

“(ii) the full legal name of the individual or organization that made the gift or entered into the contract to which the disclosure pertains; and

“(iii) instructions for accessing the information made available under paragraph (3).

“(2) DISCLOSURE OF JOINT ACTIVITIES.—On an annual basis, any institution that receives funds under a Federal grant program shall file a disclosure report with the Secretary that identifies any activities conducted pursuant to a contract or other agreement between the institution and a China-affiliated organization, including any joint research or academic exchanges.

“(3) PUBLIC AVAILABILITY OF AGREEMENTS.—Each institution shall make available, on a publicly accessible website of the institution, the full text of any contract, agreement, or memorandum of understanding between the institution and a China-affiliated organization (regardless of whether the contract, agreement, or memorandum remains in effect).”; and

(4) in subsection (i), as so redesignated—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(B) by inserting before paragraph (2) the following:

“(1) the term ‘China-affiliated organization’ means any entity that receives support directly or indirectly from the Government of the People’s Republic of China, including—

“(A) a cultural, language, or educational institute or program;

“(B) a think tank that has received more than \$100,000 in one calendar year or more than 10 percent of the total funding for such think tank for that year, whichever is less, from the Chinese Communist Party or individuals affiliated with the Chinese Communist Party;

“(C) a person who is a current member of the Chinese Communist Party or otherwise active in collaborating with the Chinese Government as an employee or advisor;

“(D) a Chinese state-owned enterprise or partially or wholly owned subsidiary of a Chinese state-owned enterprise; and

“(E) a company, think tank, nonprofit, or other similar entity, which has on its board of directors or with equity ownership or voting control in excess of 5 percent any members of the Chinese Communist Party or executives of a Chinese state-owned enterprise, including the president, vice president, or any other officer who performs a policy making function or any other person who performs similar policy making functions for such enterprise, including an executive officer of a subsidiary of such enterprise who performs such policy making functions.”.

SA 5661. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

(a) IN GENERAL.—Clause (iii) of section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) is amended—

(1) in subclause (I), by striking “or” at the end; and

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

“(III) to provide documented support to a defense or intelligence agency of the applicable country; or”.

(b) PROHIBITION ON USE OF FUNDS.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 or any subsequent fiscal year for the Department of Defense for research, development, test, and evaluation may be provided to an entity that maintains a contract between the entity and an academic institution of the People’s Republic of China or the Russian Federation identified on the list developed section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) by reason of being described in clause (ii) or (iii) of such section.

(2) WAIVER.—The Secretary of Defense may waive paragraph (1) with respect to an entity if the Secretary determines that such a waiver is appropriate.

SA 5662. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. PEACE AND TOLERANCE IN PALESTINIAN EDUCATION.

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

(1) In 2016 and 2017, the Palestinian Authority published a modified curriculum for school-aged children in grades 1 through 11.

(2) Textbooks used by the Palestinian Authority in the West Bank and Gaza include graphics portraying violence against Israeli soldiers, positive portrayals of individuals who have committed attacks against citizens of Israel, and references to Palestinian efforts to target the “Zionists”.

(3) Palestinian Authority textbooks are used at schools sponsored by the United Nations Relief and Works Agency for Palestine Refugees in the Near East because the schools use the textbooks of the host government.

(4) On April 26, 2018, the Government Accountability Office published a report that found the following:

(A) Textbooks in schools in areas controlled by the Palestinian Authority feature inaccurate and misleading maps of the region and include militaristic, adversarial imagery and content that incites hatred.

(B) The Department of State raised with Palestinian officials the objectionable content in the textbooks, including a specific math problem using the number of Palestinian casualties in the First and Second Intifadas.

(C) In its review of such textbooks, the United Nations Relief and Works Agency for Palestine Refugees in the Near East identified content not aligned with United Nations values. The majority of content so identified presents problematic issues relating to neutrality or bias, including issues relating to maps and references to Jerusalem as the capital of Palestine.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Palestinian Authority has not sufficiently eliminated from the curriculum used in schools in areas controlled by the Palestinian Authority content that encourages violence or intolerance toward other countries and ethnic groups.

(c) REPORTS.—

(1) IN GENERAL.—The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report reviewing the curriculum used in schools in areas controlled by the Palestinian Authority or located in Gaza and controlled by any other entity—

(A) not later than 180 days after the date of the enactment of this Act; and

(B) during each of the 2 years following the submission of the initial report under subparagraph (A), not later than 90 days after the date on which a new school year begins for schools in areas controlled by the Palestinian Authority.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A determination as to whether the curriculum reviewed contains content that encourages violence or intolerance toward other countries or ethnic groups, and a detailed explanation of the reasons for reaching such determination.

(B) An assessment of the steps the Palestinian Authority is taking to reform curriculum containing such content at schools so as to conform with standards of peace and tolerance in the Declaration of Principles on Tolerance adopted by member countries of the United Nations Educational, Scientific, and Cultural Organization on November 16, 1995.

(C) A determination as to whether United States foreign assistance is used, directly or indirectly, to fund the dissemination of such curriculum by the Palestinian Authority.

(D) A detailed report on the manner in which United States assistance is being used to address curriculum that encourages violence or intolerance toward other countries or ethnic groups.

(E) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

(F) If any diplomatic effort referred to in subparagraph (E) was terminated by the Secretary of State, the reasons for such termination.

(3) PUBLIC AVAILABILITY.—The Secretary shall make each report required by paragraph (1) available to the public on a publicly accessible internet website of the Department of State.

SA 5663. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 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. _____. FOREIGN STATE COMPUTER INTRUSIONS.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605B the following:

“§ 1605C. Computer intrusions by a foreign state

“A foreign state shall not be immune from the jurisdiction of the courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state by a national of the United States for personal injury, harm to reputation, or damage to or loss of property resulting from any of the following activities, whether occurring in the United States or a foreign state:

“(1) Unauthorized access to or access exceeding authorization to a computer located in the United States.

“(2) Unauthorized access to confidential, electronic stored information located in the United States.

“(3) The transmission of a program, information, code, or command to a computer located in the United States, which, as a result of such conduct, causes damage without authorization.

“(4) The use, dissemination, or disclosure, without consent, of any information obtained by means of any activity described in paragraph (1), (2), or (3).

“(5) The provision of material support or resources for any activity described in paragraph (1), (2), (3), or (4), including by an official, employee, or agent of such foreign state.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605B the following:

“1605C. Computer intrusions by a foreign state.”.

(c) APPLICATION.—This section and the amendments made by this section shall apply to any action pending on or filed on or after the date of the enactment of this Act.

SA 5664. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 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. 1239. REPORT ON ISLAMIC REVOLUTIONARY GUARD CORPS-AFFILIATED OPERATIVES ABROAD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes a detailed description of—

(1) all operatives affiliated with the Islamic Revolutionary Guard Corps who serve in diplomatic and consular posts abroad; and

(2) the ways in which the Department of State and the Department of Defense are working with partner countries to inform

such countries of the threat posed by such operatives in third-party countries.

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

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

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

SA 5665. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 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 XXXI of division C, add the following:

SEC. 313. PRICING PREFERENCE FOR DOMESTIC ENTITIES IN SALE OF DRAWDOWNS FROM STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—Section 152 of the Energy Policy and Conservation Act (42 U.S.C. 6232) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (4), (6), (8), (9), (10), and (11) as paragraphs (3), (5), (6), (7), (8), and (9), respectively;

(3) in each of paragraphs (3) through (9) (as so redesignated), by inserting a paragraph heading, the text of which comprises the term defined in the paragraph;

(4) by inserting after paragraph (3) (as so redesignated) the following:

“(4) QUALIFIED BIDDER.—The term ‘qualified bidder’ means an individual or entity that—

“(A) submits to the Secretary an offer to purchase petroleum products withdrawn from the Reserve and offered for sale pursuant to section 161; and

“(B) meets such criteria as the Secretary determines to be appropriate to participate in that sale.”; and

(5) by striking the section designation and heading and all that follows through “(2) The term” and inserting the following:

“SEC. 152. DEFINITIONS.

“In this part and part C:

“(1) DOMESTIC ENTITY.—The term ‘domestic entity’ means a commercial entity that, as determined by the Secretary—

“(A) is headquartered in the United States; and

“(B) purchases or sells petroleum products in the United States.

“(2) IMPORTER.—The term”.

(b) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended—

(1) in subsection (a), by striking “the provisions of”; and

(2) in subsection (d)—

(A) by striking “(d)(1) Drawdown” and inserting the following:

“(b) PREREQUISITE PRESIDENTIAL FINDING.—

“(1) IN GENERAL.—A drawdown”; and

(B) in paragraph (2)—

(i) by striking “(2) For purposes” and inserting the following:

“(2) FACTORS FOR DEEMED EXISTENCE.—For purposes”; and

(ii) by indenting subparagraphs (A) through (C) appropriately;

(3) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

“(3) CANCELLATIONS.—The Secretary may cancel, in whole or in part, any offer to sell petroleum products as part of any drawdown and sale under this section.”; and

(B) by striking “(e)(1) The Secretary” and all that follows through the end of paragraph (1) and inserting the following:

“(c) PROCEDURE FOR SALES.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve—

“(A) at public sale;

“(B) after providing public notice of each sale;

“(C) for such period as the Secretary considers to be appropriate; and

“(D) without regard to Federal, State, or local regulations relating to sales of petroleum products.

“(2) PRICING.—The Secretary shall—

“(A) establish the price for each sale of petroleum products withdrawn from the Reserve; and

“(B) sell the petroleum products to the qualified bidder offering the highest bid, subject to the condition that pricing preference shall be given to qualified bidders that are domestic entities, in accordance with subsection (d).”;

(4) by inserting after subsection (c) (as so redesignated) the following:

“(d) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, in each sale under this section of petroleum products withdrawn from the Reserve, the Secretary shall provide to qualified bidders that are domestic entities a pricing preference in accordance with paragraph (2).

“(2) MECHANISM FOR ADJUSTMENT.—To provide pricing preference required by paragraph (1) in conducting a sale under this section the Secretary shall, in accordance with subsection (c)—

“(A) accept bids from all qualified bidders; but

“(B) in evaluating the accepted bids to identify the highest bidder, add to the bid price offered by each qualified bidder that is a domestic entity—

“(i) for a domestic entity that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), an amount equal to the product obtained by multiplying—

“(I) the amount of the bid price offered by that domestic entity; and

“(II) 15 percent; and

“(ii) for a domestic entity that is not a small business concern described in clause (i), an amount equal to the product obtained by multiplying—

“(I) the amount of the bid price offered by that domestic entity; and

“(II) 10 percent.

“(3) EFFECT OF SUBSECTION.—Nothing in this subsection—

“(A) requires the Secretary to sell petroleum products withdrawn from the Reserve to a domestic entity if the highest bid received from a qualified bidder that is a domestic entity, as adjusted pursuant to paragraph (2), is lower than a bid received from a qualified bidder that is not a domestic entity; or

“(B) modifies, supercedes, or otherwise affects the application of, or any requirement under, subsection (h).”;

(5) in subsection (g)—

(A) by striking the subsection designation and all that follows through “Such a” in the third sentence of paragraph (1) and inserting the following: