

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, each military resale entity shall—

(A) develop and make public the certification form such entity will require a manufacturer to submit to meet the requirement under subsection (a); and

(B) provide instructions on how such certification form shall be submitted to such entity.

(2) SUBMISSION IN CASE OF FAILURE TO PUBLISH FORM.—If a military resale entity fails to prepare and make public the certification form required by subsection (a), a manufacturer may submit information necessary to prove compliance with the requirements of this section.

(c) CHANGES TO CERTIFICATION FORM.—A manufacturer that submits a certification form under subsection (a) shall notify each military resale entity to which such certification was submitted not later than 30 days after making any material change to the certification form, including—

(1) the issuance or denial of a marketing authorization or other order by the Secretary pursuant to section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j); or

(2) any other order or action by the Secretary or any court that affects the ability of the ENDS product or oral nicotine product to be introduced or delivered into interstate commerce for commercial distribution in the United States.

(f) DIRECTORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each military resale entity shall maintain and make publicly available on its official website a directory that lists all ENDS product and oral nicotine product manufacturers and all product brand names, categories (such as e-liquid, e-liquid cartridge, e-liquid pod, or disposable), product names, and flavors for which certification forms have been submitted and approved by the military resale entity.

(2) UPDATES.—Each military resale entity shall—

(A) update the directory under paragraph (1) at least monthly to ensure accuracy; and

(B) establish a process to provide each exchange or commissary store notice of the initial publication of the directory and changes made to the directory in the preceding month.

(3) EXCLUSIONS AND REMOVALS.—An ENDS product or oral nicotine product shall not be included or retained in a directory of a military resale entity if the military resale entity determines that any of the following apply:

(A) The manufacturer failed to provide a complete and accurate certification as required by this section.

(B) The manufacturer submitted a certification that does not comply with the requirements of this section.

(C) The information provided by the manufacturer in its certification contains false information, material misrepresentations, or omissions.

(4) NOTICE REQUIRED.—In the case of a removal of a product from a directory under paragraph (3), the relevant military resale entity shall provide to the manufacturer involved notice and at least 30 days to cure deficiencies before removing the manufacturer or its products from the directory.

(5) EFFECT OF REMOVAL.—The ENDS product or oral nicotine product of a manufacturer identified in a notice of removal under paragraph (4) are, beginning on the date that is 30 days after such removal, subject to seizure, forfeiture, and destruction, and may not be purchased or sold for retail sale at

any exchange or commissary store operated by or for a military resale entity.

(g) DEFINITIONS.—In this section:

(1) ENDS PRODUCT.—The term “ENDS product”

(A) means any non-combustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine in a solution;

(B) includes a consumable nicotine liquid solution suitable for use in such product, whether sold with the product or separately; and

(C) does not include any product regulated as a drug or device under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(2) MILITARY RESALE ENTITY.—The term “military resale entity” means—

(A) the Defense Commissary Agency;

(B) the Army and Air Force Exchange Service;

(C) the Navy Exchange Service Command; and

(D) the Marine Corps Exchange.

(3) ORAL NICOTINE PRODUCT.—The term “oral nicotine product” means—

(A) means any non-combustible product that contains nicotine that is intended to be placed in the oral cavity; and

(B) does not include—

(i) any ENDS product;

(ii) smokeless tobacco (as defined in section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j)); or

(iii) any product regulated as a drug or device under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.

(5) TIMELY FILED PREMARKET TOBACCO PRODUCT APPLICATION.—The term “timely filed premarket tobacco product application” means an application that was submitted under section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j) on or before September 9, 2020, and accepted for filing with respect to an ENDS product or oral nicotine product containing nicotine marketed in the United States as of August 8, 2016.

SA 2943. Mr. KAINE 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 B of VIII, insert the following:

SEC. 829. LIMITATION ON AVAILABILITY OF FUNDS FOR CHILLER CLASS PROJECTS OF THE DEPARTMENT OF THE AIR FORCE.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2025 for the Air Force may be obligated or expended to acquire goods or services under a non-competitive justification and approval for the purposes of standardizing the heating, ventilation, and air conditioning chillers at installations of the Air Force until the date on which the Secretary of Defense submits to the congressional defense committees the certification described in subsection (b).

(b) CERTIFICATION DESCRIBED.—The certification described in this subsection is a certification that—

(1) the Secretary of Defense has developed a methodology to compare the cost of initially acquiring the heating, ventilation, and air conditioning chillers and equipment supporting such chillers for the purposes described in subsection (a) under a non-competitive justification and approval to the cost of initially acquiring such chillers and equipment for such purposes using competitive procedures;

(2) the Secretary of Defense has established metrics to measure the effects of standardizing the heating, ventilation, and air conditioning chillers at installations of the Air Force, including the costs of training technicians, any savings resulting from the ability of employees of the Government to repair such chillers, the cost of initially acquiring chillers and equipment supporting such chillers for such purpose, and the life cycle costs of such chillers; and

(3) the Secretary of Defense has collected data demonstrating that the use of procedures other than competitive procedures to acquire chillers for the purposes of standardizing the heating, ventilation, and air conditioning chillers at installations of the Air Force has resulted in lower life cycle costs compared to using competitive procedures for such acquisitions.

(c) DEFINITIONS.—In this section:

(1) COMPETITIVE PROCEDURES.—The term “competitive procedures” has the meaning given such term in section 3012 of title 10, United States Code.

(2) NON-COMPETITIVE JUSTIFICATION AND APPROVAL.—The term “non-competitive justification and approval” means the justification and approval required by section 3204(e)(1) of title 10, United States Code, for the use of procedures other than competitive procedures to award a contract.

SA 2944. Mr. KAINE 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 F of title XII, add the following:

SEC. 1291. SUBSCRIPTION TO ADDITIONAL SHARES OF CAPITAL STOCK OF THE INTER-AMERICAN INVESTMENT CORPORATION.

The Inter-American Investment Corporation Act (22 U.S.C. 283aa et seq.) is amended by adding at the end the following:

“SEC. 212. SUBSCRIPTION TO ADDITIONAL SHARES OF CAPITAL STOCK OF THE CORPORATION.

“(a) IN GENERAL.—The Secretary of the Treasury may subscribe on behalf of the United States to not more than 58,942 additional shares of the capital stock of the Corporation.

“(b) LIMITATION.—Any subscription to the additional shares shall be effective only to such extent or in such amounts as are provided in an appropriations Act.

“(c) REPORT REQUIRED.—

“(1) IN GENERAL.—At the conclusion of negotiations for an increase in the authorized capital stock of the Corporation to which the United States subscribes, the Secretary of the Treasury shall submit to the committees specified in paragraph (2) a report that includes—

“(A) the full dollar amount of the United States subscription to additional shares of capital stock of the Corporation; and

“(B) a certification that the Inter-American Development Bank Group has made satisfactory progress toward reforms that—

“(i) increase the responsiveness of the Inter-American Development Bank Group to the development needs of all borrowing countries in Latin America and the Caribbean;

“(ii) improve the effectiveness of the financing of the Inter-American Development Bank Group;

“(iii) foster the development of a vibrant private sector in the region;

“(iv) help address global and regional challenges; and

“(v) promote more efficient use of the financial resources of the Inter-American Development Bank Group.

“(2) COMMITTEES SPECIFIED.—The committees specified in this paragraph are—

“(A) the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

“(B) the Committee on Appropriations and the Committee on Financial Services of the House of Representatives.”.

SA 2945. Mr. BLUMENTHAL (for Mr. LEE (for himself and Mr. BLUMENTHAL)) submitted an amendment intended to be proposed by Mr. Blumenthal 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 title X, add the following:

Subtitle I—Congressional Approval of National Emergency Declarations

SEC. 1096. SHORT TITLE.

This subtitle may be cited as the “Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act” or the “ARTICLE ONE Act”.

SEC. 1097. CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES.

The National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by inserting after title I the following:

“TITLE II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

“(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

“(b) SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

“(1) a proclamation declaring a national emergency under subsection (a); or

“(2) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

“(c) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCIES NOT APPROVED.—

“(1) SUBSEQUENT DECLARATIONS.—If a joint resolution of approval is not enacted under

section 203 with respect to a national emergency before the expiration of the 30-day period described in section 202(a), or with respect to a national emergency proposed to be renewed under section 202(b), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.

“(2) EXERCISE OF AUTHORITIES.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under subsection (a) or an Executive order under subsection (b)(2) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

“(d) EFFECT OF FUTURE LAWS.—No law enacted after the date of the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMERGENCIES.

“(a) TEMPORARY EFFECTIVE PERIODS.—

“(1) IN GENERAL.—A declaration of a national emergency shall remain in effect for a period of 30 calendar days from the issuance of the proclamation under section 201(a) (not counting the day on which the proclamation was issued) and shall terminate when such period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

“(2) EXERCISE OF POWERS AND AUTHORITIES.—Any emergency power or authority made available under a provision of law specified pursuant to section 201(b) may be exercised pursuant to a declaration of a national emergency for a period of 30 calendar days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after such period expires unless there is enacted into law a joint resolution of approval under section 203 approving—

“(A) the proclamation of the national emergency or the Executive order; and

“(B) the exercise of the power or authority specified by the President in such proclamation or Executive order.

“(3) EXCEPTION IF CONGRESS IS UNABLE TO CONVENE.—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

“(b) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under section 201(a) or previously renewed under this subsection, and not already terminated pursuant to subsection (a) or (c), shall terminate on the date that is one year after the President transmitted to Congress the proclamation declaring the emergency or Congress approved a previous renewal pursuant to this subsection, unless—

“(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and

“(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

“(c) TERMINATION OF NATIONAL EMERGENCIES.—

“(1) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate on the earliest of—

“(A) the date provided for in subsection (a);

“(B) the date provided for in subsection (b);

“(C) the date specified in an Act of Congress terminating the emergency; or

“(D) the date specified in a proclamation of the President terminating the emergency.

“(2) EFFECT OF TERMINATION.—

“(A) IN GENERAL.—Effective on the date of the termination of a national emergency under paragraph (1)—

“(i) except as provided by subparagraph (B), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

“(ii) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

“(iii) any contracts entered into pursuant to authorities provided as a result of the emergency shall be terminated.

“(B) SAVINGS PROVISION.—The termination of a national emergency shall not affect—

“(i) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under paragraph (1);

“(ii) any legal action or legal proceeding based on any act committed prior to that date; or

“(iii) any rights or duties that matured or penalties that were incurred prior to that date.

“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

“(a) JOINT RESOLUTION OF APPROVAL DEFINED.—In this section, the term ‘joint resolution of approval’ means a joint resolution that contains only the following provisions after its resolving clause:

“(1) A provision approving—

“(A) a proclamation of a national emergency made under section 201(a);

“(B) an Executive order issued under section 201(b)(2); or

“(C) an Executive order issued under section 202(b).

“(2) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

“(b) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL.—

“(1) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a joint resolution of approval may be introduced in either House of Congress by any member of that House.

“(2) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—If, when the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the majority leader of the Senate and the Speaker of the House of Representatives, or their respective designees, acting jointly after consultation with and the concurrence of the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

“(3) CONSIDERATION IN SENATE.—In the Senate, the following shall apply: