

weeks crammed into small cages on the back of vehicles without food or water, and others suffer illness and injury during transport;

Whereas the extreme suffering of dogs and cats at such slaughterhouses and on transportation trucks would breach anti-cruelty laws in the United States and other countries;

Whereas many government officials, civil society advocates, and activists are working to end the dog and cat meat trade on anticruelty and public health grounds;

Whereas the World Health Organization has linked the dog meat industry to human outbreaks of trichinellosis, cholera, and rabies;

Whereas individuals involved in the dog meat industry are at an increased health risk for zoonotic diseases, such as rabies, which can transfer from dogs to humans through infectious material such as saliva;

Whereas the spread of disease may be exacerbated by unsanitary conditions of slaughter and by the sale of dog and cat meat at open-air markets and restaurants; and

Whereas the World Health Organization and the Global Alliance for Rabies Control have both acknowledged the link between the spread of rabies and the dog meat trade which sees large numbers of dogs of unknown disease status moved vast distances: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls for an end to the consumption and trade of dog and cat meat on cruelty and public health grounds;

(2) urges all countries with a dog or cat meat trade to adopt and enforce laws banning that trade; and

(3) affirms the commitment of the United States to advancing the cause of animal protection and animal welfare, both domestically and around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 988. Ms. ERNST (for herself, Ms. HIRONO, Mr. KAINE, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) 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.

SA 989. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 990. 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 991. Ms. CORTEZ MASTO (for herself and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 992. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 993. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 994. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 995. Mr. PAUL submitted an amendment intended to be proposed by him to the

bill S. 2226, supra; which was ordered to lie on the table.

SA 996. 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 997. 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 998. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 999. Mr. RISCH (for Mr. BARRASSO (for himself, Mr. MANCHIN, and Mr. RISCH)) submitted an amendment intended to be proposed by Mr. Risch to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1000. Ms. LUMMIS (for herself, Mrs. GILLIBRAND, Ms. WARREN, and Mr. MARSHALL) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1001. Mr. OSSOFF (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1002. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1003. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1004. Mr. PADILLA submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1005. Mr. PADILLA submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1006. Mr. PADILLA (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 1007. 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 1008. Mr. TILLIS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1009. 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 1010. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1011. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1012. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1013. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 779 submitted by Mr. MENENDEZ (for himself, Mr. KAINE, and Mrs. SHAHEEN) and intended to be proposed to the bill S. 2226, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 988. Ms. ERNST (for herself, Ms. HIRONO, Mr. KAINE, and Mr. VAN HOLLEN) submitted an amendment in-

tended to be proposed to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) 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:

TITLE —CONNECTING OCEANIA'S NATIONS WITH VANGUARD EXERCISES AND NATIONAL EMPOWERMENT

SEC. 01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Connecting Oceania’s Nations with Vanguard Exercises and National Empowerment” or the “CONVENE Act of 2023”.

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

TITLE —CONNECTING OCEANIA'S NATIONS WITH VANGUARD EXERCISES AND NATIONAL EMPOWERMENT

Sec. 01. Short title; table of contents.

Sec. 02. Definitions.

Sec. 03. National security councils of specified countries.

SEC. 02. DEFINITIONS.

In this title:

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

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

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

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term “congressional defense committees” has the meaning given such term in section 101(a) of title 10, United States Code.

(3) NATIONAL SECURITY COUNCIL.—The term “national security council” means, with respect to a specified country, an intergovernmental body under the jurisdiction of the freely elected government of the specified country that acts as the primary coordinating entity for security cooperation, disaster response, and the activities described section 6103(f).

(4) SPECIFIED COUNTRY.—The term “specified country” means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands; and

(C) the Republic of Palau.

SEC. 03. NATIONAL SECURITY COUNCILS OF SPECIFIED COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in consultation with other relevant Federal departments and agencies, as appropriate, may consult and engage with each specified country to advise and provide assistance to a national security council (including by developing a national security council, if appropriate), or to identify a similar coordinating body for national security matters, comprised of citizens of the specified country—

(1) that enables the specified country—

(A) to better coordinate with the United States Government, including the Armed Forces, as appropriate;

(B) to increase cohesion on activities, including emergency humanitarian response, law enforcement, and maritime security activities; and

(C) to provide trained professionals to serve as members of the committees of the

specified country established under the applicable Compact of Free Association; and

(2) for the purpose of enhancing resilience capabilities and protecting the people, infrastructure, and territory of the specified country from malign actions.

(b) COMPOSITION.—The Secretary of State, respecting the unique needs of each specified country, may seek to ensure that the national security council, or other identified coordinating body, of the specified country is composed of sufficient staff and members to enable the activities described in subsection (f).

(c) ACCESS TO SENSITIVE INFORMATION.—The Secretary of State, with the concurrence of the Director of National Intelligence, may establish, as appropriate, for use by the members and staff of the national security council, or other identified coordinating body, of each specified country standards and a process for vetting and sharing sensitive information.

(d) STANDARDS FOR EQUIPMENT AND SERVICES.—The Secretary of State may work with the national security council, or other identified coordinating body, of each specified country to ensure that—

(1) the equipment and services used by the national security council or other identified coordinating body are compliant with security standards so as to minimize the risk of cyberattacks or espionage;

(2) the national security council or other identified coordinating body takes all reasonable efforts not to procure or use systems, equipment, or software that originates from any entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3965; 10 U.S.C. 113 note); and

(3) to the extent practicable, the equipment and services used by the national security council or other identified coordinating body are interoperable with the equipment and services used by the national security councils, or other identified coordinating bodies, of the other specified countries.

(e) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of State shall submit to the appropriate committees of Congress a report that includes—

(A) an assessment as to whether a national security council or a similar formal coordinating body is helping or would help achieve the objectives described in subsection (a) at acceptable financial and opportunity cost;

(B) a description of all actions taken by the United States Government to assist in the identification or maintenance of a national security council, or other identified coordinating body, in each specified country;

(C) with respect to each specified country, an assessment as to whether—

(i) the specified country has appropriately staffed its national security council or other identified coordinating body; and

(ii) the extent to which the national security council, or other identified coordinating body, of the specified country is capable of carrying out the activities described in subsection (f);

(D) an assessment of—

(i) any challenge to cooperation and coordination with the national security council, or other identified coordinating body, of any specified country;

(ii) current efforts by the Secretary of State to coordinate with the specified countries on the activities described in subsection (f); and

(iii) existing governmental entities within each specified country that are capable of supporting such activities;

(E) a description of any challenge with respect to—

(i) the implementation of the national security council, or other identified coordinating body, of any specified country; and

(ii) the implementation of subsections (a) through (d);

(F) an assessment of any attempt or campaign by a malign actor to influence the political, security, or economic policy of a specified country, a member of a national security council or other identified coordinating body, or an immediate family member of such a member; and

(G) any other matter the Secretary of State considers relevant.

(2) FORM.—Each report required by paragraph (1) may be submitted in unclassified form and may include a classified annex.

(f) ACTIVITIES DESCRIBED.—The activities described in this subsection are the following:

(1) HOMELAND SECURITY ACTIVITIES.—

(A) Coordination of—

(i) the prosecution and investigation of transnational criminal enterprises;

(ii) responses to national emergencies, such as natural disasters;

(iii) counterintelligence and counter-coercion responses to foreign threats; and

(iv) efforts to combat illegal, unreported, or unregulated fishing.

(B) Coordination with United States Government officials on humanitarian response, military exercises, law enforcement, and other issues of security concern.

(C) Identification and development of an existing governmental entity to support homeland defense and civil support activities.

SA 989. Mr. DAINES 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 534 and insert the following:

SEC. 534. MILITARY PERSONNEL: RECRUITING; MERIT-BASED DETERMINATIONS.

(a) RECRUITING.—Not later than September 30, 2024, the Secretary of Defense shall prescribe regulations that any effort to recruit an individual to serve in a covered Armed Force may not take into account the race or gender of such individual.

(b) MERIT-BASED DETERMINATIONS.—Not later than September 30, 2024, the Secretary of Defense shall prescribe regulations that, with regards to a military accession, assignment, selection, or promotion—

(1) a determination shall be made on the basis of merit in order to advance those individuals who exhibit the talent and abilities necessary to promote the national security of the United States;

(2) a candidate shall be evaluated on the bases of qualifications, performance, integrity, fitness, training, and conduct;

(3) no determination may be based on favoritism or nepotism; and

(4) no quota may be used.

(c) COVERED ARMED FORCE DEFINED.—In this section, the term “covered Armed Force” means the following:

(1) The Army.

(2) The Navy.

(3) The Marine Corps.

(4) The Air Force.

(5) The Space Force.

SA 990. 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. REPORT ON EFFORTS TO CONDUCT OUTREACH TO MEMBERS OF THE ARMED FORCES REGARDING POSSIBLE TOXIC EXPOSURE.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to the appropriate committees of Congress a report on—

(1) efforts by the Department of Defense to conduct risk assessments for toxic exposure for members of the Armed Forces assigned to work near burn pits;

(2) steps taken by the Department to inform members of the Armed Forces assigned to work near burn pits of—

(A) risks of toxic exposure; and

(B) benefits and support programs furnished by the Secretary of Defense or the Secretary of Veterans Affairs (including eligibility requirements and timelines) regarding toxic exposure; and

(3) specific areas of improvement and recommendations for future action related to toxic exposure risk assessments and subsequent outreach to members of the Armed Forces.

(b) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

(2) TOXIC EXPOSURE.—The term “toxic exposure” has the meaning given that term in section 101 of title 38, United States Code.

SA 991. Ms. CORTEZ MASTO (for herself and Mr. DAINES) 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 XII, add the following:

SEC. 1269. FEASIBILITY STUDY ON ESTABLISHMENT OF INDO-PACIFIC MARITIME GOVERNANCE CENTER OF EXCELLENCE.

(a) IN GENERAL.—The Secretary of Defense shall conduct a feasibility study on establishing an Indo-Pacific Maritime Governance Center of Excellence focused on building partner capacity for maritime governance. Such study shall include an evaluation of each of the following:

(1) The strategic importance of the Indo-Pacific region in terms of maritime security and governance.

(2) The existing maritime governance frameworks and institutions in the Indo-Pacific region.

(3) The potential contributions and benefits of establishing a dedicated center for promoting maritime governance in the Indo-Pacific region.

(4) The potential roles, responsibilities, and organizational structure of the center.

(5) The required resources, funding, and personnel necessary to establish and sustain the center.

(6) The potential partnerships and collaborations with regional and international stakeholders, including allied and partner nations, nongovernmental organizations, and academic institutions.

(7) The legal and regulatory considerations, including any necessary agreements or frameworks with other entities to establish and operate the center.

(8) Any other relevant factors the Secretary determines necessary for the successful implementation of the center.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study required under subsection (a).

SA 992. 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 appropriate place in subtitle D of title XXXI, insert the following:

SEC. 31. PROHIBITION ON EXPORTS OF CRUDE OIL TO CERTAIN COUNTRIES.

(a) PROHIBITIONS.—Notwithstanding any other provision of law, unless a waiver has been issued under subsection (b) with respect to the applicable country, no crude oil that is produced in the United States may be exported to the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, or the Islamic Republic of Iran.

(b) WAIVER.—

(1) IN GENERAL.—On application, the Secretary of Energy may waive the prohibition described in subsection (a) with respect to the export of crude oil to the applicable country under that subsection.

(2) REQUIREMENT.—The Secretary of Energy may issue a waiver under this subsection only if the Secretary determines that the waiver is in the interest of the national security of the United States.

(3) APPLICATIONS.—To be considered for a waiver under paragraph (1), an application for a waiver referred to in that paragraph shall be submitted to the Secretary of Energy by such date, in such form, and containing such information as the Secretary of Energy may require.

(4) NOTICE TO CONGRESS.—Not later than 15 days after issuing a waiver under this subsection, the Secretary of Energy shall provide a copy of the waiver to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SA 993. 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 appropriate place, insert the following:

SEC. _____. DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF JUSTICE INITIATIVES TO COMBAT TRANSNATIONAL REPRESSION IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Homeland Security and the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall—

(1) dedicate resources to ensure that a tip line for victims and witnesses of transnational repression—

(A) is staffed by people who are—

(i) equipped with cultural and linguistic ability to communicate effectively with diaspora and exile communities; and

(ii) knowledgeable of the tactics of transnational repression; and

(B) is encrypted and, to the maximum extent practicable, protects the confidentiality of the identifying information of individuals who may call the tip line;

(2) not later than 270 days after the date of the enactment of this Act—

(A) identify existing Federal resources to assist and protect individuals and communities targeted by transnational repression in the United States; and

(B) in cooperation with the Secretary of Health and Human Services and the heads of other Federal agencies, publish such resources in a toolkit or guide;

(3) continue to conduct proactive outreach so that individuals in targeted communities—

(A) are aware of the tip line described in paragraph (1); and

(B) are informed about the types of incidents that should be reported to the Federal Bureau of Investigation;

(4) support data collection and analysis undertaken by Federal research and development centers regarding the needs of targeted communities in the United States, with the goal of identifying priority needs and developing solutions and assistance mechanisms, while recognizing that such mechanisms may differ depending on geographic location of targeted communities, language, and other factors;

(5) continue to issue advisories to, and engage regularly with, communities that are at particular risk of transnational repression, including specific diaspora communities—

(A) to explain what transnational repression is and clarify the threshold at which incidents of transnational repression constitute a crime; and

(B) to identify the resources available to individuals in targeted communities to facilitate their reporting of, and to protect them from, transnational repression, without placing such individuals at additional risk; and

(6) conduct annual trainings with caseworker staff in congressional offices regarding the tactics of transnational repression and the resources available to their constituents.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,000,000 for each of the fiscal years 2024 through 2027, for the research, development, outreach, and training activities described in subsection (a).

SA 994. Mr. WARNER 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 appropriate place, insert the following:

DIVISION ____—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Intelligence Authorization Act for Fiscal Year 2024".

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

DIVISION ____—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Intelligence Community Management Account.

Sec. 104. Increase in employee compensation and benefits authorized by law.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

Sec. 301. Plan to recruit, train, and retain personnel with experience in financial intelligence and emerging technologies.

Sec. 302. Policy and performance framework for mobility of intelligence community workforce.

Sec. 303. In-State tuition rates for active duty members of the intelligence community.

Sec. 304. Standards, criteria, and guidance for counterintelligence vulnerability assessments and surveys.

Sec. 305. Improving administration of certain post-employment restrictions for intelligence community.

Sec. 306. Mission of the National Counterintelligence and Security Center.

Sec. 307. Prohibition relating to transport of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 308. Department of Energy science and technology risk assessments.

Sec. 309. Congressional oversight of intelligence community risk assessments.

Sec. 310. Inspector General review of dissemination by Federal Bureau of Investigation Richmond, Virginia, field office of certain document.

Sec. 311. Office of Intelligence and Analysis.

Subtitle B—Central Intelligence Agency

Sec. 321. Change to penalties and increased availability of mental health treatment for unlawful conduct on Central Intelligence Agency installations.

Sec. 322. Modifications to procurement authorities of the Central Intelligence Agency.

Sec. 323. Establishment of Central Intelligence Agency standard workplace sexual misconduct complaint investigation procedure.

TITLE IV—MATTERS CONCERNING FOREIGN COUNTRIES

Subtitle A—People's Republic of China

- Sec. 401. Intelligence community coordinator for accountability of atrocities of the People's Republic of China.
- Sec. 402. Interagency working group and report on the malign efforts of the People's Republic of China in Africa.
- Sec. 403. Amendment to requirement for annual assessment by intelligence community working group for monitoring the economic and technological capabilities of the People's Republic of China.
- Sec. 404. Assessments of reciprocity in the relationship between the United States and the People's Republic of China.
- Sec. 405. Annual briefing on intelligence community efforts to identify and mitigate Chinese Communist Party and Russian foreign malign influence operations against the United States.
- Sec. 406. Assessment of threat posed to United States ports by cranes manufactured by countries of concern.

Subtitle B—Other Foreign Countries

- Sec. 411. Report on efforts to capture and detain United States citizens as hostages.
- Sec. 412. Sense of Congress on priority of fentanyl in National Intelligence Priorities Framework.

TITLE V—MATTERS PERTAINING TO UNITED STATES ECONOMIC AND EMERGING TECHNOLOGY COMPETITION WITH UNITED STATES ADVERSARIES

Subtitle A—General Matters

- Sec. 501. Assignment of detailees from intelligence community to Department of Commerce.
- Sec. 502. Threats posed by information and communications technology and services transactions and other activities.
- Sec. 503. Support of intelligence community for export controls and other missions of the Department of Commerce.

Subtitle B—Next-generation Energy, Biotechnology, and Artificial Intelligence

- Sec. 511. Expanded annual assessment of economic and technological capabilities of the People's Republic of China.
- Sec. 512. Assessment of using civil nuclear energy for intelligence community capabilities.
- Sec. 513. Policies established by Director of National Intelligence for artificial intelligence capabilities.

TITLE VI—WHISTLEBLOWER MATTERS

- Sec. 601. Submittal to Congress of complaints and information by whistleblowers in the intelligence community.
- Sec. 602. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.
- Sec. 603. Establishing process parity for adverse security clearance and access determinations.

Sec. 604. Elimination of cap on compensatory damages for retaliatory revocation of security clearances and access determinations.

Sec. 605. Modification and repeal of reporting requirements.

TITLE VII—CLASSIFICATION REFORM

Subtitle A—Classification Reform Act of 2023

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Classification and declassification of information.
- Sec. 704. Transparency officers.

Subtitle B—Sensible Classification Act of 2023

- Sec. 711. Short title.
- Sec. 712. Definitions.
- Sec. 713. Findings and sense of the Senate.
- Sec. 714. Classification authority.
- Sec. 715. Promoting efficient declassification review.
- Sec. 716. Training to promote sensible classification.
- Sec. 717. Improvements to Public Interest Declassification Board.
- Sec. 718. Implementation of technology for classification and declassification.
- Sec. 719. Studies and recommendations on necessity of security clearances.

TITLE VIII—SECURITY CLEARANCE AND TRUSTED WORKFORCE

- Sec. 801. Review of shared information technology services for personnel vetting.
- Sec. 802. Timeliness standard for rendering determinations of trust for personnel vetting.
- Sec. 803. Annual report on personnel vetting trust determinations.
- Sec. 804. Survey to assess strengths and weaknesses of Trusted Workforce 2.0.
- Sec. 805. Prohibition on denial of eligibility for access to classified information solely because of past use of cannabis.

TITLE IX—ANOMALOUS HEALTH INCIDENTS

- Sec. 901. Improved funding flexibility for payments made by the Central Intelligence Agency for qualifying injuries to the brain.
- Sec. 902. Clarification of requirements to seek certain benefits relating to injuries to the brain.
- Sec. 903. Intelligence community implementation of HAVANA Act of 2021 authorities.
- Sec. 904. Report and briefing on Central Intelligence Agency handling of anomalous health incidents.

TITLE X—ELECTION SECURITY

- Sec. 1001. Strengthening Election Cybersecurity to Uphold Respect for Elections through Independent Testing Act of 2023.

TITLE XI—OTHER MATTERS

- Sec. 1101. Modification of reporting requirement for All-domain Anomaly Resolution Office.
- Sec. 1102. Funding limitations relating to unidentified anomalous phenomena.

SEC. 2. DEFINITIONS.

In this Act:

- (1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).
- (2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2024 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the Federal Government are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2024 the sum of \$658,950,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2024 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 104. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund \$514,000,000 for fiscal year 2024.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 301. PLAN TO RECRUIT, TRAIN, AND RETAIN PERSONNEL WITH EXPERIENCE IN FINANCIAL INTELLIGENCE AND EMERGING TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of human capital

of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan for the intelligence community to recruit, train, and retain personnel who have skills and experience in financial intelligence and emerging technologies in order to improve analytic tradecraft.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following elements:

(1) An assessment, including measurable benchmarks of progress, of current initiatives of the intelligence community to recruit, train, and retain personnel who have skills and experience in financial intelligence and emerging technologies.

(2) An assessment of whether personnel in the intelligence community who have such skills are currently well integrated into the analytical cadre of the relevant elements of the intelligence community that produce analyses with respect to financial intelligence and emerging technologies.

(3) An identification of challenges to hiring or compensation in the intelligence community that limit progress toward rapidly increasing the number of personnel with such skills, and an identification of hiring or other reforms to resolve such challenges.

(4) A determination of whether the National Intelligence University has the resources and expertise necessary to train existing personnel in financial intelligence and emerging technologies.

(5) A strategy, including measurable benchmarks of progress, to, by January 1, 2025, increase by 10 percent the analytical cadre of personnel with expertise and previous employment in financial intelligence and emerging technologies.

SEC. 302. POLICY AND PERFORMANCE FRAMEWORK FOR MOBILITY OF INTELLIGENCE COMMUNITY WORKFORCE.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Secretary of Defense and the Director of the Office of Personnel Management as the Director of National Intelligence considers appropriate, develop and implement a policy and performance framework to ensure the timely and effective mobility of employees and contractors of the Federal Government who are transferring employment between elements of the intelligence community.

(b) **ELEMENTS.**—The policy and performance framework required by subsection (a) shall include processes with respect to the following:

(1) Human resources.

(2) Medical reviews.

(3) Determinations of suitability or eligibility for access to classified information in accordance with Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information).

SEC. 303. IN-STATE TUITION RATES FOR ACTIVE DUTY MEMBERS OF THE INTELLIGENCE COMMUNITY.

(a) **IN GENERAL.**—Section 135(d) of the Higher Education Act of 1965 (20 U.S.C. 1015d(d)), as amended by section 6206(a)(4) of the Foreign Service Families Act of 2021 (Public Law 117–81), is further amended—

(1) in paragraph (1), by striking “or” after the semicolon;

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

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

“(3) a member of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) (other than a member of the Armed Forces of the United States) who is on active duty for a period of more than 30 days.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2026.

SEC. 304. STANDARDS, CRITERIA, AND GUIDANCE FOR COUNTERINTELLIGENCE VULNERABILITY ASSESSMENTS AND SURVEYS.

Section 904(d)(7)(A) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(d)(7)(A)) is amended to read as follows:

“(A) **COUNTERINTELLIGENCE VULNERABILITY ASSESSMENTS AND SURVEYS.**—To develop standards, criteria, and guidance for counterintelligence risk assessments and surveys of the vulnerability of the United States to intelligence threats, including with respect to critical infrastructure and critical technologies, in order to identify the areas, programs, and activities that require protection from such threats.”.

SEC. 305. IMPROVING ADMINISTRATION OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR INTELLIGENCE COMMUNITY.

Section 304 of the National Security Act of 1947 (50 U.S.C. 3073a) is amended—

(1) in subsection (c)(1)—

(A) by striking “A former” and inserting the following:

“(A) **IN GENERAL.**—A former”; and

(B) by adding at the end the following:

“(B) **PRIOR DISCLOSURE TO DIRECTOR OF NATIONAL INTELLIGENCE.**—

“(i) **IN GENERAL.**—In the case of a former employee who occupies a covered post-service position in violation of subsection (a), whether the former employee voluntarily notified the Director of National Intelligence of the intent of the former employee to occupy such covered post-service position before occupying such post-service position may be used in determining whether the violation was knowing and willful for purposes of subparagraph (A).

“(ii) **PROCEDURES AND GUIDANCE.**—The Director of National Intelligence may establish procedures and guidance relating to the submittal of notice for purposes of clause (i).”;

and

(2) in subsection (d)—

(A) in paragraph (1), by inserting “the restrictions under subsection (a) and” before “the report requirements”;;

(B) in paragraph (2), by striking “ceases to occupy” and inserting “occupies”; and

(C) in paragraph (3)(B), by striking “before the person ceases to occupy a covered intelligence position” and inserting “when the person occupies a covered intelligence position”.

SEC. 306. MISSION OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

(a) **IN GENERAL.**—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

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

“(d) **MISSION.**—The mission of the National Counterintelligence and Security Center shall include organizing and leading strategic planning for counterintelligence activities of the United States Government by integrating instruments of national power as

needed to counter foreign intelligence activities.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **COUNTERINTELLIGENCE ENHANCEMENT ACT OF 2002.**—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(A) in subsection (e), as redesignated by subsection (a)(1), by striking “Subject to subsection (e)” both places it appears and inserting “Subject to subsection (f)”; and

(B) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking “subsection (d)(1)” and inserting “subsection (e)(1)”; and

(ii) in paragraph (2), by striking “subsection (d)(2)” and inserting “subsection (e)(2)”.

(2) **COUNTERINTELLIGENCE AND SECURITY ENHANCEMENTS ACT OF 1994.**—Section 811(d)(1)(B)(ii) of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381(d)(1)(B)(ii)) is amended by striking “section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2))” and inserting “section 904(e)(2) of that Act (50 U.S.C. 3383(e)(2))”.

SEC. 307. PROHIBITION RELATING TO TRANSPORT OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **DEFINITION OF INDIVIDUAL DETAINED AT GUANTANAMO.**—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S.C. 801 note).

(b) **PROHIBITION ON CHARTERING PRIVATE OR COMMERCIAL AIRCRAFT TO TRANSPORT INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**—No head of an element of the intelligence community may charter any private or commercial aircraft to transport an individual who is or was an individual detained at Guantanamo.

SEC. 308. DEPARTMENT OF ENERGY SCIENCE AND TECHNOLOGY RISK ASSESSMENTS.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTRY OF RISK.**—

(A) **IN GENERAL.**—The term “country of risk” means a foreign country determined by the Secretary, in accordance with subparagraph (B), to present a risk of theft of United States intellectual property or a threat to the national security of the United States if nationals of the country, or entities owned or controlled by the country or nationals of the country, participate in any research, development, demonstration, or deployment activity authorized under this Act or an amendment made by this Act.

(B) **DETERMINATION.**—In making a determination under subparagraph (A), the Secretary, in coordination with the Director of the Office of Intelligence and Counterintelligence, shall take into consideration—

(i) the most recent World Wide Threat Assessment of the United States Intelligence Community, prepared by the Director of National Intelligence; and

(ii) the most recent National Counterintelligence Strategy of the United States.

(2) **COVERED SUPPORT.**—The term “covered support” means any grant, contract, subcontract, award, loan, program, support, or other activity authorized under this Act or an amendment made by this Act.

(3) **ENTITY OF CONCERN.**—The term “entity of concern” means any entity, including a national, that is—

(A) identified under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note; Public Law 105–261);

(B) identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note; Public Law 116–283);

(C) on the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations;

(D) included in the list required by section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116-145; 134 Stat. 656); or

(E) identified by the Secretary, in coordination with the Director of the Office of Intelligence and Counterintelligence and the applicable office that would provide, or is providing, covered support, as posing an unmanageable threat—

(i) to the national security of the United States; or

(ii) of theft or loss of United States intellectual property.

(4) NATIONAL.—The term “national” has the meaning given the term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

(b) SCIENCE AND TECHNOLOGY RISK ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall develop and maintain tools and processes to manage and mitigate research security risks, such as a science and technology risk matrix, informed by threats identified by the Director of the Office of Intelligence and Counterintelligence, to facilitate determinations of the risk of loss of United States intellectual property or threat to the national security of the United States posed by activities carried out under any covered support.

(2) CONTENT AND IMPLEMENTATION.—In developing and using the tools and processes developed under paragraph (1), the Secretary shall—

(A) deploy risk-based approaches to evaluating, awarding, and managing certain research, development, demonstration, and deployment activities, including designations that will indicate the relative risk of activities;

(B) assess, to the extent practicable, ongoing high-risk activities;

(C) designate an officer or employee of the Department of Energy to be responsible for tracking and notifying recipients of any covered support of unmanageable threats to United States national security or of theft or loss of United States intellectual property posed by an entity of concern;

(D) consider requiring recipients of covered support to implement additional research security mitigations for higher-risk activities if appropriate; and

(E) support the development of research security training for recipients of covered support on the risks posed by entities of concern.

(3) ANNUAL UPDATES.—The tools and processes developed under paragraph (1) shall be evaluated annually and updated as needed, with threat-informed input from the Office of Intelligence and Counterintelligence, to reflect changes in the risk designation under paragraph (2)(A) of research, development, demonstration, and deployment activities conducted by the Department of Energy.

(c) ENTITY OF CONCERN.—

(1) PROHIBITION.—Except as provided in paragraph (2), no entity of concern, or individual that owns or controls, is owned or controlled by, or is under common ownership or control with an entity of concern, may receive, or perform work under, any covered support.

(2) WAIVER OF PROHIBITION.—

(A) IN GENERAL.—The Secretary may waive the prohibition under paragraph (1) if determined by the Secretary to be in the national interest.

(B) NOTIFICATION TO CONGRESS.—Not less than 2 weeks prior to issuing a waiver under subparagraph (A), the Secretary shall notify Congress of the intent to issue the waiver, including a justification for the waiver.

(3) PENALTY.—

(A) TERMINATION OF SUPPORT.—On finding that any entity of concern or individual described in paragraph (1) has received covered support and has not received a waiver under paragraph (2), the Secretary shall terminate all covered support to that entity of concern or individual, as applicable.

(B) PENALTIES.—An entity of concern or individual identified under subparagraph (A) shall be—

(i) prohibited from receiving or participating in covered support for a period of not less than 1 year but not more than 10 years, as determined by the Secretary; or

(ii) instead of the penalty described in clause (i), subject to any other penalties authorized under applicable law or regulations that the Secretary determines to be in the national interest.

(C) NOTIFICATION TO CONGRESS.—Prior to imposing a penalty under subparagraph (B), the Secretary shall notify Congress of the intent to impose the penalty, including a description of and justification for the penalty.

(4) COORDINATION.—The Secretary shall—

(A) share information about the unmanageable threats described in subsection (a)(3)(E) with other Federal agencies; and

(B) develop consistent approaches to identifying entities of concern.

(d) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(e) REPORT REQUIRED.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes—

(A) the tools and processes developed under subsection (b)(1) and any updates to those tools and processes; and

(B) if applicable, the science and technology risk matrix developed under that subsection and how that matrix has been applied;

(2) includes a mitigation plan for managing risks posed by countries of risk with respect to future or ongoing research and development activities of the Department of Energy; and

(3) defines critical research areas, designated by risk, as determined by the Secretary.

SEC. 309. CONGRESSIONAL OVERSIGHT OF INTELLIGENCE COMMUNITY RISK ASSESSMENTS.

(a) RISK ASSESSMENT DOCUMENTS AND MATERIALS.—Except as provided in subsection (b), whenever an element of the intelligence community conducts a risk assessment arising from the mishandling or improper disclosure of classified information, the Director of National Intelligence shall, not later than 30 days after the date of the commencement of such risk assessment—

(1) submit to the congressional intelligence committees copies of such documents and materials as are—

(A) within the jurisdiction of such committees; and

(B) subject to the risk assessment; and

(2) provide such committees a briefing on such documents, materials, and risk assessment.

(b) EXCEPTION.—If the Director determines, with respect to a risk assessment described in subsection (a), that the documents and other materials otherwise subject to paragraph (1) of such subsection (a) are of such a volume that submittal pursuant to such paragraph would be impracticable, the Director shall—

(1) in lieu of submitting copies of such documents and materials, submit a log of such documents and materials; and

(2) pursuant to a request by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a document or material included in such log, submit to such committee such copy.

SEC. 310. INSPECTOR GENERAL REVIEW OF DISSEMINATION BY FEDERAL BUREAU OF INVESTIGATION RICHMOND, VIRGINIA, FIELD OFFICE OF CERTAIN DOCUMENT.

(a) REVIEW REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall conduct a review of the actions and events, including any underlying policy direction, that served as a basis for the January 23, 2023, dissemination by the field office of the Federal Bureau of Investigation located in Richmond, Virginia, of a document titled “Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities.”.

(b) SUBMITTAL TO CONGRESS.—The Inspector General of the Department of Justice shall submit the findings of the Inspector General with respect to the review required by subsection (a) to the following:

(1) The congressional intelligence committees.

(2) The Committee on the Judiciary, Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(3) The Committee on the Judiciary, the Committee on Oversight and Accountability, and the Committee on Appropriations of the House of Representatives.

SEC. 311. OFFICE OF INTELLIGENCE AND ANALYSIS.

Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding at the end the following:

“(h) PROHIBITION.—

“(1) DEFINITION.—In this subsection, the term ‘United States person’ means a United States citizen, an alien known by the Office of Intelligence and Analysis to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by 1 or more foreign governments.

“(2) COLLECTION OF INFORMATION FROM UNITED STATES PERSONS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Office of Intelligence and Analysis may not engage in the collection of information or intelligence targeting any United States person except as provided in subparagraph (B).

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any employee, officer, or contractor of the Office of Intelligence and Analysis who is responsible for collecting information from individuals working for a State, local, or Tribal territory government or a private employer.”.

Subtitle B—Central Intelligence Agency

SEC. 321. CHANGE TO PENALTIES AND INCREASED AVAILABILITY OF MENTAL HEALTH TREATMENT FOR UNLAWFUL CONDUCT ON CENTRAL INTELLIGENCE AGENCY INSTALLATIONS.

Section 15(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(b)) is amended, in the second sentence, by striking “those specified in section 1315(c)(2) of title 40, United States Code” and inserting “the maximum penalty authorized for a Class B misdemeanor under section 3559 of title 18, United States Code”.

SEC. 322. MODIFICATIONS TO PROCUREMENT AUTHORITIES OF THE CENTRAL INTELLIGENCE AGENCY.

Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3503) is amended—

(1) in subsection (a), by striking “sections” and all that follows through “(session)” and inserting “sections 3201, 3203, 3204, 3206, 3207, 3302 through 3306, 3321 through 3323, 3801 through 3808, 3069, 3134, 3841, and 4752 of title 10, United States Code” and

(2) in subsection (d), by striking “in paragraphs” and all that follows through “1947” and inserting “in sections 3201 through 3204 of title 10, United States Code, shall not be delegable. Each determination or decision required by sections 3201 through 3204, 3321 through 3323, and 3841 of title 10, United States Code”.

SEC. 323. ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY STANDARD WORKPLACE SEXUAL MISCONDUCT COMPLAINT INVESTIGATION PROCEDURE.

(a) **WORKPLACE SEXUAL MISCONDUCT DEFINED.**—The term “workplace sexual misconduct”—

(1) means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

(B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment; and

(2) includes sexual harassment and sexual assault.

(b) **STANDARD COMPLAINT INVESTIGATION PROCEDURE.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) establish a standard workplace sexual misconduct complaint investigation procedure;

(2) implement the standard workplace sexual misconduct complaint investigation procedure through clear workforce communication and education on the procedure; and

(3) submit the standard workplace sexual misconduct complaint investigation procedure to the congressional intelligence committees.

(c) **MINIMUM REQUIREMENTS.**—The procedure established pursuant to subsection (b)(1) shall, at a minimum—

(1) identify the individuals and offices of the Central Intelligence Agency to which an employee of the Agency may bring a complaint of workplace sexual misconduct;

(2) detail the steps each individual or office identified pursuant to paragraph (1) shall take upon receipt of a complaint of workplace sexual misconduct and the timeframes within which those steps shall be taken, including—

(A) documentation of the complaint;

(B) referral or notification to another individual or office;

(C) measures to document or preserve witness statements or other evidence; and

(D) preliminary investigation of the complaint;

(3) set forth standard criteria for determining whether a complaint of workplace sexual misconduct will be referred to law enforcement and the timeframe within which such a referral shall occur; and

(4) for any complaint not referred to law enforcement, set forth standard criteria for determining—

(A) whether a complaint has been substantiated; and

(B) for any substantiated complaint, the appropriate disciplinary action.

(d) **ANNUAL REPORTS.**—On or before April 30 of each year, the Director shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives an annual report that includes, for the preceding calendar year, the following:

(1) The number of workplace sexual misconduct complaints brought to each individual or office of the Central Intelligence Agency identified pursuant to subsection (c)(1), disaggregated by—

(A) complaints referred to law enforcement; and

(B) complaints substantiated.

(2) For each complaint described in paragraph (1) that is substantiated, a description of the disciplinary action taken by the Director.

TITLE IV—MATTERS CONCERNING FOREIGN COUNTRIES

Subtitle A—People’s Republic of China

SEC. 401. INTELLIGENCE COMMUNITY COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) **DEFINITIONS.**—In this section:

(1) **ATROCITY.**—The term “atrocities” means a crime against humanity, genocide, or a war crime.

(2) **FOREIGN PERSON.**—The term “foreign person” means—

(A) any person or entity that is not a United States person; or

(B) any entity not organized under the laws of the United States or of any jurisdiction within the United States.

(3) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039).

(b) **INTELLIGENCE COMMUNITY COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE’S REPUBLIC OF CHINA.**—

(1) **DESIGNATION.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a senior official of the Office of the Director of National Intelligence to serve as the intelligence community coordinator for accountability of atrocities of the People’s Republic of China (in this section referred to as the “Coordinator”).

(2) **DUTIES.**—The Coordinator shall lead the efforts of and coordinate and collaborate with the intelligence community with respect to the following:

(A) Identifying and addressing any gaps in intelligence collection relating to atrocities of the People’s Republic of China, including by recommending the modification of the priorities of the intelligence community with respect to intelligence collection and by utilizing informal processes and collaborative mechanisms with key elements of the intelligence community to increase collection on atrocities of the People’s Republic of China.

(B) Prioritizing and expanding the intelligence analysis with respect to ongoing atrocities of the People’s Republic of China and disseminating within the United States Government intelligence relating to the identification and activities of foreign persons suspected of being involved with or providing support to atrocities of the People’s Republic of China, including genocide and forced labor practices in Xinjiang, in order to support the efforts of other Federal agencies, including the Department of State, the

Department of Justice, the Department of the Treasury, the Office of Foreign Assets Control, the Department of Commerce, the Bureau of Industry and Security, U.S. Customs and Border Protection, and the National Security Council, to hold the People’s Republic of China accountable for such atrocities.

(C) Increasing efforts to declassify and share with the people of the United States and the international community information regarding atrocities of the People’s Republic of China in order to expose such atrocities and counter the disinformation and misinformation campaign by the People’s Republic of China to deny such atrocities.

(D) Documenting and storing intelligence and other unclassified information that may be relevant to preserve as evidence of atrocities of the People’s Republic of China for future accountability, and ensuring that other relevant Federal agencies receive appropriate support from the intelligence community with respect to the collection, analysis, preservation, and, as appropriate, dissemination, of intelligence related to atrocities of the People’s Republic of China, which may include the information from the annual report required by section 6504 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263).

(E) Sharing information with the Forced Labor Enforcement Task Force, established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681), the Department of Commerce, and the Department of the Treasury for the purposes of entity listings and sanctions.

(3) **PLAN REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Director shall submit to the appropriate committees of Congress—

(A) the name of the official designated as the Coordinator pursuant to paragraph (1); and

(B) the strategy of the intelligence community for the collection and dissemination of intelligence relating to ongoing atrocities of the People’s Republic of China, including a detailed description of how the Coordinator shall support, and assist in facilitating the implementation of, such strategy.

(4) **ANNUAL REPORT TO CONGRESS.**—

(A) **REPORTS REQUIRED.**—Not later than May 1, 2024, and annually thereafter until May 1, 2034, the Director shall submit to Congress a report detailing, for the year covered by the report—

(i) the analytical findings, changes in collection, and other activities of the intelligence community with respect to ongoing atrocities of the People’s Republic of China;

(ii) the recipients of information shared pursuant to this section for the purpose of—

(I) providing support to Federal agencies to hold the People’s Republic of China accountable for such atrocities; and

(II) sharing information with the people of the United States to counter the disinformation and misinformation campaign by the People’s Republic of China to deny such atrocities; and

(iii) with respect to clause (ii), the date of any such sharing.

(B) **FORM.**—Each report submitted under subparagraph (A) may be submitted in classified form, consistent with the protection of intelligence sources and methods.

(c) **SUNSET.**—This section shall cease to have effect on the date that is 10 years after the date of the enactment of this Act.

SEC. 402. INTERAGENCY WORKING GROUP AND REPORT ON THE MALIN EFFORTS OF THE PEOPLE’S REPUBLIC OF CHINA IN AFRICA.

(a) **ESTABLISHMENT.**—

(1) IN GENERAL.—The Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish an interagency working group within the intelligence community to analyze the tactics and capabilities of the People's Republic of China in Africa.

(2) ESTABLISHMENT FLEXIBILITY.—The working group established under paragraph (1) may be—

(A) independently established; or

(B) to avoid redundancy, incorporated into existing working groups or cross-intelligence efforts within the intelligence community.

(b) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and twice annually thereafter, the working group established under subsection (a) shall submit to the appropriate committees of Congress a report on the specific tactics and capabilities of the People's Republic of China in Africa.

(3) ELEMENTS.—Each report required by paragraph (2) shall include the following elements:

(A) An assessment of efforts by the Government of the People's Republic of China to exploit mining and reprocessing operations in Africa.

(B) An assessment of efforts by the Government of the People's Republic of China to provide or fund technologies in Africa, including—

(i) telecommunications and energy technologies, such as advanced reactors, transportation, and other commercial products; and

(ii) by requiring that the People's Republic of China be the sole provider of such technologies.

(C) An assessment of efforts by the Government of the People's Republic of China to expand intelligence capabilities in Africa.

(D) A description of actions taken by the intelligence community to counter such efforts.

(E) An assessment of additional resources needed by the intelligence community to better counter such efforts.

(4) FORM.—Each report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) SUNSET.—The requirements of this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 403. AMENDMENT TO REQUIREMENT FOR ANNUAL ASSESSMENT BY INTELLIGENCE COMMUNITY WORKING GROUP FOR MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 6503(c)(3)(D) of the Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263) is amended by striking “the top 200” and inserting “all the known”.

SEC. 404. ASSESSMENTS OF RECIPROCITY IN THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research, in consultation with the Director of National Intelligence and such other heads of elements of the intelligence community as the Assistant Secretary considers relevant, shall submit to Congress the following:

(1) A comprehensive assessment that identifies critical areas in the security, diplomatic, economic, financial, technological, scientific, commercial, academic, and cultural spheres in which the United States does not enjoy a reciprocal relationship with the People's Republic of China.

(2) A comprehensive assessment that describes how the lack of reciprocity between the People's Republic of China and the United States in the areas identified in the assessment required by paragraph (1) provides advantages to the People's Republic of China.

(b) FORM OF ASSESSMENTS.—

(1) CRITICAL AREAS.—The assessment required by subsection (a)(1) shall be submitted in unclassified form.

(2) ADVANTAGES.—The assessment required by subsection (a)(2) shall be submitted in classified form.

SEC. 405. ANNUAL BRIEFING ON INTELLIGENCE COMMUNITY EFFORTS TO IDENTIFY AND MITIGATE CHINESE COMMUNIST PARTY AND RUSSIAN FOREIGN MALIGN INFLUENCE OPERATIONS AGAINST THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) CHINESE ENTITIES ENGAGED IN FOREIGN MALIGN INFLUENCE OPERATIONS.—The term “Chinese entities engaged in foreign malign influence operations” means all of the elements of the Government of the People's Republic of China and the Chinese Communist Party involved in foreign malign influence, such as—

(A) the Ministry of State Security;

(B) other security services of the People's Republic of China;

(C) the intelligence services of the People's Republic of China;

(D) the United Front Work Department and other united front organs;

(E) state-controlled media systems, such as the China Global Television Network (CGTN); and

(F) any entity involved in foreign malign influence operations that demonstrably and intentionally disseminate false information and propaganda of the Government of the People's Republic of China or the Chinese Communist Party.

(2) RUSSIAN MALIGN INFLUENCE ACTORS.—The term “Russian malign influence actors” refers to entities or individuals engaged in foreign malign influence operations against the United States who are affiliated with—

(A) the intelligence and security services of the Russian Federation

(B) the Presidential Administration;

(C) any other entity of the Government of the Russian Federation; or

(D) Russian mercenary or proxy groups such as the Wagner Group.

(3) FOREIGN MALIGN INFLUENCE OPERATION.—The term “foreign malign influence operation” means a coordinated and often concealed activity that is covered by the definition of the term “foreign malign influence” in section 119C of the National Security Act of 1947 (50 U.S.C. 3059) and uses disinformation, press manipulation, economic coercion, targeted investments, corruption, or academic censorship, which are often intended—

(A) to coerce and corrupt United States interests, values, institutions, or individuals; and

(B) to foster attitudes, behavior, decisions, or outcomes in the United States that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

(b) BRIEFING REQUIRED.—Not later than 120 days after the date of the enactment of this Act and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the Director of the Foreign Malign Influence Center shall, in collaboration with the heads of the elements of the intelligence community, provide Congress a classified briefing on the ways in which the relevant elements of the intelligence community are working internally and coordinating across the intelligence community to identify and mitigate the actions of Chinese and Russian entities engaged in foreign malign influence operations against the United States, including against United States persons.

(c) ELEMENTS.—The classified briefing required by subsection (b) shall cover the following:

(1) The Government of the Russian Federation, the Government of the People's Republic of China, and the Chinese Communist Party tactics, tools, and entities that spread disinformation, misinformation, and malign information and conduct influence operations, information campaigns, or other propaganda efforts.

(2) A description of ongoing foreign malign influence operations and campaigns of the Russian Federation against the United States and an assessment of their objectives and effectiveness in meeting those objectives.

(3) A description of ongoing foreign malign influence operations and campaigns of the People's Republic of China against the United States and an assessment of their objectives and effectiveness in meeting those objectives.

(4) A description of any cooperation, information-sharing, amplification, or other coordination between the Russian Federation and the People's Republic of China in developing or carrying out foreign malign influence operations against the United States.

(5) A description of front organizations, proxies, cut-outs, aligned third-party countries, or organizations used by the Russian Federation or the People's Republic of China to carry out foreign malign influence operations against the United States.

(6) An assessment of the loopholes or vulnerabilities in United States law that Russia and the People's Republic of China exploit to carry out foreign malign influence operations.

(7) The actions of the Foreign Malign Influence Center, in coordination with the Global Engagement Center, relating to early-warning, information sharing, and proactive risk mitigation systems, based on the list of entities identified in subsection (a)(1), to detect, expose, deter, and counter foreign malign influence operations of the Government of the People's Republic of China or the Chinese Communist Party against the United States.

(8) The actions of the Foreign Malign Influence Center to conduct outreach, to identify and counter tactics, tools, and entities described in paragraph (1) by sharing information with allies and partners of the United States, in coordination with the Global Engagement Center, as well as State and local governments, the business community, and civil society in order to expose the political influence operations and information operations of the Government of the Russian

Federation and the Government of the People's Republic of China or the Chinese Communist Party carried out against individuals and entities in the United States.

SEC. 406. ASSESSMENT OF THREAT POSED TO UNITED STATES PORTS BY CRANES MANUFACTURED BY COUNTRIES OF CONCERN.

(a) DEFINITIONS.—In this section:

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

(A) the congressional intelligence committees;

(B) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Banking, Housing, and Urban Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Armed Services, the Committee on Oversight and Accountability, the Committee on Financial Services, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) COUNTRY OF CONCERN.—The term “country of concern” has the meaning given that term in section 1(m)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(m)(1)).

(b) ASSESSMENT.—The Director of National Intelligence, in coordination with such other heads of the elements of the intelligence community as the Director considers appropriate and the Secretary of Defense, shall conduct an assessment of the threat posed to United States ports by cranes manufactured by countries of concern and commercial entities of those countries, including the Shanghai Zhenhua Heavy Industries Co. (ZPMC).

(c) REPORT AND BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit a report and provide a briefing to the appropriate committees of Congress on the findings of the assessment required by subsection (b).

(2) ELEMENTS.—The report and briefing required by paragraph (1) shall outline the potential for the cranes described in subsection (b) to collect intelligence, disrupt operations at United States ports, and impact the national security of the United States.

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

Subtitle B—Other Foreign Countries

SEC. 411. REPORT ON EFFORTS TO CAPTURE AND DETAIN UNITED STATES CITIZENS AS HOSTAGES.

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

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on efforts by the Maduro regime in Venezuela to detain United States citizens and lawful permanent residents.

(c) ELEMENTS.—The report required by subsection (b) shall include, regarding the ar-

rest, capture, detainment, or imprisonment of United States citizens and lawful permanent residents, the following:

(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.

(3) Where relevant, an assessment of whether and how United States citizens and lawful permanent residents have been lured to Venezuela.

(4) An analysis of the motive for the arrest, capture, detainment, or imprisonment of United States citizens and lawful permanent residents.

(5) 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.

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

SEC. 412. SENSE OF CONGRESS ON PRIORITY OF FENTANYL IN NATIONAL INTELLIGENCE PRIORITIES FRAMEWORK.

It is the sense of Congress that the trafficking of illicit fentanyl, including precursor chemicals and manufacturing equipment associated with illicit fentanyl production and organizations that traffic or finance the trafficking of illicit fentanyl, originating from the People's Republic of China and Mexico should be among the highest priorities in the National Intelligence Priorities Framework of the Office of the Director of National Intelligence.

TITLE V—MATTERS PERTAINING TO UNITED STATES ECONOMIC AND EMERGING TECHNOLOGY COMPETITION WITH UNITED STATES ADVERSARIES

Subtitle A—General Matters

SEC. 501. ASSIGNMENT OF DETAILEES FROM INTELLIGENCE COMMUNITY TO DEPARTMENT OF COMMERCE.

(a) AUTHORITY.—In order to better facilitate the sharing of actionable intelligence on foreign adversary intent, capabilities, threats, and operations that pose a threat to the interests or security of the United States, particularly as they relate to the procurement, development, and use of dual-use and emerging technologies, the Director of National Intelligence may assign or facilitate the assignment of members from across the intelligence community to serve as detailees to the Bureau of Industry and Security of the Department of Commerce.

(b) ASSIGNMENT.—Detailees assigned pursuant to subsection (a) shall be drawn from such elements of the intelligence community as the Director considers appropriate, in consultation with the Secretary of Commerce.

(c) EXPERTISE.—The Director shall ensure that detailees assigned pursuant to subsection (a) have subject matter expertise on countries of concern, including China, Iran, North Korea, and Russia, as well as functional areas such as illicit procurement, counterproliferation, emerging and foundational technology, economic and financial intelligence, information and communications technology systems, supply chain vulnerability, and counterintelligence.

(d) DUTY CREDIT.—The detail of an employee of the intelligence community to the Department of Commerce under subsection (a) shall be without interruption or loss of civil service status or privilege.

SEC. 502. THREATS POSED BY INFORMATION AND COMMUNICATIONS TECHNOLOGY AND SERVICES TRANSACTIONS AND OTHER ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) COVERED TRANSACTION.—The term “covered transaction” means a transaction re-

viewed under authority established under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order.

(2) EMERGING AND FOUNDATIONAL TECHNOLOGIES.—The term “emerging and foundational technologies” means emerging and foundational technologies described in section 1758(a)(1) of the Export Control Reform Act of 2018 (50 U.S.C. 4817(a)(1)).

(3) EXECUTIVE ORDER 13873.—The term “Executive Order 13873” means Executive Order 13873 (84 Fed. Reg. 22689; relating to securing information and communications technology and services supply chain).

(4) EXECUTIVE ORDER 13984.—The term “Executive Order 13984” means Executive Order 13984 (86 Fed. Reg. 6837; relating to taking additional steps to address the national emergency with respect to significant malicious cyber-enabled activities).

(5) EXECUTIVE ORDER 14034.—The term “Executive Order 14034” means Executive Order 14034 (84 Fed. Reg. 31423; relating to protecting Americans’ sensitive data from foreign adversaries).

(6) SIGNIFICANT TRANSACTION.—The term “significant transaction” means a covered transaction that—

(A) involves emerging or foundational technologies;

(B) poses an undue or unacceptable risk to national security; and

(C) involves—

(i) an individual who acts as an agent, representative, or employee, or any individual who acts in any other capacity at the order, request, or under the direction or control, of a foreign adversary or of an individual whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by a foreign adversary;

(ii) any individual, wherever located, who is a citizen or resident of a nation-state controlled by a foreign adversary;

(iii) any corporation, partnership, association, or other organization organized under the laws of a nation-state controlled by a foreign adversary; or

(iv) any corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled by a foreign adversary.

(b) THREAT ASSESSMENT BY DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a threat assessment of each significant transaction.

(2) IDENTIFICATION OF GAPS.—Each assessment required by paragraph (1) shall include the identification of any recognized gaps in the collection of intelligence relevant to the assessment.

(3) VIEWS OF INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall seek and incorporate into each assessment required by paragraph (1) the views of all affected or appropriate elements of the intelligence community with respect to the significant transaction or class of significant transactions.

(4) PROVISION OF ASSESSMENT.—The Director of National Intelligence shall provide an assessment required by paragraph (1) to such agency heads and committees of Congress as the Director considers appropriate, as necessary, to implement Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order.

(c) INTERACTION WITH INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—The Director of National Intelligence shall ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to such agency heads as the Director considers

appropriate of any additional relevant information that may become available during the course of any investigation or review process conducted under authority established under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order.

(2) **ELEMENTS.**—The collection, analysis, and dissemination of information described in paragraph (1) shall include routine assessments of the following:

(A) The intent, capability, and operations of foreign adversaries as related to a significant transaction or class of significant transactions.

(B) Supply chains and procurement networks associated with the procurement of emerging and foundational technologies by foreign adversaries.

(C) Emerging and foundational technologies pursued by foreign adversaries, including information on prioritization, spending, and technology transfer measures.

(D) The intent, capability, and operations of the use by malicious cyber actors of infrastructure as a service (IaaS) against the United States.

(E) The impact on the intelligence community of a significant transaction or class of significant transactions.

(d) **INFORMATION IN CIVIL ACTIONS.**—

(1) **PROTECTED INFORMATION IN CIVIL ACTIONS.**—(A) If a civil action challenging an action or finding under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order is brought, and the court determines that protected information in the administrative record relating to the action or finding, including classified or other information subject to privilege or protections under any provision of law, is necessary to resolve the action, that information shall be submitted ex parte and in camera to the court and the court shall maintain that information under seal.

(B) If the Court determines that, in order to resolve the civil action, it is necessary to make such protected information available to a party to the litigation, other than the government, the Court shall conduct an ex parte and in camera hearing to make all determinations concerning the use, relevance, or admissibility of such protected information before such protected information is disclosed to a party other than the government.

(C) Nothing in this paragraph shall be interpreted to require the government to disclose such protected information to a party other than the government.

(D) If the government declines to disclose such protected information to a party after the court has determined that it is necessary for the government to do so in order to resolve the civil action, the court may order an appropriate remedy, including entering a judgment in favor of the party. Any such judgement shall be subject to interlocutory appeal.

(E) This paragraph does not confer or imply any right to judicial review.

(2) **NONAPPLICABILITY OF USE OF INFORMATION PROVISIONS.**—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply in a civil action described in paragraph (1).

(e) **RULE OF CONSTRUCTION CONCERNING RIGHT TO ACCESS.**—No provision of this section may be construed to create a right to obtain access to information in the possession of the Federal Government that was considered by the Secretary of Commerce under authority established under Executive Order 13873, Executive Order 13984, Executive Order 14034, or any successor order, including

any classified information or sensitive but unclassified information.

(f) **ADMINISTRATIVE RECORD.**—The following information may be included in the administrative record relating to an action or finding described in subsection (d)(1) and shall be submitted only to the court ex parte and in camera:

(1) Sensitive security information, as defined in section 1520.5 of title 49, Code of Federal Regulations.

(2) Privileged law enforcement information.

(3) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

(4) Information subject to privilege or protection under any other provision of law, including the Currency and Foreign Transactions Reporting Act of 1970 (31 U.S.C. 5311 et seq.).

(g) **TREATMENT CONSISTENT WITH SECTION.**—Any information that is part of the administrative record filed ex parte and in camera under subsection (d)(1), or cited by the court in any decision in a civil action described in such subsection, shall be treated by the court consistent with the provisions of this section. In no event shall such information be released to the petitioner or as part of the public record.

(h) **INAPPLICABILITY OF FREEDOM OF INFORMATION ACT.**—Any information submitted to the Federal Government by a party to a covered transaction in accordance with this section, as well as any information the Federal Government may create relating to review of the covered transaction, is exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(i) **INAPPLICABILITY TO OTHER AUTHORITIES.**—Nothing in this section shall be construed to modify authority established under Executive Order 13913 (47 U.S.C. 154 note; relating to establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector), including the process and timelines established therein.

SEC. 503. SUPPORT OF INTELLIGENCE COMMUNITY FOR EXPORT CONTROLS AND OTHER MISSIONS OF THE DEPARTMENT OF COMMERCE.

(a) **DEFINITIONS.**—In this section:

(1) **EMERGING AND FOUNDATIONAL TECHNOLOGIES.**—The term “emerging and foundational technologies” includes technologies identified under section 1758(a)(1) of the Export Control Reform Act of 2018 (50 U.S.C. 4817(a)(1)).

(2) **FOREIGN ADVERSARY.**—The term “foreign adversary” means any foreign government, foreign regime, or foreign nongovernment person determined by the Director of National Intelligence, in consultation with the heads of such other agencies as the Director considers appropriate, to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons.

(b) **COLLECTION, ANALYSIS, AND DISSEMINATION REQUIRED.**—

(1) **IN GENERAL.**—The Director of National Intelligence—

(A) is authorized to collect, retain, analyze, and disseminate information or intelligence necessary to support the missions of

the Department of Commerce, including with respect to the administration of export controls pursuant to the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); and

(B) shall, through regular consultation with the Secretary of Commerce, ensure that the intelligence community is engaged in such collection, retention, analysis, and dissemination.

(2) **INFORMATION TO BE COLLECTED, ANALYZED, AND DISSEMINATED.**—The information to be collected, analyzed, and disseminated under subsection (a) shall include information relating to the following:

(A) The intent, capability, and operations of foreign adversaries with respect to items under consideration to be controlled pursuant to the authority provided by part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.).

(B) Attempts by foreign adversaries to circumvent controls on items imposed pursuant to that part.

(C) Supply chains and procurement networks associated with procurement and development of emerging and foundational technologies by foreign adversaries.

(D) Emerging and foundational technologies pursued by foreign adversaries, including relevant information on prioritization, spending, and technology transfer measures with respect to such technologies.

(E) The scope and application of the export control systems of foreign countries, including decisions with respect to individual export transactions.

(F) Corporate and contractual relationships, ownership, and other equity interests, including monetary capital contributions, corporate investments, and joint ventures, resulting in end uses of items that threaten the national security and foreign policy interests of the United States, as described in the policy set forth in section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811).

(G) The effect of export controls imposed pursuant to part I of that Act (50 U.S.C. 4811 et seq.), including—

(i) the effect of actions taken and planned to be taken by the Secretary of Commerce under the authority provided by that part; and

(ii) the effectiveness of such actions in achieving the national security and foreign policy objectives of such actions.

(c) **PROVISION OF ANALYSIS TO DEPARTMENT OF COMMERCE.**—Upon the request of the Secretary of Commerce, the Director of National Intelligence shall expeditiously—

(1) carry out analysis of any matter relating to the national security of the United States that is relevant to a mission of the Department of Commerce; and

(2) consistent with the protection of sources and methods, make such analysis available to the Secretary and such individuals as the Secretary may designate to receive such analysis.

(d) **IDENTIFICATION OF SINGLE OFFICE TO SUPPORT MISSIONS OF DEPARTMENT OF COMMERCE.**—The Director of National Intelligence shall identify a single office within the intelligence community to be responsible for supporting the missions of the Department of Commerce.

(e) **TREATMENT OF CLASSIFIED AND SENSITIVE INFORMATION.**—

(1) **IN GENERAL.**—A civil action challenging an action or finding of the Secretary of Commerce made on the basis of any classified or sensitive information made available to officials of the Department of Commerce pursuant to this section may be brought only in the United States Court of Appeals for the District of Columbia Circuit.

(2) CONSIDERATION AND TREATMENT IN CIVIL ACTIONS.—(A) If a civil action described in paragraph (1) is brought, and the court determines that protected information in the administrative record, including classified or other information subject to privilege or protections under any provision of law, is necessary to resolve the civil action, that information shall be submitted ex parte and in camera to the court and the court shall maintain that information under seal.

(B) If the Court determines that, in order to resolve the civil action, it is necessary to make such protected information available to a party to the litigation, other than the government, the Court shall conduct an ex parte and in camera hearing to make all determinations concerning the use, relevance, or admissibility of such protected information before such protected information is disclosed to a party other than the government.

(C) Nothing in this paragraph shall be interpreted to require the government to disclose such protected information to a party other than the government.

(D) If the government declines to disclose such protected information to a party after the court has determined that it is necessary for the government to do so in order to resolve the civil action, the court may order an appropriate remedy, to include entering a judgment in favor of the party. Any such judgment shall be subject to interlocutory appeal.

(E) This paragraph does not confer or imply any right to judicial review.

(3) ADMINISTRATIVE RECORD.—

(A) IN GENERAL.—The following information may be included in the administrative record relating to an action or finding described in paragraph (1) and shall be submitted only to the court ex parte and in camera:

(i) Sensitive security information, as defined by section 1520.5 of title 49, Code of Federal Regulations.

(ii) Privileged law enforcement information.

(iii) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(iv) Information subject to privilege or protection under any other provision of law.

(B) TREATMENT CONSISTENT WITH SECTION.—Any information that is part of the administrative record filed ex parte and in camera under subparagraph (A), or cited by the court in any decision in a civil action described in paragraph (1), shall be treated by the court consistent with the provisions of this subsection. In no event shall such information be released to the petitioner or as part of the public record.

(4) NONAPPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply in a civil action challenging an action or finding of the Secretary of Commerce made on the basis of information made available to officials of the Department of Commerce pursuant to this section.

(5) RULE OF CONSTRUCTION CONCERNING RIGHT TO ACCESS.—No provision of this section shall be construed to create a right to obtain access to information in the possession of the Federal Government that was considered in an action or finding of the Secretary of Commerce, including any classified information or sensitive but unclassified information.

Subtitle B—Next-generation Energy, Biotechnology, and Artificial Intelligence

SEC. 511. EXPANDED ANNUAL ASSESSMENT OF ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 6503(c)(3) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended by adding at the end the following:

“(I) A detailed assessment, prepared in consultation with all elements of the working group—

“(i) of the investments made by the People's Republic of China in—

“(I) artificial intelligence;

“(II) next-generation energy technologies, especially small modular reactors and advanced batteries; and

“(III) biotechnology; and

“(ii) that identifies—

“(I) competitive practices of the People's Republic of China relating to the technologies described in clause (i);

“(II) opportunities to counter the practices described in subclause (I);

“(III) countries the People's Republic of China is targeting for exports of civil nuclear technology;

“(IV) countries best positioned to utilize civil nuclear technologies from the United States in order to facilitate the commercial export of those technologies;

“(V) United States vulnerabilities in the supply chain of these technologies; and

“(VI) opportunities to counter the export by the People's Republic of China of civil nuclear technologies globally.

“(J) An identification and assessment of any unmet resource or authority needs of the working group that affect the ability of the working group to carry out this section.”.

SEC. 512. ASSESSMENT OF USING CIVIL NUCLEAR ENERGY FOR INTELLIGENCE COMMUNITY CAPABILITIES.

(a) ASSESSMENT REQUIRED.—The Director of National Intelligence shall, in consultation with the heads of such other elements of the intelligence community as the Director considers appropriate, conduct an assessment of capabilities identified by the Intelligence Community Continuity Program established pursuant to section E(3) of Intelligence Community Directive 118, or any successor directive, or such other intelligence community facilities or intelligence community capabilities as may be determined by the Director to be critical to United States national security, that have unique energy needs—

(1) to ascertain the feasibility and advisability of using civil nuclear reactors to meet such needs; and

(2) to identify such additional resources, technologies, infrastructure, or authorities needed, or other potential obstacles, to commence use of a nuclear reactor to meet such needs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate, and the Committee on Oversight and Accountability and the Committee on Appropriations of the House of Representatives a report, which may be in classified form, on the findings of the Director with respect to the assessment conducted pursuant to subsection (a).

SEC. 513. POLICIES ESTABLISHED BY DIRECTOR OF NATIONAL INTELLIGENCE FOR ARTIFICIAL INTELLIGENCE CAPABILITIES.

(a) IN GENERAL.—Section 6702 of the Intelligence Authorization Act for Fiscal Year 2023 (50 U.S.C. 3334m) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “subsection (b)” and inserting “subsection (c)”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) POLICIES.—

“(1) IN GENERAL.—In carrying out subsection (a)(1), not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, the Director of the Office of Management and Budget, and such other officials as the Director of National Intelligence determines appropriate, shall establish the policies described in paragraph (2).

“(2) POLICIES DESCRIBED.—The policies described in this paragraph are policies for the acquisition, adoption, development, use, coordination, and maintenance of artificial intelligence capabilities that—

“(A) establish a lexicon relating to the use of machine learning and artificial intelligence developed or acquired by elements of the intelligence community;

“(B) establish guidelines for evaluating the performance of models developed or acquired by elements of the intelligence community, such as by—

“(i) specifying conditions for the continuous monitoring of artificial intelligence capabilities for performance, including the conditions for retraining or retiring models based on performance;

“(ii) documenting performance objectives, including specifying how performance objectives shall be developed and contractually enforced for capabilities procured from third parties;

“(iii) specifying the manner in which models should be audited, as necessary, including the types of documentation that should be provided to any auditor; and

“(iv) specifying conditions under which models used by elements of the intelligence community should be subject to testing and evaluation for vulnerabilities to techniques meant to undermine the availability, integrity, or privacy of an artificial intelligence capability;

“(C) establish guidelines for tracking dependencies in adjacent systems, capabilities, or processes impacted by the retraining or sunset of any model described in subparagraph (B);

“(D) establish documentation requirements for capabilities procured from third parties, aligning such requirements, as necessary, with existing documentation requirements applicable to capabilities developed by elements of the intelligence community;

“(E) establish standards for the documentation of imputed, augmented, or synthetic data used to train any model developed, procured, or used by an element of the intelligence community; and

“(F) provide guidance on the acquisition and usage of models that have previously been trained by a third party for subsequent modification and usage by such an element.

“(3) POLICY REVIEW AND REVISION.—The Director of National Intelligence shall periodically review and revise each policy established under paragraph (1).”.

(b) CONFORMING AMENDMENT.—Section 6712(b)(1) of such Act (50 U.S.C. 3024 note) is amended by striking “section 6702(b)” and inserting “section 6702(c)”.

TITLE VI—WHISTLEBLOWER MATTERS**SEC. 601. SUBMITTAL TO CONGRESS OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY.**

(a) AMENDMENTS TO CHAPTER 4 OF TITLE 5.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 416 of title 5, United States Code, is amended by adding at the end the following:

“(i) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designees of the Inspector General of the Department of Defense pursuant to subsection (b)(3), shall appoint within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to employees and contractors described in subsection (b)(1) who intend to report to Congress complaints or information, so that such employees and contractors can obtain direction on how to report to Congress in accordance with appropriate security practices.”.

(2) PROCEDURES.—Subsection (e) of such section is amended—

(A) in paragraph (1), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either or both of the intelligence committees”;

(B) by amending paragraph (2) to read as follows:

“(2) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction directly as described in paragraph (1) of this subsection or in subsection (b)(4) only if the employee—

“(i) before making such a contact, furnishes to the head of the establishment, through the Inspector General (or designee), a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

“(ii)(I) obtains and follows, from the head of the establishment, through the Inspector General (or designee), procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

“(II) obtains and follows such procedural direction from the applicable security officer appointed under subsection (i).

“(B) LACK OF PROCEDURAL DIRECTION.—If an employee seeks procedural direction under subparagraph (A)(ii) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagraph.”; and

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

“(3) COMMITTEE MEMBERS AND STAFF.—An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this

section, or a member of the majority staff and a member of the minority staff of the committee.”.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (b) of such section is amended by adding at the end the following:

“(4) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subject to paragraphs (2) and (3) of subsection (e), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress.”.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:

“(5) The Inspector General shall appoint within the Office of the Inspector General security officers as required by section 416(i) of title 5, United States Code.”.

(2) PROCEDURES.—Subparagraph (D) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

(A) in clause (i), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either or both of the congressional intelligence committees”;

(B) by amending clause (ii) to read as follows:

“(ii)(I) Except as provided in subclause (II), an employee may contact a congressional intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

“(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

“(bb)(AA) obtains and follows, from the Director, through the Inspector General, procedural direction on how to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

“(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 416(i) of title 5, United States Code.

“(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.”;

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

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

“(iii) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.”.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting “(i)” before “An employee of”;

and

(B) by adding at the end the following:

“(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

“(I) in lieu of reporting such complaint or information under clause (i); or

“(II) in addition to reporting such complaint or information under clause (i).”.

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

“(I) The Inspector General shall appoint within the Office of the Inspector General security officers as required by section 416(i) of title 5, United States Code.”.

(2) PROCEDURES.—Subparagraph (D) of such section is amended—

(A) in clause (i), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either or both of the intelligence committees”;

(B) by amending clause (ii) to read as follows:

“(ii)(I) Except as provided in subclause (II), an employee may contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

“(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

“(bb)(AA) obtains and follows, from the Director, through the Inspector General, procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

“(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 416(i) of title 5, United States Code.

“(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.”;

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

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

“(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.”.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting “(i)” before “An employee of”; and

(B) by adding at the end the following:

“(ii) Subject to clauses (i) and (iii) of subparagraph (D), an employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

“(I) in lieu of reporting such complaint or information under clause (i); or

“(II) in addition to reporting such complaint or information under clause (i).”.

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code.

SEC. 602. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

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

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (I) the following:

“(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee so as to identify the employee or contractor employee as an employee or contractor employee who has made a lawful disclosure described in subsection (b) or (c); or”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

“(f) PERSONNEL ACTIONS INVOLVING DISCLOSURE OF WHISTLEBLOWER IDENTITY.—A personnel action described in subsection (a)(3)(J) shall not be considered to be in violation of subsection (b) or (c) under the following circumstances:

“(1) The personnel action was taken with the express consent of the employee or contractor employee.

“(2) An Inspector General with oversight responsibility for a covered intelligence community element determines that—

“(A) the personnel action was unavoidable under section 103H(g)(3)(A) of this Act (50 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(3)(A)), section 407(b) of title 5, United States Code, or section 420(b)(2)(B) of such title;

“(B) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

“(C) the personnel action was required by statute or an order from a court of competent jurisdiction.”.

(b) APPLICABILITY TO DETAILEES.—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

“(5) EMPLOYEE.—The term ‘employee’, with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.”.

(c) HARMONIZATION OF ENFORCEMENT.—Subsection (g) of such section, as redesignated

by subsection (a)(2) of this section, is amended to read as follows:

“(g) ENFORCEMENT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section.

“(2) HARMONIZATION WITH OTHER ENFORCEMENT.—To the fullest extent possible, the President shall provide for enforcement of this section in a manner that is consistent with the enforcement of section 2302(b)(8) of title 5, United States Code, especially with respect to policies and procedures used to adjudicate alleged violations of such section.”.

SEC. 603. ESTABLISHING PROCESS PARITY FOR ADVERSE SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

“(C) CONTRIBUTING FACTOR.—

“(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

“(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

“(I) the official making the determination knew of the disclosure; and

“(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

“(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.”.

SEC. 604. ELIMINATION OF CAP ON COMPENSATORY DAMAGES FOR RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

Section 3001(j)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)(B)) is amended, in the second sentence, by striking “not to exceed \$300,000”.

SEC. 605. MODIFICATION AND REPEAL OF REPORTING REQUIREMENTS.

(a) MODIFICATION OF FREQUENCY OF WHISTLEBLOWER NOTIFICATIONS TO INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 5334(a) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116-92; 50 U.S.C. 3033 note) is amended by striking “in real time” and inserting “monthly”.

(b) REPEAL OF REQUIREMENT FOR INSPECTORS GENERAL REVIEWS OF ENHANCED PERSONNEL SECURITY PROGRAMS.—

(1) IN GENERAL.—Section 11001 of title 5, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) TECHNICAL CORRECTIONS.—Subsection (d) of section 11001 of such title, as redesignated by paragraph (1)(B), is amended—

(A) in paragraph (3), by adding “and” after the semicolon at the end; and

(B) in paragraph (4), by striking “; and” and inserting a period.

TITLE VII—CLASSIFICATION REFORM

Subtitle A—Classification Reform Act of 2023

SEC. 701. SHORT TITLE.

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

SEC. 702. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term “agency” means any Executive agency as defined in section 105 of title 5, United States Code, any military department as defined in section 102 of such title, and any other entity in the executive branch of the Federal Government that comes into the possession of classified information.

(2) CLASSIFY, CLASSIFIED, CLASSIFICATION.—The terms “classify”, “classified”, and “classification” refer to the process by which information is determined to require protection from unauthorized disclosure pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or previous and successor executive orders or similar directives, or section 703 in order to protect the national security of the United States.

(3) CLASSIFIED INFORMATION.—The term “classified information” means information that has been classified under Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or previous and successor executive orders or similar directives, or section 703.

(4) DECLASSIFY, DECLASSIFIED, DECLASSIFICATION.—The terms “declassify”, “declassified”, and “declassification” refer to the process by which information that has been classified is determined to no longer require protection from unauthorized disclosure pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or previous and successor executive orders or similar directives, or section 703.

(5) INFORMATION.—The term “information” means any knowledge that can be communicated, or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

SEC. 703. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) IN GENERAL.—The President may, in accordance with this section, protect from unauthorized disclosure any information owned by, produced by or for, or under the control of the executive branch of the Federal Government when there is a demonstrable need to do so in order to protect the national security of the United States.

(b) ESTABLISHMENT OF STANDARDS AND PROCEDURES FOR CLASSIFICATION AND DECLASSIFICATION.—

(1) GOVERNMENTWIDE PROCEDURES.—

(A) CLASSIFICATION.—The President shall, to the extent necessary, establish categories of information that may be classified and procedures for classifying information under subsection (a).

(B) DECLASSIFICATION.—At the same time the President establishes categories and procedures under subparagraph (A), the President shall establish procedures for declassifying information that was previously classified.

(C) MINIMUM REQUIREMENTS.—The procedures established pursuant to subparagraphs (A) and (B) shall—

(i) provide that information may be classified under this section, and may remain classified under this section, only if the harm to national security that might reasonably be expected from disclosure of such information

outweighs the public interest in disclosure of such information;

(ii) establish standards and criteria for the classification of information;

(iii) establish standards, criteria, and timelines for the declassification of information classified under this section;

(iv) provide for the automatic declassification of classified records with permanent historical value;

(v) provide for the timely review of materials submitted for pre-publication;

(vi) narrow the criteria for classification set forth under section 1.4 of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), as in effect on the day before the date of the enactment of this Act;

(vii) narrow the exemptions from automatic declassification set forth under section 3.3(b) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), as in effect on the day before the date of the enactment of this Act;

(viii) provide a clear and specific definition of “harm to national security” as it pertains to clause (i); and

(ix) provide a clear and specific definition of “intelligence sources and methods” as it pertains to the categories and procedures under subparagraph (A).

(2) AGENCY STANDARDS AND PROCEDURES.—

(A) IN GENERAL.—The head of each agency shall establish a single set of consolidated standards and procedures to permit such agency to classify and declassify information created by such agency in accordance with the categories and procedures established by the President under this section and otherwise to carry out this section.

(B) SUBMITTAL TO CONGRESS.—Each agency head shall submit to Congress the standards and procedures established by such agency head under subparagraph (A).

(C) CONFORMING AMENDMENT TO FOIA.—Section 552(b)(1) of title 5, United States Code, is amended to read as follows:

“(1)(A) specifically authorized to be classified under section 703 of the Intelligence Authorization Act for Fiscal Year 2024, or specifically authorized under criteria established by an Executive order to be kept secret in the interest of national security; and

“(B) are in fact properly classified pursuant to that section or Executive order;”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) RELATION TO PRESIDENTIAL DIRECTIVES.—Presidential directives regarding classifying, safeguarding, and declassifying national security information, including Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, in effect on the day before the date of the enactment of this Act, as well as procedures issued pursuant to such Presidential directives, shall remain in effect until superseded by procedures issues pursuant to subsection (b).

SEC. 704. TRANSPARENCY OFFICERS.

(a) DESIGNATION.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, and the head of any other department, agency, or element of the executive branch of the Federal Government determined by the Privacy and Civil Liberties Oversight Board established by section 1061 of the Intelligence Reform and Terrorism Prevention

Act of 2004 (42 U.S.C. 2000ee) to be appropriate for coverage under this section, shall each designate at least 1 senior officer to serve as the principal advisor to assist such head of a department, agency, or element and other officials of the department, agency, or element of the head in identifying records of significant public interest and prioritizing appropriate review of such records in order to facilitate the public disclosure of such records in redacted or unredacted form.

(b) DETERMINING PUBLIC INTEREST IN DISCLOSURE.—In assisting the head of a department, agency, or element and other officials of such department, agency, or element in identifying records of significant public interest under subsection (a), the senior officer designated by the head under such subsection shall consider whether—

(1) or not disclosure of the information would better enable United States citizens to hold Federal Government officials accountable for their actions and policies;

(2) or not disclosure of the information would assist the United States criminal justice system in holding persons responsible for criminal acts or acts contrary to the Constitution;

(3) or not disclosure of the information would assist Congress or any committee or subcommittee thereof, in carrying out its oversight responsibilities with regard to the executive branch of the Federal Government or in adequately informing itself of executive branch policies and activities in order to carry out its legislative responsibilities;

(4) the disclosure of the information would assist Congress or the public in understanding the interpretation of the Federal Government of a provision of law, including Federal regulations, Presidential directives, statutes, case law, and the Constitution of the United States; or

(5) or not disclosure of the information would bring about any other significant benefit, including an increase in public awareness or understanding of Government activities or an enhancement of Federal Government efficiency.

(c) PERIODIC REPORTS.—

(1) IN GENERAL.—Each senior officer designated under subsection (a) shall periodically, but not less frequently than annually, submit a report on the activities of the officer, including the documents determined to be in the public interest for disclosure under subsection (b), to—

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

(B) the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the head of the department, agency, or element of the senior officer.

(2) FORM.—Each report submitted pursuant to paragraph (1) shall be submitted, to the greatest extent possible, in unclassified form, with a classified annex as may be necessary.

Subtitle B—Sensible Classification Act of 2023

SEC. 711. SHORT TITLE.

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

SEC. 712. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(2) CLASSIFICATION.—The term “classification” means the act or process by which information is determined to be classified information.

(3) CLASSIFIED INFORMATION.—The term “classified information” means information

that has been determined pursuant to Executive Order 12958 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(4) DECLASSIFICATION.—The term “declassification” means the authorized change in the status of information from classified information to unclassified information.

(5) DOCUMENT.—The term “document” means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

(6) DOWNGRADE.—The term “downgrade” means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

(7) INFORMATION.—The term “information” means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

(8) ORIGINATE, ORIGINATING, AND ORIGINATED.—The term “originate”, “originating”, and “originated”, with respect to classified information and an authority, means the authority that classified the information in the first instance.

(9) RECORDS.—The term “records” means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency’s control under the terms of the contract, license, certificate, or grant.

(10) SECURITY CLEARANCE.—The term “security clearance” means an authorization to access classified information.

(11) UNAUTHORIZED DISCLOSURE.—The term “unauthorized disclosure” means a communication or physical transfer of classified information to an unauthorized recipient.

(12) UNCLASSIFIED INFORMATION.—The term “unclassified information” means information that is not classified information.

SEC. 713. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to a report released by the Office of the Director of Intelligence in 2020 titled “Fiscal Year 2019 Annual Report on Security Clearance Determinations”, more than 4,000,000 individuals have been granted eligibility for a security clearance.

(2) At least 1,300,000 of such individuals have been granted access to information classified at the Top Secret level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the classification system of the Federal Government is in urgent need of reform;

(2) the number of people with access to classified information is exceedingly high and must be justified or reduced;

(3) reforms are necessary to reestablish trust between the Federal Government and the people of the United States; and

(4) classification should be limited to the minimum necessary to protect national security while balancing the public’s interest in disclosure.

SEC. 714. CLASSIFICATION AUTHORITY.

(a) IN GENERAL.—The authority to classify information originally may be exercised only by—

(1) the President and, in the performance of executive duties, the Vice President;

(2) the head of an agency or an official of any agency authorized by the President pursuant to a designation of such authority in the Federal Register; and

(3) an official of the Federal Government to whom authority to classify information originally has been delegated pursuant to subsection (c).

(b) **SCOPE OF AUTHORITY.**—An individual authorized by this section to classify information originally at a specified level may also classify the information originally at a lower level.

(c) **DELEGATION OF ORIGINAL CLASSIFICATION AUTHORITY.**—An official of the Federal Government may be delegated original classification authority subject to the following:

(1) Delegation of original classification authority shall be limited to the minimum required to administer this section. Agency heads shall be responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) Authority to originally classify information at the level designated as “Top Secret” may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2).

(3) Authority to originally classify information at the level designated as “Secret” or “Confidential” may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2), or the senior agency official described in section 5.4(d) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, provided that official has been delegated “Top Secret” original classification authority by the agency head.

(4) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as provided by paragraphs (1), (2), and (3). Each delegation shall identify the official by name or position title.

(d) **TRAINING REQUIRED.**—

(1) **IN GENERAL.**—An individual may not be delegated original classification authority under this section unless the individual has first received training described in paragraph (2).

(2) **TRAINING DESCRIBED.**—Training described in this paragraph is training on original classification that includes instruction on the proper safeguarding of classified information and of the criminal, civil, and administrative sanctions that may be brought against an individual who fails to protect classified information from unauthorized disclosure.

(e) **EXCEPTIONAL CASES.**—

(1) **IN GENERAL.**—When an employee, contractor, licensee, certificate holder, or grantee of an agency who does not have original classification authority originates information believed by that employee, contractor, licensee, certificate holder, or grantee to require classification, the information shall be protected in a manner consistent with Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order.

(2) **TRANSMITTAL.**—An employee, contractor, licensee, certificate holder, or grantee described in paragraph (1), who originates information described in such paragraph, shall promptly transmit such information to—

(A) the agency that has appropriate subject matter interest and classification authority with respect to this information; or

(B) if it is not clear which agency has appropriate subject matter interest and classification authority with respect to the information, the Director of the Information Security Oversight Office.

(3) **AGENCY DECISIONS.**—An agency that receives information pursuant to paragraph

(2)(A) or (4) shall decide within 30 days whether to classify this information.

(4) **INFORMATION SECURITY OVERSIGHT OFFICE ACTION.**—If the Director of the Information Security Oversight Office receives information under paragraph (2)(B), the Director shall determine the agency having appropriate subject matter interest and classification authority and forward the information, with appropriate recommendations, to that agency for a classification determination.

SEC. 715. PROMOTING EFFICIENT DECLASSIFICATION REVIEW.

(a) **IN GENERAL.**—Whenever an agency is processing a request pursuant to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”) or the mandatory declassification review provisions of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, and identifies responsive classified records that are more than 25 years of age as of December 31 of the year in which the request is received, the head of the agency shall review the record and process the record for declassification and release by the National Declassification Center of the National Archives and Records Administration.

(b) **APPLICATION.**—Subsection (a) shall apply—

(1) regardless of whether or not the record described in such subsection is in the legal custody of the National Archives and Records Administration; and

(2) without regard for any other provisions of law or existing agreements or practices between agencies.

SEC. 716. TRAINING TO PROMOTE SENSIBLE CLASSIFICATION.

(a) **DEFINITIONS.**—In this section:

(1) **OVER-CLASSIFICATION.**—The term “over-classification” means classification at a level that exceeds the minimum level of classification that is sufficient to protect the national security of the United States.

(2) **SENSIBLE CLASSIFICATION.**—The term “sensible classification” means classification at a level that is the minimum level of classification that is sufficient to protect the national security of the United States.

(b) **TRAINING REQUIRED.**—Each head of an agency with classification authority shall conduct training for employees of the agency with classification authority to discourage over-classification and to promote sensible classification.

SEC. 717. IMPROVEMENTS TO PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 703 of the Public Interest Declassification Act of 2000 (50 U.S.C. 3355a) is amended—

(1) in subsection (c), by adding at the end the following:

“(5) A member of the Board whose term has expired may continue to serve until a successor is appointed and sworn in.”; and

(2) in subsection (f)—

(A) by inserting “(1)” before “Any employee”; and

(B) by adding at the end the following:

“(2)(A) In addition to any employees detailed to the Board under paragraph (1), the Board may hire not more than 12 staff members.

“(B) There are authorized to be appropriated to carry out subparagraph (A) such sums as are necessary for fiscal year 2024 and each fiscal year thereafter.”.

SEC. 718. IMPLEMENTATION OF TECHNOLOGY FOR CLASSIFICATION AND DECLASSIFICATION.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Office of Electronic Government (in this section referred to as the “Administrator”) shall, in consultation

with the Secretary of Defense, the Director of the Central Intelligence Agency, the Director of National Intelligence, the Public Interest Declassification Board, the Director of the Information Security Oversight Office, and the head of the National Declassification Center of the National Archives and Records Administration—

(1) research a technology-based solution—

(A) utilizing machine learning and artificial intelligence to support efficient and effective systems for classification and declassification; and

(B) to be implemented on an interoperable and federated basis across the Federal Government; and

(2) submit to the President a recommendation regarding a technology-based solution described in paragraph (1) that should be adopted by the Federal Government.

(b) **STAFF.**—The Administrator may hire sufficient staff to carry out subsection (a).

(c) **REPORT.**—Not later than 540 days after the date of the enactment of this Act, the President shall submit to Congress a classified report on the technology-based solution recommended by the Administrator under subsection (a)(2) and the President’s decision regarding its adoption.

SEC. 719. STUDIES AND RECOMMENDATIONS ON NECESSITY OF SECURITY CLEARANCES.

(a) **AGENCY STUDIES ON NECESSITY OF SECURITY CLEARANCES.**—

(1) **STUDIES REQUIRED.**—The head of each agency that grants security clearances to personnel of such agency shall conduct a study on the necessity of such clearances.

(2) **REPORTS REQUIRED.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, each head of an agency that conducts a study under paragraph (1) shall submit to Congress a report on the findings of the agency head with respect to such study, which the agency head may classify as appropriate.

(B) **REQUIRED ELEMENTS.**—Each report submitted by the head of an agency under subparagraph (A) shall include, for such agency, the following:

(i) The number of personnel eligible for access to information up to the “Top Secret” level.

(ii) The number of personnel eligible for access to information up to the “Secret” level.

(iii) Information on any reduction in the number of personnel eligible for access to classified information based on the study conducted under paragraph (1).

(iv) A description of how the agency head will ensure that the number of security clearances granted by such agency will be kept to the minimum required for the conduct of agency functions, commensurate with the size, needs, and mission of the agency.

(3) **INDUSTRY.**—This subsection shall apply to the Secretary of Defense in the Secretary’s capacity as the Executive Agent for the National Industrial Security Program, and the Secretary shall treat contractors, licensees, and grantees as personnel of the Department of Defense for purposes of the studies and reports required by this subsection.

(b) **DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF SENSITIVE COMPARTMENTED INFORMATION.**—The Director of National Intelligence shall—

(1) review the number of personnel eligible for access to sensitive compartmented information; and

(2) submit to Congress a report on how the Director will ensure that the number of such personnel is limited to the minimum required.

(c) AGENCY REVIEW OF SPECIAL ACCESS PROGRAMS.—Each head of an agency who is authorized to establish a special access program by Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, shall—

(1) review the number of personnel of the agency eligible for access to such special access programs; and

(2) submit to Congress a report on how the agency head will ensure that the number of such personnel is limited to the minimum required.

(d) SECRETARY OF ENERGY REVIEW OF Q AND L CLEARANCES.—The Secretary of Energy shall—

(1) review the number of personnel of the Department of Energy granted Q and L access; and

(2) submit to Congress a report on how the Secretary will ensure that the number of such personnel is limited to the minimum required

(e) INDEPENDENT REVIEWS.—Not later than 180 days after the date on which a study is completed under subsection (a) or a review is completed under subsections (b) through (d), the Director of the Information Security Oversight Office of the National Archives and Records Administration, the Director of National Intelligence, and the Public Interest Declassification Board shall each review the study or review, as the case may be.

TITLE VIII—SECURITY CLEARANCE AND TRUSTED WORKFORCE

SEC. 801. REVIEW OF SHARED INFORMATION TECHNOLOGY SERVICES FOR PERSONNEL VETTING.

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

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a review of the extent to which the intelligence community can use information technology services shared among the intelligence community for purposes of personnel vetting, including with respect to human resources, suitability, and security.

SEC. 802. TIMELINESS STANDARD FOR RENDERING DETERMINATIONS OF TRUST FOR PERSONNEL VETTING.

(a) TIMELINESS STANDARD.—

(1) IN GENERAL.—The President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent, establish and publish in such public venue as the President considers appropriate, new timeliness performance standards for processing personnel vetting trust determinations in accordance with the Federal personnel vetting performance management standards.

(2) QUINQUENNIAL REVIEWS.—Not less frequently than once every 5 years, the President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent—

(A) review the standards established pursuant to paragraph (1); and

(B) pursuant to such review—

(i) update such standards as the President considers appropriate; and

(ii) publish in the Federal Register such updates as may be made pursuant to clause (i).

(3) CONFORMING AMENDMENT.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by striking subsection (g).

(b) QUARTERLY REPORTS ON IMPLEMENTATION.—

(1) IN GENERAL.—Not less frequently than quarterly, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly make available to the public a quarterly report on the compliance of Executive agencies (as defined in section 105 of title 5, United States Code) with the standards established pursuant to subsection (a).

(2) DISAGGREGATION.—Each report made available pursuant to paragraph (1) shall disaggregate, to the greatest extent practicable, data by appropriate category of personnel risk and between Government and contractor personnel.

(c) COMPLEMENTARY STANDARDS FOR INTELLIGENCE COMMUNITY.—The Director of National Intelligence may, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information) establish for the intelligence community standards complementary to those established pursuant to subsection (a).

SEC. 803. ANNUAL REPORT ON PERSONNEL VETTING TRUST DETERMINATIONS.

(a) DEFINITION OF PERSONNEL VETTING TRUST DETERMINATION.—In this section, the term “personnel vetting trust determination” means any determination made by an executive branch agency as to whether an individual can be trusted to perform job functions or to be granted access necessary for a position.

(b) ANNUAL REPORT.—Not later than March 30, 2024, and annually thereafter for 5 years, the Director of National Intelligence, acting as the Security Executive Agent, and the Director of the Office of Personnel Management, acting as the Suitability and Credentialing Executive Agent, in coordination with the Security, Suitability, and Credentialing Performance Accountability Council, shall jointly make available to the public a report on specific types of personnel vetting trust determinations made during the fiscal year preceding the fiscal year in which the report is made available, disaggregated, to the greatest extent possible, by the following:

(1) Determinations of eligibility for national security-sensitive positions, separately noting—

(A) the number of individuals granted access to national security information; and

(B) the number of individuals determined to be eligible for but not granted access to national security information.

(2) Determinations of suitability or fitness for a public trust position.

(3) Status as a Government employee, a contractor employee, or other category.

(c) ELIMINATION OF REPORT REQUIREMENT.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by striking subsection (h).

SEC. 804. SURVEY TO ASSESS STRENGTHS AND WEAKNESSES OF TRUSTED WORKFORCE 2.0.

Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter until 2029, the Comptroller General of the United States shall administer a survey to such sample of Federal agencies, Federal contractors, and other persons that require security clearances to access classified information as the Comp-

troller General considers appropriate to assess—

(1) the strengths and weaknesses of the implementation of the Trusted Workforce 2.0 initiative; and

(2) the effectiveness of vetting Federal personnel while managing risk during the onboarding of such personnel.

SEC. 805. PROHIBITION ON DENIAL OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION SOLELY BECAUSE OF PAST USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term “cannabis” has the meaning given the term “marihuana” in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term “eligibility for access to classified information” has the meaning given the term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(b) PROHIBITION.—Notwithstanding any other provision of law, the head of an element of the intelligence community may not make a determination to deny eligibility for access to classified information to an individual based solely on the use of cannabis by the individual prior to the submission of the application for a security clearance by the individual.

TITLE IX—ANOMALOUS HEALTH INCIDENTS

SEC. 901. IMPROVED FUNDING FLEXIBILITY FOR PAYMENTS MADE BY THE CENTRAL INTELLIGENCE AGENCY FOR QUALIFYING INJURIES TO THE BRAIN.

Section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) is amended by striking paragraph (3) and inserting the following new paragraph:

“(3) FUNDING.—

“(A) IN GENERAL.—Payment under paragraph (2) in a fiscal year may be made using any funds—

“(i) appropriated in advance specifically for payments under such paragraph; or

“(ii) reprogrammed in accordance with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

“(B) BUDGET.—For each fiscal year, the Director shall include with the budget justification materials submitted to Congress in support of the budget of the President for that fiscal year pursuant to section 1105(a) of title 31, United States Code, an estimate of the funds required in that fiscal year to make payments under paragraph (2).”.

SEC. 902. CLARIFICATION OF REQUIREMENTS TO SEEK CERTAIN BENEFITS RELATING TO INJURIES TO THE BRAIN.

(a) IN GENERAL.—Section 19A(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)(5)) is amended—

(1) by striking “Payments made” and inserting the following:

“(A) IN GENERAL.—Payments made”; and

(2) by adding at the end the following:

“(B) RELATION TO CERTAIN FEDERAL WORKERS COMPENSATION LAWS.—Without regard to the requirements in sections (b) and (c), covered employees need not first seek benefits provided under chapter 81 of title 5, United States Code, to be eligible solely for payment authorized under paragraph (2) of this subsection.”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) revise applicable regulations to conform with the amendment made by subsection (a); and

(2) submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of

the Committee on Appropriations of the House of Representatives copies of such regulations, as revised pursuant to paragraph (1).

SEC. 903. INTELLIGENCE COMMUNITY IMPLEMENTATION OF HAVANA ACT OF 2021 AUTHORITIES.

(a) REGULATIONS.—Except as provided in subsection (c), not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community that has not already done so shall—

(1) issue regulations and procedures to implement the authorities provided by section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) and section 901(i) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)) to provide payments under such sections, to the degree that such authorities are applicable to the head of the element; and

(2) submit to the congressional intelligence, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives committees copies of such regulations.

(b) REPORTING.—Not later than 210 days after the date of the enactment of this Act, each head of an element of the intelligence community shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on—

(1) the estimated number of individuals associated with their element that may be eligible for payment under the authorities described in subsection (a)(1);

(2) an estimate of the obligation that the head of the intelligence community element expects to incur in fiscal year 2025 as a result of establishing the regulations pursuant to subsection (a)(1); and

(3) any perceived barriers or concerns in implementing such authorities.

(c) ALTERNATIVE REPORTING.—Not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community (other than the Director of the Central Intelligence Agency) who believes that the authorities described in subsection (a)(1) are not currently relevant for individuals associated with their element, or who are not otherwise in position to issue the regulations and procedures required by subsection (a)(1) shall provide written and detailed justification to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives to explain this position.

SEC. 904. REPORT AND BRIEFING ON CENTRAL INTELLIGENCE AGENCY HANDLING OF ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “Agency” means the Central Intelligence Agency.

(2) QUALIFYING INJURY.—The term “qualifying injury” has the meaning given such term in section 19A(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)(1)).

(b) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the handling of anomalous health incidents by the Agency.

(c) CONTENTS.—The report required by subsection (b) shall include the following:

(1) HAVANA ACT IMPLEMENTATION.—

(A) An explanation of how the Agency determines whether a reported anomalous health incident resulted in a qualifying injury or a qualifying injury to the brain.

(B) The number of participants of the Expanded Care Program of the Central Intelligence Agency who—

(i) have a certified qualifying injury or a certified qualifying injury to the brain; and

(ii) as of September 30, 2023, applied to the Expanded Care Program due to a reported anomalous health incident.

(C) A comparison of the number of anomalous health incidents reported by applicants to the Expanded Care Program that occurred in the United States and that occurred in a foreign country.

(D) The specific reason each applicant was approved or denied for payment under the Expanded Care Program.

(E) The number of applicants who were initially denied payment but were later approved on appeal.

(F) The average length of time, from the time of application, for an applicant to receive a determination from the Expanded Care Program, aggregated by qualifying injuries and qualifying injuries to the brain.

(2) PRIORITY CASES.—

(A) A detailed list of priority cases of anomalous health incidents, including, for each incident, locations, dates, times, and circumstances.

(B) For each priority case listed in accordance with subparagraph (A), a detailed explanation of each credible alternative explanation that the Agency assigned to the incident, including—

(i) how the incident was discovered;

(ii) how the incident was assigned within the Agency; and

(iii) whether an individual affected by the incident is provided an opportunity to appeal the credible alternative explanation.

(C) For each priority case of an anomalous health incident determined to be largely consistent with the definition of “anomalous health incident” established by the National Academy of Sciences and for which the Agency does not have a credible alternative explanation, a detailed description of such case.

(3) ANOMALOUS HEALTH INCIDENT SENSORS.—

(A) A list of all types of sensors that the Agency has developed or deployed with respect to reports of anomalous health incidents, including, for each type of sensor, the deployment location, the date and the duration of the employment of such type of sensor, and, if applicable, the reason for removal.

(B) A list of entities to which the Agency has provided unrestricted access to data associated with anomalous health incidents.

(C) A list of requests for support the Agency has received from elements of the Federal Government regarding sensor development, testing, or deployment, and a description of the support provided in each case.

(D) A description of all emitter signatures obtained by sensors associated with anomalous health incidents in Agency holdings since 2016, including—

(i) the identification of any of such emitters that the Agency prioritizes as a threat; and

(ii) an explanation of such prioritization.

(d) ADDITIONAL SUBMISSIONS.—Concurrent with the submission of the report required by subsection (b), the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives—

(1) a template of each form required to apply for the Expanded Care Program, including with respect to payments for a qualifying injury or a qualifying injury to the brain;

(2) copies of internal guidance used by the Agency to adjudicate claims for the Expanded Care Program, including with respect to payments for a qualifying injury to the brain;

(3) the case file of each applicant to the Expanded Care Program who applied due to a reported anomalous health incident, including supporting medical documentation, with name and other identifying information redacted;

(4) copies of all informational and instructional materials provided to employees of and other individuals affiliated with the Agency with respect to applying for the Expanded Care Program; and

(5) copies of Agency guidance provided to employees of and other individuals affiliated with the Agency with respect to reporting and responding to a suspected anomalous health incident, and the roles and responsibilities of each element of the Agency tasked with responding to a report of an anomalous health incident.

(e) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall brief the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives on the report.

TITLE X—ELECTION SECURITY

SEC. 1001. STRENGTHENING ELECTION CYBERSECURITY TO UPHOLD RESPECT FOR ELECTIONS THROUGH INDEPENDENT TESTING ACT OF 2023.

(a) REQUIRING PENETRATION TESTING AS PART OF THE TESTING AND CERTIFICATION OF VOTING SYSTEMS.—Section 231 of the Help America Vote Act of 2002 (52 U.S.C. 20971) is amended by adding at the end the following new subsection:

“(e) REQUIRED PENETRATION TESTING.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall provide for the conduct of penetration testing as part of the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section.

“(2) ACCREDITATION.—The Director of the National Institute of Standards and Technology shall recommend to the Commission entities the Director proposes be accredited to carry out penetration testing under this subsection and certify compliance with the penetration testing-related guidelines required by this subsection. The Commission shall vote on the accreditation of any entity recommended. The requirements for such accreditation shall be a subset of the requirements for accreditation of laboratories under subsection (b) and shall only be based on consideration of an entity's competence to conduct penetration testing under this subsection.”.

(b) INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PROGRAM FOR ELECTION SYSTEMS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

“PART 7—INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PILOT PROGRAM FOR ELECTION SYSTEMS

“SEC. 297. INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PILOT PROGRAM FOR ELECTION SYSTEMS.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—The Commission, in consultation with the Secretary, shall establish an Independent Security Testing and Coordinated Vulnerability Disclosure Pilot Program for Election Systems (VDP-E) (in this section referred to as the ‘program’) in order to test for and disclose cybersecurity vulnerabilities in election systems.

“(2) DURATION.—The program shall be conducted for a period of 5 years.

“(3) REQUIREMENTS.—In carrying out the program, the Commission, in consultation with the Secretary, shall—

“(A) establish a mechanism by which an election systems vendor may make their election system (including voting machines and source code) available to cybersecurity researchers participating in the program;

“(B) provide for the vetting of cybersecurity researchers prior to their participation in the program, including the conduct of background checks;

“(C) establish terms of participation that—

“(i) describe the scope of testing permitted under the program;

“(ii) require researchers to—

“(I) notify the vendor, the Commission, and the Secretary of any cybersecurity vulnerability they identify with respect to an election system; and

“(II) otherwise keep such vulnerability confidential for 180 days after such notification;

“(iii) require the good faith participation of all participants in the program;

“(iv) require an election system vendor, within 180 days after validating notification of a critical or high vulnerability (as defined by the National Institute of Standards and Technology) in an election system of the vendor, to—

“(I) send a patch or propound some other fix or mitigation for such vulnerability to the appropriate State and local election officials, in consultation with the researcher who discovered it; and

“(II) notify the Commission and the Secretary that such patch has been sent to such officials;

“(D) in the case where a patch or fix to address a vulnerability disclosed under subparagraph (C)(ii)(I) is intended to be applied to a system certified by the Commission, provide—

“(i) for the expedited review of such patch or fix within 90 days after receipt by the Commission; and

“(ii) if such review is not completed by the last day of such 90 day period, that such patch or fix shall be deemed to be certified by the Commission, subject to any subsequent review of such determination by the Commission; and

“(E) 180 days after the disclosure of a vulnerability under subparagraph (C)(ii)(I), notify the Director of the Cybersecurity and Infrastructure Security Agency of the vulnerability for inclusion in the database of Common Vulnerabilities and Exposures.

“(4) VOLUNTARY PARTICIPATION; SAFE HARBOR.—

“(A) VOLUNTARY PARTICIPATION.—Participation in the program shall be voluntary for election systems vendors and researchers.

“(B) SAFE HARBOR.—When conducting research under this program, such research

and subsequent publication shall be considered to be:

“(i) Authorized in accordance with section 1030 of title 18, United States Code (commonly known as the ‘Computer Fraud and Abuse Act’), (and similar state laws), and the election system vendor will not initiate or support legal action against the researcher for accidental, good faith violations of the program.

“(ii) Exempt from the anti-circumvention rule of section 1201 of title 17, United States Code (commonly known as the ‘Digital Millennium Copyright Act’), and the election system vendor will not bring a claim against a researcher for circumvention of technology controls.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or otherwise affect any exception to the general prohibition against the circumvention of technological measures under subparagraph (A) of section 1201(a)(1) of title 17, United States Code, including with respect to any use that is excepted from that general prohibition by the Librarian of Congress under subparagraphs (B) through (D) of such section 1201(a)(1).

“(5) EXEMPT FROM DISCLOSURE.—Cybersecurity vulnerabilities discovered under the program shall be exempt from section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

“(6) DEFINITIONS.—In this subsection:

“(A) CYBERSECURITY VULNERABILITY.—The term ‘cybersecurity vulnerability’ means, with respect to an election system, any security vulnerability that affects the election system.

“(B) ELECTION INFRASTRUCTURE.—The term ‘election infrastructure’ means—

“(i) storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office; and

“(ii) related information and communications technology, including—

“(I) voter registration databases;

“(II) election management systems;

“(III) voting machines;

“(IV) electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results); and

“(V) other systems used to manage the election process and to report and display election results on behalf of an election agency.

“(C) ELECTION SYSTEM.—The term ‘election system’ means any information system that is part of an election infrastructure, including any related information and communications technology described in subparagraph (B)(ii).

“(D) ELECTION SYSTEM VENDOR.—The term ‘election system vendor’ means any person providing, supporting, or maintaining an election system on behalf of a State or local election official.

“(E) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44, United States Code.

“(F) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(G) SECURITY VULNERABILITY.—The term ‘security vulnerability’ has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).”.

“(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

“PART 7—INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PROGRAM FOR ELECTION SYSTEMS

“Sec. 297. Independent security testing and coordinated cybersecurity vulnerability disclosure program for election systems.”.

TITLE XI—OTHER MATTERS

SEC. 1101. MODIFICATION OF REPORTING REQUIREMENT FOR ALL-DOMAIN ANOMALY RESOLUTION OFFICE.

Section 1683(k)(1) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(k)(1)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117-263), is amended—

(1) in the heading, by striking “DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE” and inserting “ALL-DOMAIN ANOMALY RESOLUTION OFFICE”; and

(2) in subparagraph (A), by striking “Director of National Intelligence and the Secretary of Defense shall jointly” and inserting “Director of the Office shall”.

SEC. 1102. FUNDING LIMITATIONS RELATING TO UNIDENTIFIED ANOMALOUS PHENOMENA.

(a) DEFINITIONS.—In this section:

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

(A) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) DIRECTOR.—The term “Director” means the Director of the All-domain Anomaly Resolution Office.

(4) UNIDENTIFIED ANOMALOUS PHENOMENA.—The term “unidentified anomalous phenomena” has the meaning given such term in section 1683(n) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(n)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117-263).

(b) SENSE OF CONGRESS.—It is the sense of Congress that, due to the increasing potential for technology surprise from foreign adversaries and to ensure sufficient integration across the United States industrial base and avoid technology and security stovepipes—

(1) the United States industrial base must retain its global lead in critical advanced technologies; and

(2) the Federal Government must expand awareness about any historical exotic technology antecedents previously provided by the Federal Government for research and development purposes.

(c) LIMITATIONS.—No amount authorized to be appropriated by this Act may be obligated or expended, directly or indirectly, in part or in whole, for, on, in relation to, or in support of activities involving unidentified anomalous phenomena protected under any form of special access or restricted access limitations that have not been formally, officially, explicitly, and specifically described, explained, and justified to the appropriate committees of Congress, congressional leadership, and the Director, including for any activities relating to the following:

(1) Recruiting, employing, training, equipping, and operations of, and providing security for, government or contractor personnel with a primary, secondary, or contingency mission of capturing, recovering, and securing unidentified anomalous phenomena craft or pieces and components of such craft.

(2) Analyzing such craft or pieces or components thereof, including for the purpose of determining properties, material composition, method of manufacture, origin, characteristics, usage and application, performance, operational modalities, or reverse engineering of such craft or component technology.

(3) Managing and providing security for protecting activities and information relating to unidentified anomalous phenomena from disclosure or compromise.

(4) Actions relating to reverse engineering or replicating unidentified anomalous phenomena technology or performance based on analysis of materials or sensor and observational information associated with unidentified anomalous phenomena.

(5) The development of propulsion technology, or aerospace craft that uses propulsion technology, systems, or subsystems, that is based on or derived from or inspired by inspection, analysis, or reverse engineering of recovered unidentified anomalous phenomena craft or materials.

(6) Any aerospace craft that uses propulsion technology other than chemical propellants, solar power, or electric ion thrust.

(d) **NOTIFICATION AND REPORTING.**—Any person currently or formerly under contract with the Federal Government that has in their possession material or information provided by or derived from the Federal Government relating to unidentified anomalous phenomena that formerly or currently is protected by any form of special access or restricted access shall—

(1) not later than 60 days after the date of the enactment of this Act, notify the Director of such possession; and

(2) not later than 180 days after the date of the enactment of this Act, make available to the Director for assessment, analysis, and inspection—

(A) all such material and information; and
(B) a comprehensive list of all non-earth origin or exotic unidentified anomalous phenomena material.

(e) **LIABILITY.**—No criminal or civil action may lie or be maintained in any Federal or State court against any person for receiving material or information described in subsection (d) if that person complies with the notification and reporting provisions described in such subsection.

(f) **LIMITATION REGARDING INDEPENDENT RESEARCH AND DEVELOPMENT.**—

(1) **IN GENERAL.**—Consistent with Department of Defense Instruction Number 3204.01 (dated August 20, 2014, incorporating change 2, dated July 9, 2020; relating to Department policy for oversight of independent research and development), independent research and development funding relating to material or information described in subsection (c) shall not be allowable as indirect expenses for purposes of contracts covered by such instruction, unless such material and information is made available to the Director in accordance with subsection (d).

(2) **EFFECTIVE DATE AND APPLICABILITY.**—Paragraph (1) shall take effect on the date that is 60 days after the date of the enactment of this Act and shall apply with respect to funding from amounts appropriated before, on, or after such date.

(g) **NOTICE TO CONGRESS.**—Not later than 30 days after the date on which the Director has received a notification under paragraph (1) of subsection (d) or information or material under paragraph (2) of such subsection, the

Director shall provide written notification of such receipt to the appropriate committees of Congress and congressional leadership.

SA 995. 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 subtitle E of title X, insert the following:

SEC. 104. DESIGNATION OF CERTAIN AIRPORTS BY THE UNITED STATES FISH AND WILDLIFE SERVICE.

(a) **IN GENERAL.**—The Director of the United States Fish and Wildlife Service shall designate each of the airports among the top 10 United States airports with respect to all-cargo landed weight during calendar year 2021 as a “port of entry designated for the importation and exportation of wildlife and wildlife products” (referred to in this section as a “Designated Port”) under section 14.12 of title 50, Code of Federal Regulations.

(b) **ELECTION TO OPERATE AS A DESIGNATED PORT.**—An airport authority responsible for the operation of an airport described in subsection (a) may determine whether or not such airport will serve as a Designated Port.

SA 996. 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 I—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2023

SEC. 11001. SHORT TITLE.

This division may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2023”.

SEC. 11002. 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 Secretary 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. 11003. 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. 11004. 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. 11005. 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. 11006. 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. 11007. 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”;

(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. 11008. 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. 11009. 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. 11010. 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)”;

(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. 11011. 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”;

(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. 11012. 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”;

(3) in subsection (c)(2), by striking “50 years” and inserting “99 years”.

SEC. 11013. 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”;

(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. 11014. 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. 11015. 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. 11016. 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. 11017. 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. 11018. 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 MORTGAGES.—

“(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. 11019. 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)—

(i) in subparagraph (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

(ii) by adding at the end the following:

“(C) INDEMNIFICATION.—

“(i) IN GENERAL.—If the Secretary determines that a loan was not originated in accordance with the requirements established by the Secretary under this section, the Secretary may require the lender to indemnify the Secretary for any loss or potential loss, regardless of whether the non-compliance caused or may cause the loan default.

“(ii) DIRECT GUARANTEE ENDORSEMENT.—The Secretary may, dependent on the availability of systems development and staffing resources, delegate to eligible lenders the authority to directly endorse loans under this section.

“(iii) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation was involved in the direct guarantee endorsement process by a lender under this section, the Secretary shall require the approved direct guarantee endorsement lender to indemnify the Secretary for any loss or potential loss, regardless of whether the fraud or misrepresentation caused or may cause the loan default.

“(iv) IMPLEMENTATION.—The Secretary may implement any requirements described in this subparagraph by regulation, notice, or Dear Lender Letter.”.

(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”;

(3) in subsection (d)—

(A) in paragraph (1), by adding at the end the following:

“(C) EXCEPTION.—When the Secretary exercises its discretion to delegate direct guarantee endorsement authority pursuant to subsection (c)(4)(C)(ii), subparagraphs (A) and (B) of this paragraph shall not apply.”;

(B) by amending paragraph (2) to read as follows:

“(2) STANDARD FOR APPROVAL.—

“(A) APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

“(B) EXCEPTIONS.—When the Secretary exercises its discretion to delegate direct guarantee endorsement authority pursuant to subsection (c)(4)(C)(ii)—

“(i) subparagraph (A) shall not apply; and

“(ii) the direct guarantee endorsement lender may issue a certificate under this paragraph as evidence of the guarantee in accordance with requirements prescribed by the Secretary.”; and

(C) in paragraph (3)(A), by inserting “or, where applicable, the direct guarantee endorsement lender,” after “Secretary” and

(4) 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. 11020. 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 under 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. 11021. 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—

“(AA) 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 assist-

ance 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; and

“(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. 11022. 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. 11023. 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 997. 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 appropriate place in subtitle G of title X, insert the following:

SEC. 10. MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-WAY ACROSS INDIAN LAND.

(a) EXTENSION OF TRIBAL LEASE PERIOD.—The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) (commonly known as the “Long-Term Leasing Act”), is amended—

(1) by striking “That (a)” and all that follows through the end of subsection (a) and inserting the following:

“SECTION 1. LEASES OF RESTRICTED LAND.

“(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY SECRETARY.—

“(1) IN GENERAL.—Any restricted Indian lands, regardless of whether that land is tribally or individually owned, may be leased by

the Indian owner of the land, with the approval of the Secretary, for—

“(A) a public, religious, educational, recreational, residential, business, or grazing purposes; or

“(B) a farming purpose that requires the making of a substantial investment in the improvement of the land for the production of 1 or more specialized crops as determined by the Secretary.

“(2) INCLUSIONS.—A lease under paragraph (1) may include the development or use of natural resources in connection with operations under that lease.

“(3) TERM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a lease under paragraph (1) shall be for a term of not more than 99 years, including any renewals.

“(B) EXCEPTION FOR GRAZING PURPOSES.—A lease under paragraph (1) for grazing purposes may be for a term of not more than 10 years, including any renewals.

“(4) REQUIREMENT.—Each lease and renewal under this subsection shall be made in accordance with such terms and regulations as may be prescribed by the Secretary.

“(5) CONDITIONS FOR APPROVAL.—Before the approval of any lease or renewal of an existing lease pursuant to this subsection, the Secretary shall determine that adequate consideration has been given to—

“(A) relationship between the use of the leased lands and the use of neighboring land;

“(B) the height, quality, and safety of any structures or other facilities to be constructed on the leased land;

“(C) the availability of police and fire protection and other services on the leased land;

“(D) the availability of judicial forums for all criminal and civil causes of action arising on the leased land; and

“(E) the effects on the environment of the uses to which the leased lands will be subject.”;

(2) in subsection (b)—

(A) by striking “(b) Any lease” and inserting the following:

“(b) EXCEPTION FOR SECRETARY APPROVAL.—Any lease”;

(B) by striking “of the Interior” each place it appears; and

(C) by striking “clause (3)” and inserting “paragraph”;

(3) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (a), respectively, and moving the subsections so as to appear in alphabetical order;

(4) by striking “subsection (a)” each place it appears and inserting “subsection (b)”;

and

(5) in subsection (h)(1)—

(A) in the matter preceding subparagraph (A), by striking “and the term of the lease does not exceed—” and inserting a period; and

(B) by striking subparagraphs (A) and (B).

(b) TECHNICAL CORRECTION.—Section 2 of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415a) (commonly known as the “Long-Term Leasing Act”), is amended by inserting “of the Interior” after “Secretary” each place it appears.

(c) MODIFICATIONS OF RIGHTS-OF-WAY ACROSS INDIAN LAND.—The Act of February 5, 1948 (62 Stat. 17, chapter 45), is amended—

(1) in the first section (62 Stat. 17, chapter 45; 25 U.S.C. 323), by striking “That the Secretary of the Interior be, and he is hereby, empowered to” and inserting the following:

“SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS INDIAN LAND.

“(a) RIGHTS-OF-WAY.—The Secretary of the Interior may”;

(2) in section 2 (62 Stat. 18, chapter 45; 25 U.S.C. 324), by striking “organized under the

Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967); and (3) by adding at the end the following:

“SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.

“(a) RIGHTS-OF-WAY.—

“(1) IN GENERAL.—Subject to paragraph (2), an Indian tribe may grant a right-of-way over and across the Tribal land of the Indian tribe for any purpose.

“(2) AUTHORITY.—A right-of-way granted under paragraph (1) shall not require the approval of the Secretary of the Interior or a grant by the Secretary of the Interior under the section 1 if the right-of-way granted under paragraph (1) is executed in accordance with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

“(b) REVIEW OF TRIBAL REGULATIONS.—

“(1) TRIBAL REGULATION SUBMISSION AND APPROVAL.—

“(A) SUBMISSION.—An Indian tribe seeking to grant a right-of-way under subsection (a) shall submit for approval a Tribal regulation governing the granting of rights-of-way over and across the Tribal land of the Indian tribe.

“(B) APPROVAL.—Subject to paragraph (2), the Secretary of the Interior shall have the authority to approve or disapprove any Tribal regulation submitted under subparagraph (A).

“(2) CONSIDERATIONS FOR APPROVAL.—

“(A) IN GENERAL.—The Secretary of the Interior shall approve a Tribal regulation submitted under paragraph (1)(A), if the Tribal regulation—

“(i) is consistent with any regulations (or successor regulations) issued by the Secretary of the Interior under section 4;

“(ii) provides for an environmental review process that includes—

“(I) the identification and evaluation of any significant impacts the proposed action may have on the environment; and

“(II) a process for ensuring—

“(aa) that the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe under subclause (I); and

“(bb) the Indian tribe provides a response to each relevant and substantive public comment on the significant environmental impacts identified by the Indian tribe under subclause (I) before the Indian tribe approves the right-of-way.

“(B) STATUTORY EXEMPTIONS.—The Secretary of the Interior, in making an approval decision under this subsection, shall not be subject to—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) section 306108 of title 54, United States Code; or

“(iii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(3) REVIEW PROCESS.—

“(A) IN GENERAL.—Not later than 180 days after the date on which the Indian tribe submits a Tribal regulation to the Secretary of the Interior under paragraph (1)(A), the Secretary of the Interior shall—

“(i) review the Tribal regulation;

“(ii) approve or disapprove the Tribal regulation; and

“(iii) notify the Indian tribe that submitted the Tribal regulation of the approval or disapproval.

“(B) WRITTEN DOCUMENTATION.—If the Secretary of the Interior disapproves a Tribal regulation submitted under paragraph (1)(A), the Secretary of the Interior shall include with the disapproval notification under subparagraph (A)(iii) written documentation describing the basis for the disapproval.

“(C) EXTENSION.—The Secretary of the Interior may, after consultation with the Indian tribe that submitted a Tribal regulation under paragraph (1)(A), extend the 180-day period described in subparagraph (A).

“(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe may rely on the environmental review process of the applicable Federal agency rather than any Tribal environmental review process required under this subsection.

“(c) DOCUMENTATION.—An Indian tribe granting a right-of-way under subsection (a) shall provide to the Secretary of the Interior—

“(1) a copy of the right-of-way, including any amendments or renewals; and

“(2) if the right-of-way allows for compensation to be made directly to the Indian tribe, documentation of payments that are sufficient, as determined by the Secretary of the Interior, as to enable the Secretary of the Interior to discharge the trust responsibility of the United States under subsection (d).

“(d) TRUST RESPONSIBILITY.—

“(1) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a right-of-way granted under subsection (a).

“(2) AUTHORITY OF THE SECRETARY.—

“(A) IN GENERAL.—Pursuant to the authority of the Secretary of the Interior to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary of the Interior may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary of the Interior, enforce the provisions of, or cancel, any right-of-way granted by the Indian tribe under subsection (a).

“(B) AUTHORITY.—The enforcement or cancellation of a right-of-way under subparagraph (A) shall be conducted using regulatory procedures issued under section 6.

“(e) COMPLIANCE.—

“(1) IN GENERAL.—An interested party, after exhaustion of any applicable Tribal remedies, may submit a petition to the Secretary of the Interior, at such time and in such form as determined by the Secretary of the Interior, to review the compliance of an applicable Indian tribe with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

“(2) VIOLATIONS.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior may take any action the Secretary of the Interior determines to be necessary to remedy the violation, including rescinding the approval of the Tribal regulation and re-assuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe.

“(3) DOCUMENTATION.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior shall—

“(A) provide written documentation, with respect to the Tribal regulation that has been violated, to the appropriate interested party and Indian tribe;

“(B) provide the applicable Indian tribe with a written notice of the alleged violation; and

“(C) prior to the exercise of any remedy, including rescinding the approval for the applicable Tribal regulation or reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe, provide the applicable Indian tribe with—

“(i) a hearing that is on the record; and

“(ii) a reasonable opportunity to cure the alleged violation.

“(f) SAVINGS CLAUSE.—Nothing in this section affects the application of any Tribal regulations issued under Federal environmental law.

“(g) EFFECT OF TRIBAL REGULATIONS.—An approved Tribal regulation under subsection (b) shall not preclude an Indian tribe from, in the discretion of the Indian tribe, consenting to the grant of a right-of-way by the Secretary of the Interior under the section 1.

“(h) TERMS OF RIGHT-OF-WAY.—The compensation for, and terms of, a right-of-way granted under subsection (a) will be determined by—

“(1) negotiations by the Indian tribe; or

“(2) the regulations of the Indian tribe.

“(i) JURISDICTION.—The grant of a right-of-way under subsection (a) does not waive the sovereign immunity of the Indian tribe or diminish the jurisdiction of that Indian tribe over the Tribal land subject to the right-of-way, unless otherwise provided in—

“(1) the grant of the right-of-way; or

“(2) the regulations of the Indian tribe.”.

SA 998. Mr. SULLIVAN 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 X, add the following:

SEC. 1025. OVERSEAS MAINTENANCE OF CERTAIN NAVAL VESSELS.

(a) IN GENERAL.—Section 8680(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “A naval vessel” and inserting “Except as provided in paragraphs (2) through (4), a naval vessel”; and

(2) by adding at the end the following:

“(4)(A) Notwithstanding paragraph (1), any conventionally-powered surface naval vessel operating in the Seventh Fleet Area of Responsibility may be maintained (including overhauls) in Japan if the Secretary of the Navy determines that a delay of longer than 1 year is expected before a shipyard located in the United States or in Guam is available to perform such maintenance on such vessel.

“(B) Not later than 6 months after the initiation of maintenance in Japan on any vessel described in subparagraph (A), the Secretary of the Navy shall submit a report to Congress describing the progress that has been made in addressing the maintenance backlog for naval vessels at shipyards in the United States.”.

(b) SUNSET.—The amendments made subsection (a) shall remain in effect until the date that is 5 years after the date of the enactment of this Act.

SA 999. Mr. RISCH (for Mr. BARRASSO (for himself, Mr. MANCHIN, and Mr. RISCH)) submitted an amendment intended to be proposed by Mr. Risch 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 XXXI, insert the following:

SEC. 31. U.S. NUCLEAR FUEL SECURITY INITIATIVE.

(a) **SHORT TITLE.**—This section may be cited as the “Nuclear Fuel Security Act of 2023”.

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

(1) the Department should—

(A) prioritize activities to increase domestic production of low-enriched uranium; and
(B) accelerate efforts to establish a domestic high-assay, low-enriched uranium enrichment capability; and

(2) if domestic enrichment of high-assay, low-enriched uranium will not be commercially available at the scale needed in time to meet the needs of the advanced nuclear reactor demonstration projects of the Department, the Secretary shall consider and implement, as necessary—

(A) all viable options to make high-assay, low-enriched uranium produced from inventories owned by the Department available in a manner that is sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers, without impacting existing Department missions, until such time that commercial enrichment and deconversion capability for high-assay, low-enriched uranium exists at a scale sufficient to meet future needs; and

(B) all viable options for partnering with countries that are allies or partners of the United States to meet those needs and schedules until that time.

(c) **OBJECTIVES.**—The objectives of this section are—

(1) to expeditiously increase domestic production of low-enriched uranium;

(2) to expeditiously increase domestic production of high-assay, low-enriched uranium by an annual quantity, and in such form, determined by the Secretary to be sufficient to meet the needs of—

(A) advanced nuclear reactor developers; and

(B) the consortium;

(3) to ensure the availability of domestically produced, converted, enriched, deconverted, and reduced uranium in a quantity determined by the Secretary, in consultation with U.S. nuclear energy companies, to be sufficient to address a reasonably anticipated supply disruption;

(4) to address gaps and deficiencies in the domestic production, conversion, enrichment, deconversion, and reduction of uranium by partnering with countries that are allies or partners of the United States if domestic options are not practicable;

(5) to ensure that, in the event of a supply disruption in the nuclear fuel market, a reserve of nuclear fuels is available to serve as a backup supply to support the nuclear non-proliferation and civil nuclear energy objectives of the Department;

(6) to support enrichment, deconversion, and reduction technology deployed in the United States; and

(7) to ensure that, until such time that domestic enrichment and deconversion of high-assay, low-enriched uranium is commercially available at the scale needed to meet the needs of advanced nuclear reactor developers, the Secretary considers and implements, as necessary—

(A) all viable options to make high-assay, low-enriched uranium produced from inventories owned by the Department available in a manner that is sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers; and

(B) all viable options for partnering with countries that are allies or partners of the

United States to meet those needs and schedules.

(d) **DEFINITIONS.**—In this section:

(1) **ADVANCED NUCLEAR REACTOR.**—The term “advanced nuclear reactor” has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) **ASSOCIATED ENTITY.**—The term “associated entity” means an entity that—

(A) is owned, controlled, or dominated by—
(i) the government of a country that is an ally or partner of the United States; or

(ii) an associated individual; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, a country that is an ally or partner of the United States, including a corporation that is incorporated in such a country.

(3) **ASSOCIATED INDIVIDUAL.**—The term “associated individual” means an alien who is a national of a country that is an ally or partner of the United States.

(4) **CONSORTIUM.**—The term “consortium” means the consortium established under section 2001(a)(2)(F) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2)(F)).

(5) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(6) **HIGH-ASSAY, LOW-ENRICHED URANIUM; HALEU.**—The term “high-assay, low-enriched uranium” or “HALEU” means high-assay low-enriched uranium (as defined in section 2001(d) of the Energy Act of 2020 (42 U.S.C. 16281(d))).

(7) **LOW-ENRICHED URANIUM; LEU.**—The term “low-enriched uranium” or “LEU” means each of—

(A) low-enriched uranium (as defined in section 3102 of the USEC Privatization Act (42 U.S.C. 2297h)); and

(B) low-enriched uranium (as defined in section 3112A(a) of that Act (42 U.S.C. 2297h-10a(a))).

(8) **PROGRAMS.**—The term “Programs” means—

(A) the Nuclear Fuel Security Program established under subsection (e)(1);

(B) the American Assured Fuel Supply Program of the Department; and

(C) the HALEU for Advanced Nuclear Reactor Demonstration Projects Program established under subsection (e)(3).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(10) **U.S. NUCLEAR ENERGY COMPANY.**—The term “U.S. nuclear energy company” means a company that—

(A) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(B) is involved in the nuclear energy industry.

(e) **ESTABLISHMENT AND EXPANSION OF PROGRAMS.**—The Secretary, consistent with the objectives described in subsection (c), shall—

(1) establish a program, to be known as the “Nuclear Fuel Security Program”, to increase the quantity of LEU and HALEU produced by U.S. nuclear energy companies;

(2) expand the American Assured Fuel Supply Program of the Department to ensure the availability of domestically produced, converted, enriched, deconverted, and reduced uranium in the event of a supply disruption; and

(3) establish a program, to be known as the “HALEU for Advanced Nuclear Reactor Demonstration Projects Program”—

(A) to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers until such time that commercial enrichment and deconversion capability for HALEU exists in the United States at a scale sufficient to meet future needs; and

(B) where practicable, to partner with countries that are allies or partners of the

United States to meet those needs and schedules until that time.

(f) **NUCLEAR FUEL SECURITY PROGRAM.**—

(1) **IN GENERAL.**—In carrying out the Nuclear Fuel Security Program, the Secretary—

(A) shall—

(i) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts to begin acquiring not less than 100 metric tons per year of LEU by December 31, 2026 (or the earliest operationally feasible date thereafter), to ensure diversity of supply in domestic uranium mining, conversion, enrichment, and deconversion capacity and technologies, including new capacity, among U.S. nuclear energy companies;

(ii) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts with members of the consortium to begin acquiring not less than 20 metric tons per year of HALEU by December 31, 2027 (or the earliest operationally feasible date thereafter), from U.S. nuclear energy companies;

(iii) utilize only uranium produced, converted, enriched, deconverted, and reduced in—

(I) the United States; or

(II) if domestic options are not practicable, a country that is an ally or partner of the United States; and

(iv) to the maximum extent practicable, ensure that the use of domestic uranium utilized as a result of that program does not negatively affect the economic operation of nuclear reactors in the United States; and

(B)(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or

(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (j)(2)(B); and

(ii) may make a commitment described in clause (i) only—

(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and

(II) to the extent of that up-front obligation recorded in full at that time.

(2) **CONSIDERATIONS.**—In carrying out paragraph (1)(A)(ii), the Secretary shall consider and, if appropriate, implement—

(A) options to ensure the quickest availability of commercially enriched HALEU, including—

(i) partnerships between 2 or more commercial enrichers; and

(ii) utilization of up to 10-percent enriched uranium as feedstock in demonstration-scale or commercial HALEU enrichment facilities;

(B) options to partner with countries that are allies or partners of the United States to provide LEU and HALEU for commercial purposes;

(C) options that provide for an array of HALEU—

(i) enrichment levels;

(ii) output levels to meet demand; and

(iii) fuel forms, including uranium metal and oxide; and

(D) options—

(i) to replenish, as necessary, Department stockpiles of uranium that were intended to be downblended for other purposes, but were instead used in carrying out activities under

the HALEU for Advanced Nuclear Reactor Demonstration Projects Program;

(ii) to continue supplying HALEU to meet the needs of the recipients of an award made pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations; and

(iii) to make HALEU available to other advanced nuclear reactor developers and other end-users.

(3) AVOIDANCE OF MARKET DISRUPTIONS.—In carrying out the Nuclear Fuel Security Program, the Secretary, to the extent practicable and consistent with the purposes of that program, shall not disrupt or replace market mechanisms by competing with U.S. nuclear energy companies.

(g) EXPANSION OF THE AMERICAN ASSURED FUEL SUPPLY PROGRAM.—The Secretary, in consultation with U.S. nuclear energy companies, shall—

(1) expand the American Assured Fuel Supply Program of the Department by merging the operations of the Uranium Reserve Program of the Department with the American Assured Fuel Supply Program; and

(2) in carrying out the American Assured Fuel Supply Program of the Department, as expanded under paragraph (1)—

(A) maintain, replenish, diversify, or increase the quantity of uranium made available by that program in a manner determined by the Secretary to be consistent with the purposes of that program and the objectives described in subsection (c);

(B) utilize only uranium produced, converted, enriched, deconverted, and reduced in—

(i) the United States; or

(ii) if domestic options are not practicable, a country that is an ally or partner of the United States;

(C) make uranium available from the American Assured Fuel Supply, subject to terms and conditions determined by the Secretary to be reasonable and appropriate;

(D) refill and expand the supply of uranium in the American Assured Fuel Supply, including by maintaining a limited reserve of uranium to address a potential event in which a domestic or foreign recipient of uranium experiences a supply disruption for which uranium cannot be obtained through normal market mechanisms or under normal market conditions; and

(E) take other actions that the Secretary determines to be necessary or appropriate to address the purposes of that program and the objectives described in subsection (c).

(h) HALEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS PROGRAM.—

(1) ACTIVITIES.—On enactment of this Act, the Secretary shall immediately accelerate and, as necessary, initiate activities to make available from inventories or stockpiles owned by the Department and made available to the consortium, HALEU for use in advanced nuclear reactors that cannot operate on uranium with lower enrichment levels or on alternate fuels, with priority given to the awards made pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations, with additional HALEU to be made available to other advanced nuclear reactor developers, as the Secretary determines to be appropriate.

(2) QUANTITY.—In carrying out activities under this subsection, the Secretary shall consider and implement, as necessary, all viable options to make HALEU available in quantities and forms sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers, including by seeking to make available—

(A) by September 30, 2024, not less than 3 metric tons of HALEU;

(B) by December 31, 2025, not less than an additional 8 metric tons of HALEU; and

(C) by June 30, 2026, not less than an additional 10 metric tons of HALEU.

(3) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

(A) options for providing HALEU from a stockpile of uranium owned by the Department, including—

(i) uranium that has been declared excess to national security needs during or prior to fiscal year 2023;

(ii) uranium that—

(I) directly meets the needs of advanced nuclear reactor developers; but

(II) has been previously used or fabricated for another purpose;

(iii) uranium that can meet the needs of advanced nuclear reactor developers after removing radioactive or other contaminants that resulted from previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department, including activities that reduce the environmental liability of the Department by accelerating the processing of uranium from stockpiles designated as waste;

(iv) uranium from a high-enriched uranium stockpile (excluding stockpiles intended for national security needs), which can be blended with lower assay uranium to become HALEU to meet the needs of advanced nuclear reactor developers; and

(v) uranium from stockpiles intended for other purposes (excluding stockpiles intended for national security needs), but for which uranium could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department;

(B) options for expanding, or establishing new, capabilities or infrastructure to support the processing of uranium from Department inventories;

(C) options for accelerating the availability of HALEU from HALEU enrichment demonstration projects of the Department;

(D) options for providing HALEU from domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (e)(1);

(E) options to replenish, as needed, Department stockpiles of uranium made available pursuant to subparagraph (A) with domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (e)(1); and

(F) options that combine 1 or more of the approaches described in subparagraphs (A) through (E) to meet the deadlines described in paragraph (2).

(4) LIMITATIONS.—

(A) CERTAIN SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

(i) the final disposition of radioactive waste from uranium that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or

(ii) environmental cleanup activities.

(B) CERTAIN COMMITMENTS.—In carrying out activities under this subsection, the Secretary—

(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or

(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (j)(2)(B); and

(ii) may make a commitment described in clause (i) only—

(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and

(II) to the extent of that up-front obligation recorded in full at that time.

(5) SUNSET.—The authority of the Secretary to carry out activities under this subsection shall terminate on the date on which the Secretary notifies Congress that the HALEU needs of advanced nuclear reactor developers can be fully met by commercial HALEU suppliers in the United States, as determined by the Secretary, in consultation with U.S. nuclear energy companies.

(j) DOMESTIC SOURCING CONSIDERATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may only carry out an activity in connection with 1 or more of the Programs if—

(A) the activity promotes manufacturing in the United States associated with uranium supply chains; or

(B) the activity relies on resources, materials, or equipment developed or produced—

(i) in the United States; or

(ii) in a country that is an ally or partner of the United States by—

(I) the government of that country;

(II) an associated entity; or

(III) a U.S. nuclear energy company.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) with respect to an activity if the Secretary determines a waiver to be necessary to achieve 1 or more of the objectives described in subsection (c).

(j) REASONABLE COMPENSATION.—

(1) IN GENERAL.—In carrying out activities under this section, the Secretary shall ensure that any LEU and HALEU made available by the Secretary under 1 or more of the Programs is subject to reasonable compensation, taking into account the fair market value of the LEU or HALEU and the purposes of this section.

(2) AVAILABILITY OF CERTAIN FUNDS.—

(A) IN GENERAL.—Notwithstanding section 3302(b) of title 31, United States Code, revenues received by the Secretary from the sale or transfer of fuel feed material acquired by the Secretary pursuant to a contract entered into under clause (i) or (ii) of subsection (f)(1)(A) shall—

(i) be deposited in the account described in subparagraph (B);

(ii) be available to the Secretary for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

(iii) remain available until expended.

(B) REVOLVING FUND.—There is established in the Treasury an account into which the revenues described in subparagraph (A) shall be—

(i) deposited in accordance with clause (i) of that subparagraph; and

(ii) made available in accordance with clauses (ii) and (iii) of that subparagraph.

(k) NUCLEAR REGULATORY COMMISSION.—The Nuclear Regulatory Commission shall prioritize and expedite consideration of any action related to the Programs to the extent permitted under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and related statutes.

(l) USEC PRIVATIZATION ACT.—The requirements of section 3112(d)(2) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)(2)) shall

not apply to activities related to the Programs.

(m) **NATIONAL SECURITY NEEDS.**—The Secretary shall only make available to a member of the consortium under this section for commercial use or use in a demonstration project material that the President has determined is not necessary for national security needs during or prior to fiscal year 2023, subject to the condition that the material made available shall not include any material that the Secretary determines to be necessary for the National Nuclear Security Administration or any critical mission of the Department.

(n) **INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(o) **REPORT ON CIVIL NUCLEAR CREDIT PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that identifies the anticipated funding requirements for the civil nuclear credit program described in section 40323 of the Infrastructure Investment and Jobs Act (42 U.S.C. 18753), taking into account—

(1) the zero-emission nuclear power production credit authorized by section 45U of the Internal Revenue Code of 1986; and

(2) any increased fuel costs associated with the use of domestic fuel that may arise from the implementation of that program.

(p) **SUPPLY CHAIN INFRASTRUCTURE AND WORKFORCE CAPACITY BUILDING.**—

(1) **SUPPLY CHAIN INFRASTRUCTURE.**—Section 10781(b)(1) of Public Law 117–167 (commonly known as the “CHIPS and Science Act of 2022”) (42 U.S.C. 19351(b)(1)) is amended by striking “and demonstration of advanced nuclear reactors” and inserting “demonstration, and deployment of advanced nuclear reactors and associated supply chain infrastructure”.

(2) **WORKFORCE CAPACITY BUILDING.**—Section 954(b) of the Energy Policy Act of 2005 (42 U.S.C. 16274(b)) is amended—

(A) in the subsection heading, by striking “Graduate”;

(B) by striking “graduate” each place it appears;

(C) in paragraph (2)(A), by inserting “community colleges, trade schools, registered apprenticeship programs, pre-apprenticeship programs,” after “universities,”;

(D) in paragraph (3), by striking “2021 through 2025” and inserting “2023 through 2027”;

(E) by redesignating paragraph (3) as paragraph (4); and

(F) by inserting after paragraph (2) the following:

“(A) **FOCUS AREAS.**—In carrying out the subprogram under this subsection, the Secretary may implement traineeships in focus areas that, in the determination of the Secretary, are necessary to support the nuclear energy sector in the United States, including—

“(i) research and development;

“(ii) construction and operation;

“(iii) associated supply chains; and

“(iv) workforce training and retraining to support transitioning workforces.”.

SA 1000. Ms. LUMMIS (for herself, Mrs. GILLIBRAND, Ms. WARREN, and Mr. MARSHALL) 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:

Subtitle _____—Crypto Assets

SEC. _____ 01. CRYPTO ASSET ANTI-MONEY LAUNDERING EXAMINATION STANDARDS.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Conference of State Bank Supervisors and Federal functional regulators, as defined in section 1010.100 of title 31, Code of Federal Regulations, shall establish a risk-focused examination and review process for financial institutions, as defined in that section, to assess the following relating to crypto assets, as determined by the Secretary:

(1) The adequacy of reporting obligations and anti-money laundering programs under subsections (g) and (h) of section 5318 of title 31, United States Code, respectively as applied to those institutions.

(2) Compliance of those institutions with anti-money laundering and countering the financing of terrorism requirements under subchapter II of chapter 53 of title 31, United States Code.

SEC. _____ 02. COMBATING ANONYMOUS CRYPTO ASSET TRANSACTIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report and provide a briefing, as determined by the Secretary, to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that assess the following issues:

(1) Categories of anonymity-enhancing technologies or services used in connection with crypto assets, such as mixers and tumblers, in use as of the date on which the report is submitted.

(2) As data are available, estimates of the magnitude of transactions related to the categories in paragraph (1) that are believed to be connected, directly or indirectly, to illicit finance, including crypto asset transaction volumes associated with sanctioned entities and entities subject to special measures pursuant to section 5318A of title 31, United States Code, and a description of any limitations applicable to the data used in such estimates.

(3) Categories of privacy-enhancing technologies or services used in connection with crypto assets in use as of the date on which the report is submitted.

(4) Legislative and regulatory approaches employed by other jurisdictions relating to the technologies and services described in paragraphs (1) and (3).

(5) Recommendations for legislation or regulation relating to the technologies and services described in paragraphs (1) and (3).

SA 1001. Mr. OSSOFF (for himself and 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 XXVIII, insert the following:

SEC. 28 _____. PROHIBITION ON CLOSURE OF COMBAT READINESS TRAINING CENTERS.

(a) **LIMITATION.**—The Secretary of the Air Force shall not close, or prepare to close, any combat readiness training center.

(b) **WAIVER.**—The Secretary of the Air Force may waive the prohibition under subsection (a) with respect to a combat readiness training center if the Secretary submits to the congressional defense committees the following:

(1) A certification that—

(A) the closure of the center would not be in violation of section 2687 of title 10, United States Code; and

(B) the support capabilities provided by the center will not be diminished as a result of the closure of the center.

(2) A report that includes—

(A) a detailed business case analysis for the closure of the center; and

(B) an assessment of the effects the closure of the center would have on training units of the Armed Forces, including any active duty units that may use the center.

SA 1002. 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 appropriate place in subtitle D of title XXXI, insert the following:

SEC. 10 _____. PROHIBITION ON EXPORTS OF LIQUEFIED NATURAL GAS TO CERTAIN COUNTRIES.

(a) **PROHIBITIONS.**—Notwithstanding any other provision of law, unless a waiver has been issued under subsection (b), no person or entity may export liquefied natural gas—

(1) to any entity that is under the ownership or control of the Chinese Communist Party, the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, or the Islamic Republic of Iran; or

(2) except on the condition that such liquefied natural gas will not be exported to the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, or the Islamic Republic of Iran.

(b) **WAIVER.**—

(1) **IN GENERAL.**—On application by an exporter, the Secretary of Energy may waive, prior to the date of the applicable contract, the prohibitions described in subsection (a) with respect to the sale of liquefied natural gas.

(2) **REQUIREMENT.**—The Secretary of Energy may issue a waiver under this subsection only if the Secretary of Energy determines that the waiver is in the interest of the national security of the United States.

(3) **APPLICATIONS.**—An exporter seeking a waiver under this subsection shall submit to the Secretary of Energy an application by such date, in such form, and containing such information as the Secretary of Energy may require.

(4) **NOTICE TO CONGRESS.**—Not later than 15 days after issuing a waiver under this subsection, the Secretary of Energy shall provide a copy of the waiver to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SA 1003. Ms. CANTWELL 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 subtitle G of title X, insert the following:

SEC. . FLIGHT EDUCATION ACCESS ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Flight Education Access Act”.

(b) **INCREASE IN FEDERAL STUDENT LOAN LIMITS FOR STUDENTS IN FLIGHT EDUCATION AND TRAINING PROGRAMS.**—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended—

(1) in subsection (p)—

(A) by striking “Each institution” and inserting the following:

“(1) **IN GENERAL.**—Each institution”; and

(B) in paragraph (1) (as designated by subparagraph (A)), by inserting before the period at the end the following: “and, shall, with respect to Federal Direct Unsubsidized Stafford Loans made after the date of enactment of the Flight Education Access Act to an eligible student (as defined in subsection (r)), comply with the requirements of paragraph (2)”; and

(C) by adding at the end the following:

“(2) **ADDITIONAL DISCLOSURES.**—At or prior to the disbursement of a Federal Direct Unsubsidized Stafford Loan after the date of enactment of the Flight Education Access Act to an eligible student (as defined in subsection (r)), the following shall be disclosed:

“(A) The principal amount of the loan, the stated interest rate on the loan, the number of required monthly payments to be made on the loan (which shall be based on a standard repayment plan), and the estimated number of months before the start of the repayment period for the loan (based on the expected date on which the repayment period is to begin or the deferment period is to end, as applicable).

“(B) The estimated balance to be owed by the borrower on such loan (including, if applicable, the estimated amount of interest to be capitalized) as of the scheduled date on which the repayment period is to begin or the deferment period is to end, as applicable, and an estimate of the projected monthly payment.

“(C) An estimate of the aggregate amount the borrower will pay for the loan, including the total amount of monthly payments made over the life of the loan plus the amount of any charges for the loan, such as an origination fee.”; and

(2) by adding at the end the following:

“(r) **INCREASE IN LOAN LIMITS FOR STUDENTS IN FLIGHT EDUCATION AND TRAINING PROGRAMS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this Act, the loan limits for Federal Direct Unsubsidized Stafford Loans made after the date of enactment of the Flight Education Access Act with respect to eligible students shall be subject to this subsection.

“(2) **DEFINITIONS.**—In this section:

“(A) **ELIGIBLE STUDENT.**—The term ‘eligible student’ means a student who is enrolled in an eligible undergraduate flight education and training program.

“(B) **ELIGIBLE UNDERGRADUATE FLIGHT EDUCATION AND TRAINING PROGRAM.**—The term ‘eligible undergraduate flight education and training program’ means an undergraduate flight education and training program that offers training for applicants seeking a commercial pilot certificate and—

“(i) during the period beginning on the date of enactment of the Flight Education Access Act and ending on the date on which 3 years of data has been collected pursuant to paragraph (3)(C), that meets all the applicable requirements of this Act; and

“(ii) beginning on the date on which 3 years of data has been collected pursuant to paragraph (3)(C), that meets all the applicable requirements of this Act and has a completion rate averaged over a 3-year period, as calculated under paragraph (3)(C) that is equal to or greater than 70 percent.

“(C) **UNDERGRADUATE FLIGHT EDUCATION AND TRAINING PROGRAM.**—The term ‘undergraduate flight education and training program’—

“(i) has the meaning given the term by the Secretary, in consultation with the Administrator of the Federal Aviation Administration;

“(ii) shall include a flight education and training program offered by an eligible institution that is accredited by an accrediting agency recognized by the Secretary, that—

“(I) awards undergraduate certificates or associate or bachelor degrees; and

“(II) provides pilot training in accordance with part 141 of title 14, Code of Federal Regulations, or any successor regulation; and

“(iii) shall not include a flight education and training program certified under part 61 of title 14, Code of Federal Regulations, or any successor regulation.

“(3) **LOAN LIMITS FOR ELIGIBLE UNDERGRADUATE FLIGHT EDUCATION AND TRAINING PROGRAMS.**—

“(A) **LIMITS FOR ELIGIBLE STUDENTS WHO ARE DEPENDENT STUDENTS.**—

“(i) **ANNUAL LIMITS.**—The maximum annual amount of Federal Direct Unsubsidized Stafford Loans an eligible student who is a dependent student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be—

“(I) in the case of an eligible student at an eligible institution who has not successfully completed the first year of an eligible undergraduate flight education and training program—

“(aa) \$13,500, if such student is enrolled in such a program whose length is at least one academic year in length; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;

“(II) in the case of an eligible student at an eligible institution who has successfully completed the first year of an eligible undergraduate flight education and training program but has not yet successfully completed the remainder of such program—

“(aa) \$15,500; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;

“(III) in the case of a student at an eligible institution who has successfully completed the first year and second years of an eligible undergraduate flight education and training program but has not yet successfully completed the remainder of such program—

“(aa) \$16,500; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such

student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year; and

“(IV) in the case of a student at an eligible institution who has successfully completed the first, second, and third years of an eligible undergraduate flight education and training program but has not yet successfully completed the remainder of such program—

“(aa) \$15,500; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year.

“(ii) **AGGREGATE LIMITS.**—The maximum aggregate amount of Federal Direct Unsubsidized Stafford Loans an eligible student who is a dependent student may borrow shall be \$65,000.

“(B) **LIMITS FOR ELIGIBLE STUDENTS WHO ARE INDEPENDENT STUDENTS.**—

“(i) **ANNUAL LIMITS.**—The maximum annual amount of Federal Direct Unsubsidized Stafford Loans an eligible student who is an independent student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be—

“(I) in the case of an eligible student at an eligible institution who has not successfully completed the first year of an eligible undergraduate flight education and training program—

“(aa) \$21,500, if such student is enrolled in such a program whose length is at least one academic year in length; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;

“(II) in the case of an eligible student at an eligible institution who has successfully completed the first year of an eligible undergraduate flight education and training program but has not yet successfully completed the remainder of such program—

“(aa) \$25,500; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;

“(III) in the case of a student at an eligible institution who has successfully completed the first year and second years of an eligible undergraduate flight education and training program but has not yet successfully completed the remainder of such program—

“(aa) \$25,500; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year; and

“(IV) in the case of a student at an eligible institution who has successfully completed

the first, second, and third years of an eligible undergraduate flight education and training program but has not yet successfully completed the remainder of such program—

“(aa) \$22,500; or

“(bb) if such student is enrolled in such a program that is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in item (aa) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year.

“(ii) AGGREGATE LIMITS.—The maximum aggregate amount of Federal Direct Unsubsidized Stafford Loans an eligible student who is an independent student may borrow shall be \$107,500.

“(C) DATA COLLECTION ON, AND CALCULATION OF, COMPLETION RATES.—

“(i) IN GENERAL.—The Secretary shall annually calculate the completion rate of each undergraduate flight education and training program at each eligible institution based on the information collected under clause (ii).

“(ii) COLLECTION OF INFORMATION.—The Secretary shall annually collect information, for each academic year, on—

“(I) the total number of students enrolled in an undergraduate flight education and training program at an eligible institution; and

“(II) those students who complete such program—

“(aa) who earn a private pilot's certificate for an airplane category rating with a single-engine class rating while enrolled in such program; or

“(bb) who at the time of enrollment, possess such a certificate.

“(iii) CALCULATION OF COMPLETION RATE.—To calculate the completion rate described in clause (i), the Secretary shall—

“(I) consider as having completed, those students who earn a private pilot's certificate for an airplane category rating with a single-engine class rating, or who at the time of enrollment possess such a certificate, and complete the undergraduate flight education and training program at an eligible institution—

“(aa) that predominantly awards associate degrees, within 200 percent of the normal time for completion; and

“(bb) that predominantly awards bachelor degrees, within 150 percent of the normal time for completion; and

“(cc) that predominantly awards undergraduate certificates, within 200 percent of the normal time for completion; and

“(II) consider as not having completed, those students who earn a private pilot's certificate for an airplane category rating with a single-engine class rating, or who at the time of enrollment possess such a certificate, and who transfer out of the undergraduate flight education and training program to another program at the eligible institution that is not an undergraduate flight education and training program or to a program that is not an undergraduate flight education and training program at another eligible institution; and

“(III) not include in the calculation, any student who—

“(aa) is a foreign national; and

“(bb) earns a private pilot's certificate for an airplane category rating with a single-engine class rating and transfers out of the undergraduate flight education and training program to another undergraduate flight education and training program at a different eligible institution; or

“(cc) is enrolled in an undergraduate flight education and training program and never earns a private pilot's certificate for an air-

plane category rating with a single-engine class rating.

“(D) REPORTING REQUIREMENTS.—

“(i) IN GENERAL.—The Secretary shall require each undergraduate flight education and training program that enrolls students who receive assistance under this part to provide the data described in this subparagraph that is necessary for the completion of the reporting requirements described in this subparagraph.

“(ii) FORM OF DATA COLLECTION.—The Secretary shall prescribe the form and format of the data required to be provided under this subparagraph and include, at a minimum, the following data elements:

“(I) Student data elements necessary to calculate student enrollment, persistence, retention, transfer, and completion rates.

“(II) Information disaggregated by gender, race, ethnicity, and socioeconomic status.

“(iii) REPORT TO CONGRESS.—Not later than 9 months after the date of enactment of the Flight Education Access Act and biennially thereafter, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, analyzing and assessing the data collected pursuant to this subparagraph and conforming to the requirements of this subparagraph that shall include the following:

“(I) An assessment of the effectiveness of the requirements under this subsection.

“(II) Information on enrollment, persistence, retention, transfer, completion, utilization of Federal financial aid, and unmet financial need, including information on applicable institutions.

“(III) Information on the gender, race, ethnicity, and socioeconomic status of students enrolled in an undergraduate flight education and training program.”

(c) GAO REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) examine and review the implementation of this section and the amendments made by this section, which review shall include—

(A) the number of participating institutions offering undergraduate flight education and training programs (as defined in section 455(r) of the Higher Education Act of 1965 (20 U.S.C. 1087e(r)), as amended by this section);

(B) the number of students enrolled in such undergraduate flight education and training programs, and demographic data regarding such students;

(C) the level of such students' participation in the loan program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), including demographic data as appropriate; and

(D) feedback from participating institutions regarding the implementation of this section and the amendments made by this section;

(2) develop recommendations to the Department of Education on any changes that should be made to improve the implementation of this section and the amendments made by this section; and

(3) prepare and submit a report on the findings and recommendations under paragraphs (1) and (2) to—

(A) the Committee on Health, Education, Labor, and Pensions and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Education and the Workforce and the Committee on Transpor-

tation and Infrastructure of the House of Representatives.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, shall be construed to repeal, amend, supersede, or affect any pilot training or qualification provision under existing law.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Education, in addition to any amounts otherwise available, to carry out the amendments made by this section, \$3,000,000 for each of fiscal years 2024 through 2033. Such funds shall be available until expended.

SEC. —. REGIONAL AIR CARRIER PILOT TRAINING AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations, not later than 90 days after the date of enactment of this section, the Secretary of Transportation (in this section referred to as the “Secretary”) shall establish a pilot program to award grants to eligible applicants to support payment of costs—

(1) related to required flight education and training for aspiring pilots to become employed by a certificate holder under part 119 of title 14, Code of Federal Regulations, which conducts scheduled operations under part 135 or 121 of that title exclusively with aircraft having a seating capacity of not more than 80 passengers; and

(2) for the training of pilots employed by a certificate holder that conducts operations described in paragraph (1).

(b) ELIGIBLE APPLICANTS.—An application for a grant under this section shall be submitted in such form as the Secretary may require, by an eligible applicant pursuing flight education or training, including flight training on regional aircraft, who demonstrates to the Secretary—

(1) documentation of enrollment in an eligible pilot development program described in subsection (g); and

(2) receipt of direct financial assistance from a certificate holder for costs described in subsection (a) relating to flight education and training to participate in such pilot development program.

(c) MATCHING FUNDS.—In carrying out the pilot program established under this section, the Secretary shall award grants to support the flight education and training of an eligible applicant by issuing matching funds for amounts equal to the amount of direct financial assistance provided by a certificate holder that conducts operations described in subsection (a)(1) for the purposes of participation in an eligible pilot development program, provided that an individual grant for an eligible applicant provided under this subsection does not exceed \$30,000. An eligible applicant may receive no more than one grant under the pilot program. The Secretary may reserve up to 5 percent of the funds made available under subsection (j) per fiscal year to carry out this section and provide oversight of the program by the Secretary.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A grant awarded under this section shall be used to support the costs of an eligible applicant's—

(A) flight training services;

(B) program tuition;

(C) training materials;

(D) equipment; or

(E) any other cost associated with expenses incurred by an eligible applicant for purposes of receiving flight education and training, including aircraft type training on regional jet aircraft or simulation equipment, through an eligible pilot development program.

(2) RETURN OF GRANT FUNDS.—

(A) IN GENERAL.—Grant funds disbursed to an eligible applicant by the Secretary pursuant to subsection (c) that are—

(i) used in violation of paragraph (1);

(ii) not expended as of the earlier of the date of termination of the eligible applicant's participation in, or the expiration of, the pilot program established in subsection (a); or

(iii) used by an eligible applicant who withdraws from, or does not complete, flight education and training,

shall be returned to the Secretary not later than 30 days after the Secretary issues a written determination to the eligible applicant stating the necessity for, and compelling the return of, appropriate grant funds.

(B) AUTHORITY.—The Secretary may investigate any eligible applicants who use grant funds in violation of paragraph (1).

(C) PREFERENCE FOR EMPLOYMENT WITH REGIONAL AIR CARRIERS.—In awarding grants under subsection (c) to an eligible applicant, the Secretary shall give preferential consideration to an eligible applicant who demonstrates a documented commitment, on a voluntary basis, to initiate or continue employment with a certificate holder that conducts operations described in subsection (a)(1) until such time as the eligible applicant attains the position of captain and serves in such position for at least 2 years.

(f) CONSIDERATIONS.—In carrying out the pilot program established under this section, the Secretary shall consider the following:

(1) Ensuring the issuance of awards reflects equal consideration of all eligible pilot development programs operated by certificate holders that conducts operations described in subsection (a)(1) from which eligible applicants could be enrolled in and receive direct financial assistance for flight education and training.

(2) Developing and issuing policies, in coordination with eligible pilot development programs described in subsection (g) that are operated by such certificate holders, to verify the use of awarded grant funds by eligible applicants to support costs related to flight education and training.

(g) ELIGIBLE PILOT DEVELOPMENT PROGRAM.—For purposes of the pilot program established under this section, an eligible pilot development program shall meet the following criteria:

(1) The program shall be operated by, affiliated with, or have an agreement with, a certificate holder that conducts operations described in subsection (a)(1) for the purposes of conducting flight education and training and providing student pilots pathways for employment with a certificate holder.

(2) The program shall be operated in conjunction with an eligible institution that—

(A) is accredited by an accrediting agency recognized by the Secretary of Education that awards undergraduate certificates or associate or bachelor's degrees; or

(B) provides pilot training in accordance with part 141 of title 14, Code of Federal Regulations, or any successor regulation, and contracts with an eligible institution described in subparagraph (A).

(3) The program shall not include a flight education and training program certified under part 61 of title 14, Code of Federal Regulations (or any successor regulation).

(4) The program shall be able to facilitate an eligible applicant's ability to fulfill Federal Aviation Administration flight education and training requirements.

(5) The program provides direct financial assistance to an enrolled eligible applicant or reimburses an enrolled eligible applicant for costs associated with expenses incurred by an enrolled eligible applicant for purposes of receiving flight education and training.

(h) CONSOLIDATION OF INFORMATION.—The Secretary shall provide, in a readily accessible web-based format, consolidated information on grants available under the pilot program established under this section.

(i) REPORT TO CONGRESS.—No later than 5 years after the establishment of the pilot program under this section, the Secretary shall submit a report (and provide a briefing) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the progress of the pilot program under this section, including—

(1) any detailed metrics associated with the implementation of the pilot program;

(2) the resulting impact on the domestic regional carrier pilot workforce; and

(3) any related recommendations for future action to improve the recruitment and retention of pilots at domestic regional carriers.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to repeal, amend, supersede, or affect any pilot training or qualification provision under existing law.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$21,000,000 for each of fiscal years 2024 through 2026, to remain available until expended.

SA 1004. Mr. PADILLA 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. REPORT ON WAIVERS UNDER SECTION 907 OF THE FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992 AND REPORT ON ACCESS TO THE LACHIN CORRIDOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the waiver of section 907 of the FREEDOM Support Act (Public Law 102-511; 22 U.S.C. 5812 note) has emboldened the Government of Azerbaijan to violate human rights and international law with impunity, undermining ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan.

(b) REPORTS.—

(1) WAIVERS UNDER SECTION 907 OF THE FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit a report to the appropriate committees of Congress on United States security assistance provided to the Government of Azerbaijan pursuant to the waiver of section 907 of the FREEDOM Support Act (Public Law 102-511; 22 U.S.C. 5812 note).

(B) ELEMENTS.—The report required by subparagraph (A) shall address the following:

(i) Documentation of the consideration by the Secretary of State, during the 5-year period ending on the date of the enactment of this Act, of all requirements relating to the waiver of section 907 of the FREEDOM Support Act (Public Law 102-511; 22 U.S.C. 5812 note).

(ii) Program-level detail and end-use monitoring reports of security assistance pro-

vided to the Government of Azerbaijan under such a waiver during such 5-year period.

(iii) An assessment of the impact of United States security assistance provided to Azerbaijan on—

(I) the negotiation of a peaceful settlement between Armenia and Azerbaijan over all disputed regions during such 5-year period; and

(II) the military balance between Azerbaijan and Armenia during such 5-year period.

(iv) An assessment of Azerbaijan's use of offensive force against Armenia or violations of Armenian sovereign territory during the period beginning on November 11, 2020, and ending on the date of the enactment of this Act.

(2) ACCESS TO THE LACHIN CORRIDOR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall submit to the appropriate committees of Congress a report on the Nagorno-Karabakh region that includes—

(A) an assessment of the humanitarian impact of Azerbaijan's blockade of the Lachin Corridor, which connects Armenia to Nagorno-Karabakh; and

(B) an assessment of the blockade's long-term impacts on—

(i) regional food, water, and energy security;

(ii) local civilians' ability to access basic medical care and other necessities;

(iii) the region's most vulnerable populations, including children, the elderly, and individuals with disabilities; and

(iv) the overall Nagorno-Karabakh conflict and prospects for de-escalating and avoiding a humanitarian crisis.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

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

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

SA 1005. Mr. PADILLA 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 XV, add the following:

SEC. 1510. PILOT PROGRAM ON DEVELOPMENT OF REENTRY VEHICLES AND RELATED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force may carry out a pilot program, to be known as the "Reentry Vehicle Flight Test Bed Program", to assess the feasibility of providing regular flight test opportunities that support the development of reentry vehicles—

(1) to facilitate technology upgrades tested in a realistic flight environment;

(2) to provide an enduring, high-cadence test bed to mature technologies for planned reentry vehicles; and

(3) to transition technologies developed under other programs, prototype projects, or research and development programs related to long-range ballistic missiles.

(b) GRANTS, CONTRACTS, AND OTHER AGREEMENTS.—

(1) **AUTHORITY.**—In carrying out a pilot program under this section, the Secretary may make grants and enter into contracts or other agreements with appropriate entities for the conduct of relevant flight tests of re-entry vehicles and systems.

(2) **USE OF FUNDS.**—An entity that receives a grant, or enters into a contract or other agreement, as part of a pilot program carried out under this section shall use the grant, or any amount received under the contract or other agreement, to carry out one or more of the following activities:

(A) Conducting flight tests to develop or validate—

- (i) aeroshell design;
- (ii) thermal protective systems;
- (iii) guidance and control systems;
- (iv) sensors;
- (v) communications;
- (vi) environmental sensors; or
- (vii) other relevant technologies.

(B) Expanding flight test opportunities through low-cost, high cadence platforms.

(c) **COORDINATION.**—If the Secretary of the Air Force carries out a pilot program under this section, the Secretary shall ensure that the activities under the pilot program are carried out in coordination with the Secretary of Defense and the Secretary of the Navy.

(d) **TERMINATION.**—The authority to carry out a pilot program under this section shall terminate on December 31, 2029.

SA 1006. Mr. PADILLA (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. 565. REPORT ON MENTAL HEALTH SUPPORT OF STUDENTS ENROLLED IN DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS.

(a) **IN GENERAL.**—Not later than December 1, 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on programs and policies in Department of Defense Education Activity (DODEA) schools to support mental health and wellness among students.

(b) **ELEMENTS.**—The report required under subsection (a) shall include, at a minimum, the following elements:

(1) A description of the mental health and wellness resources available to students enrolled in DODEA schools.

(2) An overview of policies and procedures in place in DODEA schools to ensure that students are regularly screened for mental health and wellness.

(3) An overview of policies and procedures in place in DODEA schools for administrators and teachers to communicate and coordinate with parents and guardians of students in DODEA schools in cases where students have a demonstrated need for mental health and wellness support.

(4) Any recommendations for new policies, programs, or resources to improve mental health and wellness support for students enrolled in DODEA schools.

(5) An assessment of the feasibility and advisability of conducting a pilot program to detail licensed medical health care providers under the control of the Defense Health

Agency to DODEA schools in order to improve mental health and wellness care for students enrolled in DODEA schools.

(6) Any other matters the Secretary concerned deems relevant and appropriate.

(c) **STUDENT MENTAL HEALTH AND WELLNESS DEFINED.**—For purposes of this section, student mental health and wellness includes, at a minimum, the following:

- (1) Depression.
- (2) Suicidal ideation.
- (3) Anxiety.
- (4) Attention-deficit/hyperactivity disorder (ADHD).
- (5) Eating disorders.
- (6) Substance abuse.
- (7) Dual diagnosis conditions.

SA 1007. 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 G of title XII, add the following:

SEC. 1299L. 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” and inserting “until 2028”;

(2) in subsection (b)—

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

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

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

SA 1008. Mr. TILLIS (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 X, add the following:

SEC. 1083. INVESTIGATION AND REPORT ON NATIONAL SECURITY IMPACTS OF TRIPS WAIVERS RELATING TO COVID-19 TECHNOLOGIES.

(a) **INVESTIGATION.**—The Secretary of Defense shall immediately after the date of the enactment of this Act initiate an investigation, in consultation with the Secretary of Commerce, to determine the effects of any proposed TRIPS waiver on the national security of the United States.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date on which an investigation is initiated under subsection (a), the Secretary of Defense, in consultation with the Secretary of Commerce, shall submit to the President a report that includes—

(A) the findings of such investigation with respect to the effects of a TRIPS waiver on the national security of the United States; and

(B) the recommendations of the Secretary of Defense for action or inaction regarding the TRIPS waiver.

(2) **MANDATORY RECOMMENDATION OF OPPOSITION.**—If the Secretary of Defense finds that a TRIPS waiver threatens to impair the national security of the United States, the Secretary shall include in the report required by paragraph (1) a recommendation to permanently oppose such TRIPS waiver.

(3) **PUBLICATION.**—Not later than 10 days after the President receives the report required by paragraph (1), the President shall publish in the Federal Register each portion of the report that does not contain classified or proprietary information.

(c) **STATEMENT TO CONGRESS.**—Not later than 30 days after the date on which the President receives the report required by subsection (b)(1), the President shall submit to the appropriate congressional committees a written statement describing the manner and extent to which the findings in such report will influence the decisions of the President on using the voice, vote, and influence of the United States at the World Trade Organization with respect to a TRIPS waiver.

(d) **DEFINITIONS.**—In this section:

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

(A) the Committee on Armed Services, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Armed Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives.

(2) **TRIPS AGREEMENT.**—The term “TRIPS Agreement” means the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

(3) **TRIPS WAIVER.**—The term “TRIPS waiver” means any waiver related to COVID-19 technologies of an obligation imposed on members of the World Trade Organization under the TRIPS Agreement.

SA 1009. 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 G of title XII, add the following:

SEC. 1299L. CLARIFICATION OF RELATIONSHIP TO OTHER AUTHORITIES WITH RESPECT TO AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.

Section 1213 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is amended by striking subsection (i).

SA 1010. 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 appropriate place in subtitle G of title X, insert the following:

SEC. 10. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.

(a) **SHORT TITLE.**—This section may be cited as the “Radiation Exposure Compensation Expansion Act”.

(b) **CLAIMS RELATING TO MANHATTAN PROJECT WASTE.**—The Radiation Exposure Compensation Act (Public Law 101-426; 42 U.S.C. 2210 note) is amended by inserting after section 5 the following:

“SEC. 5A. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.

“(a) **IN GENERAL.**—A claimant shall receive compensation for a claim made under this Act, as described in subsection (b) or (c), if—

“(1) a claim for compensation is filed with the Attorney General—

“(A) by an individual described in paragraph (2); or

“(B) on behalf of that individual by an authorized agent of that individual, if the individual is deceased or incapacitated, such as—

“(i) an executor of estate of that individual; or

“(ii) a legal guardian or conservator of that individual;

“(2) that individual, or if applicable, an authorized agent of that individual, demonstrates that the individual—

“(A) was physically present in an affected area for a period of at least 2 after January 1, 1949; and

“(B) contracted a specified disease after such period of physical presence;

“(3) the Attorney General certifies that the identity of that individual, and if applicable, the authorized agent of that individual, is not fraudulent or otherwise misrepresented; and

“(4) the Attorney General determines that the claimant has satisfied the applicable requirements of this Act.

“(b) **LOSSES AVAILABLE TO LIVING AFFECTED INDIVIDUALS.**—

“(1) **IN GENERAL.**—In the event of a claim qualifying for compensation under subsection (a) that is submitted to the Attorney General to be eligible for compensation under this section at a time when the individual described in subsection (a)(2) is living, the amount of compensation under this section shall be in an amount that is the greater of \$50,000 or the total amount of compensation for which the individual is eligible under paragraph (2).

“(2) **LOSSES DUE TO MEDICAL EXPENSES.**—A claimant described in paragraph (1) shall be eligible to receive, upon submission of contemporaneous written medical records, reports, or billing statements created by or at the direction of a licensed medical professional who provided contemporaneous medical care to the claimant, additional compensation in the amount of all documented out-of-pocket medical expenses incurred as a result of the specified disease suffered by that claimant, such as any medical expenses not covered, paid for, or reimbursed through—

“(A) any public or private health insurance;

“(B) any employee health insurance;

“(C) any workers’ compensation program; or

“(D) any other public, private, or employee health program or benefit.

“(c) **PAYMENTS TO BENEFICIARIES OF DECEASED INDIVIDUALS.**—In the event that an individual described in subsection (a)(2) who qualifies for compensation under subsection (a) is deceased at the time of submission of the claim—

“(1) a surviving spouse may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the amount of \$25,000; or

“(2) in the event that there is no surviving spouse, the surviving children, minor or oth-

erwise, of the deceased individual may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the total amount of \$25,000, paid in equal shares to each surviving child.

“(d) **AFFECTED AREA.**—For purposes of this section, the term ‘affected area’ means, in the State of Missouri, the ZIP Codes of 63031, 63033, 63034, 63042, 63045, 63074, 63114, 63135, 63138, 63044, 63140, 63145, 63147, 63102, 63304, 63134, 63043, 63341, 63368, and 63367.

“(e) **SPECIFIED DISEASE.**—For purposes of this section, the term ‘specified disease’ means any of the following:

“(1) Any leukemia, other than chronic lymphocytic leukemia, provided that the initial exposure occurred after the age of 20 and the onset of the disease was at least 2 years after first exposure.

“(2) Any of the following diseases, provided that the onset was at least 2 years after the initial exposure:

“(A) Multiple myeloma.

“(B) Lymphoma, other than Hodgkin’s disease.

“(C) Type 1 or type 2 diabetes.

“(D) Systemic lupus erythematosus.

“(E) Multiple sclerosis.

“(F) Hashimoto’s disease.

“(G) Primary cancer of the—

“(i) thyroid;

“(ii) male or female breast;

“(iii) esophagus;

“(iv) stomach;

“(v) pharynx;

“(vi) small intestine;

“(vii) pancreas;

“(viii) bile ducts;

“(ix) gall bladder;

“(x) salivary gland;

“(xi) urinary bladder;

“(xii) brain;

“(xiii) colon;

“(xiv) ovary;

“(xv) liver, except if cirrhosis or hepatitis B is indicated;

“(xvi) lung;

“(xvii) bone; or

“(xviii) kidney.

“(f) **PHYSICAL PRESENCE.**—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless demonstrated by submission of contemporaneous written residential documentation and at least one additional employer-issued or government-issued document or record that the claimant, for a period of at least 2 years after January 1, 1949, was physically present in an affected area or, if applicable, was physically present in an area of the city of St. Louis or the county of St. Louis in the State of Missouri that is outside of an affected area.

“(g) **DISEASE CONTRACTION IN AFFECTED AREAS.**—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless demonstrated by submission of contemporaneous written medical records or reports created by or at the direction of a licensed medical professional who provided contemporaneous medical care to the claimant, that the claimant, after such period of physical presence, contracted a specified disease.”

(c) **EXTENSION ON FUND AND TIME TO SUBMIT CLAIMS.**—The Radiation Exposure Compensation Act (Public Law 101-426; U.S.C. 2210 note) is amended—

(1) in section 3(d)—

(A) by striking “2 years after the date of enactment of the RECA Extension Act of 2022” and inserting “22 years after the date of enactment of the Radiation Exposure Compensation Expansion Act”; and

(B) by striking “2-year period” and inserting “22-year period”; and

(2) in section 8(a), by striking “2 years after the date of enactment of the RECA Extension Act of 2022” and inserting “22 years after the date of enactment of the Radiation Exposure Compensation Expansion Act”.

SA 1011. Mr. MORAN 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. ____ . AGENCY USE OF ARTIFICIAL INTELLIGENCE.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of Federal Procurement Policy.

(2) **AGENCY.**—The term “agency” means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government.

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

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

(5) **FRAMEWORK.**—The term “framework” means document number NIST AI 100-1 of the National Institute of Standards and Technology entitled “Artificial Intelligence Risk Management Framework”, or any successor document.

(6) **PLAYBOOK.**—The term “playbook” means the AI RMF Playbook developed by the National Institute of Standards and Technology.

(7) **PROFILE.**—The term “profile” means an implementation of the artificial intelligence risk management functions, categories, and subcategories for a specific setting or application based on the requirements, risk tolerance, and resources of the framework user.

(b) **REQUIREMENTS FOR AGENCY USE OF ARTIFICIAL INTELLIGENCE.**—

(1) **OMB GUIDANCE.**—Not later than 180 days after the date on which the Director of the National Institute of Standards and Technology issues guidelines under paragraph (2), the Director of the Office of Management and Budget shall issue guidance requiring agencies to incorporate the framework into their artificial intelligence risk management efforts, consistent with such guidelines.

(2) **NIST GUIDELINES.**—Not later than 180 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall, in consultation with the Administrator, issue guidelines for each agency to incorporate the framework into the artificial intelligence risk management efforts of the agency, which shall—

(A) provide standards consistent with the framework and tailored to risks that could endanger human life, health, property, or the environment for agency implementation in the development, procurement, and use of artificial intelligence;

(B) specify appropriate cybersecurity strategies and the installation of effective cybersecurity tools;

(C) provide standards—

(i) that are consistent with the framework and Circular A-119 of the Office of Management and Budget;

(ii) that are tailored to risks that could endanger human life, health, property, or the environment; and

(iii) which a supplier of artificial intelligence for the agency must attest to meet before the head of an agency may procure artificial intelligence from that supplier;

(D) recommend training on the framework and the guidelines for each agency responsible for procuring artificial intelligence;

(E) develop profiles for agency use of artificial intelligence consistent with the framework; and

(F) develop profiles for framework use for an entity that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

(3) ADDITIONAL REQUIREMENTS.—

(A) **DRAFT CONTRACT LANGUAGE.**—The Administrator shall, in consultation with the Director, provide draft contract language for each agency to use in procurement that requires a supplier of artificial intelligence to adhere to certain actions that are consistent with the framework.

(B) **TEMPLATES.**—The Director of the Office of Management and Budget shall, in consultation with the Director, provide a template for agency use on the guidance issued under paragraph (1) that includes recommended procedures for implementation.

(4) **CONFORMING REQUIREMENT.**—The head of each agency shall conform any policy, principle, practice, procedure, or guideline governing the design, development, implementation, deployment, use, or evaluation of an artificial intelligence system by the agency to the guidance issued under paragraph (1).

(5) **SUPPORTING MATERIAL.**—In carrying out paragraph (4), the head of each agency may use the supporting materials of the framework, including the playbook.

(6) **STUDY.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the impact of the application of the framework on agency use of artificial intelligence.

(7) **REPORTING REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 3 years thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on agency implementation of and conformity to the framework.

(c) **REQUIREMENTS FOR AGENCY PROCUREMENT OF ARTIFICIAL INTELLIGENCE.**—Not later than 180 days after the issuance of guidance pursuant to subsection (b)(1), the Federal Acquisition Regulatory Council shall promulgate regulations that provide for—

(1) the requirements for the acquisition of artificial intelligence products, services, tools, and systems, to include risk-based compliance with the framework; and

(2) solicitation provisions and contract clauses that include references to the requirements described in paragraph (1) and the framework for use in artificial intelligence acquisitions.

SA 1012. 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 appropriate place in subtitle G of title X, insert the following:

SEC. 10. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.

(a) **SHORT TITLE.**—This section may be cited as the “Radiation Exposure Compensation Expansion Act”.

(b) **CLAIMS RELATING TO MANHATTAN PROJECT WASTE.**—The Radiation Exposure Compensation Act (Public Law 101-426; 42 U.S.C. 2210 note) is amended by inserting after section 5 the following:

“SEC. 5A. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.

“(a) **IN GENERAL.**—A claimant shall receive compensation for a claim made under this Act, as described in subsection (b) or (c), if—

“(1) a claim for compensation is filed with the Attorney General—

“(A) by an individual described in paragraph (2); or

“(B) on behalf of that individual by an authorized agent of that individual, if the individual is deceased or incapacitated, such as—

“(i) an executor of estate of that individual; or

“(ii) a legal guardian or conservator of that individual;

“(2) that individual, or if applicable, an authorized agent of that individual, demonstrates that the individual—

“(A) was physically present in an affected area for a period of at least 2 years after January 1, 1949; and

“(B) contracted a specified disease after such period of physical presence;

“(3) the Attorney General certifies that the identity of that individual, and if applicable, the authorized agent of that individual, is not fraudulent or otherwise misrepresented; and

“(4) the Attorney General determines that the claimant has satisfied the applicable requirements of this Act.

“(b) **LOSSES AVAILABLE TO LIVING AFFECTED INDIVIDUALS.**—

“(1) **IN GENERAL.**—In the event of a claim qualifying for compensation under subsection (a) that is submitted to the Attorney General to be eligible for compensation under this section at a time when the individual described in subsection (a)(2) is living, the amount of compensation under this section shall be in an amount that is the greater of \$50,000 or the total amount of compensation for which the individual is eligible under paragraph (2).

“(2) **LOSSES DUE TO MEDICAL EXPENSES.**—A claimant described in paragraph (1) shall be eligible to receive, upon submission of contemporaneous written medical records, reports, or billing statements created by or at the direction of a licensed medical professional who provided contemporaneous medical care to the claimant, additional compensation in the amount of all documented out-of-pocket medical expenses incurred as a result of the specified disease suffered by that claimant, such as any medical expenses not covered, paid for, or reimbursed through—

“(A) any public or private health insurance;

“(B) any employee health insurance;

“(C) any workers’ compensation program; or

“(D) any other public, private, or employee health program or benefit.

“(c) **PAYMENTS TO BENEFICIARIES OF DECEASED INDIVIDUALS.**—In the event that an individual described in subsection (a)(2) who qualifies for compensation under subsection (a) is deceased at the time of submission of the claim—

“(1) a surviving spouse may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with

respect to the deceased individual, receive compensation in the amount of \$25,000; or

“(2) in the event that there is no surviving spouse, the surviving children, minor or otherwise, of the deceased individual may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the total amount of \$25,000, paid in equal shares to each surviving child.

“(d) **AFFECTED AREA.**—For purposes of this section, the term ‘affected area’ means, in the State of Missouri, the ZIP Codes of 63031, 63033, 63034, 63042, 63045, 63074, 63114, 63135, 63138, 63044, 63140, 63145, 63147, 63102, 63304, 63134, 63043, 63341, 63368, and 63367.

“(e) **SPECIFIED DISEASE.**—For purposes of this section, the term ‘specified disease’ means any of the following:

“(1) Any leukemia, other than chronic lymphocytic leukemia, provided that the initial exposure occurred after the age of 20 and the onset of the disease was at least 2 years after first exposure.

“(2) Any of the following diseases, provided that the onset was at least 2 years after the initial exposure:

“(A) Multiple myeloma.

“(B) Lymphoma, other than Hodgkin’s disease.

“(C) Type 1 or type 2 diabetes.

“(D) Systemic lupus erythematosus.

“(E) Multiple sclerosis.

“(F) Hashimoto’s disease.

“(G) Primary cancer of the—

“(i) thyroid;

“(ii) male or female breast;

“(iii) esophagus;

“(iv) stomach;

“(v) pharynx;

“(vi) small intestine;

“(vii) pancreas;

“(viii) bile ducts;

“(ix) gall bladder;

“(x) salivary gland;

“(xi) urinary bladder;

“(xii) brain;

“(xiii) colon;

“(xiv) ovary;

“(xv) liver, except if cirrhosis or hepatitis B is indicated;

“(xvi) lung;

“(xvii) bone; or

“(xviii) kidney.

“(f) **PHYSICAL PRESENCE.**—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless demonstrated by submission of contemporaneous written residential documentation and at least one additional employer-issued or government-issued document or record that the claimant, for a period of at least 2 years after January 1, 1949, was physically present in an affected area or, if applicable, was physically present in an area of the city of St. Louis or the county of St. Louis in the State of Missouri that is outside of an affected area.

“(g) **DISEASE CONTRACTION IN AFFECTED AREAS.**—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless demonstrated by submission of contemporaneous written medical records or reports created by or at the direction of a licensed medical professional who provided contemporaneous medical care to the claimant, that the claimant, after such period of physical presence, contracted a specified disease.”

(c) **EXTENSION ON FUND AND TIME TO SUBMIT CLAIMS.**—The Radiation Exposure Compensation Act (Public Law 101-426; U.S.C. 2210 note) is amended—

(1) in section 3(d)—

(A) by striking “2 years after the date of enactment of the RECA Extension Act of

2022” and inserting “22 years after the date of enactment the Radiation Exposure Compensation Expansion Act”; and

(B) by striking “2-year period” and inserting “22-year period”; and

(2) in section 8(a), by striking “2 years after the date of enactment of the RECA Extension Act of 2022” and inserting “22 years after the date of enactment of the Radiation Exposure Compensation Expansion Act”.

SA 1013. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 779 submitted by Mr. MENENDEZ (for himself, Mr. KAINE, and Mrs. SHAHEEN) and intended to be proposed 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:

In lieu of the matter proposed to be inserted, , insert the following:

DIVISION G—AUKUS MATTERS

SEC. 7001. DEFINITIONS.

In this division:

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

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

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

(2) **AUKUS PARTNERSHIP.**—

(A) **IN GENERAL.**—The term “AUKUS partnership” means the enhanced trilateral security partnership between Australia, the United Kingdom, and the United States announced in September 2021.

(B) **PILLARS.**—The AUKUS partnership includes the following two pillars:

(i) Pillar One is focused on developing a pathway for Australia to acquire conventionally armed, nuclear-powered submarines.

(ii) Pillar Two is focused on enhancing trilateral collaboration on advanced defense capabilities, including hypersonic and counter hypersonic capabilities, quantum technologies, undersea technologies, and artificial intelligence.

(3) **DEPARTMENT.**—The term “Department” means the Department of State.

(4) **INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.**—The term “International Traffic in Arms Regulations” means subchapter M of chapter I of title 22, Code of Federal Regulations (or successor regulations).

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

TITLE I—OUTLINING THE AUKUS PARTNERSHIP

SEC. 7011. STATEMENT OF POLICY ON THE AUKUS PARTNERSHIP.

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

(1) the AUKUS partnership is integral to United States national security, increasing United States and allied capability in the undersea domain of the Indo-Pacific, and developing cutting edge military capabilities;

(2) the transfer of conventionally armed, nuclear-powered submarines to Australia will position the United States and its allies to maintain peace and security in the Indo-Pacific;

(3) the transfer of conventionally armed, nuclear-powered submarines to Australia will be safely implemented with the highest nonproliferation standards in alignment with—

(A) safeguards established by the International Atomic Energy Agency; and

(B) the Additional Protocol to the Agreement between Australia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Vienna September 23, 1997;

(4) the United States will enter into a mutual defense agreement with Australia, modeled on the 1958 bilateral mutual defense agreement with the United Kingdom, for the sole purpose of facilitating the transfer of naval nuclear propulsion technology to Australia;

(5) working with the United Kingdom and Australia to develop and provide joint advanced military capabilities to promote security and stability in the Indo-Pacific will have tangible impacts on United States military effectiveness across the world; and

(6) in order to better facilitate cooperation under Pillar 2 of the AUKUS partnership, it is imperative that every effort be made to streamline United States export controls consistent with necessary and reciprocal security safeguards on United States technology at least comparable to those of the United States.

SEC. 7012. SENIOR ADVISOR FOR THE AUKUS PARTNERSHIP AT THE DEPARTMENT OF STATE.

(a) **IN GENERAL.**—There shall be a Senior Advisor for the AUKUS partnership at the Department, who—

(1) shall report directly to the Secretary; and

(2) may not hold another position in the Department concurrently while holding the position of Senior Advisor for the AUKUS partnership.

(b) **DUTIES.**—The Senior Advisor shall—

(1) be responsible for coordinating efforts related to the AUKUS partnership across the Department, including the bureaus engaged in nonproliferation, defense trade, security assistance, and diplomatic relations in the Indo-Pacific;

(2) serve as the lead within the Department for implementation of the AUKUS partnership in interagency processes, consulting with counterparts in the Department of Defense, the Department of Commerce, the Department of Energy, the Office of Naval Reactors, and any other relevant agencies;

(3) lead diplomatic efforts related to the AUKUS partnership with other governments to explain how the partnership will enhance security and stability in the Indo-Pacific; and

(4) consult regularly with the appropriate congressional committees, and keep such committees fully and currently informed, on issues related to the AUKUS partnership, including in relation to the AUKUS Pillar 1 objective of supporting Australia’s acquisition of conventionally armed, nuclear-powered submarines and the Pillar 2 objective of jointly developing advanced military capabilities to support security and stability in the Indo-Pacific, as affirmed by the President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Australia on April 5, 2022.

(c) **PERSONNEL TO SUPPORT THE SENIOR ADVISOR.**—The Secretary shall ensure that the Senior Advisor is adequately staffed, including through encouraging details, or assignment of employees of the Department, with expertise related to the implementation of the AUKUS partnership, including staff with expertise in—

(1) nuclear policy, including nonproliferation;

(2) defense trade and security cooperation, including security assistance; and

(3) relations with respect to political-military issues in the Indo-Pacific and Europe.

(d) **NOTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, and not later than 90 days after a Senior Advisor assumes such position, the Secretary shall notify the appropriate congressional committees of the number of full-time equivalent positions, relevant expertise, and duties of any employees of the Department or detailees supporting the Senior Advisor.

(e) **SUNSET.**—

(1) **IN GENERAL.**—The position of the Senior Advisor for the AUKUS partnership shall terminate on the date that is 8 years after the date of the enactment of this Act.

(2) **RENEWAL.**—The Secretary may renew the position of the Senior Advisor for the AUKUS partnership for 1 additional period of 4 years, following notification to the appropriate congressional committees of the renewal.

TITLE II—AUTHORIZATION FOR SUBMARINE TRANSFERS, SUPPORT, AND INFRASTRUCTURE IMPROVEMENT ACTIVITIES

SEC. 7021. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES.

(a) **AUTHORIZATION TO TRANSFER SUBMARINES.**—

(1) **IN GENERAL.**—Subject to paragraphs (3), (4), and (11), the President may, under section 21 of the Arms Export Control Act (22 U.S.C. 2761)—

(A) transfer not more than two Virginia class submarines from the inventory of the United States Navy to the Government of Australia on a sale basis; and

(B) transfer not more than one additional Virginia class submarine to the Government of Australia on a sale basis.

(2) **REQUIREMENTS NOT APPLICABLE.**—A sale carried out under paragraph (1)(B) shall not be subject to the requirements of—

(A) section 36 of the Arms Export Control Act (22 U.S.C. 2776); or

(B) section 8677 of title 10, United States Code.

(3) **CERTIFICATION; BRIEFING.**—

(A) **PRESIDENTIAL CERTIFICATION.**—The President may exercise the authority provided by paragraph (1) not earlier than 60 days after the date on which the President certifies to the appropriate congressional committees that any submarine transferred under such authority shall be used to support the joint security interests and military operations of the United States and Australia.

(B) **WAIVER OF CHIEF OF NAVAL OPERATIONS CERTIFICATION.**—The requirement for the Chief of Naval Operations to make a certification under section 8678 of title 10, United States Code, shall not apply to a transfer under paragraph (1).

(C) **BRIEFING.**—Not later than 90 days before the sale of any submarine under paragraph (1), the Secretary of the Navy shall provide to the appropriate congressional committees a briefing on—

(i) the impacts of such sale to the readiness of the submarine fleet of the United States, including with respect to maintenance timelines, deployment-to-dwell ratios, training, exercise participation, and the ability to meet combatant commander requirements;

(ii) the impacts of such sale to the submarine industrial base of the United States, including with respect to projected maintenance requirements, acquisition timelines for spare and replacement parts, and future procurement of Virginia class submarines for the submarine fleet of the United States; and

(iii) other relevant topics as determined by the Secretary of the Navy.

(4) **REQUIRED MUTUAL DEFENSE AGREEMENT.**—Before any transfer occurs under subsection (a), the United States and Australia shall have a mutual defense agreement in place, which shall—

(A) provide a clear legal framework for the sole purpose of Australia's acquisition of conventionally armed, nuclear-powered submarines; and

(B) meet the highest nonproliferation standards for the exchange of nuclear materials, technology, equipment, and information between the United States and Australia.

(5) **SUBSEQUENT SALES.**—A sale of a Virginia class submarine that occurs after the sales described in paragraph (1) may occur only if such sale is explicitly authorized in legislation enacted after the date of the enactment of this Act.

(6) **COSTS OF TRANSFER.**—Any expense incurred by the United States in connection with a transfer under paragraph (1) shall be charged to the Government of Australia.

(7) **CREDITING OF RECEIPTS.**—Notwithstanding any provision of law pertaining to the crediting of amounts received from a sale under section 21 of the Arms Export Control Act (22 U.S.C. 2761), any funds received by the United States pursuant to a transfer under paragraph (1) shall—

(A) be credited, at the discretion of the President, to—

(i) the fund or account used in incurring the original obligation for the acquisition of submarines transferred under paragraph (1);

(ii) an appropriate fund or account available for the purposes for which the expenditures for the original acquisition of submarines transferred under paragraph (1) were made; or

(iii) any other fund or account available for the purpose specified in paragraph (8)(B); and

(B) remain available for obligation until expended.

(8) **USE OF FUNDS.**—Subject to paragraphs (9) and (10), the President may use funds received pursuant to a transfer under paragraph (1)—

(A) for the acquisition of submarines to replace the submarines transferred to the Government of Australia; or

(B) for improvements to the submarine industrial base of the United States.

(9) **PLAN FOR USE OF FUNDS.**—Before any use of any funds received pursuant to a transfer under paragraph (1), the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing how such funds will be used, including specific amounts and purposes.

(10) **NOTIFICATION AND REPORT.**—

(A) **NOTIFICATION.**—Not later than 30 days after the date of any transfer under paragraph (1), and upon any transfer or depositing of funds received pursuant to such a transfer, the President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) the amount of funds received pursuant to the transfer; and

(ii) the specific account or fund into which the funds described in clause (i) are deposited.

(B) **ANNUAL REPORT.**—Not later than November 30 of each year until 1 year after the date on which all funds received pursuant to transfers under paragraph (1) have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes an accounting of how funds received pursuant to transfers under paragraph (1) were used in the fiscal year

preceding the fiscal year in which the report is submitted.

(11) **APPLICABILITY OF EXISTING LAW TO TRANSFER OF SPECIAL NUCLEAR MATERIAL AND UTILIZATION FACILITIES FOR MILITARY APPLICATIONS.**—

(A) **IN GENERAL.**—With respect to any special nuclear material for use in utilization facilities or any portion of a submarine transferred under paragraph (1) constituting utilization facilities for military applications under section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121), transfer of such material or such facilities shall occur only in accordance with such section 91.

(B) **USE OF FUNDS.**—The President may use proceeds from a transfer described in subparagraph (A) for the acquisition of submarine naval nuclear propulsion plants and nuclear fuel to replace propulsion plants and fuel transferred to the Government of Australia.

(b) **REPAIR AND REFURBISHMENT OF AUKUS SUBMARINES.**—Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **REPAIR AND REFURBISHMENT OF CERTAIN SUBMARINES.**—

“(1) **SHIPYARD.**—Notwithstanding any other provision of this section, and subject to paragraph (2), the President shall determine the appropriate public or private shipyard in the United States, Australia, or the United Kingdom to perform any repair or refurbishment of a United States submarine involved in submarine security activities between the United States, Australia, and the United Kingdom.

“(2) **CONDITIONS.**—

“(A) **IN GENERAL.**—The President may determine under paragraph (1) that repair or refurbishment described in such paragraph may be performed in Australia or the United Kingdom only if—

“(i) such repair or refurbishment will facilitate the development of repair or refurbishment capabilities in the United Kingdom or Australia;

“(ii) such repair or refurbishment will be for a United States submarine that is assigned to a port outside of the United States; or

“(iii) the Secretary of Defense certifies to Congress that performing such repair or refurbishment at a shipyard in Australia or the United Kingdom is required due to an exigent threat to the national security interests of the United States.

“(B) **CONSIDERATION.**—In making a determination under subparagraph (A), the President shall consider any effects of such determination on the capacity and capability of shipyards in the United States.

“(C) **BRIEFING REQUIRED.**—Not later than 15 days after the date on which the Secretary of Defense makes a certification under subparagraph (A)(iii), the Secretary shall brief the congressional defense committees on—

“(i) the threat that requires the use of a shipyard in Australia or the United Kingdom; and

“(ii) opportunities to mitigate the future potential need to leverage foreign shipyards.

“(3) **PERSONNEL.**—Repair or refurbishment described in paragraph (1) may be carried out by personnel of the United States, the United Kingdom, or Australia in accordance with the international arrangements governing the submarine security activities described in such paragraph.”.

SEC. 7022. ACCEPTANCE OF CONTRIBUTIONS FOR AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY ACTIVITIES; AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.

(a) **ACCEPTANCE AUTHORITY.**—The President may accept from the Government of Australia contributions of money made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities between Australia, the United Kingdom, and the United States (AUKUS).

(b) **ESTABLISHMENT OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a special account to be known as the “AUKUS Submarine Security Activities Account”.

(2) **CREDITING OF CONTRIBUTIONS OF MONEY.**—Contributions of money accepted by the President under subsection (a) shall be credited to the AUKUS Submarine Security Activities Account.

(3) **AVAILABILITY.**—Amounts credited to the AUKUS Submarine Security Activities Account shall remain available until expended.

(c) **USE OF AUKUS SUBMARINE SECURITY ACTIVITIES ACCOUNT.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the President may use funds in the AUKUS Submarine Security Activities Account—

(A) for any purpose authorized by law that the President determines would support submarine security activities between Australia, the United Kingdom, and the United States;

(B) to carry out a military construction project related to the AUKUS partnership that is not otherwise authorized by law;

(C) to develop and increase the submarine industrial base workforce by investing in recruiting, training, and retaining key specialized labor at public and private shipyards; or

(D) to upgrade facilities, equipment, and infrastructure needed to repair and maintain submarines at public and private shipyards.

(2) **PLAN FOR USE OF FUNDS.**—Before any use of any funds in the AUKUS Submarine Security Activities Account, the President shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan detailing—

(A) the amount of funds in the AUKUS Submarine Security Activities Account; and

(B) how such funds will be used, including specific amounts and purposes.

(d) **TRANSFERS OF FUNDS.**—

(1) **IN GENERAL.**—In carrying out subsection (c) and subject to paragraphs (2) and (5), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Defense or any other appropriate agency.

(2) **DEPARTMENT OF ENERGY.**—In carrying out subsection (c), and in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the President may transfer funds available in the AUKUS Submarine Security Activities Account to an account or fund available to the Department of Energy to carry out activities related to submarine security activities between Australia, the United Kingdom, and the United States.

(3) **AVAILABILITY FOR OBLIGATION.**—Funds transferred under this subsection shall be available for obligation for the same time period and for the same purpose as the account or fund to which transferred.

(4) **TRANSFER BACK TO ACCOUNT.**—Upon a determination by the President that all or part of the funds transferred from the AUKUS Submarine Security Activities Account are not necessary for the purposes for which

such funds were transferred, and subject to paragraph (5), all or such part of such funds shall be transferred back to the AUKUS Submarine Security Activities Account.

(5) NOTIFICATION AND REPORT.—

(A) NOTIFICATION.—The President shall notify the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives of—

(i) before the transfer of any funds under this subsection—

(I) the amount of funds to be transferred; and

(II) the planned or anticipated purpose of such funds; and

(ii) before the obligation of any funds transferred under this subsection—

(I) the amount of funds to be obligated; and

(II) the purpose of the obligation.

(B) ANNUAL REPORT.—Not later than November 30 of each year until 1 year after the date on which all funds transferred under this subsection have been fully expended, the President shall submit to the committees described in subparagraph (A) a report that includes a detailed accounting of—

(i) the amount of funds transferred under this subsection during the fiscal year preceding the fiscal year in which the report is submitted; and

(ii) the purposes for which such funds were used.

(e) INVESTMENT OF MONEY.—

(1) AUTHORIZED INVESTMENTS.—The President may invest money in the AUKUS Submarine Security Activities Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

(2) INTEREST AND OTHER INCOME.—Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the AUKUS Submarine Security Activities Account.

(f) RELATIONSHIP TO OTHER LAWS.—The authority to accept or transfer funds under this section is in addition to any other authority to accept or transfer funds.

SEC. 7023. AUSTRALIA, UNITED KINGDOM, AND UNITED STATES SUBMARINE SECURITY TRAINING.

(a) IN GENERAL.—The President may transfer or export directly to private individuals in Australia defense services that may be transferred to the Government of Australia under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to support the development of the submarine industrial base of Australia necessary for submarine security activities between Australia, the United Kingdom, and the United States, including if such individuals are not officers, employees, or agents of the Government of Australia.

(b) SECURITY CONTROLS.—

(1) IN GENERAL.—Any defense service transferred or exported under subsection (a) shall be subject to appropriate security controls to ensure that any sensitive information conveyed by such transfer or export is protected from disclosure to persons unauthorized by the United States to receive such information.

(2) CERTIFICATION.—Not later than 30 days before the first transfer or export of a defense service under subsection (a), and annually thereafter, the President shall certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the controls described in paragraph (1) will protect the information described in such paragraph for the defense services so transferred or exported.

(c) APPLICATION OF REQUIREMENTS FOR RE-TRANSFER AND REEXPORT.—Any person who

receives any defense service transferred or exported under subsection (a) may retransfer or reexport such service to other persons only in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

TITLE III—STREAMLINING TRANSFERS OF UNITED STATES MILITARY TECHNOLOGY TO TRUSTED ALLIES

SEC. 7031. PRIORITY FOR AUSTRALIA AND THE UNITED KINGDOM IN FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

(a) TECHNOLOGY RELEASE POLICY FOR AUSTRALIA, CANADA, AND THE UNITED KINGDOM.—The Secretary of State, in consultation with the Secretary of Defense, shall create a policy for key Foreign Military Sales and Direct Commercial Sales for Australia, the United Kingdom, and Canada. Review of these capabilities for releasability shall be subject to an expedited decision-making process with a presumption of approval.

(b) INTERAGENCY POLICY.—The Secretary of State and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to Foreign Military Sales and Direct Commercial Sales requests, including incorporating the provisions of this section.

SEC. 7032. IDENTIFICATION AND PRE-CLEARANCE OF PLATFORMS, TECHNOLOGIES, AND EQUIPMENT FOR SALE TO AUSTRALIA AND THE UNITED KINGDOM THROUGH FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES.

Not later than 180 days after the date of the enactment of this Act, and on a biennial basis thereafter for 8 years, 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 report that includes a list of advanced military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Australia, the United Kingdom, and Canada through the Foreign Military Sales and Direct Commercial Sales program without regard to whether a letter of request to purchase such platforms, technologies, or equipment has been received from any of such country.

SEC. 7033. EXPORT CONTROL EXEMPTIONS AND STANDARDS.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

“(1) AUKUS DEFENSE TRADE COOPERATION.—

“(1) EXEMPTION FROM LICENSING AND APPROVAL REQUIREMENTS.—Subject to paragraph (2) and notwithstanding any other provision of this section, the Secretary of State may exempt from the licensing or other approval requirements of this section exports and transfers (including reexports, retransfers, temporary imports, and brokering activities) of defense articles and defense services between or among the United States, the United Kingdom, and Australia that—

“(A) are not excluded by those countries;

“(B) are not referred to in subsection(j)(1)(C)(ii); and

“(C) involve only persons or entities that are approved by—

“(i) the Secretary of State; and

“(ii) the Ministry of Defense, the Ministry of Foreign Affairs, or other similar authority within those countries.

“(2) LIMITATION.—The authority provided in subparagraph (1) shall not apply to any activity, including exports, transfers, reexports, retransfers, temporary imports, or brokering, of United States defense articles and defense services involving any country or a person or entity of any country other

than the United States, the United Kingdom, and Australia.”.

(b) REQUIRED STANDARDS OF EXPORT CONTROLS.—The Secretary may only exercise the authority under subsection (1)(1) of section 38 of the Arms Export Control Act of 1976, as added by subsection (a) of this section, with respect to the United Kingdom or Australia 30 days after the Secretary submits to the appropriate congressional committees an unclassified certification and detailed unclassified assessment (which may include a classified annex) that the country concerned has implemented standards for a system of export controls that satisfies the elements of section 38(j)(2) of the Arms Export Control Act (22 U.S.C. 2778(j)(2)) for United States-origin defense articles and defense services, and for controlling the provision of military training, that are comparable to those standards administered by the United States in effect on the date of the enactment of this Act.

(c) CERTAIN REQUIREMENTS NOT APPLICABLE.—Paragraphs (1), (2), and (3) of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) shall not apply to transfers (including transfers of United States Government sales or grants, or commercial exports authorized under this chapter) among the United States, the United Kingdom, or Australia described in paragraph (1).

SEC. 7034. EXPEDITED REVIEW OF EXPORT LICENSES FOR EXPORTS OF ADVANCED TECHNOLOGIES TO AUSTRALIA, THE UNITED KINGDOM, AND CANADA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall initiate a rulemaking to establish an expedited decision-making process for applications for the export of commercial defense articles and defense services to Australia, the United Kingdom, and Canada with a presumption of approval.

(b) ELIGIBILITY.—To qualify for the expedited process described in subsection (a), the application must be for an export that will take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom and the United States and with governments or corporate entities from such countries.

SEC. 7035. UNITED STATES MUNITIONS LIST.

(a) EXEMPTION FOR THE GOVERNMENTS OF THE UNITED KINGDOM AND AUSTRALIA FROM CERTIFICATION AND CONGRESSIONAL NOTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN TRANSFERS.—Section 38(f)(3) of the Arms Export Control Act (22 U.S.C. 2778(f)(3)) is amended by inserting “, the United Kingdom, or Australia” after “Canada”.

(b) UNITED STATES MUNITIONS LIST PERIODIC REVIEWS.—

(1) IN GENERAL.—The Secretary of State, acting through authority delegated by the President to carry out period reviews of items on the United States Munitions List under subsection (f) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) and in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Director of the Office of Management and Budget, shall carry out such reviews not less frequently than every 2 years.

(2) SCOPE.—The periodic reviews described under paragraph (1) shall focus on matters including interagency resources to address current threats faced by the United States, the evolving technological and economic landscape, the widespread availability of certain technologies and items on the United States Munitions List, and risks of misuse of United States origin defense articles.

TITLE IV—OTHER AUKUS MATTERS**SEC. 7041. REPORTING RELATED TO THE AUKUS PARTNERSHIP.**

(a) IN GENERAL.—Not later than 30 days after the signature, conclusion, or other finalization of any non-binding instrument related to the AUKUS partnership, the President shall submit to the appropriate congressional committees the text of such instrument.

(b) NON-DUPLICATION OF EFFORTS; RULE OF CONSTRUCTION.—To the extent the text of a non-binding instrument is submitted to the appropriate congressional committees pursuant to subsection (a), such text does not need to be submitted to Congress pursuant to section 112b(a)(1)(A)(ii) of title 1, United States Code, as amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263; 136 Stat. 3476). Paragraph (1) shall not be construed to relieve the executive branch of any other requirement of section 112b of title 1, United States Code, as amended so amended, or any other provision of law.

(c) DEFINITIONS.—In this section:

(1) IN GENERAL.—The term “text”, with respect to a non-binding instrument, includes—

(A) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the non-binding instrument; and

(B) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the non-binding instrument.

(2) CONTEMPORANEOUSLY AND IN CONJUNCTION WITH.—As used in subparagraph (A), the term “contemporaneously and in conjunction with”—

(A) shall be construed liberally; and

(B) may not be interpreted to require any action to have occurred simultaneously or on the same day.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHUCK GRASSLEY, intend to object to proceeding to the nomination of Tanya J. Bradsher, of Virginia, to be Deputy Secretary of Veterans Affairs, dated July 20, 2023.

I, Senator RON WYDEN, intend to object to proceeding to S. 1080, a bill to amend the Controlled Substances Act to require electronic communication service providers and remote computing services to report to the Attorney General certain controlled substances violations, dated July 20, 2023.

I, Senator RON WYDEN, intend to object to proceeding to S. 1199, a bill to combat the sexual exploitation of chil-

dren by supporting victims and promoting accountability and transparency by the tech industry, dated July 20, 2023.

I, Senator RON WYDEN, intend to object to proceeding to S. 1207, a bill to establish a National Commission on Online Child Sexual Exploitation Prevention, and for other purposes, dated July 20, 2023.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have eight 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 Thursday, July 20, 2023, at 9 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 during the session of the Senate on Thursday, July 20, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, July 20, 2023, at 9:30 a.m., to conduct a subcommittee hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Thursday, July 20, 2023, at 9:30 a.m., to conduct a hearing.

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 Thursday, July 20, 2023, at 10:30 a.m.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, July 20, 2023, at 9:30 a.m., to conduct an executive business meeting.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, July 20, 2023, at 9:30 a.m., to conduct a hearing.

SUBCOMMITTEE ON HEALTH CARE

The Subcommittee on Health Care of the Committee on Finance is authorized to meet during the session of the Senate on Thursday, July 20, 2023, at 10 a.m., to conduct a hearing.

ORDERS FOR FRIDAY, JULY 21, 2023

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma session only, with no business being conducted, at 6:30 a.m. on Friday, July 21, 2023; further, that when the Senate adjourns on Friday, July 21, it stand adjourned until 3 p.m. on Tuesday, July 25; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate resume consideration of Calendar No. 119, S. 2226; further, that at 5:30 p.m. the Senate vote on the Cornyn No. 931 and the Rounds No. 813 amendments in the order listed.

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

Mr. SCHUMER. For the information of the Senate, Members should expect two rollcall votes beginning at 5:30 p.m. on Tuesday.

ADJOURNMENT UNTIL 6:30 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 4:54 p.m., adjourned until Friday, July 21, 2023, at 6:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 20, 2023:

ENVIRONMENTAL PROTECTION AGENCY

DAVID M. UHLMANN, OF MICHIGAN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.