

# MILITARY PERSONNEL CONFIRMATION RESTORATION ACT OF 2023

Mr. SCHUMER. Mr. President, tonight, just in time for the holidays, the Senate is giving our military, our military families, a present: the justice and backpay they so richly earned and deserved. Finally, we are able to right the wrong of Senator TUBERVILLE's illogical, hurtful, and dangerous holds and the massive impacts the holds had on military families.

These men and women have worked so hard for our country for so long. And just because of Senator TUBERVILLE, in a really nasty—and whimsical, almost—holding back of their promotions, they weren't getting paid.

Well, tonight, at long last, we are giving these military families—families that have already sacrificed so much—the justice they deserve: their backpay. And it is a good night for them, and it is a good night for America. America is keeping its promise and saying to these men and women: You served us well. You don't deserve to be penalized in any way at all.

And so, Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3553, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 3553) to provide a retroactive effective date for the promotions of senior officers of the Armed Forces whose military promotions were delayed as a result of the suspension of Senate confirmation of such promotions.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read three times and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3553) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3553

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Personnel Confirmation Restoration Act of 2023".

## SEC. 2. SENSE OF CONGRESS.

Congress holds the men and women who defend the United States in the highest esteem.

## SEC. 3. RETROACTIVE EFFECTIVE DATE OF PROMOTIONS OF SENIOR OFFICERS OF ARMED FORCES THAT WERE DELAYED AS A RESULT OF SUSPENSION OF SENATE CONFIRMATION.

(a) IN GENERAL.—In the case of an individual confirmed, during the period beginning on December 5, 2023, and ending on December 31, 2023, to a grade or rank in the Armed Forces associated with pay grade O-7 or higher and whose confirmation was delayed as a result of the suspension of the provision of advice and consent by the Senate to appointments to such grades and ranks that began in February 2023—

(1) the Secretary of Defense shall provide the individual, retroactive to the date described in subsection (b)—

(A) pay and allowances at the rates or in the amounts payable for the pay grade associated with the appointment of the individual; and

(B) the benefits to which an individual in the grade or rank associated with the appointment is entitled; and

(2) the date described in subsection (b) shall be the date used for determining the seniority of the individual in the grade or rank associated with the appointment.

(b) DATE DESCRIBED.—The date described in this subsection is, with respect to an individual described in subsection (a), the date that is the later of—

(1) the date that is 30 days after the date on which the nomination of the individual was placed on the Executive Calendar of the Senate; or

(2) the date on which the individual would have been appointed but for the suspension of the provision of advice and consent described in subsection (a), as determined by the Secretary concerned (as defined in section 101 of title 10, United States Code).

## EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 214, 431, and 432; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

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

The question is, Will the Senate advise and consent to the en bloc nominations of Lisa A. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lebanese Republic; Todd Gloria, of California, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2023; and Todd Gloria, of California, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2029, (Reappointment)?

The nominations were confirmed en bloc.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the cloture motions filed during yesterday's session ripen at 11:30 a.m. on Tuesday, December 19.

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

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate

proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## TRIBUTE TO JILL BOUDREAU

Mrs. MURRAY. Mr. President, I rise today to honor and congratulate Mayor Jill Boudreau on her retirement after 12 years of service as mayor of Mount Vernon, WA. During that time, she has been an inspiring and impactful public servant—leading a municipal government that has been a model of efficiency, adaptability, dignity, and inclusivity. Her leadership has been a guiding light through some of the city's most difficult times, and her advocacy has helped Mount Vernon prosper over the past decade-plus.

Mayor Boudreau was sworn into office in January of 2012 and quickly launched ambitious initiatives to bolster economic development, make the city's government more open and accessible to residents, and improve public transportation. Over her three terms, she has been an indispensable voice for the region—serving on countless boards and commissions and championing voting rights, public art installations, and civic engagement. Most recently, Mayor Boudreau has been the driving force behind the Mount Vernon Library Commons, a transformative project that will be one of the largest capital investments in Skagit County history. When completed, the Commons will be one of Washington State's most energy-efficient municipal buildings and will bring a library, community center, commercial kitchen, transit center, and one of our nation's largest electric vehicle charging stations all into one facility. The Commons is the product of Mayor Boudreau's bold vision and tireless efforts. Her extraordinary leadership on the Commons and other projects has been recognized by the Association for Washington Cities, the Secretary of the Navy, and the Ambassador to Uruguay.

I had the opportunity to work most closely with Mayor Boudreau on flood protection projects along the Skagit River, and throughout those discussions, it was clear to everyone just how deeply she cared about her community. Her dedication and compassion are also evident in Mayor Boudreau's leadership during challenging and stressful times, whether it was the Skagit River Bridge collapse, the Cascade Mall shooting, or the COVID-19 pandemic. I know the citizens of Mount Vernon are as grateful as I am for her strength and hard work during these difficult moments.

One of the things I admire most about Mayor Boudreau is her weekly commitment to meeting with residents for "Coffee Hours." She has held more than 350 of these meetings during her administration, something I have heard about from her constituents during our shared time in public office.

This type of openness and accessibility to her community—and her willingness to listen and really engage with her constituents—is part of what makes Mayor Boudreau such an inspiring public servant. It has been a real privilege to work with her over the last 12 years, and I am tremendously thankful for her service to the people of Mount Vernon. I wish her the very best in future endeavors.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

Mr. WARNER. Mr. President, this explanation reflects the status of negotiations and disposition of issues reached between the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence for the Intelligence Authorization Act for Fiscal Year 2024.

The explanation shall have the same effect with respect to the implementation of this act as if it were a joint explanatory statement of a conference committee.

I ask unanimous consent that the explanatory statement for the Intelligence Authorization Act for Fiscal Year 2024 be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### EXPLANATORY STATEMENT ON THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

The following is the Explanatory Statement to accompany the Intelligence Authorization Act for Fiscal Year 2024 (“the Act”), which has been included as Division G of the National Defense Authorization Act for Fiscal Year 2024. The Explanatory Statement reflects the result of negotiations between the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (together, “the Committees”). The Explanatory Statement shall have the same effect with respect to the implementation of the Act as if it were a joint explanatory statement of a conference committee.

The classified nature of U.S. intelligence activities prevents the Committees from publicly disclosing many details concerning their final decisions regarding funding levels and policy direction. Therefore, the Committees have prepared a classified annex—referred to here and within the annex itself as “the Agreement”—that contains a classified Schedule of Authorizations and that describes in detail the scope and intent of the Committees’ actions.

The Agreement authorizes the Intelligence Community to obligate and expend funds as requested in the President’s budget and as modified by the classified Schedule of Authorizations, subject to applicable reprogramming procedures.

The classified Schedule of Authorizations is incorporated into the Act pursuant to Section 7102 of the Act. It has the status of law. The Agreement supplements and adds detail to clarify the authorization levels found in the Act and in the classified Schedule of Authorizations.

This Explanatory Statement incorporates by reference, and the Executive Branch shall comply with, all direction contained in the Senate Select Committee on Intelligence Report to accompany the Intelligence Authorization Act for Fiscal Year 2024 (S. Rept. 118–

59) and in the House Permanent Select Committee on Intelligence Report to accompany the Intelligence Authorization Act for Fiscal Year 2024 (H. Rept. 118–162). The Agreement supersedes all classified direction related to programs and activities authorized by the Schedule of Authorization.

The Executive Branch is further directed as follows:

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

The Committees are committed to ensuring full transparency in the FBI’s actions implicating the rights of the American people to the free exercise of religion and speech. Therefore, the Committees direct that, not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall conduct and submit to the congressional intelligence committees, the Committee on the Judiciary, Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate, and the Committee on the Judiciary, the Committee on Oversight and Accountability, and the Committee on Appropriations of the House of Representatives, a review of the actions and events 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.” The review shall cover any orders or direction regarding the document from any official in any field office concerning purported proximate links between any religion, any political affiliation, or the intent of this report.

The Committees further direct that, not later than 10 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the same committees identified above the unredacted August 22, 2023, Inspection Division report associated with the Richmond Domain Perspective.

#### FUNDING LIMITATIONS RELATING TO UNIDENTIFIED ANOMALOUS PHENOMENA

Section 7343 of the Act provides for funding limitations relating to unidentified anomalous phenomena because of perceptions of insufficient transparency in this area. Section 7343 is also intended to avoid technology and security stovepipes and expand awareness regarding any historical exotic technology antecedents previously provided by the Federal Government for research and development purposes if they are shown to exist.

Section 7343 further provides a limitation regarding independent research and development funding to ensure that certain indirect expenses are prohibited. That provision is intended to be interpreted 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), or any successor instruction.

#### SCREENING AND VETTING OF VISITORS OR ASSIGNEES FROM SENSITIVE COUNTRIES AT THE NATIONAL LABORATORIES

The Committees are concerned that the Office of Intelligence and Counterintelligence at the Department of Energy (DOE-IN) does not require the comprehensive screening and vetting of foreign visitors or assignees from the People’s Republic of China (PRC), Russia, Iran, North Korea, and Cuba who work or otherwise collaborate with scientists in

our National Laboratories. United States Government-funded research carried out at National Laboratories is incredibly important and sensitive. Whether a laboratory supports a science mission or is oriented toward supporting national security, it is critical that all foreign visitors and assignees from countries of concern receive appropriate vetting in order to mitigate counterintelligence risks. In fiscal year 2023, more than 7,000 nationals from the PRC visited 16 National Laboratories. Russian visitors numbered more than 3,700. The Committees understand that international cooperation on matters of basic, fundamental science helps maintain the United States’ technological edge. At the same time, we need to protect both the classified research as well as unclassified research that result in technologies with dual-use applications, and which can be adapted for military or economic gain, from getting into our adversaries’ hands.

The Committees therefore direct that DOE-IN require a robust effort to screen and vet visitors or assignees to our National Laboratories from the PRC, Russia, Iran, North Korea, and Cuba. The Committees also direct DOE-IN to ensure appropriate oversight over such screening and vetting to ensure that counterintelligence threat information related to potential assignees or visitors is appropriately identified and tracked. The Committees further direct that, not fewer than twice per year, the Director of DOE-IN shall submit to the Committees a report noting each instance in which a visitor or assignee from the PRC, Russia, Iran, North Korea, or Cuba, identified as a significant counterintelligence risk was permitted access to a National Laboratory.

#### BRIEFING RELATING TO CERTAIN INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES OF THE COAST GUARD

Section 416 of H.R. 3932 provided the Commandant of the Coast Guard with enhanced authority to obligate and expend amounts made available under the National Intelligence Program for intelligence and counterintelligence activities if the object of the activity is of a confidential, extraordinary, or emergency nature.

Therefore, the Committees direct the Commandant of the Coast Guard, no later than March 31, 2024, to brief the congressional intelligence committees, the congressional defense committees, the congressional appropriations committees, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Technology on why this authority is necessary and appropriate.

#### DIRECTOR OF NATIONAL INTELLIGENCE NOTICE TO CONGRESS BEFORE ESTABLISHING NEW NATIONAL INTELLIGENCE CENTER OR ASSIGNING SIGNIFICANT NEW FUNCTION TO EXISTING CENTER

The Committees direct the Director of National Intelligence to provide reasonable notice to the congressional intelligence committees before the Director establishes a new national intelligence center or assigns a significant new function to an existing national intelligence center.

#### BRIEFING RELATING TO CONFIDENTIAL HUMAN SOURCE PROGRAM OF FEDERAL BUREAU OF INVESTIGATION

The Committees direct the Director of the Federal Bureau of Investigation, no later than March 31, 2024, to brief the congressional intelligence committees and the congressional judiciary committees on the Federal Bureau of Investigation’s management of confidential human sources, specifically pertaining to the current notification requirements and program review processes in