

S. 4

IN THE SENATE OF THE UNITED STATES

August 13, 2024

Introduced by Senator Norman Nord on behalf of the Sun Administration

A BILL

To enhance the capabilities of American National Security and Defense efforts, to counter the threat imposed by Pax Mortis, to declare a national emergency regarding that threat, and other measures.

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

SEC. 1. SHORT TITLE.

This Act may be cited as –

- (a) The “Legislation for Organizing Comprehensive and Key Homeland Action and Response to Terrorism Act of 2024”;
- (b) The “L.O.C.K.H.A.R.T. Act of 2024”; or

SEC 2. GENERAL CONGRESSIONAL FINDINGS.

The Congress of the United States finds that —

- (a) There exists a significant and existential threat to the national security, welfare, and safety, arising from the existence and operation of the terrorist organization known as Pax Mortis, evidenced by their attacks both prior and after, but especially on August 1st, 2024, when their attacks on the United States Capitol and D.C. Metro System resulted in the deaths of 2,137 citizens, injury in 4,783, the attempted assassination of a United States Senator and aggravated assault upon a sitting United States Congressman, Daniel Lockhart, after whom this bill is named.
- (b) In regards to the scope of the threat posed by Pax Mortis, said threat comprises not only the organization itself, but also affiliated entities -

including those hostile elements present in foreign nations, and together with Pax Mortis constitute a greater threat to the national security, welfare, and safety than Pax Mortis alone.

(c) That it is the responsibility of the United States Government to protect the aforementioned security, welfare, and safety of the nation and its people, to “provide for the common Defense and general welfare of the United States”, and therefore by extension, the responsibility of the United States Congress to support, authorize, direct, and legislate for those measures, actions, decisions, and laws which may be necessary for that protection of those aforementioned principles of security, welfare, safety, and the defense, of the American people.

(d) That this article of legislation, does support, authorize, direct, and legislate for those measures, actions, decisions, and laws which may be necessary for that protection, through the declaration of a National Emergency in regards to Pax Mortis and therefore the supply of requisite powers to those entities which may require them, amendments to existing provisions and acts to further the security of the American people, and several other means.

(e) That it is therefore in the interest of the responsibilities placed upon the United States Congress, the measures within this act.

SEC 3. DEFINITIONS, IN THIS ACT.

In this act —

(a) The term “National Emergency” shall refer in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the definition as used in the National Emergencies Act (Public Law 94-412);

(b) The term “Central Intelligence Agency” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the definition as used in the National Security Act of 1947 (Public Law 80-253), and the entity as provided for the Reinstate the CIA Act (Public Law 179-3);

(c) The terms “executive agency” or “military department” refer in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the definition as defined in sections 105 and 102 of title 5, United States Code, respectively;

(d) The term “President” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the President of the United States, as established in the Constitution;

(e) The term “NATO Defense Expenditure Threshold” shall refer in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to 2.0% of any given NATO member state’s gross domestic product;

(f) the term “domestic terrorism” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the meaning given the term in section 2331 of title 18, United States Code;

(g) the term “uniformed services” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the meaning given the term in section 101(a) of title 10, United States Code;

(h) the term “Domestic Terrorism Executive Committee” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the committee within the Department of Justice, established in Section 115 of this act, tasked with assessing and sharing information about ongoing domestic terrorism threats;

(i) The term “governing organization” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to any national body separate from a foreign government that maintains ultimate control over such government, including political parties that exercise functions normally reserved for governments;

(j) The term “designated languages” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to languages identified as critical languages by the Department of State’s Critical Language Scholarship Program; and other languages as determined by the board established pursuant to section 117, in consultation with the Secretary of State.

(k) The term “incident” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the meaning given to it by Section 3552 of Title 44, United States Code.

(l) The term “information security” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the meaning given to it by Section 3552 of Title 44, United States Code.

(m) The term “cyber attacks and cyber campaigns of significant consequence” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to any incident or series of incidents that have the purpose or effect of—

(i) causing a significant disruption to the availability of a Federal information system;

- (ii) harming, or otherwise significantly compromising the provision of service by, a computer or network of computers that support one or more entities in a critical infrastructure sector;
- (iii) significantly compromising the provision of services by one or more entities in a critical infrastructure sector;
- (iv) causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain; or
- (v) otherwise constituting a significant threat to the national security, foreign policy, or economic health or financial stability of the United States.

(n) The term “cybersecurity posture” refers in all instances, with exception of any instance wherein an alternative definition is given to the use of the term, to the ability to identify and protect, and detect, respond to and recover from intrusions in information systems the compromise of which could constitute a cyber attack or cyber campaign of significant consequence.

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TITLE I—ENHANCING AMERICAN NATIONAL SECURITY, AND NATIONAL EMERGENCY

SEC. 101. NATIONAL EMERGENCY DECLARATION.

(a) Congress declares that a national emergency exists by reason of the significant and existential threat to national security, welfare, and safety delineated in Section 2(a) and (b) of this act.
(b) This national emergency shall continue until 180 days following the enactment of this article, but may be terminated by Presidential Proclamation by the President of the United States at any point before the expiration of those 180 days.

SEC. 102. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION

(a) The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

SEC. 103. COUNTERTERRORISM FUND.

(a) There is hereby established in the Treasury of the United States a separate fund to be known as the “Counterterrorism Fund”, amounts in which shall remain available without fiscal year limitation –

- (i) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;
- (ii) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and
- (iii) conducting terrorism threat assessments of Federal agencies and their facilities; and
- (iv) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining any individuals accused of acts of terrorism that violate the laws of the United States.

SEC. 104. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT PAX MORTIS.

(a) Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against Pax Mortis, in accordance with procedures and regulations established or issued by the Attorney General.

(b) In making rewards under this Section 104(a) of this act —

- (i) no such reward of \$300,000 or more may be made or offered without the personal approval of either the Attorney General or the President, nor any reward more than \$2,000,000 without the personal approval of the President;
- (ii) any executive agency or military department may provide the Attorney General with funds for the payment of rewards; and
- (iii) no such reward shall be subject to any per or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

SEC. 105. INTERAGENCY TASK FORCE ON ANTI-TERRORISM.

(a) There is hereby established an Interagency Task Force on Anti-Terrorism to be chaired by the Secretary responsible for the Department of Homeland Security, or his designee, and whose remaining members shall consist of the following individuals, or their designees –

- (i) The President of the United States;
- (ii) The Secretary responsible for the Department of State;
- (iii) The Secretary responsible for the Department of Defense;
- (iv) The Secretary responsible for the Department of Justice;
- (v) The Secretary responsible for the Department of the Treasury;
- (vi) The Director of the Federal Bureau of Intelligence;
- (vii) The Director of the Central Intelligence Agency;
- (viii) The Director of the National Security Agency;
- (ix) The Director of National Intelligence; and
- (x) Any other individual deemed necessary through a majority vote taken by the other members of the Interagency Task Force on Anti-Terrorism.

(b) The Interagency Task Force on Anti-Terrorism's mission statement shall be: "To ensure the strategic coordination of all federal efforts aimed in the name of countering the terrorist organization Pax Mortis, facilitate the rapid and safe sharing of intelligence between different federal departments and agencies in regards to countering the terrorist organization Pax Mortis."

(c) The Interagency Task Force on Anti-Terrorism shall be abolished upon the extermination of Pax Mortis as determined by the President of the United States.

SEC. 106. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

SEC. 107. ANTI-TERRORISM CONTRACTING AUTHORIZATION.

(a) The President, the Secretary responsible for the Department of Homeland Security, the Director of the Federal Bureau of Intelligence, or the Central Intelligence Agency, or their designees, may —

(i) enter into agreements or contracts with any Federal, State, or local agency or private organization, including private research institutions, on behalf of their respective agency, department, or branch, to —

(A) fund and research development of new technologies for detecting and preventing terrorist activities, specifically in relation to Pax Mortis, such as but not limited to, advanced surveillance tools, biometric systems, and artificial intelligence driven threat analysis.

(ii) award grants not exceeding \$20,000,000 each to such federal, state, or local agencies, private organizations, or research institutions, to the end as established in Section 108(a)(i)(A) of this act;

(iii) maintain communication with those agencies and institutions contracted to or given grants to avoid duplication of efforts, including and necessitating but not limited to bi-annual updates on research efforts and development; and that the President shall possess sole power to authorize renewals for the grants provided for in Section 108(a)(ii), and he shall review all updates before authorizing any renewal for the grants provided for in Section 108(a)(ii).

(iv) there is authorized to be appropriated, in the next budget, \$80,000,000 to carry out this section; and such appropriation shall be evenly split between new funds to be established in the Departments of Homeland Security, the Federal Bureau of Intelligence, and the Central Intelligence Agency, and the existing section entitled “Executive Office of the President and Funds Appropriation”.

SEC. 108. PROMOTION OF PATRIOTISM.

(a) Chapter 63 of title 41, United States Code, is amended by adding at the end the following new section:

“§ 6310. Requirement for agencies to buy domestically made United States flags

“(a) Except as provided in subsections (b) through (d), funds appropriated or otherwise available to an agency may not be used for the procurement of any flag of the United States, unless such flag has been 100 percent manufactured in the United States from articles, materials, or supplies that have been grown or 100 percent produced or manufactured in the United States.

“(b) Subsection (a) does not apply to the extent that the head of the agency concerned determines that satisfactory quality and sufficient quantity of a flag described in such subsection cannot be procured as and when needed at United States market prices.

“(c) Subsection (a) does not apply to the following:

“(i) Procurements by vessels in foreign waters.

“(ii) Procurements for resale purposes in any military commissary, military exchange, or nonappropriated fund instrumentality operated by an agency.

“(iii) Procurements for amounts less than the simplified acquisition threshold.

“(d) The President may waive the requirement in subsection (a) if the President determines a waiver is necessary to comply with any trade agreement to which the United States is a party. Not later than 30 days after granting a waiver under paragraph (1), the President shall publish a notice of the waiver in the Federal Register.

“(e) Each manufacturer of a flag of the United States shall maintain records related to such flags marketed by the manufacturer for a period of 5 years demonstrating that articles, materials and supplies used for the flags have been grown or 100 percent produced or manufactured in the United States. The records described in paragraph (1) shall be made available to an agency upon request, at reasonable times and within reasonable limits and in a reasonable manner, including allowing electronic access to such records.

“(f) In this section:

“(i)—The term ‘agency’ has the meaning given the term ‘executive agency’ in section 102 of title 40.

“(ii) —The term ‘simplified acquisition threshold’ has the meaning given that term in section 134.”.

(iii).—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“6310. Requirement for agencies to buy domestically made United States flags”.

SEC. 109. PAX MORTIS ASSET CONFISCATION.

(a) The President may confiscate, through instructions or licenses or in such other manner as the President determines appropriate, funds of any person, entity, or organization, affiliated, owned, or aids, Pax Mortis, that are subject to the jurisdiction of the United States.

(b) All right, title, and interest in funds confiscated under paragraph (1) shall vest in the Government of the United States, and be added to the fund known as “Executive Office of the President and Funds Appropriation”, and may be used at the discretion of the President, and will remain available until expended.

SEC. 110. AMENDMENT TO THE LAW.

Section 4, subsection (a)-3, of Public Law 93-148 shall be amended to strike “24” and replace it with “48”.

SEC. 111. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order that all such computer forensic laboratories have the capability—

- (1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);
- (ii) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding the investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);
- (iii) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;
- (iv) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and
- (v) to carry out such other activities as the Attorney General considers appropriate.

(b) There is hereby authorized to be appropriated in each fiscal year \$50,000,000 for purposes of carrying out this section. Amounts appropriated pursuant to the authorization of appropriations in this subsection shall remain available until expended.

SEC. 112. PRESERVING THE JROTC.

(a) The United States Code shall be amended by the following—

Section 2031(b)(1)(A) of title 10, United States Code, is amended by striking “100” and inserting “50”; and by striking “10” and inserting “5”; and

Section 2031(2)(A) of title 10, United States Code, is amended by striking “48” and inserting “24”.

SEC. 113. PAX MORTIS VICTIM MEMORIAL CONSTRUCTION.

(a) The Director of the National Parks Service may, on the behalf of the Department of the Interior –

(i) enter into one agreement or contract with any Federal, State, or local agency or private organization, to —

(A) construct a national monument to honor the victims of the Pax Mortis terrorist attacks, on August 1st, and the fifteen Associated Press members killed on July 18th; which shall be finished no later than August 1st, 2025.

(ii) there is authorized to be appropriated, in the next budget, \$20,000,000 to carry out this section; and such appropriation shall be added to the Department of the Interior under the name “Pax Mortis Monument Construction”, which shall remain available until August 1st, 2025.

(iii) The memorial, when completed, shall be known as the “August First Victims’ Memorial”.

(iv) In the event the funds authorized in Section 116(a)(ii) of this act are not fully expended either by August 1st, 2025, or when the Director of the National Parks Service concludes that the monument has been completed, then such funds may be diverted, by the discretion of the Secretary responsible for the Department of Interior, into separate expenditures of the Department of the Interior, including the National Parks Service and other funds as the Secretary may designate.

SEC 114. DOMESTIC TERRORISM OFFICES CREATION

(a) In this section, and in Section 118 of this act —

(i) the term “Director” means the Director of the Federal Bureau of Investigation;

(ii) the term “Secretary”, except as otherwise provided, means the Secretary responsible for the Department of Homeland Security; and

(b) There is authorized a Domestic Terrorism Unit in the Office of Intelligence and Analysis of the Department of Homeland Security, which shall be responsible for monitoring and analyzing domestic terrorism activity.

(c) There is authorized a Domestic Terrorism Office in the Counterterrorism Section of the National Security Division of the Department of Justice—

- (i) which shall be responsible for investigating and prosecuting incidents of domestic terrorism;
 - (ii) which shall be headed by the Domestic Terrorism Counsel.
- (d) There is authorized a Domestic Terrorism Section within the Counterterrorism Division of the Federal Bureau of Investigation, which shall be responsible for investigating domestic terrorism activity.
- (e) The Secretary, the Attorney General, and the Director shall each ensure that each office authorized under this section in their respective agencies shall—
 - (i) have an adequate number of employees to perform the required duties; and
 - (ii) require that all employees undergo annual anti-bias training.
- (e) There is authorized a Domestic Terrorism Executive Committee, which shall meet on a regular basis, and not less regularly than 4 times each year, to coordinate with United States Attorneys and other key public safety officials across the United States to promote information sharing and ensure an effective, responsive, and organized joint effort to combat domestic terrorism.

SEC. 115. TRAINING TO COMBAT DOMESTIC TERRORISM.

- (a) The Secretary, the Attorney General, and the Director shall review the anti-terrorism training and resource programs of their respective agencies that are provided to Federal, State, local, and Tribal law enforcement agencies, including the State and Local Anti-Terrorism Program that is funded by the Bureau of Justice Assistance of the Department of Justice. The Attorney General shall make training available to Department prosecutors and to Assistant United States Attorneys on countering and prosecuting domestic terrorism. The domestic-terrorism training shall focus on the most significant domestic terrorism threats, as determined by the criteria listed in Section 3(3).
- (b) Any individual who provides domestic terrorism training required under this section shall have—
 - (i) expertise in domestic terrorism; and
 - (ii) relevant academic, law enforcement, or other community-based experience in matters related to domestic terrorism.

SEC. 116. INCORPORATION OF AN OPEN TRANSLATION CENTER

(a) There is established a federally funded research and development center to be known as the “Open Translation Center” (referred to in this bill as “OTC”).

(b) OTC shall be—

(i) administered as a separate entity by an organization managing a federally funded research and development center on the date of the enactment of this Act; or

(ii) incorporated as a nonprofit membership corporation.

(c) OTC shall be headed by a board that consists of five members to be appointed as follows:

(i) Two members shall be appointed by the Secretary of State.

(ii) Two members shall be appointed by the Director of National Intelligence.

(iii) One member shall be appointed by the Register of Copyrights.

(iv) Each member appointed to the board of OTC in accordance with this subsection shall serve for a term of 3 years, and may be re-appointed to consecutive terms.

(d) Members of the board shall be appointed from among individuals with expertise in translation, publishing, domestic and international copyright law, media, foreign languages, area studies, or international relations, and shall make all decisions independently from the United States Government. No member of the board may be an employee or official of the United States during the term served by such member.

(e) The Chair of the board of OTC shall be elected from among the members of the board.

(f) The purpose and mission of OTC is the following:

(i) The translation, analysis, and public dissemination of foreign language government and other documents from designated countries, for the purposes of enhancing the understanding of such countries’ governments, governing organizations, militaries, economies, and cultures.

(ii) To provide proper context and explanations of translated foreign language material to enhance the ability of consumers to understand the meaning and significance of such translated material.

(iii) To strive to make as much translated foreign language material publicly available as possible, and to provide summaries of important foreign language material that cannot be made public.

(iv) To train and develop exceptional analysts and linguists with specialization regarding designated countries.

(g) In furtherance of the purpose and mission specified in subsection f of this section, OTC shall—

- (i) translate into the English language documents and information from designated countries;
- (ii) provide analyses, summaries, and important context for material translated pursuant to paragraph (1), and other untranslated material, including—

- (A) biographical sketches and information on important leaders;
- (B) descriptions and background on political processes, important bodies, companies, economic systems, and military weapons systems and doctrines;
- (C) definitions and analysis of important concepts and phrases;
- (D) information regarding changes over time in the policies and intentions of governments, militaries, and governing organizations; and other issues that are of significance for understanding designated countries;

- (iii) cooperate with other relevant Federal agencies regarding any effort consistent with such purpose and mission;
- (iv) to the extent possible, provide such materials free of charge to all United States Government employees, Members of Congress, and congressional staff, as well as to organizations and individuals who have relevant contracts or grants with the United States Government or any part thereof; or

(h) In carrying out this section and section a, OTC shall—

- (i) establish the capabilities to acquire, retain, train, and develop exceptional analytical and linguistic expertise in designated countries and designated languages;
- (ii) use software, programs, artificial intelligence, and other technologies to ensure timely translations;
- (iii) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines, to review, provide feedback, and evaluate translations and analyses;
- (iv) maximize cooperation with the public and private sectors in the United States, including Federal agencies, as well as with United States allies and partners, to maximize efficiencies, acquire source materials, and eliminate duplication of efforts; and
- (v) select materials, such as the materials described in paragraph (2), to translate and analyze on the basis of—

- (A) the significance of the material for United States policymakers as well as for journalists, academics, and the general public; and
- (B) the ability of such material to enhance the understanding of the politics, policies, intentions, ideologies, militaries, businesses, technologies, science, or cultures of designated countries.

(i) In carrying out the duties described in this section, OTC may consult and cooperate with—

(i) relevant Federal agencies and grantees of the U.S. Agency for Global Media, regarding any effort consistent with the purposes of this Act, including—

- (A) collecting source material;
- (B) avoiding duplication of effort;
- (C) details of employees;
- (D) training; and

(2) other relevant stakeholders, including—

- (I) nonprofit research institutes;
- (II) institutions of higher education; and
- (III) media organizations.

(j) OTC is authorized to consult and cooperate with any foreign government beginning on the date that is 14 days after the enactment of this bill if—

- (i) the Secretary of State certifies that it is in the national interest for OTC to cooperate and consult with that foreign government; and
- (ii) the Secretary of State provides to the relevant congressional committees such certification.

(k) The Secretary of State shall be the primary sponsor of OTC. The Secretary of State may enter into agreements with other relevant Federal agencies to provide additional sponsors of OTC.

(l) in the context of this section, “designated countries” means –

- (i) the People’s Republic of China; and
- (ii) other countries as determined by the board established under this section, in consultation with the Secretary of State.

(m) There are authorized to be appropriated for OTC—

- (i) \$85,000,000 for fiscal year 2024;
- (ii) \$80,000,000 for each of fiscal years 2025 through 2028; and
- (iii) such sums as may be necessary for each fiscal year thereafter.

SEC. 117. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, \$100,000,000 for the combined fiscal years 2024 and 2025.

SEC. 118. TO ESTABLISH THE OFFICE OF CYBER DIRECTOR.

(a) There is established, within the Executive Office of the President, the Office of the National Cyber Director (in this section referred to as the “Office”).

(b) The Office shall be headed by the National Cyber Director (in this section referred to as the “Director”) who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall hold office at the pleasure of the President, and shall be entitled to receive the same pay and allowances as are provided for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(c) There shall be two Deputy National Cyber Directors, to be appointed by the President, who shall hold office at the pleasure of the President, and who shall report to the Director, as follows:

(i) The Deputy National Cyber Director for Strategy, Capabilities, and Budget.

(ii) The Deputy National Cyber Director for Plans and Operations.

(d) Subject to the authority, direction, and control of the President, the Director shall—

(i) serve as the principal advisor to the President on cybersecurity strategy and policy;

(ii) in consultation with appropriate Federal departments and agencies, develop the United States National Cyber Strategy, which shall include elements related to Federal departments and agencies—

(A) information security; and

(B) programs and policies intended to improve the United States cybersecurity posture;

(iii) in consultation with appropriate Federal departments and agencies and upon approval of the National Cyber Strategy by the President, supervise implementation of the strategy by—

- (A) in consultation with the Director of the Office of Management and Budget, monitoring and assessing the effectiveness, including cost-effectiveness, of Federal departments and agencies' implementation of the strategy;
- (B) making recommendations relevant to changes in the organization, personnel and resource allocation, and policies of Federal departments and agencies to the Director of the Office of Management and Budget and heads of such departments and agencies in order to implement the strategy;
- (C) reviewing the annual budget proposal for each Federal department or agency and certifying to the head of each Federal department or agency and the Director of the Office of Management and Budget whether the department or agency proposal is consistent with the strategy;
- (D) continuously assessing and making relevant recommendations to the President on the appropriate level of integration and interoperability across the Federal cybersecurity operations centers;
- (E) coordinating with the Federal Chief Information Officer, the Federal Chief Information Security Officer, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of National Institute of Standards and Technology on the development and implementation of policies and guidelines related to issues of Federal department and agency information security; and
- (F) reporting annually to the President and the Congress on the state of the United States cybersecurity posture, the effectiveness of the strategy, and the status of Federal departments and agencies' implementation of the strategy;

(iv) lead joint interagency planning for the Federal Government's integrated response to cyberattacks and cyber campaigns of significant consequence, to include—

- (A) coordinating with relevant Federal departments and agencies in the development of, for the approval of the

President, joint, integrated operational plans, processes, and playbooks for incident response that feature—

- (I) clear lines of authority and lines of effort across the Federal Government;
- (II) authorities that have been delegated to an appropriate level to facilitate effective operational responses across the Federal Government; and
- (III) support for the integration of defensive cyber plans and capabilities with offensive cyber plans and capabilities in a manner consistent with improving the United States cybersecurity posture;

(B) exercising these operational plans, processes, and playbooks;

(C) updating these operational plans, processes, and playbooks for incident response as needed in coordination with ongoing offensive cyber plans and operations; and

(D) ensuring these plans, processes, and playbooks are properly coordinated with relevant private sector entities, as appropriate;

(v) direct the Federal Government's response to cyberattacks and cyber campaigns of significant consequence, to include—

(A) developing for the approval of the President, with the heads of relevant Federal departments and agencies independently or through the National Security Council as directed by the President, operational priorities, requirements, and tasks;

(B) coordinating, deconflicting, and ensuring the execution of operational activities in incident response; and

(C) coordinating operational activities with relevant private sector entities;

(vi) engage with private sector leaders on cybersecurity and emerging technology issues with the support of, and in coordination with, the Cybersecurity and Infrastructure Security Agency and other Federal departments and agencies, as appropriate;

(vii) annually report to Congress on cybersecurity threats and issues facing the nation, including any new or emerging technologies that may impact national security, economic prosperity, or enforcing the rule of law; and

(viii) be responsible for such other functions as the President may direct.

(ix) The Director may—

(A) serve as the senior representative on any body that the President may establish for the purpose of providing the President advice on cybersecurity;

(B) be empowered to convene National Security Council, National Economic Council and Homeland Security Council meetings, with the concurrence of the National Security Advisor, Homeland Security Advisor, or Director of the National Economic Council, as appropriate;

(C) be included as a participant in preparations for and, if appropriate, execution of cybersecurity summits and other international meetings at which cybersecurity is a major topic;

(D) delegate any of the Director's functions, powers, and duties to such officers and employees of the Office as he may designate; and

(E) authorize such successive re-delegations of such functions, powers, and duties to such officers and employees of the Office as he may deem appropriate.

(e) Section 101(c)(2) of the National Security Act of 1947 (50 U.S.C. 3021(c)(2)) is amended by striking “and the Chairman of the Joint Chiefs of Staff” and inserting “the Chairman of the Joint Chiefs of Staff, and the National Cyber Director”.

(f) The Director may, for the purposes of carrying out the Director's functions under this section—

(i) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary and prescribe their authority and duties, except that not more than 75 individuals may be employed without regard to any provision of law regulating the employment or compensation at rates not to exceed the basic rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(ii) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of basic pay for grade GS-15 as provided in

section 5332 of such title, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of such title 5 for persons in Federal Government service employed intermittently;

(iii) promulgate such rules and regulations as may be necessary to carry out the functions, powers, and duties vested in the Director;

(iv) utilize, with their consent, the services, personnel, and facilities of other Federal agencies;

(v) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may determine appropriate, with any Federal agency, or with any public or private person or entity;

(vi) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

(vii) adopt an official seal, which shall be judicially noticed; and

(viii) provide, where authorized by law, copies of documents to persons at cost, except that any funds so received shall be credited to, and be available for use from, the account from which expenditures relating thereto were made.

TITLE II—ENHANCING AMERICAN CRISIS RESPONSE & FLEXIBILITY

SEC. 201. CONGRESSIONAL FINDINGS.

Congress finds that —

- (a) That in times of immediate emergency or crisis, the more deliberative nature of Congress means that Congress is often unable to respond immediately to threats in a timely fashion as may be necessary to save lives, prevent extreme damage, or pursue perpetrators before they are lost; and therefore, these tasks are typically delegated to the Executive Branch of the government.
- (b) Because of the inability of Congress to respond in time frames as may be necessary, previous Congresses have afforded to the President emergency powers, through acts including but not limited to the

National Emergencies Act of 1976 and the International Emergency Economic Powers Act of 1977, which he may invoke in times of national emergency as he may declare, to manage such immediate emergencies or crises as may be necessary in a short timeframe.

(c) However, powers afforded in the current acts have long periods during which they may be active before their expiration (as long as two years as per the International Emergency Economic Powers Act) and the powers afforded are adjusted in ability accordingly - significantly more moderate in scale, while useful, leading to harmful and unnecessary constraints on executive ability during times of severe and real national emergency.

(d) There should be emergency powers afforded to the executive, which should be more powerful than those currently afforded to him, so he can effectively manage crisis in the extremely important minute-by-minute level; but unlike the earlier emergency powers afforded to the President, these powers may only be active upon his declaration of a national emergency for a significantly shorter period of time - twenty-four hours, three days, seven days, or a fortnight, depending on the scope of the emergency powers, before congressional authorization may be needed to use such powers further.

(e) That shall be the stated purpose of this title, as well as other measures.

SEC. 202. RULES OF CONSTRUCTION.

No authority granted by this title upon the condition of a declaration of national emergency, in which such authority expires less than fourteen days following the invocation of said authority, may be invoked for a second time in the same thirty-day period in regards to the same subject without explicit authorization of congress.

SEC. 203. WASHINGTON METRO AREA TRANSIT AUTHORITY.

(a) During times of war or national emergency declared by Congress, or the President, if the President should judge there is a significant and domestic threat to the national security, or safety of the people of the United States of America, involving the Washington Metro Area Transit Authority, the President, through executive order, direction, memorandum, or proclamation, may place the Metro Transit Police Department under presidential control; and make decisions regarding the Washington Metro Area Transit Authority on behalf of its board of directors.

(b) If the President of the United States should invoke the authority granted to him by Section 203(a) of this act, such authority will be in effect from the moment of invocation until twenty-four hours following invocation; and unless a joint resolution from both chambers of Congress, to sustain such invocation, has become law before twenty-four hours after invocation, the authority shall be considered and expired Section 202 of this act shall come into effect regarding further invocation.

SEC. 204. NATIONAL GUARD FEDERALIZATION

(a) During time of war or national emergency declared by Congress, or the President, if the President should judge there is a significant and domestic threat to the national security, or safety of the people of the United States of America, arising from persons or organizations within the nation, against whom confrontation would be extremely dangerous by means of significant capacity and intent to commit violent actions to a degree to which the President judges law enforcement will find it difficult to confront themselves, from those persons or organizations, the President may waive those sections of law which prohibit him from ordering the Chief of the National Guard Bureau to order a National Guard to place itself under federal control, and he may order such Guard to take measures to counter such significant domestic threat to the national security, through published executive order.

(b) If the President of the United States should invoke the authority granted to him by Section 204(a) of this act, such authority will be in effect from the moment of invocation until fourteen days following invocation; and unless a joint resolution from both chambers of Congress, to sustain such invocation, has become law before fourteen days after invocation, the authority shall be considered expired, and Section 202 of this act shall come into effect regarding further invocation.

SEC. 205. DEPARTMENTAL LINE OF SUCCESSION

(a) During time of war or national emergency declared by Congress or the President, if the office of Secretary responsible for the Departments of State, Defense, the Treasury, Justice, or Homeland Security is vacant, or the officeholder be unable to perform the functions and duties of the office, and the President determines the first assistant to the office of such officer is not present to perform the full functions of the office, though he may not be legally incapacitated—

(i) The President is granted the authority, through executive order, waive the provisions of 5 U.S. Code § 3345, and he may designate a

person of his choosing to perform the functions and duties of the office, provided that person is a United States Citizen, has served either in the United States Congress or Presidential Cabinet prior to his designation, or is currently holding any office whose salary is paid for by the United States Government.

(ii) Should the first assistant to the office as defined in 5 U.S. Code § 3345, and whose definition is not waived by Section 206(a)(i) of this act, transmit to the President a statement of presence and capability to perform the duties of his office at any point during the time he is not performing the duties of acting secretary due to the conditions of Section 206(a)(i) of this act, the authority, waiver and designation shall be considered expired, effective immediately — but if such transmission was performed less than one hour following the promulgation of such executive order provided for in Section 206(a)(i) of this act, the original order shall not be considered an invocation of authority under Section 202 of this act.

(b) If the President of the United States should invoke the authority granted to him by Section 206(a)(i) of this act, such authority will be in effect from the moment of invocation until three days following invocation; and unless a joint resolution from both chambers of Congress, to sustain such invocation, has become law before three days after invocation, the authority shall be considered expired, the acting officer shall be removed from the role of acting Secretary, and Section 202 of this act shall come into effect regarding further invocation.

SEC. 206. SMALL BUSINESS DISASTER RELIEF

The Small Business Act (15 U.S.C. 636) is amended as follows:

(a) Section 7(b) (15 U.S.C. 636(b)) is amended by adding the following paragraph at the end:

"(9) In addition to physical and economic injury disaster loans under paragraph (2), the Administrator may provide low-interest disaster loans to cover insurance deductibles of small businesses' insurance claims resulting from disasters, and to cover the cost of lost pay for workers of small businesses affected by disasters, subject to the terms and conditions determined by the Administrator."

(b) Section 7(b)(1)(B) (15 U.S.C. 636(b)(1)(B)) is amended by inserting ", including insurance deductibles of small businesses' insurance claims and the cost of lost pay for workers," after "economic injury" wherever it appears.

(c) The Administrator of the Small Business Administration shall establish and maintain procedures and guidelines for the implementation of the program described in subsection (a)(1)(9) of this section, including eligibility criteria, loan terms, and application processes, and shall ensure that total authorizations for these purposes do not exceed \$15,500,000 per fiscal year.

(d) APPROPRIATIONS—There is authorized to be appropriated such sums as may be necessary, not to exceed \$15,500,000 per fiscal year, to carry out the provisions of this section.

SEC. 207. AMENDMENTS AND REPEALS.

- (a) 10 U.S. Code § 603 shall be amended in subsection (a) by striking the words “major” and “rear”.
- (b) 10 U.S. Code § 7063 is amended in subsection (b) by adding “of Defense” after “Secretary”, striking “Army”, and adding “Armed Forces as defined in 10 U.S. Code § 3063” in its place.
- (c) Section 101(a) of Public Law 95-223, shall be repealed, effective immediately.
- (d) Section (b)(1) and (b)(2) of 50 U.S. Code § 3806 shall be amended to remove the text, “except after a declaration of war or national emergency made by the Congress subsequent to June 24, 1948”, and striking subparagraphs (A) and (B) from (b)(2).
- (e) Public Laws 176-1 and 95-511 shall be repealed in favor of this act.
- (f) Section (a) of 10 U.S. Code § 12103 is amended, by adding, “or by the President, should such presidentially declared emergency involve use of the armed forces”, following “Congress,”.
- (g) 42 U.S. Code § 2138, 14 U.S. Code § 3733, and 10 U.S. Code § 7063 are amended in both laws by adding “or the President” following the sole mention of “Congress”.

SEC. 208. INCLUSION OF SERVICES BY PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS IN FEDERAL EMPLOYEES’ COMPENSATION.

- (a) Section 8101 of title 5, United States Code, is amended—
 - (i) in paragraph (3), by inserting “, other eligible providers,” after “osteopathic practitioners”;
 - (ii) by striking “and” at the end of paragraphs (18) and (19);
 - (iii) by striking the period at the end of paragraph (20) and inserting “; and”;
 - (iv) by adding at the end the following:

“(21) ‘other eligible provider’ means a nurse practitioner or physician assistant within the scope of their practice as defined by State law.”.

(b) Chapter 81 of title 5, United States Code, is amended—

(i) in section 8103(a)—

(A) by inserting “or other eligible provider” after “physician” in each instance; and

(B) in paragraph (3), by inserting “or other eligible providers” after “physicians”;

(ii) in section 8121(6), by inserting “or other eligible provider” after “physician”; and

(iii) in section 8123(a)—

(A) by inserting “or other eligible provider” after “The employee may have a physician”; and

(B) by inserting “or other eligible provider” after “United States and the physician”.

TITLE III—GENERAL LEGAL SECTIONS, AND MISCELLANEOUS

SEC. 301. SEVERABILITY.

Should any portion of this Act be deemed invalid or unconstitutional for any reason in a court with relevant jurisdiction, the rest of the Act, and the application of the remaining provisions, shall not be affected.

SEC. 302. SUPREMACY.

Any existing provisions of law that contradict this Act shall be considered null and void for the purposes of interpreting this legislation.

SEC. 303. EFFECTIVE DATE.

This act shall take effect immediately upon enactment.

SEC. 304. RULES OF CONSTRUCTION

Nothing in this Act, or any amendment made by this Act, may be construed to authorize the infringement or violation of any right protected under the First Amendment to the Constitution of the United States or an applicable provision of Federal law.

// credit for Section 119 to Pluribus and 206 to Ducky