

international agreement' means an international agreement—

- “(1) that is not a treaty;
- “(2) to which the United States is a party; and
- “(3) to which any other party is a country—

“(A) where members of the armed forces are stationed on a permanent or rotational basis; or

“(B) that will be used by the Department of Defense for training purposes.”.

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

“120a. Department of Defense international agreements.”.

SA 2387. Ms. ERNST (for herself, Mr. MARSHALL, and Mr. BRAUN) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 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 VIII, add the following:

SEC. 812. FOREIGN ADVERSARY FUNDING.

(a) IN GENERAL.—For purposes of reporting spending data under section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109-282), the Secretary of Defense shall require the tracking and reporting of all other transaction agreements and subawards of any amount awarded to an entity located in a foreign country of concern.

(b) PUBLICATION.—The reporting on subawards required under subsection (a) shall be published on the website established under section 2(b)(1) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109-282).

(c) REPORTING OF SUBAWARDS.—The recipient of a subaward described in subsection (a) shall disclose data with respect to the subaward in the same manner as subawards are disclosed in paragraph (2) of section 2(d) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109-282).

(d) FORM.—If any information required to be reported by this section is classified, such information may be submitted in the form of a classified annex consistent with the protection of sources and methods.

(e) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance that establishes consistency for complying with this section for agencies and recipients of subawards described in subsection (a), including establishing standards for disclosed data.

(f) DEFINITIONS.—In this section:

(1) FOREIGN COUNTRY OF CONCERN.—The term “foreign country of concern” means any of the following:

- (A) The People’s Republic of China.
- (B) The Russian Federation.
- (C) The Islamic Republic of Iran.
- (D) The Democratic People’s Republic of Korea.

(2) SUBAWARD.—The term “subaward”—

- (A) means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity;

- (B) includes an award described in subparagraph (A) that is passed from a subrecipient to another subrecipient; and

(C) does not include payments to a beneficiary of a Federal program.

SA 2388. Ms. ERNST (for herself, Ms. WARREN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. FETTERMAN, and Ms. ROSEN) submitted an amendment intended to be proposed by her to the bill S. 4638, to authorize appropriations for fiscal year 2025 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. _____. AUTHORITY OF ARMY COUNTER-INTELLIGENCE AGENTS.

(a) AUTHORITY TO EXECUTE WARRANTS AND MAKE ARRESTS.—Section 7377 of title 10, United States Code, is amended—

(1) in the section heading, by inserting “**and Army Counterintelligence Command**” before the colon; and

(2) in subsection (b)—

(A) by striking “who is a special agent” and inserting the following: “who is—

“(1) a special agent”;

(B) in paragraph (1) (as so designated) by striking the period at the end and inserting “; or”; and

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

“(2) a special agent of the Army Counterintelligence Command (or a successor to that command) whose duties include conducting, supervising, or coordinating counterintelligence investigations in programs and operations of the Department of the Army.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 747 of such title is amended by striking the item relating to section 7377 and inserting the following new item:

“7377. Civilian special agents of the Criminal Investigation Command and Army Counterintelligence Command: authority to execute warrants and make arrests.”.

SA 2390. Mr. MARSHALL (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1095. COOPER DAVIS ACT.

(a) SHORT TITLE.—This section may be cited as the “Cooper Davis Act”.

(b) REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICES FOR CERTAIN CONTROLLED SUBSTANCES VIOLATIONS.—

(1) AMENDMENTS TO CONTROLLED SUBSTANCES ACT.—

(A) IN GENERAL.—Part E of the Controlled Substances Act (21 U.S.C. 871 et seq.) is amended by adding at the end the following:

“REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICES FOR CERTAIN CONTROLLED SUBSTANCES VIOLATIONS

“SEC. 521. (a) DEFINITIONS.—In this section—

“(1) the term ‘electronic communication service’ has the meaning given that term in section 2510 of title 18, United States Code;

“(2) the term ‘electronic mail address’ has the meaning given that term in section 3 of the CAN-SPAM Act of 2003 (15 U.S.C. 7702);

SA 2389. Ms. ERNST (for herself, Mrs. GILLIBRAND, Mr. COTTON, and Mr. BLUMENTHAL) submitted an amendment

“(3) the term ‘Internet’ has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

“(4) the term ‘provider’ means an electronic communication service provider or remote computing service;

“(5) the term ‘remote computing service’ has the meaning given that term in section 2711 of title 18, United States Code; and

“(6) the term ‘website’ means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.

“(b) DUTY TO REPORT.—

“(1) GENERAL DUTY.—In order to reduce the proliferation of the unlawful sale, distribution, or manufacture (as applicable) of counterfeit substances and certain controlled substances, a provider shall, as soon as reasonably possible after obtaining actual knowledge of any facts or circumstances described in paragraph (2), and in any event not later than 60 days after obtaining such knowledge, submit to the Drug Enforcement Administration a report containing—

“(A) the mailing address, telephone number, facsimile number, and electronic mailing address of, and individual point of contact for, such provider;

“(B) information described in subsection (c) concerning such facts or circumstances; and

“(C) for purposes of subsection (j), information indicating whether the facts or circumstances were discovered through content moderation conducted by a human or via a non-human method, including use of an algorithm, machine learning, or other means.

“(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances establishing that a crime is being or has already been committed involving—

“(A) creating, manufacturing, distributing, dispensing, or possession with intent to manufacture, distribute, or dispense—

“(i) fentanyl; or

“(ii) methamphetamine;

“(B) creating, manufacturing, distributing, dispensing, or possession with intent to manufacture, distribute, or dispense a counterfeit substance, including a counterfeit substance purporting to be a prescription drug; or

“(C) offering, dispensing, or administering an actual or purported prescription pain medication or prescription stimulant by any individual or entity that is not a practitioner or online pharmacy, including an individual or entity that falsely claims to be a practitioner or online pharmacy.

“(3) PERMITTED ACTIONS BASED ON REASONABLE BELIEF.—In order to reduce the proliferation of the unlawful sale, distribution, or manufacture (as applicable) of counterfeit substances and certain controlled substances, if a provider has a reasonable belief that facts or circumstances described in paragraph (2) exist, the provider may submit to the Drug Enforcement Administration a report described in paragraph (1).

“(c) CONTENTS OF REPORT.—

“(1) IN GENERAL.—To the extent the information is within the custody or control of a provider, the facts or circumstances included in each report under subsection (b)(1)—

“(A) shall include, to the extent that it is applicable and reasonably available, information relating to the account involved in the commission of a crime described in subsection (b)(2), such as the name, address, electronic mail address, user or account identification, Internet Protocol address, uniform resource locator, screen names or monikers for the account used or any other accounts associated with the account user, or any other identifying information, includ-

ing self-reported identifying information, but not including the contents of a wire communication or electronic communication, as those terms are defined in section 2510 of title 18, United States Code, except as provided in subparagraph (B) of this paragraph; and

“(B) may, at the sole discretion of the provider, include the information described in paragraph (2) of this subsection.

“(2) OTHER INFORMATION.—The information referred to in paragraph (1)(B) is the following:

“(A) HISTORICAL REFERENCE.—Information relating to when and how a user, subscriber, or customer of a provider uploaded, transmitted, or received content relating to the report or when and how content relating to the report was reported to or discovered by the provider, including a date and time stamp and time zone.

“(B) GEOGRAPHIC LOCATION INFORMATION.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified address, or, if not reasonably available, at least one form of geographic identifying information, including area code or ZIP Code, provided by the user, subscriber, or customer, or stored or obtained by the provider, and any information as to whether a virtual private network was used.

“(C) DATA RELATING TO FACTS OR CIRCUMSTANCES.—Any data, including symbols, photos, video, icons, or direct messages, relating to activity involving the facts or circumstances described in subsection (b)(2) or other content relating to the crime.

“(D) COMPLETE COMMUNICATION.—The complete communication containing the information of the crime described in subsection (b)(2), including—

“(i) any data or information regarding the transmission of the communication; and

“(ii) any data or other digital files contained in, or attached to, the communication.

“(3) USER, SUBSCRIBER, OR CUSTOMER SUBMITTED REPORTS.—In the case of a report under subsection (b)(3), the provider may, at its sole discretion, include in the report information submitted to the provider by a user, subscriber, or customer alleging facts or circumstances described in subsection (b)(2) if the provider, upon review, has a reasonable belief that the alleged facts or circumstances exist.

“(d) HANDLING OF REPORTS.—Upon receipt of a report submitted under subsection (b), the Drug Enforcement Administration—

“(1) shall conduct a preliminary review of such report; and

“(2) after completing the preliminary review, shall—

“(A) conduct further investigation of the report, which may include making the report available to other Federal, State, or local law enforcement agencies involved in the investigation of crimes described in subsection (b)(2), if the Drug Enforcement Administration determines that the report facially contains sufficient information to warrant and permit further investigation; or

“(B) conclude that no further investigative steps are warranted or possible, or that insufficient evidence exists to make a determination, and close the report.

“(e) ATTORNEY GENERAL RESPONSIBILITIES.—

“(1) IN GENERAL.—The Attorney General shall enforce this section.

“(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General may designate a Federal law enforcement agency or agencies to which the Drug Enforcement Administration may forward a report under subsection (d).

“(3) DATA MINIMIZATION REQUIREMENTS.—The Attorney General shall take reasonable measures to—

“(A) limit the storage of a report submitted under subsection (b) and its contents to the amount that is necessary to carry out the investigation of crimes described in subsection (b)(2); and

“(B) store a report submitted under subsection (b) and its contents only as long as is reasonably necessary to carry out an investigation of crimes described in subsection (b)(2) or make the report available to other agencies under subsection (d)(2)(A), after which time the report and its contents shall be deleted unless the preservation of a report has future evidentiary value.

“(f) FAILURE TO COMPLY WITH REQUIREMENTS.—

“(1) CRIMINAL PENALTY.—

“(A) OFFENSE.—It shall be unlawful for a provider to knowingly fail to submit a report required under subsection (b)(1).

“(B) PENALTY.—A provider that violates subparagraph (A) shall be fined—

“(i) in the case of an initial violation, not more than \$190,000; and

“(ii) in the case of any second or subsequent violation, not more than \$380,000.

“(2) CIVIL PENALTY.—In addition to any other available civil or criminal penalty, a provider shall be liable to the United States Government for a civil penalty in an amount not less than \$50,000 and not more than \$100,000 if the provider knowingly submits a report under subsection (b) that—

“(A) contains materially false or fraudulent information; or

“(B) omits information described in subsection (c)(1)(A) that is reasonably available.

“(g) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to—

“(1) require a provider to monitor any user, subscriber, or customer of that provider;

“(2) require a provider to monitor the content of any communication of any person described in paragraph (1);

“(3) require a provider to affirmatively search, screen, or scan for facts or circumstances described in subsection (b)(2); or

“(4) permit actual knowledge to be proven based solely on a provider’s decision not to engage in additional verification or investigation to discover facts and circumstances that are not readily apparent, so long as the provider does not deliberately blind itself to those violations.

“(h) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (d) shall not disclose any information contained in that report.

“(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—A law enforcement agency may disclose information in a report received under subsection (d)—

“(A) to an attorney for the government for use in the performance of the official duties of that attorney, including providing discovery to a defendant;

“(B) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

“(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

“(D) if the report discloses an apparent violation of State criminal law, to an appropriate official of a State or subdivision of a

State for the purpose of enforcing such State law;

“(E) to a defendant in a criminal case or the attorney for that defendant to the extent the information relates to a criminal charge pending against that defendant;

“(F) to a provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report;

“(G) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose; and

“(H) in order to facilitate the enforcement of the penalties authorized under subsection (f).

“(i) PRESERVATION.—

“(1) IN GENERAL.—

“(A) REQUEST TO PRESERVE CONTENTS.—

“(i) IN GENERAL.—Subject to clause (ii), for the purposes of this section, a completed submission by a provider of a report to the Drug Enforcement Administration under subsection (b)(1) shall be treated as a request to preserve the contents provided in the report, and any data or other digital files that are reasonably accessible and may provide context or additional information about the reported material or person, for 90 days after the submission to the Drug Enforcement Administration.

“(ii) LIMITATIONS ON EXTENSION OF PRESERVATION PERIOD.—

“(I) STORED COMMUNICATIONS ACT.—The Drug Enforcement Administration may not submit a request to a provider to continue preservation of the contents of a report or other data described in clause (i) under section 2703(f) of title 18, United States Code, beyond the required period of preservation under clause (i) of this subparagraph unless the Drug Enforcement Administration has an active or pending investigation involving the user, subscriber, or customer account at issue in the report.

“(II) RULE OF CONSTRUCTION.—Nothing in subclause (I) shall preclude another Federal, State, or local law enforcement agency from seeking continued preservation of the contents of a report or other data described in clause (i) under section 2703(f) of title 18, United States Code.

“(B) NOTIFICATION TO USER.—A provider may not notify a user, subscriber, or customer of the provider of a preservation request described in subparagraph (A) unless—

“(i) the provider has notified the Drug Enforcement Administration of its intent to provide that notice; and

“(ii) 45 business days have elapsed since the notification under clause (i).

“(2) PROTECTION OF PRESERVED MATERIALS.—A provider preserving materials under this section shall maintain the materials in a secure location and take appropriate steps to limit access to the materials by agents or employees of the service to that access necessary to comply with the requirements of this subsection.

“(3) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703 of title 18, United States Code.

“(4) RELATION TO REPORTING REQUIREMENT.—Submission of a report as required by subsection (b)(1) does not satisfy the obligations under this subsection.

“(j) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Cooper Davis Act, and annually thereafter, the Drug Enforcement Administration shall publish a report that includes, for the reporting period—

“(1) the total number of reports received from providers under subsection (b)(1);

“(2) the number of reports received under subsection (b)(1) disaggregated by—

“(A) the provider on whose electronic communication service or remote computing service the crime for which there are facts or circumstances occurred; and

“(B) the subsidiary of a provider, if any, on whose electronic communication service or remote computing service the crime for which there are facts or circumstances occurred;

“(3) the number of reports received under subsection (b)(1) that led to convictions in cases investigated by the Drug Enforcement Administration;

“(4) the number of reports received under subsection (b)(1) that lacked actionable information;

“(5) the number of reports received under subsection (b)(1) where the facts or circumstances of a crime were discovered through—

“(A) content moderation conducted by a human; or

“(B) a non-human method including use of an algorithm, machine learning, or other means;

“(6) the number of reports received under subsection (b)(1) that were made available to other law enforcement agencies, disaggregated by—

“(A) the number of reports made available to Federal law enforcement agencies;

“(B) the number of reports made available to State law enforcement agencies; and

“(C) the number of reports made available to local law enforcement agencies; and

“(7) the number of requests to providers to continue preservation of the contents of a report or other data described in subsection (i)(1)(A)(i) submitted by the Drug Enforcement Administration under section 2703(f) of title 18, United States Code.

“(k) PROHIBITION ON SUBMISSION OF USER, SUBSCRIBER, CUSTOMER, OR ANONYMOUS REPORTS BY LAW ENFORCEMENT.—

“(1) IN GENERAL.—No Federal, Tribal, State, or local law enforcement officer acting in an official capacity may submit a report to a provider or arrange for another individual to submit a report to a provider on behalf of the officer under this section.

“(2) REMEDY FOR VIOLATION.—No part of the contents of a provider's report made under subsection (b)(1) or (b)(3) and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof if that provider report resulted from an action prohibited by paragraph (1) of this subsection.

“(l) EXEMPTIONS.—Subsections (b) through (k) shall not apply to a provider of broadband internet access service, as that term is defined in section 81(b) of title 47, Code of Federal Regulations (or any successor regulation), or a provider of a text messaging service, as that term is defined in section 227 of the Communications Act of 1934 (47 U.S.C. 227), insofar as the provider is acting as a provider of such service.”.

“(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after the item relating to section 520 the following:

“Sec. 521. Reporting requirements of electronic communication service providers and remote computing services for certain controlled substances violations.”.

(2) CONFORMING AMENDMENTS TO STORED COMMUNICATIONS ACT.—

(A) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(i) in subsection (b)—

(I) in paragraph (8), by striking “or” at the end;

(II) in paragraph (9), by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(10) to the Drug Enforcement Administration, in connection with a report submitted thereto under section 521 of the Controlled Substances Act.”; and

(ii) in subsection (c)—

(I) in paragraph (6), by striking “or” at the end;

(II) in paragraph (7), by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(8) to the Drug Enforcement Administration, in connection with a report submitted thereto under section 521 of the Controlled Substances Act.”.

(B) TECHNICAL AMENDMENT.—Paragraph (7) of section 2702(b) of title 18, United States Code, is amended to read as follows:

“(7) to a law enforcement agency if the contents—

“(A) were inadvertently obtained by the service provider; and

“(B) appear to pertain to the commission of a crime.”.

(c) SEVERABILITY.—If any provision of this section or amendment made by this section, or the application of such a provision or amendment to any person or circumstance, is held to be unconstitutional, the remaining provisions of this section and amendments made by this section, and the application of such provision or amendment to any other person or circumstance, shall not be affected thereby.

SA 2391. Mr. BRAUN (for himself, Ms. SINEMA, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 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. — PILOT PROGRAM ON IDENTIFICATION, APPOINTMENT, OR REFERRAL OF VETERANS FOR POTENTIAL EMPLOYMENT WITH FEDERAL LAND MANAGEMENT AGENCIES.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Veterans' Affairs of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Energy and Natural Resources of the Senate;

(D) the Committee on Veterans' Affairs of the House of Representatives;

(E) the Committee on Agriculture of the House of Representatives; and

(F) the Committee on Natural Resources of the House of Representatives.

(2) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(3) FEDERAL LAND MANAGEMENT AGENCY.—The term “Federal land management agency” means—

(A) the Forest Service;

(B) the National Park Service;

(C) the United States Fish and Wildlife Service;