the United Nations General Assembly adopted a resolution—

(A) recognizing that the Russian Federation must bear the legal consequences of all



of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts;

(B) recognizing the need for the establishment of an international mechanism for reparation for damage, loss, or injury caused by the Russian Federation in Ukraine; and

(C) recommending creation of an international register of such damage, loss, or injury.

(7) Under international law, a country that is responsible for an internationally wrongful act is under an obligation to compensate for the damage it has caused if such damage cannot be made good by restitution. The Russian Federation bears such responsibility to compensate Ukraine, and because of this grave breach of international law, all states are legally entitled to take countermeasures that are proportionate and aimed at inducing the Russian Federation to comply with its international obligations, including countermeasures that suspend ordinary international obligations to the Russian Federation, to help enforce the obligation of the Russian Federation to compensate Ukraine.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, having committed an act of aggression, as recognized by the United Nations General Assembly on March 2, 2022, the Russian Federation is to be considered as an aggressor state. The extreme illegal actions taken by the Russian Federation, including an act of aggression, present a unique situation, requiring and justifying the establishment of a legal authority to compensate victims of aggression by the Russian Federation in Ukraine. In this case, that authority is the authority of the United States Government and other countries to confiscate Russian sovereign assets in their respective jurisdictions to help enforce the obligation of the Russian Federation to compensate Ukraine.

**SEC. 1812. SENSE OF CONGRESS REGARDING IMPORTANCE OF THE RUSSIAN FEDERATION PROVIDING COMPENSATION TO UKRAINE.**

It is the sense of Congress that—

(1) the Russian Federation bears responsibility for the financial burden of the reconstruction of Ukraine and for countless other costs associated with the illegal invasion of Ukraine by the Russian Federation that began on February 24, 2022;

(2) the full cost of the Russian Federation's unlawful war against Ukraine and the amount of money the Russian Federation must pay Ukraine should be assessed by an international body or mechanism charged with determining compensation and providing assistance to Ukraine;

(3) the Russian Federation is now on notice of its opportunity to comply with its international obligations, including compensation, or, by agreement with the government of independent Ukraine, authorize an international body or mechanism to address those outstanding obligations with authority to make binding decisions on parties that comply in good faith;

(4) the Russian Federation can, by negotiated agreement, participate in any international process to assess the full cost of the Russian Federation's unlawful war against Ukraine and make funds available to compensate for damage, loss, and injury arising from its internationally wrongful acts in Ukraine, and if it fails to do so, the United States and other countries should explore other avenues for ensuring compensation to Ukraine, including confiscation and repurposing of assets of the Russian Federation;

(5) the President should lead robust engagement on all bilateral and multilateral aspects of the response by the United States to efforts by the Russian Federation to un-

dermine the sovereignty and territorial integrity of Ukraine, including on any policy coordination and alignment regarding the disposition of Russian sovereign assets in the context of compensation;

(6) the confiscation and repurposing of Russian sovereign assets by the United States is in the vital national security interests of the United States and consistent with United States and international law; and

(7) the United States should work with international allies and partners on the confiscation and repurposing of Russian sovereign assets as part of a coordinated, multilateral effort, including with G7 countries and other countries in which Russian sovereign assets are located.

**SEC. 1813. PROHIBITION ON RELEASE OF BLOCKED RUSSIAN SOVEREIGN ASSETS.**

(a) IN GENERAL.—No Russian sovereign asset that is blocked or immobilized by the Department of the Treasury before the date specified in section 1814(g) may be released or mobilized until the President certifies to the appropriate congressional committees that—

(1) hostilities between the Russian Federation and Ukraine have ceased; and

(2)(A) full compensation has been made to Ukraine for harms resulting from the invasion of Ukraine by the Russian Federation; or

(B) the Russian Federation is participating in a bona fide international mechanism that, by agreement, will discharge the obligations of the Russian Federation to compensate Ukraine for all amounts determined to be owed to Ukraine.

(b) NOTIFICATION.—Not later than 30 days before the release or mobilization of a Russian sovereign asset that previously had been blocked or immobilized by the Department of the Treasury, the President shall submit to the appropriate congressional committees—

(1) a notification of the decision to release or mobilize the asset; and

(2) a justification in writing for such release or mobilization.

(c) JOINT RESOLUTION OF DISAPPROVAL.—

(1) IN GENERAL.—No Russian sovereign asset that previously had been blocked or immobilized by the Department of the Treasury may be released or mobilized if, within 30 days of receipt of the notification and justification required under subsection (b), a joint resolution is enacted prohibiting the proposed release or mobilization.

(2) EXPEDITED PROCEDURES.—Any joint resolution described in paragraph (1) introduced in either House of Congress shall be considered in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765), except that any such resolution shall be amendable. If such a joint resolution should be vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to 20 hours in the Senate and in the House of Representatives shall be determined in accordance with the Rules of the House.

(d) COOPERATION ON PROHIBITION OF RELEASE OF CERTAIN RUSSIAN SOVEREIGN ASSETS.—The President may take such action as may be necessary to seek to obtain an agreement or arrangement between the United States, Ukraine, and other countries that have blocked or immobilized Russian sovereign assets to prohibit such assets from being released or mobilized until an agreement has been reached that discharges the Russian Federation from further obligations to compensate Ukraine.

**SEC. 1814. AUTHORITY TO ENSURE COMPENSATION TO UKRAINE USING CONFISCATED RUSSIAN SOVEREIGN ASSETS.**

(a) REPORTING ON RUSSIAN ASSETS.—

(1) NOTICE REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall, by means of such instructions or regulations as the President may prescribe, require any United States financial institution at which Russian sovereign assets are located, and that knows or should know of such assets, to provide notice of such assets, including relevant information required under section 501.603(b)(ii) of title 31, Code of Federal Regulations (or successor regulations), to the Secretary of the Treasury not later than 10 days after detection of such assets.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the President shall submit to the appropriate congressional committees a report detailing the status of Russian sovereign assets subject to the jurisdiction of the United States.

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

(b) CONFISCATION.—

(1) IN GENERAL.—The President may confiscate any Russian sovereign assets subject to the jurisdiction of the United States.

(2) LIQUIDATION AND DEPOSIT.—The President shall—

(A) deposit any funds confiscated under paragraph (1) into the Ukraine Support Fund established under subsection (c);

(B) liquidate or sell any other property confiscated under paragraph (1) and deposit the funds resulting from such liquidation or sale into the Ukraine Support Fund established under subsection (c); and

(C) make all such funds available for the purposes described in subsection (d).

(3) METHOD OF CONFISCATION.—The President shall confiscate Russian sovereign assets under paragraph (1) through instructions or licenses or in such other manner as the President determines appropriate.

(4) VESTING.—All right, title, and interest in Russian sovereign assets confiscated under paragraph (1) shall vest, if necessary, in the Government of the United States while being held in the Ukraine Support Fund established under subsection (c).

(c) ESTABLISHMENT OF THE UKRAINE SUPPORT FUND.—

(1) IN GENERAL.—The President shall establish a non-interest-bearing account, to be known as the “Ukraine Support Fund”, to consist of the funds deposited into the account under subsection (b).

(2) USE OF FUNDS.—The funds in the account established under paragraph (1) shall be available to be used only as specified in subsection (d).

(d) USE OF CONFISCATED PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), funds in the Ukraine Support Fund shall be available to the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, for the purpose of compensating Ukraine for damages resulting from the unlawful invasion by the Russian Federation that began on February 24, 2022, including through, to the extent possible, the provision of such funds to an international body or mechanism charged with determining compensation and providing assistance to Ukraine, for purposes that include the following:

(A) Reconstruction and rebuilding efforts in Ukraine.

(B) To provide humanitarian assistance to the people of Ukraine.

(C) Such other purposes as the Secretary determines directly and effectively support the recovery of Ukraine and the welfare of the people of Ukraine.

(2) NOTIFICATION.—

(A) IN GENERAL.—The Secretary of State shall notify the appropriate congressional committees not fewer than 15 days before providing any funds from the Ukraine Support Fund to the Government of Ukraine or to any other person or international organization for the purposes described in paragraph (1).

(B) ELEMENTS.—A notification under subparagraph (A) with respect to the provision of funds to the Government of Ukraine shall specify—

- (i) the amount of funds to be provided;
- (ii) the purpose for which such funds are provided; and
- (iii) the recipient.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The confiscation of Russian sovereign assets under subsection (b)(1) shall not be subject to judicial review.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any private individual or entity from asserting due process claims in United States courts.

(f) EXCEPTION FOR UNITED STATES OBLIGATIONS UNDER VIENNA CONVENTIONS.—The authorities provided by this section may not be exercised in a manner inconsistent with the obligations of the United States under—

(1) the Convention on Diplomatic Relations, done at Vienna April 18, 1961, and entered into force April 24, 1964 (23 UST 3227);

(2) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force on March 19, 1967 (21 UST 77);

(3) the Agreement Regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947 (TIAS 1676); or

(4) any other international agreement governing the use of force and establishing rights under international humanitarian law.

(g) SUNSET.—The authority to confiscate, liquidate, and transfer Russian sovereign assets under this section shall terminate on the earlier of—

(1) the date that is 5 years after the date of the enactment of this Act; or

(2) the date that is 120 days after the date on which the President determines and certifies to the appropriate congressional committees that—

(A) hostilities between the Russian Federation and Ukraine have ceased; and

(B)(i) full compensation has been made to Ukraine for harms resulting from the invasion of Ukraine by the Russian Federation; or

(ii) the Russian Federation is participating in a bona fide international mechanism that, by agreement, will discharge the obligations of the Russian Federation to compensate Ukraine for all amounts determined to be owed to Ukraine.

**SEC. 1815. INTERNATIONAL AGREEMENT TO USE RUSSIAN SOVEREIGN ASSETS TO PROVIDE FOR THE RECONSTRUCTION OF UKRAINE.**

(a) IN GENERAL.—The President shall take such action as the President determines necessary to seek to establish a common international compensation mechanism, in coordination with foreign partners including Ukraine, that shall include the establishment of an international fund to be known as the “Common Ukraine Fund”, that uses assets in the Ukraine Support Fund established under section 1814(c) and contributions from foreign partners that have also confiscated Russian sovereign assets to allow for compensation for Ukraine, including by—

(1) establishing a register of damage to serve as a record of evidence and for assess-

ment of the full costs of damages to Ukraine resulting from the invasion of Ukraine by the Russian Federation that began on February 24, 2022;

(2) establishing a mechanism for compensating Ukraine for damages resulting from that invasion;

(3) ensuring distribution of those assets or the proceeds of those assets based on determinations under that mechanism; and

(4) taking such other actions as may be necessary to carry out this section.

(b) AUTHORIZATION FOR DEPOSIT IN THE COMMON UKRAINE FUND.—Upon the President reaching an agreement or arrangement to establish a common international compensation mechanism pursuant to subsection (a), the Secretary of State shall transfer funds from the Ukraine Support Fund established under section 1814(c) to the Common Ukraine Fund established under subsection (a).

(c) NOTIFICATIONS.—

(1) AGREEMENT OR ARRANGEMENT.—The President shall notify the appropriate congressional committees not later than 30 days before entering into any new bilateral or multilateral agreement or arrangement under subsection (a).

(2) TRANSFER.—The President shall notify the appropriate congressional committees not later than 30 days before any transfer to the Common Ukraine Fund established under subsection (a).

(d) LIMITATION ON TRANSFER OF FUNDS.—No funds may be transferred to the Common Ukraine Fund established under subsection (a) unless the President certifies to the appropriate congressional committees that—

(1) the institution housing the Common Ukraine Fund has a plan to ensure transparency and accountability for all funds transferred to and from the Common Ukraine Fund; and

(2) the President has transmitted the plan required under paragraph (1) to the appropriate congressional committees in writing.

(e) JOINT RESOLUTION OF DISAPPROVAL.—No funds may be transferred to the Common Ukraine Fund established under subsection (a) if, within 30 days of receipt of the notification required under subsection (c)(2), a joint resolution is enacted prohibiting the transfer.

(f) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than every 90 days thereafter, the President shall submit to the appropriate congressional committees a report that includes the following:

(1) An accounting of funds in the Common Ukraine Fund established under subsection (a).

(2) Any information regarding the disposition of the Common Ukraine Fund that has been transmitted to the President by the institution housing the Common Ukraine Fund during the period covered by the report.

(3) A description of United States multilateral and bilateral diplomatic engagement with allies and partners of the United States that also have immobilized Russian sovereign assets to allow for compensation for Ukraine during the period covered by the report.

(4) An outline of steps taken to carry out this section during the period covered by the report.

**SEC. 1816. REPORT ON USE OF CONFISCATED RUSSIAN SOVEREIGN ASSETS FOR RECONSTRUCTION.**

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that contains—

(1) the amount and source of Russian sovereign assets confiscated pursuant to subsection (b)(1) of section 1814;

(2) the amount and source of funds deposited into the Ukraine Support Fund under subsection (b)(2) of that section; and

(3) a detailed description and accounting of how such funds were used to meet the purposes described in subsection (d) of that section.

**SEC. 1817. ASSESSMENT BY SECRETARY OF STATE AND ADMINISTRATOR OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON RECONSTRUCTION AND REBUILDING NEEDS OF UKRAINE.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees an assessment of the most pressing needs of Ukraine for reconstruction, rebuilding, security assistance, and humanitarian aid.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An estimate of the rebuilding and reconstruction needs of Ukraine, as of the date of the assessment, resulting from the unlawful invasion of Ukraine by the Russian Federation, including—

(A) a description of the sources and methods for the estimate; and

(B) an identification of the locations or regions in Ukraine with the most pressing needs.

(2) An estimate of the humanitarian needs, as of the date of the assessment, of the people of Ukraine, including Ukrainians residing inside the internationally recognized borders of Ukraine or outside those borders, resulting from the unlawful invasion of Ukraine by the Russian Federation.

(3) An assessment of the extent to which the needs described in paragraphs (1) and (2) have been met or funded, by any source, as of the date of the assessment.

(4) A plan to engage in robust multilateral and bilateral diplomacy to ensure that allies and partners of the United States, particularly in the European Union as Ukraine seeks accession, increase their commitment to Ukraine's reconstruction.

(5) An identification of which such needs should be prioritized, including any assessment or request by the Government of Ukraine with respect to the prioritization of such needs.

**SEC. 1818. EXCEPTION RELATING TO IMPORTATION OF GOODS.**

(a) IN GENERAL.—The authorities and requirements under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

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

**SEC. 1819. DEFINITIONS.**

In this subtitle:

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

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

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

(2) FINANCIAL INSTITUTION.—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Z) of section 5312(a)(2) of title 31, United States Code.

(3) G7.—The term “G7” means the countries that are member of the informal Group

of 7, including Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States.

(4) **RUSSIAN SOVEREIGN ASSET.**—The term “Russian sovereign asset” means any of the following:

- (A) Funds and other property of—
- (i) the Central Bank of the Russian Federation;
- (ii) the Russian Direct Investment Fund; or
- (iii) the Ministry of Finance of the Russian Federation.

(B) Any sovereign funds of the Russian Federation held in a financial institution that is wholly owned or controlled by the Government of the Russian Federation.

(C) Any other funds or other property wholly owned or controlled by the Government of the Russian Federation, including by any subdivision, agency, or instrumentality of that government.

(5) **UNITED STATES.**—The term “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) **UNITED STATES FINANCIAL INSTITUTION.**—The term “United States financial institution” means a financial institution organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an institution.

#### Subtitle B—Multilateral Sanctions Coordination

#### SEC. 1821. STATEMENT OF POLICY REGARDING COORDINATION OF MULTILATERAL SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION.

(a) **IN GENERAL.**—In response to the Russian Federation’s unprovoked and illegal invasion of Ukraine, it is the policy of the United States that—

(1) the United States, along with the European Union, the G7, Australia, and other willing allies and partners of the United States, should lead a coordinated international sanctions regime to freeze sovereign assets of the Russian Federation;

(2) the head of the Office of Sanctions Coordination of the Department of State should engage in interagency and multilateral coordination with agencies of the European Union, the G7, Australia, and other allies and partners of the United States to ensure the ongoing implementation and enforcement of sanctions with respect to the Russian Federation in response to its invasion of Ukraine;

(3) the Secretary of State, in consultation with the Secretary of the Treasury, should, to the extent practicable and consistent with relevant United States law, lead and coordinate with the European Union, the G7, Australia, and other allies and partners of the United States with respect to enforcement of sanctions imposed with respect to the Russian Federation;

(4) the United States should provide relevant technical assistance, implementation guidance, and support relating to enforcement and implementation of sanctions imposed with respect to the Russian Federation;

(5) where appropriate, the head of the Office of Sanctions Coordination, in coordination with the Bureau of Economic and Business Affairs and the Bureau of European and Eurasian Affairs of the Department of State and the Department of the Treasury, should seek private sector input regarding sanctions policy with respect to the Russian Federation and the implementation of and compli-

ance with such sanctions imposed with respect to the Russian Federation; and

(6) the Secretary of State, in coordination with the Secretary of the Treasury, should continue robust diplomatic engagement with allies and partners of the United States, including the European Union, the G7, and Australia, to encourage such allies and partners to impose such sanctions.

#### (b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Office of Sanctions Coordination of the Department of State \$15,000,000 for each of fiscal years 2024, 2025, and 2026 to carry out this section.

(2) **SUPPLEMENT NOT SUPPLANT.**—The amounts authorized to be appropriated by paragraph (1) shall supplement and not supplant other amounts authorized to be appropriated for the Office of Sanctions Coordination.

#### SEC. 1822. ASSESSMENT OF IMPACT OF UKRAINE-RELATED SANCTIONS ON THE ECONOMY OF THE RUSSIAN FEDERATION.

(a) **REPORT AND BRIEFINGS.**—At the times specified in subsection (b), the President shall submit a report and provide a briefing to the appropriate congressional committees on the impact on the economy of the Russian Federation of sanctions imposed by the United States and other countries with respect to the Russian Federation in response to the unlawful invasion of Ukraine by the Russian Federation.

(b) **TIMING.**—The President shall—

(1) submit a report and provide a briefing described in subsection (a) to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act; and

(2) submit to the appropriate congressional committees a report described in subsection (a) every 180 days thereafter until the date that is 5 years after such date of enactment.

(c) **ELEMENTS.**—Each report required by this section shall include—

(1) an assessment of—

(A) the impacts of the sanctions described in subsection (a), disaggregated by major economic sector, including the energy, aerospace and defense, shipping, banking, and financial sectors;

(B) the macroeconomic impact of those sanctions on Russian, European, and global economy market trends, including shifts in global markets as a result of those sanctions; and

(C) efforts by other countries or actors and offshore financial providers to facilitate sanctions evasion by the Russian Federation or take advantage of gaps in international markets resulting from the international sanctions regime in place with respect to the Russian Federation; and

(2) recommendations for further sanctions enforcement measures based on trends described in paragraph (1)(B).

#### SEC. 1823. INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS WITH RESPECT TO THE INVASION OF UKRAINE BY THE RUSSIAN FEDERATION.

Section 406(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a(b)), is amended—

(1) in paragraph (4), by striking “Assembly on” and all that follows through “opposed by the United States” and inserting the following: “Assembly on—”

“(A) resolutions specifically related to Israel that are opposed by the United States; and

“(B) resolutions specifically related to the invasion of Ukraine by the Russian Federation.”;

(2) in paragraph (5), by striking “; and” and inserting a semicolon;

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following:

“(6) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives in the Security Council and the General Assembly with respect to the invasion of Ukraine by the Russian Federation; and”.

**SA 265.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**Subtitle —SECURING ALLIES FOOD IN EMERGENCIES**

#### SEC. 12. 1. SHORT TITLES.

This subtitle may be cited as the “Securing Allies Food in Emergencies Act” or the “SAFE Act”.

#### SEC. 12. 2. STATEMENT OF POLICY.

It is the policy of the United States to respond to the looming global food crisis precipitated by the Russian Federation’s brutal, illegal invasion of Ukraine beginning in February 2022, which threatens to destabilize key partners and allies and push millions of people into hunger and poverty, particularly in areas of Africa and the Middle East that are already experiencing emergency levels of food insecurity, by taking immediate action to improve the timeliness and expand the reach of United States international food assistance.

#### SEC. 12. 3. STRATEGY TO AVERT A GLOBAL FOOD CRISIS.

(a) **STRATEGY REQUIREMENT.**—Not later than 30 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development, acting in the capacity of the President’s Special Coordinator for International Disaster Assistance pursuant to section 493 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292b), shall develop and submit a strategy to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives for averting a catastrophic global food security crisis, particularly in areas of Africa and the Middle East that are already experiencing emergency levels of food insecurity, which has been driven by sharp increases in global prices for staple agricultural commodities, agricultural inputs (including fertilizer), and associated energy costs.

(b) **CONSIDERATIONS.**—In developing the strategy required under subsection (a), the Administrator shall consider and incorporate an analysis of—

(1) the impact of the Russian Federation’s brutal, illegal war in Ukraine on the cost and availability of staple agricultural commodities and inputs, including fertilizer—

(A) globally;

(B) in countries that rely upon commercial imports of such commodities and inputs from Ukraine or Russia; and

(C) in countries that are supported through the United Nations World Food Programme, which heavily relies upon purchases of wheat and pulses from Ukraine and has recently reported a price increase of more than \$23,000,000 per month for its wheat purchases;

(2) the correlation between rising food costs and social unrest in areas of strategic

importance to the United States, including countries and regions that experienced food riots during the 2007 to 2008 global food price crisis;

(3) the underlying drivers of food insecurity in areas experiencing emergency levels of hunger, including current barriers to food security development programs and humanitarian assistance;

(4) existing United States foreign assistance authorities, programs, and resources that could help avert a catastrophic global food crisis;

(5) recommendations to enhance the efficiency, improve the timeliness, and expand the reach of United States international food assistance programs and resources referred to in paragraph (4);

(6) opportunities to bolster coordination, catalyze and leverage actions by other donors and through multilateral development banks;

(7) opportunities to better synchronize assistance through well-coordinated development and humanitarian assistance programs within the United States Agency for International Development and alongside other donors;

(8) opportunities to improve supply chain and shipping logistics efficiencies in close collaboration with the private sector;

(9) opportunities for increased cooperation with the Department of State to strengthen diplomatic efforts to resolve global conflicts and overcome barriers to access for life-saving assistance;

(10) opportunities to support continued agricultural production in Ukraine, and the extent to which food produced in Ukraine can be used to meet humanitarian needs locally, regionally, or in countries historically reliant upon imports from Ukraine or Russia; and

(11) opportunities to support and leverage agricultural production in countries and regions currently supported by United States international agricultural development programs, including programs authorized under the Global Food Security Act of 2016 (22 U.S.C. 9301 et seq.), in a manner that—

(A) fills critical gaps in the global supply of emergency food aid commodities;

(B) enables purchases from small holder farmers by the United Nations World Food Programme;

(C) enhances resilience to food price shocks;

(D) promotes self-reliance; and

(E) opens opportunities for United States agricultural trade and investment.

#### **SEC. 12 4. EMERGENCY AUTHORITIES TO EXPAND THE TIMELINESS AND REACH OF UNITED STATES INTERNATIONAL FOOD ASSISTANCE.**

(a) IN GENERAL.—Subject to the provisions of this section and notwithstanding any other provision of law, the Administrator of the United States Agency for International Development is authorized to procure life-saving food aid commodities, including commodities available locally and regionally, for the provision of emergency food assistance to the most vulnerable populations in countries and areas experiencing acute food insecurity that has been exacerbated by rising food prices, particularly in countries and areas historically dependent upon imports of wheat and other staple commodities from Ukraine and Russia.

(b) PRIORITIZATION.—

(1) IN GENERAL.—In responding to crises in which emergency food aid commodities are unavailable locally or regionally, or in which the provision of locally or regionally procured agricultural commodities would be unsafe, impractical, or inappropriate, the Administrator should prioritize procurements of United States agricultural commodities,

including when exercising authorities under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292).

(2) LOCAL OR REGIONAL PROCUREMENTS.—In making local or regional procurements of food aid commodities pursuant to subsection (a), the Administrator, to the extent practicable and appropriate, should prioritize procurements from areas supported through the international agricultural development programs authorized under the Global Food Security Act of 2016 (22 U.S.C. 9301 et seq.) and from Ukraine, for the purpose of promoting economic stability, resilience to price shocks, and early recovery from such shocks in such areas.

(c) DO NO HARM.—In making local or regional procurements of food aid commodities pursuant to subsection (a), the Administrator shall first conduct market assessments to ensure that such procurements—

(1) will not displace United States agricultural trade and investment; and

(2) will not cause or exacerbate shortages, or otherwise harm local markets, for such commodities within the countries of origin.

(d) EMERGENCY EXCEPTIONS.—

(1) IN GENERAL.—Commodities procured pursuant to subsection (b) shall be excluded from calculations of gross tonnage for purposes of determining compliance with section 55305(b) of title 46, United States Code.

(2) CONFORMING AMENDMENT.—Section 55305(b) of title 46, United States Code, is amended by striking “shall” and inserting “should”.

(e) EXCLUSIONS.—The authority under subsection (a) shall not apply to procurements from—

(1) the Russian Federation;

(2) the People's Republic of China; or

(3) any country subject to sanctions under—

(A) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(B) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(C) section 1754(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)).

**SA 266.** Mr. RISCCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### **SEC. 12 \_\_\_\_ UNITED STATES MULTILATERAL AID REVIEW.**

(a) SHORT TITLE.—This section may be cited as the “Multilateral Aid Review Act of 2023”.

(b) PURPOSE.—The purpose of this section is to establish a United States Multilateral Aid Review (referred to in this section as the “Review”) to publicly assess the value of United States Government investments in multilateral entities.

(c) DEFINED TERM.—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Appropriations of the Senate;

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

(4) the Committee on Financial Services of the House of Representatives; and

(5) the Committee on Appropriations of the House of Representatives.

(d) OBJECTIVES.—The objectives of the Review are—

(1) to provide a tool to guide the United States Government's decision making and prioritization with regard to funding multilateral entities;

(2) to provide a methodological basis for allocating budgetary resources to entities that advance relevant United States foreign policy objectives;

(3) to incentivize improvements in the performance of multilateral entities to achieve better outcomes, including in developing, fragile, and crisis-afflicted regions; and

(4) to protect United States taxpayer investments in foreign assistance by promoting transparency with regard to the funding of multilateral entities.

(e) SCOPE.—The Review shall assess, at a minimum, the following multilateral entities to which the United States Government contributes voluntary or assessed funding, whether cash or in-kind:

(1) The World Bank Group, including the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation.

(2) The regional development banks, including the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the European Bank for Reconstruction and Development, and the North American Development Bank.

(3) Climate Investment Funds.

(4) The Food and Agriculture Organization.

(5) Gavi, the Vaccine Alliance.

(6) The Global Environment Facility.

(7) The Global Fund to Fight AIDS, Tuberculosis and Malaria.

(8) The Green Climate Fund.

(9) The Inter-American Institute for Cooperation for Agriculture.

(10) The International Civil Aviation Organization.

(11) The International Committee of the Red Cross.

(12) The International Fund for Agricultural Development.

(13) The International Labour Organization.

(14) The International Organization for Migration.

(15) The International Telecommunication Union.

(16) The Joint UN Program on HIV/AIDS.

(17) The Multilateral Fund for the Implementation of the Montreal Protocol.

(18) The Office of the United Nations High Commissioner for Human Rights.

(19) The Office of the United Nations High Commissioner for Refugees.

(20) The Organisation for Economic Co-operation and Development.

(21) The Organization of American States.

(22) The Pacific Forum Fisheries Agency.

(23) The Pan American Health Organization.

(24) The United Nations Children's Fund.

(25) The United Nations Department of Economic and Social Affairs.

(26) The United Nations Development Programme.

(27) The United Nations Entity for Gender Equality and the Empowerment of Women.

(28) The United Nations Environment Programme.

(29) The United Nations Framework Convention on Climate Change.

(30) The United Nations Office for Project Services.

(31) The United Nations Office for the Coordination of Humanitarian Affairs.

(32) The United Nations Office on Drugs and Crime.

(33) The United Nations Population Fund.

(34) The United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(35) The United Nations Voluntary Fund for Victims of Torture.

(36) The World Food Program.

(37) The World Health Organization.

(38) The World Meteorological Organization.

(f) REPORT ON REVIEW.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 21 months after the date of the enactment of this Act, the Task Force established pursuant to subsection (g), in regular consultation with the Peer Review Group established under subsection (h), shall submit a report to the appropriate congressional committees that describes the findings of the Review.

(B) PUBLICATION.—The Secretary of State shall publish the report described in subparagraph (A) on the internet website of the Department of State not later than 15 days after the date on which the report is submitted to the appropriate congressional committees.

(2) METHODOLOGY.—

(A) USE OF CRITERIA.—The Task Force shall establish an analytical framework and assessment scorecard for the Review using the criteria set forth in paragraph (3).

(B) CONSULTATION WITH CONGRESS.—

(i) SUBMISSION OF METHODOLOGY.—Not later than 90 days after the appointments to the Peer Review Group are made pursuant to subsection (h)(2), the Task Force shall submit the methodology for the Review to the appropriate congressional committees.

(ii) CONSIDERATION OF CONGRESSIONAL VIEWS.—The Task Force may not proceed with the Review until 30 days after the methodology to the appropriate congressional committees, taking into consideration the views of the Chairmen and Ranking Members of each of the appropriate congressional committees.

(C) PUBLICATION OF CRITERIA AND METHODOLOGY.—The Secretary of State shall publish the final criteria and methodology for the Review on the internet website of the Department of State not later than 60 days after submitting the proposed methodology to the appropriate congressional committees pursuant to subparagraph (B)(i).

(3) ASSESSMENT CRITERIA.—The assessment scorecard shall include the following criteria:

(A) RELATIONSHIP OF STATED GOALS TO ACTUAL RESULTS.—The extent to which the stated mission, goals, and objectives of the entity have been achieved during the review period, including—

(i) an identification of the stated mission, goals, and objectives of each entity;

(ii) an evaluation of the extent to which the entity met its stated implementation timelines and achieved declared results; and

(iii) an evaluation of whether the entity optimizes resources to achieve the stated mission, goals, and objectives of the entity.

(B) RESPONSIBLE MANAGEMENT.—The extent to which management of the entity follows best management practices, including—

(i) an evaluation of the ratio of management and administrative expenses to program expenses, including an evaluation of entity resources spent on nonprogrammatic expenses;

(ii) an evaluation of program expense growth, including a comparison of the annual growth of program expenses to the annual growth of management and administrative expenses; and

(iii) an evaluation of whether the entity has established appropriate levels of senior management compensation.

(C) ACCOUNTABILITY AND TRANSPARENCY.—The extent to which the policies and proce-

dures of the entity follow best practices of accountability and transparency, taking into consideration credible reporting regarding unauthorized conversion or diversion of entity resources, and including an evaluation of whether the entity has—

(i) established and enforced—

(I) appropriate auditing procedures;

(II) appropriate rules to reduce the risk of conflicts of interest among the senior leadership of the entity; and

(III) appropriate whistleblower policies;

(ii) established and maintained—

(I) appropriate records retention policies and guidelines;

(II) best practices with respect to transparency and public disclosure; and

(III) best practices with respect to disclosure of the compensation of senior leadership officials.

(D) ALIGNMENT WITH UNITED STATES FOREIGN POLICY OBJECTIVES.—The extent to which the policies and practices of the entity align with relevant United States foreign policy objectives, including an evaluation of—

(i) the entity's stated mission, goals, and objectives in comparison to relevant United States foreign policy objectives;

(ii) any significant divergence between the actions of the entity and relevant United States foreign policy objectives; and

(iii) whether continued participation by the United States in the entity contributes a net benefit towards achieving relevant United States foreign policy objectives, including the reasons for such conclusion.

(E) MULTILATERAL APPROACH COMPARED TO BILATERAL APPROACH.—The extent to which pursuing relevant United States foreign policy objectives through a multilateral approach is effective and cost-efficient compared to, or complementary to, a bilateral approach, including an evaluation of—

(i) whether relevant United States foreign policy objectives are effectively pursued through the entity, compared to existing or potential bilateral approaches, including the criteria used in the evaluation; and

(ii) whether relevant United States foreign policy objectives are pursued on a cost-effective basis through the entity, including the amount of funding leveraged from non-United States Government sources, compared to existing or potential bilateral approaches.

(F) REDUNDANCIES AND OVERLAP.—The extent to which the mission, goals, and objectives of the entity overlap with, or complement, the mission, goals, objectives, and programs of other multilateral institutions to which the United States Government contributes voluntary or assessed funding, whether cash or in-kind, including—

(i) a comparison of the extent to which relevant United States foreign policy objectives are effectively pursued on a cost-effective basis through each of the overlapping entities; and

(ii) whether continued participation in each entity contributes a benefit towards achieving United States foreign policy objectives.

(G) UNITED STATES MULTILATERAL REVIEW TASK FORCE.—

(1) ESTABLISHMENT.—The President shall establish an interagency Multilateral Review Task Force (referred to in this section as the "Task Force"), which shall—

(A) review and assess United States participation in multilateral entities identified in subsection (e); and

(B) develop and submit the report required under subsection (f) to the appropriate congressional committees.

(2) LEADERSHIP.—The Task Force shall be chaired by the Secretary of State, who may delegate his or her responsibilities under this

section to an appropriate senior Department of State official who has been confirmed by the Senate.

(3) MEMBERSHIP.—The President may appoint to the interagency Task Force senior Senate-confirmed officials from the Department of State, the Department of the Treasury, the United States Agency for International Development, the Centers for Disease Control and Prevention, the Department of Agriculture, the Department of Energy, and any other relevant executive branch department or agency.

(4) CONSULTATION.—In preparing the report required under subsection (f), including the initial review of methodology, the Task Force shall consult regularly with the Peer Review Group established under subsection (h).

(h) UNITED STATES MULTILATERAL AID REVIEW PEER REVIEW GROUP.—

(1) ESTABLISHMENT.—There is established the United States Multilateral Aid Review Peer Review Group (referred to in this section as the "Peer Review Group").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Peer Review Group shall be composed of 8 nongovernmental volunteer members, of whom—

(i) 2 shall be appointed by the majority leader of the Senate;

(ii) 2 shall be appointed by the minority leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives; and

(iv) 2 shall be appointed by the minority leader of the House of Representatives.

(B) APPOINTMENT CRITERIA.—The members of the Peer Review Group shall have appropriate expertise and knowledge of the multilateral entities subject to the Review established under this section. In making appointments to the Peer Review Group, the appointing authorities should take into account potential conflicts of interest.

(C) DATE.—The appointments to the Peer Review Group shall be made not later than 30 days after the date on which the Task Force is established pursuant to subsection (g)(1), and the terms of the members so appointed shall begin on such date.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Peer Review Group shall select a Chairman and Vice Chairman from among the members of the Peer Review Group.

(3) EXPERT ANALYSIS.—The Peer Review Group shall meet regularly with the Task Force, including regarding the initial review of methodology, to offer their expertise of the funding and performance of multilateral entities.

(4) REVIEW OF REPORT.—

(A) IN GENERAL.—Not later than 180 days before submitting the report required under subsection (f)(1), the Task Force shall submit a draft of the report to—

(i) the Peer Review Group; and

(ii) the appropriate congressional committees.

(B) REVIEW.—The Peer Review Group shall—

(i) review the draft report submitted under subparagraph (A); and

(ii) not later than 90 days before the submission of the report required under subsection (f)(1), provide to the Task Force and to the appropriate congressional committees—

(I) an analysis of the conclusions of the report;

(II) an analysis of the established methodologies used to reach such conclusions;

(III) an analysis of the evidence used to reach such conclusions; and

(IV) any additional comments to improve the evaluations and analysis of the report.

(5) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—Each member of the Peer Review Group shall be appointed for a 2-year term.

(B) VACANCIES.—Any vacancy in the Peer Review Group—

(i) shall not affect the powers of the Peer Review Group; and

(ii) shall be filled in the same manner as the original appointment.

(6) MEETINGS.—

(A) IN GENERAL.—The Peer Review Group shall meet at the call of the Chairman.

(B) INITIAL MEETING.—The Peer Review Group shall hold its first meeting not later than 30 days after its last member is appointed.

(C) QUORUM.—A majority of the members of the Peer Review Group shall constitute a quorum, but a lesser number of members may hold meetings.

(i) TERMINATION OF AUTHORITIES AND REQUIREMENTS.—The authorities and requirements provided under this section shall terminate on the date that is 2 years after the date of the enactment of this Act.

**SA 267.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**Subtitle** —UNRWA Accountability and Transparency

#### SEC. 12 1. SHORT TITLE.

This subtitle may be cited as the “UNRWA Accountability and Transparency Act”.

#### SEC. 12 2. STATEMENT OF POLICY.

(a) PALESTINIAN REFUGEE DEFINED.—It shall be the policy of the United States, in matters concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (referred to in this subtitle as “UNRWA”), which operates in Syria, Lebanon, Jordan, the Gaza Strip, and the West Bank, to define a Palestinian refugee as a person who—

(1) resided, between June 1946 and May 1948, in the region controlled by Britain between 1922 and 1948 that was known as Mandatory Palestine;

(2) was personally displaced as a result of the 1948 Arab-Israeli conflict; and

(3) has not accepted an offer of legal residency status, citizenship, or other permanent adjustment in status in another country or territory.

(b) LIMITATIONS ON REFUGEE AND DERIVATIVE REFUGEE STATUS.—In applying the definition under subsection (a) with respect to refugees receiving assistance from UNRWA, it shall be the policy of the United States, consistent with the definition of refugee in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) and the requirements for eligibility for refugee status under section 207 of such Act (8 U.S.C. 1157), that—

(1) derivative refugee status may only be extended to the spouse or a minor child of a Palestinian refugee; and

(2) an alien who is firmly resettled in any country is not eligible to retain refugee status.

#### SEC. 12 3. UNITED STATES' CONTRIBUTIONS TO UNRWA.

Section 301(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2221) is amended to read as follows:

“(c) WITHHOLDING.—

“(1) DEFINITIONS.—In this subsection:

“(A) ANTI-SEMITIC.—The term ‘anti-Semitic’—

“(i) has the meaning adopted on May 26, 2016, by the International Holocaust Remembrance Alliance as the non-legally binding working definition of antisemitism; and

“(ii) includes the contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere identified on such date by the International Holocaust Remembrance Alliance.

“(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on Foreign Relations of the Senate;

“(ii) the Committee on Appropriations of the Senate;

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

“(iv) the Committee on Appropriations of the House of Representatives.

“(C) BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—The term ‘boycott of, divestment from, and sanctions against Israel’ has the meaning given to such term in section 909(f)(1) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4452(f)(1)).

“(D) FOREIGN TERRORIST ORGANIZATION.—The term ‘foreign terrorist organization’ means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

“(E) UNRWA.—The term ‘UNRWA’ means the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

“(2) CERTIFICATION.—Notwithstanding any other provision of law, the United States may not provide contributions to UNRWA, to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat or otherwise) unless the Secretary of State submits a written certification to the appropriate congressional committees that—

“(A) no official, employee, consultant, contractor, subcontractor, representative, affiliate of UNRWA, an UNRWA partner organization, or an UNRWA contracting entity pursuant to completion of a thorough vetting and background check process—

“(i) is a member of, is affiliated with, or has any ties to a foreign terrorist organization, including Hamas and Hezbollah;

“(ii) has advocated, planned, sponsored, or engaged in any terrorist activity;

“(iii) has propagated or disseminated anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including—

“(I) calling for or encouraging the destruction of Israel;

“(II) failing to recognize Israel’s right to exist;

“(III) showing maps without Israel;

“(IV) describing Israelis as ‘occupiers’ or ‘settlers’;

“(V) advocating, endorsing, or expressing support for violence, hatred, jihad, martyrdom, or terrorism, glorifying, honoring, or otherwise memorializing any person or group that has advocated, sponsored, or committed acts of terrorism, or providing material support to terrorists or their families;

“(VI) expressing support for boycott of, divestment from, and sanctions against Israel (commonly referred to as ‘BDS’);

“(VII) claiming or advocating for a ‘right of return’ of refugees into Israel;

“(VIII) ignoring, denying, or not recognizing the historic connection of the Jewish people to the land of Israel; and

“(IX) calling for violence against Americans; or

“(iv) has used any UNRWA resources, including publications, websites, or social media platforms, to propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including with respect to any of the matters described in subclauses (I) through (IX) of clause (iii);

“(B) no UNRWA school, hospital, clinic, facility, or other infrastructure or resource is being used by a foreign terrorist organization or any member thereof—

“(i) for terrorist activities, such as operations, planning, training, recruitment, fundraising, indoctrination, communications, sanctuary, storage of weapons or other materials; or

“(ii) as an access point to any underground tunnel network, or any other terrorist-related purposes;

“(C) UNRWA is subject to comprehensive financial audits by an internationally recognized third party independent auditing firm that—

“(i) is agreed upon by the Government of Israel and the Palestinian Authority; and

“(ii) has implemented an effective system of vetting and oversight to prevent the use, receipt, or diversion of any UNRWA resources by any foreign terrorist organization or members thereof;

“(D) no UNRWA controlled or funded facility, such as a school, an educational institution, or a summer camp, uses textbooks or other educational materials that propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including with respect to any of the matters described in subclauses (I) through (IX) of subparagraph (A)(iii);

“(E) no recipient of UNRWA funds or loans is—

“(i) a member of, is affiliated with, or has any ties to a foreign terrorist organization; or

“(ii) otherwise engaged in terrorist activities; and

“(F) UNRWA holds no accounts or other affiliations with financial institutions that the United States considers or believes to be complicit in money laundering and terror financing.

“(3) PERIOD OF EFFECTIVENESS.—

“(A) IN GENERAL.—A certification described in paragraph (2) shall be effective until the earlier of—

“(i) the date on which the Secretary receives information rendering the certification described in paragraph (2) factually inaccurate; or

“(ii) the date that is 180 days after the date on which it is submitted to the appropriate congressional committees.

“(B) NOTIFICATION OF RENUNCIATION.—If a certification becomes ineffective pursuant to subparagraph (A), the Secretary shall promptly notify the appropriate congressional committees of the reasons for renouncing or failing to renew such certification.

“(4) LIMITATION.—During any year in which a certification described in paragraph (1) is in effect, the United States may not contribute to UNRWA, or to any successor entity, an amount that—

“(A) is greater than the highest contribution to UNRWA made by a member country of the League of Arab States for such year; and

“(B) is greater (as a proportion of the total UNRWA budget) than the proportion of the total budget for the United Nations High Commissioner for Refugees paid by the United States.”.



**SEC. 12. 4. REPORT.**

(a) **DEFINED TERM.**—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Appropriations of the Senate;

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

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

(b) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the actions being taken to implement a comprehensive plan for—

(1) encouraging other countries to adopt the policy regarding Palestinian refugees that is described in section 12.2;

(2) urging other countries to withhold their contributions to UNRWA, to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat or otherwise) until UNRWA has met the conditions listed in subparagraphs (A) through (F) of section 301(c)(2) of the Foreign Assistance Act of 1961, as added by section 12.3;

(3) working with other countries to phase out UNRWA and assist Palestinians receiving UNRWA services by—

(A) integrating such Palestinians into their local communities in the countries in which they are residing; or

(B) resettling such Palestinians in countries other than Israel or territories controlled by Israel in the West Bank in accordance with international humanitarian principles; and

(4) ensuring that the actions described in paragraph (3)—

(A) are being implemented in complete coordination with, and with the support of, Israel; and

(B) do not endanger the security of Israel in any way.

**SA 268.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1299L. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.**

(a) **AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950.**—

(1) **DEFINITION OF COVERED TRANSACTION.**—Subsection (a)(4) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking “; and” and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) any transaction described in subparagraph (B)(vi) proposed or pending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024.”;

(B) in subparagraph (B), by adding at the end the following:

“(vi) Any gift to an institution of higher education from a covered foreign person, or the entry into a contract by such an institution with a covered foreign person, if—

“(I)(aa) the value of the gift or contract equals or exceeds \$1,000,000; or

“(bb) the institution receives, directly or indirectly, more than one gift from or enters into more than one contract, directly or indirectly, with the same covered foreign person for the same purpose the aggregate value of which, during the period of 2 consecutive calendar years, equals or exceeds \$1,000,000; and

“(II) the gift or contract—

“(aa) relates to research, development, or production of critical technologies and provides the covered foreign person potential access to any material nonpublic technical information (as defined in subparagraph (D)(ii) in the possession of the institution; or

“(bb) is a restricted or conditional gift or contract (as defined in section 117(h) of the Higher Education Act of 1965 (20 U.S.C. 1011f(h))) that establishes control.”; and

(C) by adding at the end the following:

“(G) **FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.**—For purposes of subparagraph (B)(vi):

“(i) **CONTRACT.**—The term ‘contract’ means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign person, for the direct benefit or use of either of the parties.

“(ii) **COVERED FOREIGN PERSON.**—The term ‘covered foreign person’ means—

“(I) an individual who is a national of the People’s Republic of China;

“(II) an entity organized under the laws of the People’s Republic of China or otherwise subject to the jurisdiction of the Government of the People’s Republic of China;

“(III) a governmental entity of the People’s Republic of China; or

“(IV) the Chinese Communist Party or any of its affiliates.

“(iii) **GIFT.**—The term ‘gift’ means any gift of money or property.

“(iv) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ means any institution, public or private, or, if a multicampus institution, any single campus of such institution, in any State—

“(I) that is legally authorized within such State to provide a program of education beyond secondary school;

“(II) that provides a program for which the institution awards a bachelor’s degree (or provides not less than a 2-year program which is acceptable for full credit toward such a degree) or a more advanced degree;

“(III) that is accredited by a nationally recognized accrediting agency or association; and

“(IV) to which the Federal Government extends Federal financial assistance (directly or indirectly through another entity or person), or that receives support from the extension of Federal financial assistance to any of the institution’s subunits.”.

(2) **MANDATORY DECLARATIONS.**—Subsection (b)(1)(C)(v)(IV)(aa) of such section is amended by adding at the end the following: “Such regulations shall require a declaration under this subclause with respect to a covered transaction described in subsection (a)(4)(B)(vi)(II)(aa).”.

(3) **FACTORS TO BE CONSIDERED.**—Subsection (f) of such section is amended—

(A) in paragraph (10), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

“(11) as appropriate, and particularly with respect to covered transactions described in subsection (a)(4)(B)(vi), the importance of academic freedom at institutions of higher education in the United States; and”.

(4) **MEMBERSHIP OF CFIUS.**—Subsection (k) of such section is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

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

“(H) In the case of a covered transaction involving an institution of higher education (as defined in subsection (a)(4)(G)), the Secretary of Education.”; and

(B) by adding at the end the following:

“(8) **INCLUSION OF OTHER AGENCIES ON COMMITTEE.**—In considering including on the Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, the President shall give due consideration to the heads of relevant research and science agencies, departments, and offices, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.”.

(5) **CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.**—Subsection (m)(3) of such section is amended—

(A) in subparagraph (B), by striking “; and” and inserting a semicolon;

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

(C) by adding at the end the following:

“(D) an evaluation of whether there are foreign malign influence or espionage activities directed or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining research and development methods or secrets related to critical technologies; and

“(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section that relate to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f(a)).”.

(b) **INCLUSION OF CFIUS IN REPORTING ON FOREIGN GIFTS UNDER HIGHER EDUCATION ACT OF 1965.**—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after “the Secretary” the following: “and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3)))”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”; and

(ii) by striking “to the Secretary” and inserting “to each such Secretary”; and

(B) in paragraph (2), by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”.

(c) **EFFECTIVE DATE; APPLICABILITY.**—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, subject to the requirements of subsections (d) and (e); and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date that is 30 days after the publication in the Federal Register of the notice required under subsection (e)(2).

(d) **REGULATIONS.**—

(1) IN GENERAL.—The Committee on Foreign Investment in the United States (in this section referred to as the “Committee”), which shall include the Secretary of Education for purposes of this subsection, shall prescribe regulations as necessary and appropriate to implement the amendments made by subsection (a).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall include—

(A) regulations accounting for the burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a), including structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for simplified and streamlined declaration and notice requirements, and implementing any procedures necessary to protect academic freedom; and

(B) guidance with respect to—

(i) which gifts and contracts described in described in clause (vi)(II)(aa) of subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(1)(C)(v)(IV) of that section; and

(ii) the meaning of “control”, as defined in subsection (a) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the review of covered transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Secretary of Education, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1);

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program;

(C) recommendations for addressing any such burdens, including shortening timelines for reviews and investigations, structuring penalties and filing fees, and simplifying and streamlining declaration and notice requirements to reduce such burdens; and

(D) any procedures necessary to ensure that the pilot program does not infringe upon academic freedom.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall submit to Congress a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee under the pilot program and the outcome of such reviews;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a);

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce those burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

**SA 269.** Mr. SCHATZ (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION F—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2023**

**SEC. 6001. SHORT TITLE.**

This division may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2023”.

**SEC. 6002. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.**

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

“(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

“(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

“(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

“(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

“(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

“(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

“(4) LIABILITY.—

“(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

“(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Sec-

retary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

“(i) the regulations issued pursuant to section 106; or

“(ii) such regulations as are issued by the other head.

“(C) STATUTORY VIOLATION WAIVERS.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.”.

**SEC. 6003. AUTHORIZATION OF APPROPRIATIONS.**

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking “2009 through 2013” and inserting “2024 through 2034”.

**SEC. 6004. STUDENT HOUSING ASSISTANCE.**

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting “including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,” after “self-sufficiency and other services.”.

**SEC. 6005. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.**

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting “owned or operated by a recipient and” after “residing in a dwelling unit”.

**SEC. 6006. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.**

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking “\$5,000” and inserting “\$10,000”.

**SEC. 6007. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.**

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking “and” at the end; and

(B) by adding at the end the following:

“(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and”;

(2) in subsection (c)—

(A) by striking “The provisions” and inserting the following:

“(1) IN GENERAL.—The provisions”; and

(B) by adding at the end the following:

“(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the

cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.”.

**SEC. 6008. LEASE REQUIREMENTS AND TENANT SELECTION.**

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

“(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.”.

**SEC. 6009. INDIAN HEALTH SERVICE.**

(a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

**“SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.**

“Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104-330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

“Sec. 211. IHS sanitation facilities construction.”.

**SEC. 6010. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.**

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking “may take an action described in paragraph (1)(C)” and inserting “may immediately take an action described in paragraph (1)(C)”; and

(2) by striking subparagraph (B) and inserting the following:

“(B) PROCEDURAL REQUIREMENTS.—

“(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

“(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

“(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

“(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

“(II) to the maximum extent practicable, on an expedited basis.

“(iv) FAILURE TO CONDUCT A HEARING.—If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.”.

**SEC. 6011. REPORTS TO CONGRESS.**

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking “Congress” and inserting “Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives”; and

(2) by adding at the end the following:

“(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.”.

**SEC. 6012. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.**

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking “50-YEAR” and inserting “99-YEAR”;

(2) in subsection (b), by striking “50 years” and inserting “99 years”; and

(3) in subsection (c)(2), by striking “50 years” and inserting “99 years”.

**SEC. 6013. AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.**

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking “The Director” and inserting the following:

“(1) IN GENERAL.—The Director”; and

(2) by adding at the end the following:

“(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.”.

**SEC. 6014. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.**

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking “such sums as may be necessary” and all that follows through the period at the end and inserting “such sums as may be necessary for each of fiscal years 2024 through 2034.”.

**SEC. 6015. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.**

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

**SEC. 6016. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS AND SPECIAL ACTIVITIES BY INDIAN TRIBES.**

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

“(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘tribally designated housing entity’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(2) QUALIFICATION.—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).

“(j) SPECIAL ACTIVITIES BY INDIAN TRIBES.—An Indian tribe receiving a grant under paragraph (1) of section 106(a)(1) shall be authorized to directly carry out activities described in paragraph (15) of such section 106(a)(1).”.

**SEC. 6017. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.**

Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “and” and inserting a comma; and

(B) by inserting before the period at the end the following: “, Indian tribes, and tribally designated housing entities”;

(2) in subparagraph (B), by inserting “, Indian tribes, and tribally designated housing entities” after “organizations”;

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

“(F) DEFINITIONS.—In this paragraph, the terms ‘Indian tribe’ and ‘tribally designated housing entity’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.

**SEC. 6018. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.**

(a) IN GENERAL.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by amending subsection (a) to read as follows:

“(a) AUTHORITY.—To provide access to sources of private financing to Indian families, Indian housing authorities, and Indian Tribes, who otherwise could not acquire housing financing because of the unique legal status of Indian lands and the unique nature of tribal economies, and to expand homeownership opportunities to Indian families, Indian housing authorities and Indian tribes on fee simple lands, the Secretary may guarantee not to exceed 100 percent of the unpaid principal and interest due on any loan eligible under subsection (b) made to an Indian family, Indian housing authority, or Indian Tribe on trust land and fee simple land.”; and

(2) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

“(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.”;

(B) in paragraph (4)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(ii) by striking “The loan” and inserting the following:

“(A) IN GENERAL.—The loan”;

(iii) in subparagraph (A), as so designated, by adding at the end the following:

“(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a))”; and

(iv) by adding at the end the following:

“(B) DIRECT GUARANTEE PROCESS.—

“(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

“(ii) INDEMNIFICATION.—

“(I) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

“(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

“(C) REVIEW OF MORTGAGEES.—

“(i) IN GENERAL.—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

“(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

“(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

“(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

“(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

“(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

“(aa) based on a comparison of any of the factors set forth in this subparagraph; or

“(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.”; and

(C) in paragraph (5)(A), by inserting before the semicolon at the end the following: “except, as determined by the Secretary, when there is a loan modification under subsection (h)(1)(B), the term of the loan shall not exceed 40 years”.

(b) LOAN GUARANTEES FOR INDIAN HOUSING.—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: “There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2024 through 2034.”; and

(2) in subparagraph (C), by striking “2008 through 2012” and inserting “2024 through 2034”.

#### SEC. 6019. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (b), by inserting “, and to expand homeownership opportunities to Native Hawaiian families who are eligible to receive a homestead under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) on fee simple lands in the State of Hawaii” after “markets”;

(2) in subsection (c)—

(A) by amending paragraph (2) to read as follows:

“(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.”;

(B) in paragraph (4)(B)—

(i) by redesignating clause (iv) as clause (v); and

(ii) by adding after clause (iii) the following:

“(iv) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).”; and

(C) in paragraph (5)(A), by inserting before the semicolon at the end the following: “except, as determined by the Secretary, when there is a loan modification under subsection (i)(1)(B), the term of the loan shall not exceed 40 years”; and

(3) in subsection (j)(5)(B), by inserting after the first sentence the following: “There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2024 through 2034.”.

#### SEC. 6020. DRUG ELIMINATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CONTROLLED SUBSTANCE.—The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DRUG-RELATED CRIME.—The term “drug-related crime” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) RECIPIENT.—The term “recipient”—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT.—The Secretary may make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related

problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include—

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2024 through 2034 to carry out this section.

#### SEC. 6021. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

“(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) ELIGIBLE INDIAN VETERAN.—The term ‘eligible Indian veteran’ means an Indian veteran who is—

“(aa) homeless or at risk of homelessness; and

“(bb) living—

“(A) on or near a reservation; or

“(BB) in or near any other Indian area.

“(II) ELIGIBLE RECIPIENT.—The term ‘eligible recipient’ means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

“(III) INDIAN; INDIAN AREA.—The terms ‘Indian’ and ‘Indian area’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(IV) INDIAN VETERAN.—The term ‘Indian veteran’ means an Indian who is a veteran.

“(V) PROGRAM.—The term ‘Program’ means the Tribal HUD-VASH program carried out under clause (ii).

“(VI) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the ‘Tribal HUD-VASH program’, in conjunction with the Secretary

of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

“(iii) MODEL.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

“(II) EXCEPTIONS.—

“(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

“(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

“(I) need;

“(II) administrative capacity; and

“(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

“(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

“(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

“(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

“(vii) CONSULTATION.—

“(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

“(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

“(viii) WAIVER.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

“(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

“(ix) RENEWAL GRANTS.—The Secretary may—

“(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

“(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

“(x) REPORTING.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

“(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

“(bb) submit a report describing the results of the review under item (aa) to—

“(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

“(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

“(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

“(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

“(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

“(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.”

#### SEC. 6022. CONTINUUM OF CARE.

(a) DEFINITIONS.—In this section—

(1) the terms “collaborative applicant” and “eligible entity” have the meanings given those terms in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360); and

(2) the terms “Indian tribe” and “tribally designated housing entity” have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(b) NONAPPLICATION OF CIVIL RIGHTS LAWS.—With respect to the funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading “Homeless Assistance Grants” in the Department of Housing and Urban Development Appropriations Act, 2021 (Public Law 116-260) and under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to applications by or awards for projects to be carried out—

(1) on or off reservation or trust lands for awards made to Indian tribes or tribally designated housing entities; or

(2) on reservation or trust lands for awards made to eligible entities.

(c) **CERTIFICATION.**—With respect to funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading “Homeless Assistance Grants” under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a)—

(1) applications for projects to be carried out on reservations or trust land shall contain a certification of consistency with an approved Indian housing plan developed under section 102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112), notwithstanding section 106 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12706) and section 403 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361);

(2) Indian tribes and tribally designated housing entities that are recipients of awards for projects on reservations or trust land shall certify that they are following an approved housing plan developed under section 102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112) and

(3) a collaborative applicant for a Continuum of Care whose geographic area includes only reservation and trust land is not required to meet the requirement in section 402(f)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f)(2)).

#### **SEC. 6023. LEVERAGING.**

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

**SA 270.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### **SEC. \_\_\_\_ . EXTENSION OF TROOPS FOR TEACHERS PROGRAM TO THE JOB CORPS.**

Section 1154 of title 10, United States Code, is amended—

(1) in subsection (a)—  
(A) in paragraph (2)—  
(i) in subparagraph (A)(ii), by striking “; or” and inserting a semicolon;  
(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and  
(iii) by adding at the end the following new subparagraph:

“(C) a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).”; and

(B) in paragraph (3)—  
(i) in subparagraph (B), by striking “; or” and inserting a semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting “; or”; and

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

“(D) a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).”;;

(2) in subsection (d)(4)(A)(ii), by inserting “or Job Corps centers” after “secondary schools”; and

(3) in subsection (e)(2)(E), by inserting “or Job Corps center” after “secondary school”.

**SA 271.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### **SEC. \_\_\_\_ . EXTENSION OF TROOPS FOR TEACHERS AND JROTC PROGRAMS TO THE JOB CORPS.**

(a) **TROOPS FOR TEACHERS PLACEMENTS.**—Section 1154 of title 10, United States Code, is amended—

(1) in subsection (a)—  
(A) in paragraph (2)—  
(i) in subparagraph (A)(ii), by striking “; or” and inserting a semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and  
(iii) by adding at the end the following new subparagraph:

“(C) a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).”; and

(B) in paragraph (3)—  
(i) in subparagraph (B), by striking “; or” and inserting a semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting “; or”; and  
(iii) by adding at the end the following new subparagraph:

“(D) a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).”;;

(2) in subsection (d)(4)(A)(ii), by inserting “or Job Corps centers” after “secondary schools”; and

(3) in subsection (e)(2)(E), by inserting “or Job Corps center” after “secondary school”.

(b) **JROTC PLACEMENTS.**—Section 2031 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by inserting “, including Job Corps centers as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).”; after “secondary educational institutions”; and

(2) in subsection (b)(3), by inserting “, or is a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197)” after “military department concerned”.

**SA 272.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### **SEC. \_\_\_\_ . EXTENSION OF JROTC PROGRAM TO THE JOB CORPS.**

Section 2031 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by inserting “, including Job Corps centers as defined in sec-

tion 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).”; after “secondary educational institutions”; and

(2) in subsection (b)(3), by inserting “, or is a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197)” after “military department concerned”.

**SA 273.** Mr. GRASSLEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1237 and insert the following:

#### **SEC. 1237. REPORT ON PROGRESS ON MULTI-YEAR STRATEGY AND PLAN FOR THE BALTIC SECURITY INITIATIVE.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report on the progress made in the implementation of the multi-year strategy and spending plan set forth in the June 2021 report of the Department of Defense entitled “Report to Congress on the Baltic Security Initiative”.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An identification of any significant change to the goals, objectives, and milestones identified in the June 2021 report described in subsection (a), in light of the radically changed security environment in the Baltic region after the full-scale invasion of Ukraine by the Russian Federation on February 24, 2022, and with consideration to enhancing the deterrence and defense posture of the North Atlantic Treaty Organization in the Baltic region, including through the implementation of the regional defense plans of the North Atlantic Treaty Organization.

(2) An update on the Department of Defense funding allocated for such strategy and spending plan for fiscal years 2022 and 2023 and projected funding requirements for fiscal years 2024, 2025, and 2026 for each goal identified in such report.

(3) An update on the host country funding allocated and planned for each such goal.

(4) An assessment of the progress made in the implementation of the recommendations set forth in the fiscal year 2020 Baltic Defense Assessment, and reaffirmed in the June 2021 report described in subsection (a), that each Baltic country should—

(A) increase its defense budget;

(B) focus on and budget for sustainment of capabilities in defense planning; and

(C) consider combined units for expensive capabilities such as air defense, rocket artillery, and engineer assets.

**SA 274.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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



**Subtitle —Western Hemisphere  
Partnership Act of 2023**

**SEC. \_\_\_\_ . SHORT TITLE.**

This subtitle may be cited as the “Western Hemisphere Partnership Act of 2023”.

**SEC. \_\_\_\_ . UNITED STATES POLICY IN THE WESTERN HEMISPHERE.**

It is the policy of the United States to promote economic competitiveness, democratic governance, and security in the Western Hemisphere by—

(1) encouraging stronger economic relations, respect for property rights, the rule of law, and enforceable investment rules and labor and environmental standards;

(2) advancing the principles and practices expressed in the Charter of the Organization of American States, the American Declaration on the Rights and Duties of Man, and the Inter-American Democratic Charter; and

(3) enhancing the capacity and technical capabilities of democratic partner nation government institutions, including civilian law enforcement, the judiciary, attorneys general, and security forces.

**SEC. \_\_\_\_ . PROMOTING SECURITY AND THE RULE OF LAW IN THE WESTERN HEMISPHERE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should strengthen security cooperation with democratic partner nations in the Western Hemisphere to promote a secure hemisphere and to address the negative impacts of transnational criminal organizations and malign external state actors.

(b) **COLLABORATIVE EFFORTS.**—The Secretary of State, in coordination with the heads of other relevant Federal agencies, should support the improvement of security conditions and the rule of law in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) enhance the institutional capacity and technical capabilities of defense and security institutions in democratic partner nations to conduct national or regional security missions, including through regular bilateral and multilateral engagements, foreign military sales and financing, international military education and training programs, expanding the National Guard State Partnership Programs, and other means;

(2) provide technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to relevant security forces to disrupt, degrade, and dismantle organizations involved in the illicit trafficking of narcotics and precursor chemicals, transnational criminal activities, illicit mining, and illegal, unreported, and unregulated fishing, and other illicit activities;

(3) enhance the institutional capacity, legitimacy, and technical capabilities of relevant civilian law enforcement, attorneys general, and judicial institutions to—

(A) strengthen the rule of law and transparent governance;

(B) combat corruption and kleptocracy in the region; and

(C) improve regional cooperation to disrupt, degrade, and dismantle transnational organized criminal networks and terrorist organizations, including through training, anticorruption initiatives, anti-money laundering programs, and strengthening cyber capabilities and resources;

(4) enhance port management and maritime security partnerships and airport management and aviation security partnerships to disrupt, degrade, and dismantle transnational criminal networks and facilitate the legitimate flow of people, goods, and services;

(5) strengthen cooperation to improve border security across the Western Hemisphere,

dismantle human smuggling and trafficking networks, and increase cooperation to demonstrably strengthen migration management systems;

(6) counter the malign influence of state and non-state actors and disinformation campaigns;

(7) disrupt illicit domestic and transnational financial networks;

(8) foster mechanisms for cooperation on emergency preparedness and rapid recovery from natural disasters, including by—

(A) supporting regional preparedness, recovery, and emergency management centers to facilitate rapid response to survey and help maintain planning on regional disaster anticipated needs and possible resources;

(B) training disaster recovery officials on latest techniques and lessons learned from United States experiences;

(C) making available, preparing, and transferring on-hand nonlethal supplies, and providing training on the use of such supplies, for humanitarian or health purposes to respond to unforeseen emergencies; and

(D) conducting medical support operations and medical humanitarian missions, such as hospital ship deployments and base-operating services, to the extent required by the operation;

(9) foster regional mechanisms for early warning and response to pandemics in the Western Hemisphere, including through—

(A) improved cooperation with and research by the United States Centers for Disease Control and Prevention through regional pandemic response centers;

(B) personnel exchanges for technology transfer and skills development; and

(C) surveying and mapping of health networks to build local health capacity;

(10) promote the meaningful participation of women across all political processes, including conflict prevention and conflict resolution and post-conflict relief and recovery efforts; and

(11) hold accountable actors that violate political and civil rights.

(c) **LIMITATIONS ON USE OF TECHNOLOGIES.**—Operational technologies transferred pursuant to subsection (b) to partner governments for intelligence, defense, or law enforcement purposes shall be used solely for the purposes for which the technology was intended. The United States shall take all necessary steps to ensure that the use of such operational technologies is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

**(d) STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other relevant Federal agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a 5-year strategy to promote security and the rule of law in the Western Hemisphere in accordance to this section.

(2) **ELEMENTS.**—The strategy required under paragraph (1) shall include the following elements:

(A) A detailed assessment of the resources required to carry out such collaborative efforts.

(B) Annual benchmarks to track progress and obstacles in undertaking such collaborative efforts.

(C) A public diplomacy component to engage the people of the Western Hemisphere with the purpose of demonstrating that the security of their countries is enhanced to a greater extent through alignment with the United States and democratic values rather than with authoritarian countries such as

the People's Republic of China, the Russian Federation, and the Islamic Republic of Iran.

(3) **BRIEFING.**—Not later than 1 year after submission of the strategy required under paragraph (1), and annually thereafter, the Secretary of State shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a briefing on the implementation of the strategy.

**SEC. \_\_\_\_ . PROMOTING DIGITALIZATION AND CYBERSECURITY IN THE WESTERN HEMISPHERE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should support digitalization and expand cybersecurity cooperation in the Western Hemisphere to promote regional economic prosperity and security.

(b) **PROMOTION OF DIGITALIZATION AND CYBERSECURITY.**—The Secretary of State, in coordination with the heads of other relevant Federal agencies, should promote digitalization and cybersecurity in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) promote digital connectivity and facilitate e-commerce by expanding access to information and communications technology (ICT) supply chains that adhere to high-quality security and reliability standards, including—

(A) to open market access on a national treatment, nondiscriminatory basis; and

(B) to strengthen the cybersecurity and cyber resilience of partner countries;

(2) advance the provision of digital government services (e-government) that, to the greatest extent possible, promote transparency, lower business costs, and expand citizens' access to public services and public information; and

(3) develop robust cybersecurity partnerships to—

(A) promote the inclusion of components and architectures in information and communications technology (ICT) supply chains from participants in initiatives that adhere to high-quality security and reliability standards;

(B) share best practices to mitigate cyber threats to critical infrastructure from ICT architectures by technology providers that supply equipment and services covered under section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601);

(C) effectively respond to cybersecurity threats, including state-sponsored threats; and

(D) to strengthen resilience against cyberattacks and cybercrime.

**SEC. \_\_\_\_ . PROMOTING ECONOMIC AND COMMERCIAL PARTNERSHIPS IN THE WESTERN HEMISPHERE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should enhance economic and commercial ties with democratic partners to promote prosperity in the Western Hemisphere by modernizing and strengthening trade capacity-building and trade facilitation initiatives, encouraging market-based economic reforms that enable inclusive economic growth, strengthening labor and environmental standards, addressing economic disparities of women, and encouraging transparency and adherence to the rule of law in investment dealings.

(b) **IN GENERAL.**—The Secretary of State, in coordination with the United States Trade Representative, the Chief Executive Officer of the Development Finance Corporation, and the heads of other relevant Federal agencies, should support the improvement of economic conditions in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) facilitate a more open, transparent, and competitive environment for United States

businesses and promote robust and comprehensive trade capacity-building and trade facilitation by—

(A) reducing trade and nontariff barriers between the countries in the region, establishing a mechanism for pursuing Mutual Recognition Agreements and Formalized Regulatory Cooperation Agreements in priority sectors of the economy;

(B) establishing a forum for discussing and evaluating technical and other assistance needs to help establish streamlined “single window” processes to facilitate movement of goods and common customs arrangements and procedures to lower costs of goods in transit and speed to destination;

(C) building relationships and exchanges between relevant regulatory bodies in the United States and democratic partners in the Western Hemisphere to promote best practices and transparency in rulemaking, implementation, and enforcement, and provide training and assistance to help improve supply chain management in the Western Hemisphere;

(D) establishing regional fora for identifying, raising, and addressing supply chain management issues, including infrastructure needs and strengthening of investment rules and regulatory frameworks;

(E) establishing a dedicated program of trade missions and reverse trade missions to increase commercial contacts and ties between the United States and Western Hemisphere partner countries; and

(F) strengthening labor and environmental standards in the region;

(2) establish frameworks or mechanisms to review and address the long-term financial sustainability and national security implications of foreign investments in strategic sectors or services;

(3) establish competitive and transparent infrastructure project selection and procurement processes that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms; and

(4) advance robust and comprehensive energy production and integration, including through a more open, transparent, and competitive environment for United States companies competing in the Western Hemisphere, including by—

(A) facilitating further development of integrated regional energy markets;

(B) improving management of grids, including technical capability to ensure the functionality, safe and responsible management, and quality of service of electricity providers, carriers, and management and distribution systems;

(C) facilitating private sector-led development of reliable and affordable power generation capacity;

(D) establishing a process for surveying grid capacity and management focused on identifying electricity service efficiencies and establishing cooperative mechanisms for providing technical assistance for—

(i) grid management, power pricing, and tariff issues;

(ii) establishing and maintaining appropriate regulatory best practices; and

(iii) proposals to establish regional power grids for the purpose of promoting the sale of excess supply to consumers across borders;

(E) assessing the viability and effectiveness of decentralizing power production and transmission and building micro-grid power networks to improve, when feasible, access to electricity, particularly in rural and underserved communities where centralized power grid connections may not be feasible in the short to medium term; and

(F) exploring opportunities to partner with the private sector and multilateral institutions, such as the World Bank and the Inter-

American Development Bank, to promote universal access to reliable and affordable electricity in the Western Hemisphere.

#### **SEC. \_\_\_\_ . PROMOTING TRANSPARENCY AND DEMOCRATIC GOVERNANCE IN THE WESTERN HEMISPHERE.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support efforts to strengthen the capacity and legitimacy of democratic institutions and inclusive processes in the Western Hemisphere to promote a more transparent, democratic, and prosperous region.

(b) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and heads of other relevant Federal agencies, should support transparent, accountable, and democratic governance in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) strengthen the capacity of national electoral institutions to ensure free, fair, and transparent electoral processes, including through pre-election assessment missions, technical assistance, and independent local and international election monitoring and observation missions;

(2) enhance the capabilities of democratically elected national legislatures, parliamentary bodies, and autonomous regulatory institutions to conduct oversight;

(3) strengthen the capacity of subnational government institutions to govern in a transparent, accountable, and democratic manner, including through training and technical assistance;

(4) combat corruption at local and national levels, including through trainings, cooperation agreements, initiatives aimed at dismantling corrupt networks, and political support for bilateral or multilateral anticorruption mechanisms that strengthen attorneys general and prosecutors’ offices;

(5) strengthen the capacity of civil society to conduct oversight of government institutions, build the capacity of independent professional journalism, facilitate substantive dialogue with government and the private sector to generate issue-based policies, and mobilize local resources to carry out such activities;

(6) promote the meaningful and significant participation of women in democratic processes, including in national and subnational government and civil society; and

(7) support the creation of procedures for the Organization of American States (OAS) to create an annual forum for democratically elected national legislatures from OAS member States to discuss issues of hemispheric importance, as expressed in section 4 of the Organization of American States Legislative Engagement Act of 2020 (Public Law 116-343).

#### **SEC. \_\_\_\_ . INVESTMENT, TRADE, AND DEVELOPMENT IN AFRICA AND LATIN AMERICA AND THE CARIBBEAN.**

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa and Latin America and the Caribbean.

(2) FOCUS OF STRATEGY.—The strategy required by paragraph (1) shall focus on increasing exports of United States goods and services to Africa and Latin America and the Caribbean by 200 percent in real dollar value by the date that is 10 years after the date of the enactment of this Act.

(3) CONSULTATIONS.—In developing the strategy required by paragraph (1), the President shall consult with—

(A) Congress;

(B) each agency that is a member of the Trade Promotion Coordinating Committee;

(C) the relevant multilateral development banks, in coordination with the Secretary of the Treasury and the respective United States Executive Directors of such banks;

(D) each agency that participates in the Trade Policy Staff Committee established;

(E) the President’s Export Council;

(F) each of the development agencies;

(G) any other Federal agencies with responsibility for export promotion or financing and development; and

(H) the private sector, including businesses, nongovernmental organizations, and African and Latin American and Caribbean diaspora groups.

(4) SUBMISSION TO CONGRESS.—

(A) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(B) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by paragraph (1).

(b) SPECIAL AFRICA AND LATIN AMERICA AND THE CARIBBEAN EXPORT STRATEGY COORDINATORS.—The President shall designate an individual to serve as Special Africa Export Strategy Coordinator and an individual to serve as Special Latin America and the Caribbean Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by subsection (a); and

(2) to coordinate developing and implementing the strategy with—

(A) the Trade Promotion Coordinating Committee;

(B) the Assistant United States Trade Representative for African Affairs or the Assistant United States Trade Representative for the Western Hemisphere, as appropriate;

(C) the Assistant Secretary of State for African Affairs or the Assistant Secretary of State for Western Hemisphere Affairs, as appropriate;

(D) the Export-Import Bank of the United States;

(E) the United States International Development Finance Corporation; and

(F) the development agencies.

(c) TRADE MISSIONS TO AFRICA AND LATIN AMERICA AND THE CARIBBEAN.—It is the sense of Congress that, not later than one year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct joint trade missions to Africa and to Latin America and the Caribbean.

(d) TRAINING.—The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the United States International Development Finance Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than one year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country receives that training.

(e) DEFINITIONS.—In this section:

(1) **DEVELOPMENT AGENCIES.**—The term “development agencies” means the United States Department of State, the United States Agency for International Development, the Millennium Challenge Corporation, the United States International Development Finance Corporation, the United States Trade and Development Agency, the United States Department of Agriculture, and relevant multilateral development banks.

(2) **MULTILATERAL DEVELOPMENT BANKS.**—The term “multilateral development banks” has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(3) **TRADE POLICY STAFF COMMITTEE.**—The term “Trade Policy Staff Committee” means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations.

(4) **TRADE PROMOTION COORDINATING COMMITTEE.**—The term “Trade Promotion Coordinating Committee” means the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727).

(5) **UNITED STATES AND FOREIGN COMMERCIAL SERVICE.**—The term “United States and Foreign Commercial Service” means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

**SEC. \_\_\_\_ SENSE OF CONGRESS ON PRIORITIZING NOMINATION AND CONFIRMATION OF QUALIFIED AMBASSADORS.**

It is the sense of Congress that it is critically important that both the President and the Senate play their respective roles to nominate and confirm qualified ambassadors as quickly as possible, especially for countries in the Western Hemisphere.

**SEC. \_\_\_\_ WESTERN HEMISPHERE DEFINED.**

In this subtitle, the term “Western Hemisphere” does not include Cuba, Nicaragua, or Venezuela.

**SEC. \_\_\_\_ REPORT ON EFFORTS TO CAPTURE AND DETAIN UNITED STATES CITIZENS AS HOSTAGES.**

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on efforts by the Maduro regime of Venezuela to detain United States citizens and lawful permanent residents.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, regarding the arrest, capture, detainment, and imprisonment of United States citizens and lawful permanent residents—

(1) the names, positions, and institutional affiliation of Venezuelan individuals, or those acting on their behalf, who have engaged in such activities;

(2) a description of any role played by transnational criminal organizations, and an identification of such organizations; and

(3) where relevant, an assessment of whether and how United States citizens and lawful permanent residents have been lured to Venezuela.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but shall include a classified annex, which shall include a list of the total number of United States citizens and lawful permanent residents detained or imprisoned in Venezuela as of the date on which the report is submitted.

**SA 275.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize ap-

propriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1299L. IMPOSITION OF SANCTIONS WITH RESPECT TO MILITARY AND INTELLIGENCE FACILITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN CUBA.**

(a) **IN GENERAL.**—The President shall impose the sanctions described in subsection (b) with respect to any foreign person that the President determines engages in or has engaged in a significant transaction or transactions, or any dealings with, or has provided material support to or for a military or intelligence facility of the People's Republic of China in Cuba.

(b) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection with respect to a foreign person are the following:

(1) **LICENSING PROHIBITION.**—Notwithstanding any other provision of law, no license may be issued to the foreign person for any transaction described in section 515.559 of title 31, Code of Federal Regulations, or part 740 or 746 of title 15, Code of Federal Regulations, as that section and those parts were in effect on June 14, 2023.

(2) **ASSET BLOCKING.**—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(3) **EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.**—In the case of a foreign person who is an alien, denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(c) **IMPLEMENTATION; PENALTIES.**—

(1) **IMPLEMENTATION.**—The President shall exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) **EXCEPTIONS.**—

(1) **IMPORTATION OF GOODS.**—

(A) **IN GENERAL.**—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

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

(2) **COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Sanctions under subsection (b)(3) shall not apply to an alien if

admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(e) **TERMINATION OF SANCTIONS.**—Notwithstanding any other provision of law, this section shall terminate on the date that is 30 days after the date on which the President determines and certifies to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that Cuba has closed and dismantled all military or intelligence facilities of the People's Republic of China in Cuba.

(f) **DEFINITIONS.**—In this section:

(1) **ALIEN.**—The term “alien” has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” includes—

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

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

(4) **PERSON.**—The term “person” means an individual or entity.

(5) **UNITED STATES PERSON.**—The term “United States person” means—

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

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

(C) any person in the United States.

**SEC. 1299M. REPORT ON ASSISTANCE BY THE PEOPLE'S REPUBLIC OF CHINA FOR THE CUBAN GOVERNMENT.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the military and intelligence activities of the Government of the People's Republic of China in Cuba, including any military or intelligence facilities used by that government in Cuba;

(2) the purposes for which the Government of the People's Republic of China conducts those activities and uses those facilities in Cuba;

(3) the extent to which the Government of the People's Republic of China provides payment or government credits to the Cuban Government for the continued use of those facilities in Cuba; and

(4) any progress toward the verifiable termination of access by the Government of the People's Republic of China to those facilities and withdrawal of personnel, including advisers, technicians, and military personnel, from those facilities.

(b) **DEFINITIONS.**—In this section:

(1) **AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT OF CUBA.**—The term “agency or instrumentality of the Government of Cuba” means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in that section to “a foreign state” deemed to be a reference to “Cuba”.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” includes—

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

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) CUBAN GOVERNMENT.—The term “Cuban Government” includes the government of any political subdivision of Cuba and any agency or instrumentality of the Government of Cuba.

**SA 276.** Mr. MORAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 7. EXPANSION OF ELIGIBILITY FOR HEARING AIDS TO INCLUDE CHILDREN OF CERTAIN RETIRED MEMBERS OF THE UNIFORMED SERVICES.**

Paragraph (16) of section 1077(a) of title 10, United States Code, is amended to read as follows:

“(16) Except as provided by subsection (g), a hearing aid, but only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries, and only for the following dependents:

“(A) A dependent of a member of the uniformed services on active duty.

“(B) A dependent under subparagraph (D) or (I) of section 1072(2) of this title of a former member of the uniformed services who—

“(i) is entitled to retired or retainer pay, or equivalent pay; and

“(ii) is enrolled in family coverage under TRICARE Prime.”.

**SA 277.** Mr. MORAN (for himself, Mr. CARDIN, Mr. SCOTT of Florida, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 727. GRANT PROGRAM FOR INCREASED COOPERATION ON POST-TRAUMATIC STRESS DISORDER RESEARCH BETWEEN UNITED STATES AND ISRAEL.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the Psychological Health and Traumatic Brain Injury Research Program, should seek to explore scientific collaboration between academic institutions and non-profit research entities in the United States and institutions in Israel with expertise in researching, diagnosing, and treating post-traumatic stress disorder.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of State,

shall award grants to eligible entities to carry out collaborative research between the United States and Israel with respect to post-traumatic stress disorders.

(2) AGREEMENT.—The Secretary of Defense shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an academic institution or a non-profit entity located in the United States.

(d) AWARD.—The Secretary shall award grants under this section to eligible entities that—

(1) carry out a research project that—

(A) addresses a requirement in the area of post-traumatic stress disorders that the Secretary determines appropriate to research using such grant; and

(B) is conducted by the eligible entity and an entity in Israel under a joint research agreement; and

(2) meet such other criteria that the Secretary may establish.

(e) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such commitments and information as the Secretary may require.

(f) GIFT AUTHORITY.—

(1) IN GENERAL.—The Secretary may accept, hold, and administer any gift of money made on the condition that the gift be used for the purpose of the grant program under this section.

(2) DEPOSIT.—Gifts of money accepted under paragraph (1) shall be deposited in the Treasury in the Department of Defense General Gift Fund and shall be available, subject to appropriation, without fiscal year limitation.

(g) REPORTS.—Not later than 180 days after the date on which an eligible entity completes a research project using a grant under this section, the Secretary shall submit to Congress a report that contains—

(1) a description of how the eligible entity used the grant; and

(2) an evaluation of the level of success of the research project.

(h) TERMINATION.—The authority to award grants under this section shall terminate on the date that is seven years after the date on which the first such grant is awarded.

**SA 278.** Mr. DURBIN (for himself, Mrs. SHAHEEN, Mr. BOOZMAN, Mr. COONS, and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1299L. INVESTMENT, TRADE, AND DEVELOPMENT IN AFRICA AND LATIN AMERICA AND THE CARIBBEAN.**

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa and Latin America and the Caribbean.

(2) FOCUS OF STRATEGY.—The strategy required by paragraph (1) shall focus on in-

creasing exports of United States goods and services to Africa and Latin America and the Caribbean by 200 percent in real dollar value by the date that is 10 years after the date of the enactment of this Act.

(3) CONSULTATIONS.—In developing the strategy required by paragraph (1), the President shall consult with—

(A) Congress;

(B) each agency that is a member of the Trade Promotion Coordinating Committee;

(C) the relevant multilateral development banks, in coordination with the Secretary of the Treasury and the respective United States Executive Directors of such banks;

(D) each agency that participates in the Trade Policy Staff Committee established;

(E) the President's Export Council;

(F) each of the development agencies;

(G) any other Federal agencies with responsibility for export promotion or financing and development; and

(H) the private sector, including businesses, nongovernmental organizations, and African and Latin American and Caribbean diaspora groups.

(4) SUBMISSION TO CONGRESS.—

(A) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(B) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by paragraph (1).

(b) SPECIAL AFRICA AND LATIN AMERICA AND THE CARIBBEAN EXPORT STRATEGY COORDINATORS.—The President shall designate an individual to serve as Special Africa Export Strategy Coordinator and an individual to serve as Special Latin America and the Caribbean Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by subsection (a); and

(2) to coordinate developing and implementing the strategy with—

(A) the Trade Promotion Coordinating Committee;

(B) the Assistant United States Trade Representative for African Affairs or the Assistant United States Trade Representative for the Western Hemisphere, as appropriate;

(C) the Assistant Secretary of State for African Affairs or the Assistant Secretary of State for Western Hemisphere Affairs, as appropriate;

(D) the Export-Import Bank of the United States;

(E) the United States International Development Finance Corporation; and

(F) the development agencies.

(c) TRADE MISSIONS TO AFRICA AND LATIN AMERICA AND THE CARIBBEAN.—It is the sense of Congress that, not later than one year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct joint trade missions to Africa and to Latin America and the Caribbean.

(d) TRAINING.—The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the United States International Development Finance Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than one year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country receives that training.

(e) DEFINITIONS.—In this section:

(1) DEVELOPMENT AGENCIES.—The term “development agencies” means the United States Department of State, the United States Agency for International Development, the Millennium Challenge Corporation, the United States International Development Finance Corporation, the United States Trade and Development Agency, the United States Department of Agriculture, and relevant multilateral development banks.

(2) MULTILATERAL DEVELOPMENT BANKS.—The term “multilateral development banks” has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(3) TRADE POLICY STAFF COMMITTEE.—The term “Trade Policy Staff Committee” means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations.

(4) TRADE PROMOTION COORDINATING COMMITTEE.—The term “Trade Promotion Coordinating Committee” means the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727).

(5) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term “United States and Foreign Commercial Service” means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

**SA 279.** Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

#### Subtitle H—Know Your App Act

##### SEC. 1091. SHORT TITLE.

This subtitle may be cited as the “Know Your App Act”.

##### SEC. 1092. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Minors engaging with internet-linked applications face heightened susceptibility to privacy risks and potential exploitation through those applications. It is crucial for parents and guardians to possess comprehensive knowledge about the applications being accessed so that they can make informed decisions to protect their children.

(2) Many users are unaware of the country of origin of the applications they download and use, as well as the data handling practices of the developers behind those applications. This lack of transparency can lead to potential risks for users, including exposure to foreign government surveillance, data breaches, and privacy violations. Users have a right to know baseline information on the country of origin so that they can personally

make decisions to mitigate the threat to their personal and biometric information.

(3) The potential for foreign governments to access user data through internet-linked applications presents national security risks. These risks may include the collection of sensitive information, espionage, and potential influence over critical infrastructure.

(4) Increasing transparency and providing users with the necessary information to make informed decisions about the applications they download can help protect consumer privacy and security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that covered companies and developers already possess the information necessary to provide adequate transparency to consumers.

##### SEC. 1093. PUBLIC LISTING OF COUNTRY OF ORIGIN OF APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) APPLICATION.—The term “application” means a software application or electronic service that may be run or directed by a user on a computer, a mobile device, or any other general purpose computing device.

(2) APPLICATION STORE.—The term “application store” means a publicly available website, software application, electronic service, or platform provided by a device manufacturer that—

(A) distributes applications from third-party developers to users of a computer, a mobile device, or any other general purpose computing device; and

(B) has more than 20,000,000 users in the United States.

(3) APPLICATION STORE PAGE.—The term “application store page” means the individual, dedicated listing page within an application store that serves as the primary source of information on a specific application and provides detailed information about the application, including the name of the application, the developer, a description, user ratings and reviews, screenshots or previews, pricing, and system requirements.

(4) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(5) BENEFICIAL OWNER.—The term “beneficial owner” —

(A) means, with respect to a developer of an application, an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

(i) exercises substantial control over the developer; or

(ii) owns or controls not less than 25 percent of the ownership interests of the developer; and

(B) does not include—

(i) a minor child, as defined in the State in which the entity is formed, if the information of the parent or guardian of the minor child is reported in accordance with this section;

(ii) an individual acting as a nominee, intermediary, custodian, or agent on behalf of another individual;

(iii) an individual acting solely as an employee of a corporation, limited liability company, or other similar entity and whose control over or economic benefits from such entity is derived solely from the employment status of the individual;

(iv) an individual whose only interest in a corporation, limited liability company, or other similar entity is through a right of inheritance; or

(v) a creditor of a corporation, limited liability company, or other similar entity, unless the creditor meets the requirements of subparagraph (A).

(6) COUNTRY OF CONCERN.—The term “country of concern” means a country that is on the list described in section 1094.

(7) COUNTRY OF ORIGIN.—The term “country of origin” —

(A) with respect to the developer of an application, means the country in which the developer is headquartered or principally operates; and

(B) with respect to the beneficial owner of the developer of an application—

(i) except as provided in clause (ii), means the country from which the beneficial owner principally exercises control over the developer; and

(ii) if the beneficial owner exercises any control over the developer from a country of concern, means that country.

(8) COVERED COMPANY.—The term “covered company” means any person, entity, or organization that owns, controls, or operates an application store that serves customers in the United States.

(9) DEVELOPER.—The term “developer” means a person that creates, owns, or controls an application and is responsible for the design, development, maintenance, and distribution of the application to end users through an application store.

(10) PRIMARY COUNTRY OF ORIGIN.—The term “primary country of origin”, with respect to an application—

(A) except as provided in subparagraph (B), means the country of origin of the developer of the application; and

(B) if the country of origin of the beneficial owner of the developer of the application is a country of concern, means that country.

(11) PROMINENT DISPLAY.—The term “prominent display”, with respect to an application store page, means a banner that is immediately and clearly visible when the application store page is accessed.

(b) REQUIREMENTS.—

(1) PUBLIC LISTING.—The Assistant Secretary shall require a covered company to publicly list, in a prominent display on the application store page, the primary country of origin of each application distributed through an application store owned, controlled, or operated by the covered company.

(2) PROTECTIONS REGARDING CERTAIN FOREIGN COUNTRIES.—

(A) FILTER FOR CERTAIN APPLICATIONS.—The Assistant Secretary shall require a covered company to provide users of the covered company’s application store with the option to filter out applications whose primary country of origin is a country of concern.

(B) DISCLAIMER FOR CERTAIN APPLICATIONS.—The Assistant Secretary shall require that if the primary country of origin of an application is a country of concern, a covered company that distributes the application through an application store shall provide a disclaimer, in a prominent display on the application store page, that data from the application could be accessed by a foreign government.

(3) UPDATE OF INFORMATION.—

(A) IN GENERAL.—The Assistant Secretary shall require a developer to notify a covered company whose application store distributes the developer’s application of any change in—

(i) the country of origin of the developer;

(ii) the beneficial owner of the developer; or

(iii) the country of origin of the beneficial owner of the developer.

(B) DEVELOPER CERTIFICATION.—

(i) IN GENERAL.—The Assistant Secretary shall require a developer to certify to each covered company that owns, controls, or operates an application store through which the developer’s application is distributed, not less frequently than annually, that the information displayed on the application

store page with respect to the application, including primary country of origin and beneficial ownership, is up-to-date.

(ii) VIOLATIONS.—If a developer violates clause (i)—

(I) the covered company shall issue the developer a series of not fewer than 3 warnings over a period of not more than 90 days; and

(II) if the developer does not correct the violation by the date that is 90 days after the date on which the first warning is issued under subclause (I), the covered company shall remove the application of the developer from the application store.

(4) REPORTING MECHANISM.—The Assistant Secretary shall require a covered company to establish a mechanism that—

(A) allows a user of the covered company's application store, an employee of a developer whose application is distributed through the covered company's application store, or an associated third party to report a potential violation of this subsection by a developer, including incorrect information displayed on the application store page; and

(B) allows a report under subparagraph (A) to be made anonymously.

(5) WRITTEN POLICY FOR APPEALS OF REMOVALS.—The Assistant Secretary shall require a covered company to establish, for any application store owned, controlled, or operated by the covered company, a clear written policy for how a developer can appeal the removal of an application from the application store and have the application be reinstated.

#### SEC. 1094. LIST OF FOREIGN COUNTRIES WITH NATIONAL LAWS RESULTING IN GOVERNMENT CONTROL OVER APPLICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury and the Secretary of Commerce shall jointly develop and submit to Congress a list of each foreign country that has in effect a national law that may subject a developer or application to control by the government of the country over content moderation, algorithm design, or user data transfers.

(b) PUBLICATION.—With respect to the list developed under subsection (a)—

(1) the Secretary of the Treasury shall make the list publicly available on the website of the Department of the Treasury; and

(2) the Secretary of Commerce shall make the list publicly available on the website of the Department of Commerce.

#### SEC. 1095. LIMITATION OF ENFORCEMENT AND REGULATION.

The Assistant Secretary of Commerce for Communications and Information may not exercise any enforcement authority or regulatory authority over a covered company or developer that is not provided under this subtitle, including through rulemaking.

#### SEC. 1096. ENFORCEMENT.

The Attorney General may bring a civil action in an appropriate district court of the United States against any covered company that violates this subtitle.

**SA 280.** Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 10 . DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON USE OF ALTERNATIVE CREDIT SCORING INFORMATION OR CREDIT SCORING MODELS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program that will assess the feasibility and advisability of—

(A) using alternative credit scoring information or credit scoring models using alternative credit scoring methodology for an individual described in paragraph (2)—

(i) to improve the determination of creditworthiness of such an individual; and

(ii) to increase the number of such individuals who are able to obtain a loan guaranteed or insured under chapter 37 of title 38, United States Code; and

(B) in consultation with such entities as the Secretary considers appropriate, establishing criteria for acceptable commercially available credit scoring models to be used by lenders for the purpose of guaranteeing or insuring a loan under chapter 37 of title 38, United States Code.

(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is a veteran or a member of the Armed Forces who—

(A) is eligible for a loan under chapter 37 of title 38, United States Code; and

(B) has an insufficient credit history for a lender or the Secretary to determine the creditworthiness of the individual.

(3) ALTERNATIVE CREDIT SCORING INFORMATION.—Alternative credit scoring information described in paragraph (1)(A) may include proof of rent, utility, and insurance payment histories, and such other information as the Secretary considers appropriate.

(b) VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall ensure that any participation in the pilot program is voluntary on an opt-in basis for a lender, a borrower, and an individual described in subsection (a)(2).

(2) NOTICE OF PARTICIPATION.—Subject to paragraph (3), any lender who participates in the pilot program shall—

(A) notify each individual described in subsection (a)(2) who, during the pilot program, applies for a loan under chapter 37 of title 38, United States Code, from such lender, of the lender's participation in the pilot program; and

(B) offer such individual the opportunity to participate in the pilot program.

(3) LIMITATION.—

(A) IN GENERAL.—The Secretary may establish a limitation on the number of individuals and lenders that may participate in the pilot program.

(B) REPORT.—If the Secretary limits participation in the pilot program under subparagraph (A), the Secretary shall, not later than 15 days after establishing such limitation, submit to Congress a report setting forth the reasons for establishing such limitation.

(c) APPROVAL OF CREDIT SCORING MODELS.—

(1) IN GENERAL.—A lender participating in the pilot program may not use a credit scoring model under subsection (a)(1)(A) until the Secretary has reviewed and approved such credit scoring model for purposes of the pilot program.

(2) PUBLICATION OF CRITERIA.—The Secretary shall publish in the Federal Register any criteria established under subsection (a)(1)(B) for acceptable commercially available credit scoring models that use alternative credit scoring information described in subsection (a)(1)(A) to be used for purposes of the pilot program.

(3) CONSIDERATIONS; APPROVAL OF CERTAIN MODELS.—In selecting credit scoring models

to approve under this section, the Secretary shall —

(A) consider the criteria for credit score assessments under section 1254.7 of title 12, Code of Federal Regulations; and

(B) approve any commercially available credit scoring model that has been approved pursuant to section 302(b)(7) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(7)) or section 305(d) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(d)).

(d) OUTREACH.—To the extent practicable, the Secretary shall conduct outreach to lenders and individuals described in subsection (a)(2) to inform such persons of the pilot program.

(e) REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The findings of the Secretary with respect to the feasibility and advisability of using alternative credit scoring information or credit scoring models using alternative credit scoring methodology for individuals described in subsection (a)(2).

(B) A description of the efforts of the Secretary to assess the feasibility and advisability of using alternative credit scoring information or credit scoring models as described in subparagraph (A).

(C) To the extent practicable, the following:

(i) The rate of participation in the pilot program.

(ii) An assessment of whether participants in the pilot program benefitted from such participation.

(D) An assessment of the effect of the pilot program on the subsidy rate for loans guaranteed or insured by the Secretary under chapter 37 of title 38, United States Code.

(E) Such other information as the Secretary considers appropriate.

(f) TERMINATION.—

(1) IN GENERAL.—The Secretary shall complete the pilot program required by subsection (a)(1) not later than September 30, 2027.

(2) EFFECT ON LOANS AND APPLICATIONS.—The termination of the pilot program under paragraph (1) shall not affect a loan guaranteed, or for which loan applications have been received by a participating lender, on or before the date of the completion of the pilot program.

(g) INSUFFICIENT CREDIT HISTORY DEFINED.—In this section, the term “insufficient credit history”, with respect to an individual described in subsection (a)(2), means that the individual does not have a credit record with one of the national credit reporting agencies or such credit record contains insufficient credit information to assess creditworthiness.

**SA 281.** Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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



**SEC. 12 . . . REPEAL OF SUNSET OF IRAN SANCTIONS ACT OF 1996.**

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

(1) The Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) requires the imposition of sanctions with respect to Iran's illicit weapons programs, conventional weapons and ballistic missile development, and support for terrorism, including Iran's Revolutionary Guards Corps.

(2) The Government of Iran has acquired destabilizing conventional weapons systems from the Russian Federation and other malign actors, and is funneling weapons and financial support to its terrorist proxies throughout the Middle East, threatening allies and partners of the United States, such as Israel.

(b) STATEMENT OF POLICY.—It is the policy of the United States to fully implement and enforce the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(c) REPEAL OF SUNSET.—Section 13 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking “; SUNSET”;

(2) by striking “(a) EFFECTIVE DATE.—”;

and

(3) by striking subsection (b).

### AUTHORITY FOR COMMITTEES TO MEET

Mr. WHITEHOUSE. Madam President, I have 11 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

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

#### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, July 12, 2023, at 9:30 a.m., to conduct a hearing on a nomination.

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet in executive session during the session of the Senate on Wednesday, July 12, 2023, at 2 p.m.

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet in executive session during the session of the Senate on Wednesday, July 12, 2023, at 10 a.m.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet in executive session during the session of the Senate on Wednesday, July 12, 2023, at 5:30 p.m.

#### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session

of the Senate on Wednesday, July 12, 2023, at 2:30 p.m., to conduct a hearing.

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, July 12, 2023, at 10 a.m., to conduct a hearing on nominations.

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, July 12, 2023, at 3 p.m., to conduct a hearing.

#### COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, July 12, 2023, at 3 p.m., to conduct a hearing.

#### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, July 12, 2023, at 2:30 p.m., to conduct an open nomination hearing.

#### SUBCOMMITTEE ON ECONOMIC POLICY

The Subcommittee on Economic Policy of the Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, July 12, 2023, at 2:30 p.m., to conduct a hybrid hearing.

#### SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

The Subcommittee on Public Lands, Forests, and Mining of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, July 12, 2023, at 2:30 p.m., to conduct a hearing.

### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Madam President, I ask unanimous consent that privileges of the floor be granted to Luz Carmen Dominguez DeJesus during the balance of today's session.

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

Ms. LUMMIS. Madam President, I ask unanimous consent that the following interns in my office be granted floor privileges until July 13, 2023: Michael Newman, Jennifer Campos, and Ianna Harrison.

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

Mr. MURPHY. Madam President, I ask unanimous consent that privileges for the floor be granted to the following members of my staff through the end of July: Eleanor Schmutz, Clara Adams, Caroline Shinney, Nicholas Benvenuto, Stephanie Crocker, Bennett Gilhuly, Alex Page, Ritwik Bose, Elena Brennan, Nader Granmayeh, Hugh Cecil, Liv Birnstad, and Evan Maher.

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

### RESOLUTIONS SUBMITTED TODAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 291, S. Res. 292, and S. Res. 293.

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

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

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under “Submitted Resolutions.”)

### ORDERS FOR THURSDAY, JULY 13, 2023

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, July 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Kotagal nomination; finally, that if any nominations are confirmed during Thursday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. 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 6:59 p.m., adjourned until Thursday, July 13, 2023, at 10 a.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate July 12, 2023:

#### THE JUDICIARY

TIFFANY M. CARTWRIGHT, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

MYONG J. JOUN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.