

**MANAGERS' PACKAGE**  
COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES, 2024

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### **BILL AMENDMENTS**

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## REPORT AMENDMENTS

1) Amendment by Senator Schatz (Economic Development Districts):

On page 15 of the report, after the paragraph titled “Native American Tourism and Improving Visitor Experience [NATIVE] Act” insert the following:

*“Partnership Planning and Technical Assistance.—The Committee encourages the EDA to prioritize efforts to expand Economic Development Districts to States that currently do not have one.”*

2) Amendment by Senator Schatz (Broadband):

On page 18 of the report, in the second paragraph of the section titled “Broadband Investments under the Infrastructure Investment and Jobs Act [IIJA]” strike “47 U.S.C. 1702(g)” and replace with “47 U.S.C. 1702(f)”.

3) Amendment by Senator Moran (Circular Economy):

On page 22 of the report, after the paragraph titled “Forensic Sciences”, insert the following as a new paragraph:

*“Circular Economy.—The Committee provides up to the requested amount for circular economy related research. In addition, the Committee provides no less than the fiscal year 2023 enacted level for competitive external grants for academic institutions to investigate plastic and polymeric materials, as well as novel methods to characterize both known and newly-developed materials. Such investigations should address ways to increase the strength of recycled plastics and better understand mechanical properties including tensile stress, compressive stress, thermal properties, and nanostructure of polymeric materials that could serve as industry standards for recycled plastic products.”*

4) Amendment by Senators Shaheen and Moran (Construction of Research Facilities):

On page 26 of the report, under the “Construction of Research Facilities” section strike “\$130,000,000” and replace with “\$134,000,000”.

5) Amendment by Senator Rubio (Coral Reef Program):

On page 28 of the report in the National Ocean Services table, strike “33,500” and replace with “34,000”

On page 29 of the report, strike “301,520” and replace with “302,020”; and strike “680,222” and replace with “680,722”.

On pages 31 and 32 of the report strike the section titled “Coral Reef Program” and insert the following:

*“Coral Reef Program.—*The Committee recognizes the unique ecological and economic value of coral reefs, including the benefit of buffering coastal communities from hazards such as coastal storms and hurricanes. Urgent efforts are needed to reverse the decline of coral populations in the United States. Therefore, the Committee provides \$34,000,000 to carry out coral reef restoration activities under the Coral Reef Conservation Act, as amended (title C of division J of Public Law 117–263). NOAA shall implement the new authorities provided under section 10001 of Public Law 117–263, including State block grants, the establishment of Reef Research Coordination Institutes, and coral reef stewardship partnerships.”

On page 32 of the report in the National Marine Fisheries Services table, strike “205,851” and replace with “205,351”; and strike “700,908” and replace with “700,408”.

On page 33 of the report, strike “1,113,297” and replace with “1,112,797”.

On page 38 of the report, under the section titled “Fishery Survey Contingency Fund”, strike “\$2,000,000” and insert “\$1,500,000”.

6) Amendment by Senators Graham, Boozman and Manchin (Vessel Strike Reduction Actions):

On page 35 of the report, before the section on “West Coast Whale Strikes”, insert the following:

*“Vessel Strike Reduction Actions.—*The Committee notes that NMFS issued a proposed rule to amend the NARW vessel strike reduction rule in August 2022 (87 FR 46921) and is seeking to establish vessel speed measures to protect the Rice’s whale in the Gulf of Mexico. The Committee supports the goal of reducing vessel strikes of endangered whales but is concerned that as part of the development of the proposed rule, NMFS did not engage with the recreational boating and fishing community, ports, nor other stakeholders that would likely be affected by the rule. Before NOAA issues interim or final rules to protect endangered whales, the agency shall engage with affected stakeholders and incorporate relevant comments. Further, the Committee has heard from other Member offices regarding difficulties receiving fulsome and timely responses to congressional inquiries regarding the proposed rule. As a result, NOAA is directed to provide timely, substantive responses to congressional requests for information.

In addition, the Committee believes that the recovery of endangered large whales, including the NARW, will require the ability to deliver real-time monitoring of individual whales to mariners and other vessel operators to avoid ship strikes. NOAA is encouraged to use previously appropriated funds to support a near real-time monitoring and mitigation pilot program for NARWs as authorized under section 11303 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263). NOAA is further encouraged to work with other Federal agencies, including the Office of Naval Research, the United States Coast Guard, and the Bureau of Ocean Energy Management, as well as industry and academia, to support technology development, test and evaluation of whale monitoring technologies through the National Oceanographic Partnership Program. The Committee expects

NOAA to include funding for a pilot program and a research and development initiative as part of the fiscal year 2025 budget request.”

7) Amendment by Senator Reed (Jonah Crab):

On page 34 of the report, under the section titled “North Atlantic Right Whales” after “Northeast lobster” in the second paragraph, strike “fishery” and insert “and Jonah crab fisheries”.

8) Amendment by Senator Merkley (Restoring Fish Passage):

On page 45 of the report, after the paragraph titled “Northwest Straits Initiative”, insert the following:

*“Restoring Fish Passage.—The Committee directs NOAA to provide, not later than 120 days after enactment of this act, a report providing an update on recovery and restoration efforts for coho salmon and related salmonids in the Klamath River Basin. The report should include an investment strategy for the entire Basin in anticipation of the completion of historic dam removal efforts.”*

9) Amendment by Senator Shaheen and Senator Moran (Trafficking Victims Special Assessment):

On page 71 of the report, at the end of the section titled “Domestic Trafficking Victims Fund Special Assessments”, insert the following as a new paragraph:

“Section 105(c) of the Abolish Trafficking Reauthorization Act [ATRA], which was passed on January 5, 2023, eliminated the sunset date in title 18, section 3014(a) by striking the phrase “and ending on December 16, 2021.” However, as a result of recent amendments to 18 U.S.C. 3014(a), the sunset date had previously been extended to December 23, 2022, and then to December 23, 2024. As a result, the text that the ATRA purported to strike no longer existed. Nevertheless, the Committee finds that Congress clearly intended to strike any expiration date without inserting a substitute expiration date, thereby eliminating any expiration date from this provision. This finding is based on the clear contrast to prior amendments of section 3014(a)’s expiration date since its initial enactment in 2015, which consistently inserted new expiration dates when striking prior expiration dates.”

10) Amendment by Senator Moran (Illegal Gambling):

On page 79 of the report, before the section titled “Spending Plan”, insert the following new section:

*“Illegal Gambling.—The Committee recognizes the multiple threats posed by illegal and unregulated gambling, including money laundering and the loss of tax revenue. The Committee encourages the Department to coordinate with USAOs and external Federal partners on efforts to combat illegal gambling and associated crimes. The Committee directs the Department to*

provide a briefing, within 60 days of the enactment of this act, on investigations and prosecutions against illegal gambling operations.”

11) Amendment by Senator Rubio (FBI Domain Perspectives):

On page 79, at the appropriate place but prior to the paragraph titled “Spending Plan” insert the following new paragraph:

*“FBI Domain Perspectives.—The Committee condemns the FBI Domain Perspective alleging ties between violent extremists and traditionalist Catholic places of worship, and appreciates the Department’s subsequent disavowal and withdrawal. The Committee directs the Department, within 30 days of the enactment of this act, to provide a briefing on the circumstances that allowed its dissemination and on any remedial measures that have been instituted.”*

12) Amendment by Senator Hagerty (Departmental Consultations):

On page 79 of the report, before the section titled “Spending Plan”, insert the following new section:

*“Departmental Consultations.—The Committee directs the Department, within 90 days of the enactment of this act, to provide a briefing on ways the Department consults with and utilizes non-government organizations and non-profit entities to track extremist groups operating in the United States, including how the Department utilizes investigative reports, law enforcement trainings, intelligence, hate maps, and reports provided by such non-governmental organizations and non-profit entities.”*

13) Amendment by Senator Hagerty (Voting-Related Activities):

On page 81 of the report, after the paragraph titled “FedRAMP Certification”, insert the following new paragraph:

*“Voting-related Activities.—The Committee directs the Department to provide a briefing, no later than 90 days after the enactment of this act, regarding any strategic plans developed by the Department since January 20, 2021, outlining the ways that the Department is implementing Executive Order 14019, Promoting Access to Voting.”*

14) Amendment by Senators Shaheen and Moran (Review of the FBI Employee Disciplinary Process):

On page 86 of the report, after the paragraph titled “Expansion of the OIG’s Unannounced Inspections Program”, insert the following new paragraph:

*“Review of the FBI Employee Disciplinary Process.—The Committee recognizes the OIG’s prior oversight work on the FBI’s disciplinary process. Most recently, the OIG conducted a review of the FBI’s adjudication process for misconduct investigations and made*

recommendations to the FBI to ensure accountability by completing investigations and adjudications in all misconduct matters, even where the employee separates during an investigation. The Committee directs the OIG to continue its oversight of the FBI disciplinary process, by assessing three additional topics to promote internal and public confidence in this process, including: (1) a follow up on the previous OIG recommendations, including steps taken by the FBI to ensure that all investigations and adjudications are completed, even if the employee separates during the investigation; (2) a comprehensive review of the FBI's appeal process for misconduct adjudications, to ensure consistency in that process, regardless of the level of the employee appealing the adjudication decision; and (3) the due process that is afforded to FBI and other DOJ law enforcement personnel after a security clearance is suspended. The OIG shall issue the results of these reviews, which the Committee expects may be completed in one or more than one report, including any recommendations, within 1 year of the date of the enactment of this act, as OIG determines is appropriate and practicable."

15) Amendment by Senator Fischer (Intelligence and National Security Threats):

On page 96 of the report, after the paragraph titled "FBI Child Abduction Rapid Deployment [CARD] Teams", insert the following new paragraph:

*"Foreign Surveillance in the United States.*—The Committee remains concerned by the growing threats of surveillance conducted by the People's Republic of China within the United States. Following the DOJ's arrest of two Chinese nationals in New York City on April 17, 2023, reports about Overseas Chinese Service Centers [OCSCs] located in the United States continue to mount. Committee Members have requested information and formal briefings on this matter, and the FBI has failed to provide fulsome and timely responses to these inquiries. As a result, the Committee directs the FBI, no later than 30 days after the enactment of this act, to provide the Committee a briefing regarding the agency's response to the threats and risks posed by the presence of OCSCs in the United States. This briefing shall address: (1) whether the Bureau has commenced a probe into the allegations of OCSCs located within the United States; (2) whether the Bureau is aware of all OCSCs present in the United States, and whether their respective scale or the number of their locations are increasing; (3) the scope and intent of OCSC activities in the United States; (4) the risks such activities pose to economic productivity; individual liberties; and national security; (5) a description of how the agency is currently addressing each of these risks; and (6) any proposed action to improve the identification or prevention of new OCSCs located in the United States."

16) Amendment by Senator Manchin (Drug Use by College-age Individuals)

On page 99 of the report, after the paragraph titled "Sustainable Staffing and Personnel Allocations", insert the following new section:

*"Preventing Drug Use By College-Age Individuals.*—The Committee is concerned with the rise of fentanyl overdose deaths, especially among college-age students. The Committee directs DEA to report, within 90 days of the enactment of this act, on its efforts to educate students at public institutions of higher learning on the dangers of fentanyl, fentanyl-laced pills, and other illicit drugs."

17) Amendment by Senator Feinstein (Mars Sample Return):

On page 150 of the report, strike the paragraph titled “Mars Sample Return” and replace with the following:

*“Mars Sample Return [MSR].—*The Committee notes that MSR is the highest priority of the 2022 Planetary Science Decadal Survey to cache and return samples to Earth. However, the Committee is alarmed that despite Congress providing the full request for this mission in prior years for a total of \$1,739,000,000, the expected launch schedule continues to slip and the increasing fiscal and human resources devoted to MSR is causing NASA to delay other high priority missions across the Science Mission Directorate [SMD]. The Committee has significant concerns about the technical challenges facing MSR and potential further impacts on confirmed missions, even before MSR has completed preliminary design review. Further, the Committee notes that NASA has convened an independent review board to assess the technical feasibility, schedule, and costs of the mission. As the Committee awaits the results of the independent review board, NASA shall submit, not later than 180 days after the enactment of this act, a year-by-year funding profile for MSR within the \$5,300,000,000 lifecycle cost for the mission outlined in the 2022 Planetary Science Decadal Survey. The Committee recommendation includes not less than \$300,000,000 for MSR, which brings the total provided to date to more than \$2,000,000,000 before mission confirmation. If NASA is unable to provide the Committee with a MSR lifecycle cost profile within the \$5,300,000,000 budget profile, NASA is directed to either provide options to de-scope or rework MSR or face mission cancellation. If NASA decides to cancel the mission, the fiscal year 2024 funding shall be reallocated as follows: (1) \$235,000,000 transferred to Exploration for Artemis Campaign Development; (2) \$30,000,000 for the Dragonfly mission; (3) \$5,000,000 for a flagship orbiter and probe mission to explore Uranus; and (4) \$30,000,000 for the Geospace Dynamics Constellation mission.”

18) Amendment by Senator Kennedy (Mars Habitation and Life Support Systems)

On page 160 of the report, insert at the appropriate place:

*“Mars Habitation and Life Support Systems.—*The Committee recognizes that the immediate and foremost national priority is to return Americans to the Moon, as part of a strategy for the United States and its international partners to land humans on Mars. The Committee strongly supports this goal, and in March 2023 was pleased to approve the establishment of the Moon to Mars Program Office. The Committee recognizes that NASA is currently supporting the evaluation of multi-purpose habitation and life support systems for Mars transit and lunar surfaces. The Committee further recognizes NASA’s capabilities, including in assembly facilities, currently involved in the Artemis mission, to manufacture mockup and eventual habitats for these missions. The Committee is encouraged by this initiative to support the Mars landing goal, and directs NASA to submit a report, with 180 days of the enactment of this act, on the status of these efforts.”

19) Amendment by Senator Kennedy (Unmet Construction Needs):



On page 165 of the report, under the paragraph titled “Unmet Construction Needs” strike “along with any unmet repairs that result from damage from wildfires, hurricanes, or other natural disasters.” and replace with: “including any unmet construction due to aging buildings.”

20) Amendment by Senator Schatz (Astronomy and Astrophysics):

On page 169 of the report, after “Astro2020.” insert the following: “Further, the Committee expects that NSF will request sufficient funding in the fiscal year 2025 budget request to continue to advance the projects recommended in the Astro2020 as quickly as practicable and without delay.”

21) Amendment by Senator Shaheen and Senator Moran (Exclusions):

On page 181 of the report, after “independent technical advice related to U.S. international trade policy.” insert the following as a new paragraph:

*“Section 337 Investigations.—*The Committee supports robust factual records for determinations regarding exclusions that are essential to protecting public health and welfare. The Committee directs ITC to follow 19 U.S.C. 1337(d) regarding exclusion of articles from entry.”

## **BILL AMENDMENTS**

### 1) Amendment by Senator Murkowski (Port Facility):

On page 30 of the bill, after “Administration.” insert the following:

“SEC. 116. The Administrator of the National Oceanic and Atmospheric Administration may accept payments from a non-Federal party during fiscal year 2024 for the purpose of altering or replacing fencing, and related activities, for the Administration’s port facility in Ketchikan, Alaska. Amounts accepted under this section may be credited to the appropriation account otherwise available for such purpose and shall remain available until expended.”

### 2) Amendment by Senators Shaheen and Moran (Byrne JAG/COPS)

On page 62 of the bill, line 3, strike “2,192,000,000” and insert “2,201,139,000”.

On page 62 of the bill, line 5, strike “790,000,000” and insert “799,139,000”.

On page 77 of the bill, line 10, strike “544,018,000” and insert “534,879,000”.

On page 77 of the bill, line 16, strike “294,065,000” and insert “284,926,000”.

### 3) Amendment by Senator Moran (Section 702 of the Foreign Intelligence Surveillance Act)

On page 88 of the bill, line 11, insert before “This”:

“SEC. 220. (a) None of the funds appropriated by this Act to the Department of Justice shall be available for the performance of queries under section 702 of Foreign Intelligence Surveillance Act of 1978, unless the Federal Bureau of Investigation has in place remedial measures equivalent to or more rigorous than those described in “Recent Efforts to Strengthen FISA Compliance”, as published by the National Security Division of the Department of Justice on February 28, 2023.

(b) In fiscal year 2024, the Office of Internal Audit of the Federal Bureau of Investigation shall issue a quarterly report on compliance with the remedial measures established in the publication described in the preceding subsection.”

### 4) Amendment by Senator Moran (School Board Meetings).

On page 88 of the bill, line 11, insert the following before “This”:

“SEC. 221. None of the funds made available by this Act may be used by the Department of Justice to target or investigate parents who peacefully protest at school board meetings and are not suspected of engaging in unlawful activity.”

### 5) Amendment by Senator Rubio (Religious Institutions).

On page 88 of the bill, at the appropriate place before “This”:

“SEC. 222. None of the funds made available by this Act may be used to investigate or prosecute religious institutions on the basis of their religious beliefs.”

6) Amendment by Senator Shaheen (Broadband Programs)

On page 141 of the bill, line 21, insert the following before “This”:

“SEC. 544. Notwithstanding title II of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58), up to 0.7 percent of amounts made available to the National Telecommunications and Information Administration by such Act shall be available for salaries and expenses, administration, and oversight of programs administered by such Administration that received appropriations by such Act, in addition to amounts previously made available for such purpose: *Provided*, That all such amounts shall be available across such programs and shall be available for salaries and expenses, administration, and oversight of the Connecting Minority Communities Pilot Program (as authorized by section 902 of division N of Public Law 116–260) and of the Broadband Connectivity Infrastructure Program (as authorized by section 905(d) of division N of Public Law 116-260), regardless of the heading under which such amounts were appropriated: *Provided further*, That such amounts may be transferred between the appropriate accounts to carry out this section, in addition to authorities included elsewhere in such Act: *Provided further*, That this section shall not reduce the total allocation for any State under Program Notices of Available Amounts dated June 30, 2023: *Provided further*, That amounts transferred pursuant to this section may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds: *Provided further*, That amounts repurposed or transferred pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the Budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117<sup>th</sup> Congress), the concurrent resolution on the budget for fiscal year 2022, and to legislation establishing fiscal year 2024 budget enforcement in the House of Representatives.”