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Senate

(Legislative day of Friday, September 22, 2023)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mrs. MURRAY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our weary years and silent tears, we continue to believe in Your sovereignty.

As we edge closer to a government shutdown, we choose to believe that You are still in charge. We continue to believe that the hearts of our lawmakers are in Your hands and You turn their plans as You desire. We continue to believe that in everything You are working for the good of those who love You and that Your purposes will prevail.

Lord, we pause to thank You for the life and legacy of Senator DIANNE FEINSTEIN. May her death teach us to number our days, that we may have hearts of wisdom.

Have Your way, Lord—have Your way. You are the potter. We are the clay.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

REMEMBERING DIANNE FEINSTEIN

Mr. SCHUMER. Madam President, I ask that the Senate observe a moment of silence in honor of Senator DIANNE FEINSTEIN.

(Moment of silence.)

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Madam President—the first woman President pro tempore of the U.S. Senate—earlier this morning, we lost a giant in the Senate.

Senator DIANNE FEINSTEIN was one of the most amazing people whoever graced the Senate, whoever graced the country. She had so many amazing, wonderful qualities wrapped up in one incredible human being. She was smart. She was strong. She was brave. She was compassionate.

But maybe the trait that stood out most of all was her amazing integrity. Her integrity was a diamond. Her integrity shone like a beacon across the Senate and across the country for all to see and, hopefully, emulate.

DIANNE FEINSTEIN would typically say, when you asked her how was she voting on something: Let me study this issue before taking a position. Let me go home and read on it. And when she came back, if she believed the cause or the vote was right and vital to any issue she cared about, she not only voted for it, there was no stopping her in getting it done.

She would take on any force, any special interest, any opponent with relentless integrity and would wear those opponents down until she succeeded. Again, her integrity just shown through them. And she won and she won and she won and each time made the country a better place.

I saw this up close when she passed the assault weapons ban, a passion of hers after what happened to her in California. The NRA was a relentless, often mean-spirited and chauvinistic foe. They oozed vitriol against her. But they didn't scare her. They didn't stop her. And they failed against her. Like most of her opponents, they failed against her. Her perseverance, her strength, and most of all her integrity shown through.

I was privileged to carry the bill in the House after she had passed it in the Senate. She guided me every step of the way, and her strength and her integrity strengthened all of us who were fighting that uphill fight.

As we went through that bill, it became clear to me, DIANNE FEINSTEIN is not like the others. She is in a class of her own.

Of course, it wasn't just the assault weapons ban she fought her. Her accomplishments also included championing the Violence Against Women Act, protecting oversight authority during the investigation into U.S. torture, fighting for climate justice, fighting for marriage equality, fighting for reproductive justice—the list goes on and on.

As chair of the Intelligence Committee, DIANNE fought for what was right. Even if it was hard and difficult and took months and years to dig in and find out what actually went wrong, she never stopped.

She took on the CIA and inserted Congress's oversight authority during the investigation into the United States' use of torture.

Through all of her accomplishments—this one and all the others—she always displayed quintessential grace and strength. None of these ''sons of guns'' against her ever rattled her.

I remember a few years back, when a particularly nasty Senator tried to put

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Senator FEINSTEIN down in a condescending—many would say—chauvinistic way. She reacted not defensively but with strength and poise and integrity. And within 3 minutes, she put this colleague in his place. By the end of it, everyone in the room, on both sides of the aisle, was smiling. That was DIANNE to a tee—powerful, prepared, unflappable.

She had to be. Whenever she did something, she was often the first to do it. She was elected as the first woman president of the San Francisco Board of Supervisors, the first woman to serve as mayor of San Francisco, the first woman to serve as U.S. Senator for California, the first woman to chair both the Senate Rules and Intelligence Committees, the first woman member of the Senate Judiciary Committee. The list goes on and on and on and on.

Our Nation will be forever thankful to Senator FEINSTEIN for the accomplishments she fought for.

I, too, am personally indebted to DIANNE, not just as a colleague—which, of course, I am in so many ways as a colleague—but as a friend and as a father of two daughters.

DIANNE's work extended far beyond the U.S. Senate floor, as she gave a voice, a platform, and a leader to women throughout the country for decades.

DIANNE didn't just push down doors that were closed for women, she held them open for generations of women after her to follow her.

She gave a voice, a platform, and a model for women across the country who aspire to roles in leadership in public service who want to leave their own mark on the world, who want to make this country a better place for others.

Today, there are 25 women serving in this Chamber, and every one of them will admit they stand on DIANNE's shoulders.

So DIANNE's impact extended far beyond the Senate floor and far beyond politics itself.

Today, we grieve. We look at that desk, and we know what we have lost. But we also give thanks—thanks to someone so rarefied, so brave, so graceful a presence that someone like that served in this Chamber for so many years.

In closing, let me just say this: The sign of a leader is someone who dedicates the whole of their spirit for a cause greater than themselves; the sign of a hero is someone who fights for others, who endures for others no matter the cost, no matter the odds; and the sign of a friend is someone who stands by your side to fight the good fight on good days and on the bad.

DIANNE FEINSTEIN was all of this and more, a friend, a hero for so many, a leader who changed the nature of the Senate and who changed the fabric of the Nation—America—for the better.

As the Nation mourns this tremendous loss, we are comforted in knowing how many mountains DIANNE moved, how many lives she impacted, how many glass ceilings she shattered along the way. America—America—is a better place because of Senator DIANNE FEINSTEIN.

Today, I join with my colleagues in mourning our beloved friend and colleague.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SCHATZ). The Republican leader is recognized.

REMEMBERING DIANNE FEINSTEIN

Mr. MCCONNELL. Mr. President, you know how we always refer to each other as ''my friend'' from whatever State it is. Honestly, frequently, that is not true.

But Elaine and I were actual friends of Dick and DIANNE. Elaine served on a corporate board with Dick for a number of years. When they were in town together, we would frequently have dinner together.

Elaine and I got married shortly after the 1992 election, and I remembered that DIANNE gave us a small depiction of the Capitol. I looked at it this morning because it is still on the wall and remembered our dear colleague as a truly remarkable individual.

As the majority leader has pointed out, she was an incredibly effective person at every line, at level, and she was at all of those levels on the way to the Senate.

Those of us who were fortunate to call DIANNE our colleague can say we served alongside the longest serving female Senator in American history.

DIANNE was a trailblazer in her beloved home State of California, and our entire Nation is better for her dogged advocacy and diligent service.

Over the past three decades, the senior Senator from California was also the steady hand leading sensitive and consequential work as head of the Intelligence Committee and the Judiciary Committee. Her name became synonymous with advocacy for women and with issues from water infrastructure to counterdrug efforts.

Of course, as the first woman to lead her hometown board of supervisors and then govern as mayor, she was making history and making a difference long before she came to the Senate.

And as much as this institution and the American people will remember DIANNE's devoted public service, as I indicated earlier, Elaine and I will also remember and cherish the friendship of 30 years we were fortunate to share with DIANNE and Dick.

So, today, I know the entire Senate family is gathering around Senator FEINSTEIN's loyal staff. Our thoughts and prayers are with DIANNE's daughter Katherine, her granddaughter Eileen, the entire Feinstein family, and with all who mourn our dear colleague and friend.

Mr. SCHUMER. Mr. President, before I yield to the President pro tempore, I would like to acknowledge DIANNE's daughter Katherine with Speaker PELOSI in the Gallery.

The PRESIDING OFFICER. The President pro tempore.

REMEMBERING DIANNE FEINSTEIN

Mrs. MURRAY. Mr. President, yesterday, the senior Senator from California came onto the floor through those doors to do her job. She voted. She voted to make sure that our country would continue to move forward and not shut down. That was DIANNE. She did her job every day. She cared about her country. She cared about her State. She cared about doing a job, no matter how tough it is, for the future of America, and she did it with dignity and respect every single minute.

Today, you will hear accolades from across the country, lists of legislative accomplishments from her early days, all the way through her career. What I just want to say today: It is a true loss to America. It is a loss to her family.

My heart is with you.

It is a loss to her colleagues from California who have served with her and know her as I do—as a tower of strength—to our colleagues on the floor who have worked with her on a laundry list of legislation that you will hear about and is way too long to list today.

But, to her constituents, you need to know we depended on her just as you did, and she was here every day to fight for you, no matter what. She fought for women. She fought for those who were victims of gun violence. She fought for foreign policy that was remote to most people, but she knew every detail. And when DIANNE spoke, the rest of us stopped and we listened.

Mr. President, she was a friend. I was sworn into office just a few weeks after she was, and she was always there for us, in matters big and small, in matters of our country, in matters of policy, and always as a friend.

To those of you who don't know, she was the most generous Senator I have ever known. I remember one time when I noticed that her purse was really nice, and I said: DIANNE, that purse is beautiful.

Two days later, I got one delivered to my door. That was DIANNE. She saw people. She knew people. She saw that she could be someone whom we all needed, and she saw that she could be there when she was needed—and she was there.

I will have more to say about my friend of more than 30 years over the next few days, and I am sure we will hear so much today. But I am so sorry I didn't hug her when she went back out that door yesterday.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maine.

REMEMBERING DIANNE FEINSTEIN

Ms. COLLINS. Mr. President, I rise with great sadness today to honor my friend and our colleague Senator DIANNE FEINSTEIN. She was a pioneer and a strong and dignified leader.

DIANNE, who was the longest serving woman in Senate history, had a career marked by many firsts: the first woman to serve as mayor of San Francisco, the first woman Senator to represent California, the first woman to serve as the chair of the Senate Intelligence Committee, and the first woman to serve on the Senate Judiciary Committee.

DIANNE was such a strong presence in the Senate. She was a determined and tenacious advocate. Many of us worked closely with her on the Intelligence Committee, where she was such an excellent chairman. She was always fair, respectful, informed, and strong. We worked together on the Appropriations Committee as well, where she chaired the Energy and Water Subcommittee. Many of us were her allies on the Violence Against Women Act and the Respect for Marriage Act.

The Senate and the country have lost a model Senator—elegant, graceful, kind, compassionate, strong, informed, intelligent.

I have also lost a dear friend. I put up this watercolor painting that DIANNE did and gave me so many years ago. It has hung in my office ever since, and it will have a place of honor there always. Every time I would pass by, I would look at it and think about how talented DIANNE was in so many different areas. I treasure this painting.

When I became engaged 11 years ago, it was DIANNE who sponsored a reception for me and my now-husband Tom Daffron in her home in Washington. My story is very similar to that of the Republican leader.

I was also reminded when I heard Senator MURRAY talk about DIANNE's generosity. At one point one year, she bought seersucker suits for every woman who was serving in the Senate so that we could all participate in Seersucker Thursday. That was DIANNE. She paid attention to the smallest details and to the largest issues that affected not only our country but the world.

Most of all, DIANNE was such a role model for girls and women. She was a role model for us who came to the Senate, after she began her storied tenure here. I will miss DIANNE terribly. My heart goes out to her family, and may she rest in peace.

The PRESIDING OFFICER. The majority whip.

REMEMBERING DIANNE FEINSTEIN

Mr. DURBIN. Mr. President, today, we mourn the death of a trailblazer, my colleague and friend Senator DIANNE FEINSTEIN.

I have been privileged to have known DIANNE throughout her entire career in this Chamber and my entire time as well. She was my friend and seatmate on the Senate Judiciary Committee for over 20 years. When you are that close to someone politically—day in, day out, week in, week out—you pick up on the things that mean the most to her. Certainly, her family was the highest priority to her, over all things, but her life experience created what we know as the legacy of DIANNE. How many times she told the story of serving on the pardon and parole board for the State of California—the cases that she remembered in detail that had occurred decades ago stuck with her and inspired her when it came to her service on the Senate Judiciary Committee.

I think that situation also inspired her when it came to legislation, where she was looking for fairness. We certainly all know her efforts in dealing with the Violence Against Women Act. That was an extraordinary effort by her, on a bipartisan basis with Senator MURKOWSKI, Senator COLLINS, Senator ERNST, Senator PATTY MURRAY, and so many others.

In addition to that, she recounted many, many times that terrible, unimaginable tragedy when the mayor of San Francisco was killed along with Harvey Milk, a commissioner. She was there at the bloody scene afterward. She recounted that so many times in the midst of her debates over an assault weapons ban.

Think about that assault weapons ban. It was almost the holy grail in politics. So many people said that is the one thing we absolutely have to do; it has to be done. She did it. She, along with Senator SCHUMER, who was then a House Member, put together the bill that established an assault weapons ban and reduced the number of deaths in America by gunfire. They did it, and she was the leader, inspired by that terrible tragedy with Mayor Moscone.

I can also remember, there was a time, years ago, when we engaged in debate in this Chamber on stem cell science and biology. It was a complicated debate. Many of us liberal arts lawyers were lost as they went into the detail. DIANNE not only led that debate; she had mastered the subject. And time and again in the caucus, when we would discuss it, she would be the one to stand up and straighten everyone out on the basics. She was a gifted person in that regard.

But I do want to say that there is one thing that Senator COLLINS noted that I noted many times. Members of the Senate, in the committee hearings, were given a notepad in front of them—the Senate Judiciary Committee was no exception—and a pencil nearby to make notes in the course of our business. Sitting next to DIANNE all those years, I can't tell you how many flowers I saw her draw on those notepads. I asked her for one, one time. She signed it, and I have kept it. But it is an indication of the sweetness and the elegance in her life; that, on the one hand, she could be arguing the most serious life-and-death issues in the committee but, on the other hand, show that kind of dignity and determination to bring the human side to the debate.

She was one of the best, and I was honored to call her a friend.

There were many times that she made the rollcall in the Senate Judiciary Committee, the last year or 2, when I know it was an extraordinary sacrifice. She was going to show up because that was her responsibility. I respected her so much for that. And the committee divided 11 to 10, I needed her. She knew it, and she was there. She answered the call.

She served California with such distinction. She often talked about her beloved Golden State, but we all know that she was also a treasure to the Nation.

DIANNE FEINSTEIN inspired many, particularly many women, to public service. She served California well, and she served our Nation, and it was my honor to serve with her.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Alaska.

REMEMBERING DIANNE FEINSTEIN

Ms. MURKOWSKI. Mr. President, there will be many opportunities in the next few days and in the weeks following to reflect on the life and the contributions of Senator DIANNE FEINSTEIN and, as has been noted, the significant legislation that she advanced over three decades here, what that meant to her State, to her constituents, really, to her country, but also to us.

And as I think about the work that we all take on here, we know that we are capable of much, but we are made even more capable by extraordinary staff. And one of the things that I have noted over the years is the extremely loyal staff that Senator FEINSTEIN had built around her. I know that they are grieving today, as is DIANNE's family and so many friends. But I think we acknowledge them at the same time of this very significant loss of not only a colleague but of a friend.

And I think it is important that people understand that, here in the U.S. Senate, a place that can be so divisive at times, true friendships actually exist. And whether it is the Republican leader and his wife over the years dining together or, as Senator COLLINS has stated, just the very generous nature of Senator FEINSTEIN sharing—sharing her works, sharing her art, sharing a purse—I still have that seersucker suit.

I still have that seersucker suit. When we all engage in the annual ritual of donning the seersucker suit—mine is now 20 years old; I think yours is, too—our reality is, it is a direct reminder of the spontaneous generosity of a woman.

DIANNE FEINSTEIN was generous. She was gracious. She was thoughtful. She was kind. There were many times when

we were looking into a weekend when we were going to be here, and she, being from California, and I, being from Alaska—recognizing that probably neither one of us was going to be making it to that other coast, she would say: ''LISA, let's go to dinner.'' Sometimes, we would just spontaneously make that happen, and other times, we would just make the plans. But that was that outreach to do so.

What she did as one of the female leaders in our women Senators group was she made sure that the dinners we have engaged in over the years, that those continued. She would come and say, ''Isn't it about time we have another dinner?'' And she would be right, and we would organize it. It was, again, a reminder of what it means to come together as colleagues, yes, but really the more that we can do to build those relationships that make a hard job just a little bit easier. DIANNE was able to focus on that in a giving and, again, a very generous—generous—way.

I think it pained us all—it certainly pained me—in just these past months to see what I believed to be grossly unfair attacks on a woman who was in failing health. And I think for some who would focus on that, they would fail to appreciate what this extraordinary woman, what this extraordinary leader had contributed not only to the Senate but, again, to her State and to her country.

So as we speak of the beauty of DIANNE FEINSTEIN and all that she gave to this country, I hope we reflect on the words that Senator MURRAY shared with us—that her commitment to this job, her commitment to the people was so much that she would put her physical health, how she was feeling—some days, we just don't feel like coming in, you know? Senator FEINSTEIN was here. Senator FEINSTEIN was with an institution that she cared about. She cared deeply about it. She wanted to make sure that we were the best of the best and we reflected that.

I think she would actually be really pleased with the resolution about dress. I don't need to go into that on the floor. But Senator FEINSTEIN was a woman who was put together—put together in her presence and in her bearing. I think she wanted to see the Senate in a dignified and a respectful manner at all times.

As I walked in this morning, I thought she probably wouldn't approve of my shoes, and I am sorry, DIANNE. But I share this because I think it demonstrates again where the commitment of this woman was. It was to the people she served, but it was also to an institution that she loved and she dignified with everything she did right until the end.

We have lost an extraordinary woman, and we have lost a friend. But they never leave. They will always be with us, as will DIANNE.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

REMEMBERING DIANNE FEINSTEIN

Mr. PADILLA. Mr. President, before I begin, I also want to acknowledge others who are here in the Chamber to be part of this tribute, part of this moment—the first of many over the coming days and weeks, no doubt.

Senator SCHUMER acknowledged Speaker PELOSI, Speaker Emerita PELOSI, and Katherine in the Gallery here. We do have a good amount of the California congressional delegation here as well paying their respects—the dean, Representative LOFGREN, and so many friends from the north to the south to the east and the west of the Golden State. Up in the Gallery also is Team Feinstein, so many of the staff members who make sure the office is always performing at peak capacity, just the way DIANNE insisted. I know that personally, and I will tell you why in a minute.

But I think I speak on behalf of all of us when I say that it is with profound sadness that we bid farewell to my dear friend, colleague, and outright champion for the State of California, Senator DIANNE FEINSTEIN.

As we have been hearing today, she was a towering figure. Let me be clear. She was a towering figure not just in modern California history but in the history of our State and our Nation. Yes, she broke barriers throughout her career. You heard about that from Leader SCHUMER, how many firsts. Her leadership, though, as the city of San Francisco's first female mayor in the aftermath of the tragic assassination of Mayor George Moscone and Supervisor Harvey Milk showcases her unique ability to lead with grace and strength in the face of adversity. And it wouldn't be her last time.

Following her election to the Senate more than three decades ago, DIANNE's commitment to bipartisan collaboration made her a deeply respected figure on both sides of the aisle. So my heart is full to hear the words of Senator COLLINS and Senator MURKOWSKI and others.

She understood the importance of working together to find common ground and to get things done for California, for the country, and most importantly, for the American people. Her ability to bridge divides and find that consensus, especially on the thorniest of issues, was a testament to her dedication to the principles of our democracy and the many attributes you are hearing about her today. That is the one I have admired most and have worked my damnedest to try to emulate throughout my career and especially here in the Senate.

Now, long before being able to serve together here in the Senate, DIANNE gave me one of my first jobs in politics in her Los Angeles office at a time early in my career when I was looking to make a difference for my community and for our State. It is in part thanks to her groundbreaking career that a Latino son of immigrants could one day not just work for her but work alongside her to keep up the fight for the American dream.

As we mourn Senator FEINSTEIN's passing, we must also celebrate her incredible legacy, her contributions to our Nation—from gun safety and environmental conservation to national security and healthcare reform and so much more—just as a reminder not just of the power of her example but the power of public service.

For Californians, so much of our public lands have been preserved thanks to her singular drive and leadership—from the redwoods of the Headwaters and the San Francisco Bay to Lake Tahoe, to the Southern California desert.

We can go on and on, but it is clearly—clearly—a tremendous impact she has had. She leaves behind a legacy of service, of leadership, and a deep love of our country and our democratic ideals. Senators have mentioned her grace, how she worked, how she carried herself—an example for us to follow.

I would be remiss if I didn't say there was an exception to that, and that is if you were one of her staff members who came into a meeting with her unprepared. You did not want to not have the answer to her question.

She was classy, absolutely. We won't get into the debate about the dress code. As Senator MURRAY said, she was absolutely generous. Now, I did not receive a seersucker suit. I was not here at the time. But for the decades of the relationship that we had, every time I came to Washington, I made it a point to reach out—at a minimum, a call; a lot of times, a quick meeting in her office—and I always came away with something. More often than not, it was a book. She has quite a library, her collection. Once upon a time, it was a Senate tie. There was always something.

I, too, Senator COLLINS, have a watercolor. It is hanging at home in Los Angeles—my wife's favorite—so I don't have it here to display. What I do have, though, is a photo, as she said, from ''back in the day'' that she sent me just a year ago—periodically going through her files, her archives—a picture from the San Francisco AIDS walk in 1987 but personalized—no autopen here; a personal note from Senator FEINSTEIN.

The last story I will share, which I do think is unique. Another example of her generosity is the day I was sworn in to the Senate in 2021 under the most trying of circumstances: COVID prevaccine; 2 weeks after January 6; 40,000 National Guard women and men on the perimeter of a fenced-off Capitol Complex. She honored me by escorting me down the center aisle to the rostrum and stood behind me as I was sworn in. Big day for me. Tough day not having Angela and my boys by my side.

As soon as the votes were over, the session was over, she grabbed me by the hand and said: Come with me. I am not sorry to say I had interviews lined up. We marched right past reporters to her hideaway.

She immediately wanted to continue the dialogue of, How can I help you? How can I help you? I mustered up a little bit of courage and said: DIANNE, I love you, but I want to call my wife. I have just been sworn in to the Senate.

So I called my wife. Angela answers. We immediately started FaceTiming each other. We were by the window so we could make sure the signal doesn't drop. And my boys were there. DIANNE says: Give me the phone. I have just been sworn in to the U.S. Senate, and I am watching Senator FEINSTEIN FaceTime with my kids. ''So proud of your dad. When are you coming to Washington? I will buy you lunch.''

That was DIANNE FEINSTEIN. May she rest in peace, and may her legacy continue to inspire us all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

REMEMBERING DIANNE FEINSTEIN

Ms. CANTWELL. Mr. President, I follow my colleague from California, and I believe he said it correctly—the legacy of DIANNE FEINSTEIN.

Our colleagues are in shock today, even though we knew DIANNE was ill, even though we knew she was 90 years old, even though we knew she was the longest-serving woman Senator. The fortitude that she showed and demonstrated was constant. Sitting here just a few months ago in all-night vote-arama sessions, when the youngest of us wanted to crawl into our hideaways and sip coffee at 2 a.m., DIANNE was at her desk voting.

At 90, she had the fortitude, as Senator MURRAY said, to vote just yesterday. I don't know if it was the steel that was cemented into her at that moment of the mayor's assassination or the tragedy and cost of serving and knowing that you still had to move forward. No matter how disastrous the situation was, DIANNE moved forward.

I am so blessed to have served with her. But I want people to know the Nation has lost a legislative giant, women have lost a hero, and the Senate has lost a true colleague. Those of us who are out here today know when we say the word ''true colleague,'' we mean like a true collegial colleague. Sometimes we say the word with a little more disdain, like our ''frustrating colleague,'' or as Senator MCCONNELL said, our ''good friend,'' when maybe in reality, it is hard to get those words out.

But DIANNE was the epitome of what the Senate is losing. Let's just face it. DIANNE, one of her most famous phrases was ''I have to go home and read tonight.'' I bet you her family or her staff heard her say that because she meant it. She meant: I don't know enough about this subject to go just spur off. I am literally going to study and analyze and find out what it actually is all about.

How many times did DIANNE stand up in caucus and say: I have been reading a lot about this subject, but I think we need to know a lot more? And she would communicate what she knew and, as many of my colleagues know, she was always asking questions.

For me, as a young Member coming here more than 20 years ago, I was amazed and astounded at what I might call the polite pushiness of DIANNE FEINSTEIN. I don't know how she did it, but serving on the Judiciary Committee with her—and DIANNE will observe—when DIANNE's time ran out and somebody tried to cut in and debate her, DIANNE had this way of saying: Mr. Chairman, this is a really important point and I just need to make this point. And the chairman would let DIANNE go on for another 5 minutes. And I thought, How does she pull this off? Well, I will tell you how she pulled it off: because people knew she was serious about legislating. She was serious about working across the aisle.

And probably in my early days here, she forged the greatest impression of what working across the aisle was really all about. There were times, probably, when I didn't even agree with her, but she had the cache of a Senator who could put a deal together with both sides.

I saw her great work on the California Desert Protection Act, landmark legislation protecting California. I saw it on the 2007 energy bill where we raised CAFE standards for the first time in 25 years. DIANNE had a provision called Ten-in-Ten. She just evangelized every minute of the day about why we needed higher fuel efficiency standards. She thought we could improve it 10 miles in 10 years and she was right, and it became the basis of what that bill was. She never let anybody off the hook during those negotiations. She made sure that we got that done.

I saw her work tirelessly as my colleague Senator MURKOWSKI—she may not have been here yet—but she worked with Jon Kyl on water legislation until the cows came home, because Arizona and California had real water issues and DIANNE was forever adamant about trying to address this issue for the western part of the United States.

So for me, I want to thank her family for your sacrifices, for sharing DIANNE with us, letting us have her as long as she was willing to serve and for making it the dedication of her life.

Yes, that personal side of her was also so sweet. Most of us doodle, but DIANNE doodled in masterpieces. And she was always inviting people to dinner, always doing those kind little things for us, which means that you really made the Senate a more human place. That is what she really did. She just made this a more human place by just giving a little time and attention to some of the needs of your colleagues. But what sweet blessings; what sweet stories.

I want to honor DIANNE by remembering her great legacy and thanking all of those who were part of her life because, for women, we didn't really know how to get all of this done here—how hard you push, how loud you can be, how much you can just get in here and grind away sometimes. DIANNE showed us that, yes, we can be trailblazers and do it and that the results really, really, really, really matter for people.

I hope that people will remember that legacy of her and the kindness that went along with it and realize that this institution really does need to return to the ways of DIANNE FEINSTEIN.

And if you are from California, you should be damn proud that your Senator is going to go in the history books as a forerunner for so many other women and for policies and behavior that we should be amplifying.

I thank the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

REMEMBERING DIANNE FEINSTEIN

Ms. KLOBUCHAR. Mr. President, I first saw DIANNE—and I see people like the Speaker Emerita and so many of her friends and family that knew her long before Senator PADILLA—but 1992, the Year of the Woman, the national convention—my first national convention, a young lawyer—and there she was on the stage with Senator Boxer in that groundbreaking year.

When I think of DIANNE, as I have heard from my colleagues, I think about the dignity she brought to this place; about how she would dig into every single issue, the independent thought, the trailblazing.

She came into politics as a mayor and in the most tragic of circumstances. She was a city council member. There was an assassination, and there she is thrust on the national stage. As Senator PADILLA talked about, she always put California first.

I remember, at one point when we were debating and speaking out on a national election and someone said something about another candidate having been the mayor of a tough town. I remember DIANNE saying: You don't know what a tough town is until you are mayor of San Francisco.

The way she would dig into the issues was probably my most memorable moment. She invited me to stay overnight at her house after an event; and I got up early in the morning and she called me, summoned me into her room. She was sitting straight up with these big fuzzy slippers on, on a Saturday morning, reading a 200-page bill, the Patent Reform Act, and she started quizzing me—we were both on the Judiciary Committee at the time, the only women on the Judiciary Committee—on the details about the bill. That was DIANNE. She did her homework.

She came into politics at a time when there weren't many women leaders. The way she achieved her goals

and passed bills and did what she wants was not because she was just—they were just going to accept her as she was at that moment in time. It was the hard work. It was the relationships. It was the leaderships.

When I heard about the seersucker suit, I had the same experience. I am brandnew in the Senate. I don't have much resources. And DIANNE calls to get my measurements. That actually happened. And she got me one of those suits as well.

When I talk to young women about them getting involved in politics these days, a lot of them shy away from it. We still aren't where we are supposed to be with the numbers. One of the reasons they give is the attacks; they can't handle the negativity. When I think of DIANNE, she just kept her head high. I literally think of her posture. She kept her head high. She walked through every storm. Things would fall on the side, but she had a mission and her mission would be whatever was her responsibility of that day. Whether it was the Patent Reform Act, whether it was getting her groundbreaking report done on torture, whether it was the work she did in leading the historic legislation on the assault weapons ban, she kept her head up high and she led. That was her instinct. No matter what happened in this place, no matter what clothes changed, no matter who changed, she always led. And we will miss her today.

The PRESIDING OFFICER. The Senator from Rhode Island.

REMEMBERING DIANNE FEINSTEIN

Mr. WHITEHOUSE. Mr. President, I served beside Senator FEINSTEIN on the Judiciary Committee my entire time here, and I worked closely with her on the Intelligence Committee during the time we overlapped there.

I am honored to join my colleagues in participating in this remembrance to her. It has been said, I think, over and over again, of her elegance, as Senator COLLINS said; of how put together she was, as Senator MURKOWSKI said; of how gracious she was, as pretty much everyone has said. Her preparedness was another standout virtue in this body.

I have heard her say ''I am going home to read tonight.'' Serving with her on those committees, I saw over and over again the amount of work that she put herself and her staff through to make sure that she was well-prepared. I never saw a Member of this body better prepared than Senator FEINSTEIN.

But the characteristic that I most associate with her is bravery—whether it was the bravery of throwing herself into California politics as a young woman at a time when not many women were doing that or the way she bravely handled the murders at city hall and her response to that or whether she was willing to come here, when women were few, and break glass ceiling after glass ceiling after glass ceiling.

But the place where I saw her bravery most was when we worked together on the Senate Intelligence Committee torture report. I was kind of Robin to her Batman in that effort. And I still remember her, right about where Senator MURRAY now is, delivering her legendary speech that blew the cover off the CRA torture report. To get there, she had to get through massive counterattacks from the CIA on her and on our Intelligence Committee staff. She had to oppose the Bush administration that was pushing back against her from the very highest levels.

And when the administration changed, she had to show the same bravery and the same resistance against pretty much equal pressure from the Obama administration to shut up and go away. Well, shut up and go away were not things that Senator FEINSTEIN was willing to hear, and the moment that she spent on the Senate floor delivering that report was one of the moments that I am proudest of in the time that I have been here at the Senate.

Let me close by talking about her last weeks here because I think you have to see those last weeks here in the context of her preparation, her determined effort to be as perfect as she could be, and her bravery because it was not easy for her to come and do the work that she did in those last weeks.

But she knew that we needed her. She knew that despite how difficult it was, despite the difficulty she would have in meeting her own standards of perfection, it would have been easy just to go, but she knew that we needed her. We would have lost our majority in the Judiciary Committee without her, and I view her last months and weeks in this body as the last episode of her long career of bravery.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

REMEMBERING DIANNE FEINSTEIN

Ms. HIRONO. Mr. President, over the next days and weeks and months, we are going to hear a lot about our dear friend DIANNE FEINSTEIN, and I am so glad that some of her friends from California and the Speaker—former Speaker—NANCY PELOSI and her family are here to just be with us in these first moments of our learning of her passing.

And we all have stories to tell about DIANNE, but when I joined, for example, the Intel Committee, and she was chairing it, she said: MAZIE, this is not a committee that you can just parachute in and not spend the time really learning about our intelligence community and all that—and I really took that to heart. I spent many, many hours on that committee, even though we could never talk about it. And then at one of the earlier hearings of the Judiciary Committee—and I really marveled at this. It was a hearing that had to do with guns, and I always associate, of course, DIANNE with her courageous fight to ban assault weapons. And one of the newer members of the Judiciary Committee, as I was, chose that hearing to lecture DIANNE FEINSTEIN about her efficacy on guns, and I thought this was so untoward against someone who had spent so much of her time fighting for gun safety. But she just said: I have not spent all these years on this committee to be lectured by you, which I thought was really quite tactful.

But later she said to me—she took me aside, and she said: Do you think I was too mean? Do you think I should apologize? And all I could think of was, Are you kidding? That was DIANNE FEINSTEIN. She was old school. She was very kind. And I am wearing a scarf that she gave to me. And you have heard some of my other colleagues talk about, if we admired something of hers, she would give it to us. Well, this scarf she was wearing at that moment, and I said: Oh, that is such a lovely scarf, and she just took it off and gave it to me.

I wear this scarf often. In fact, we had to be careful about admiring anything DIANNE had because she would likely take it off and give it to us. But this is one of the things that I will always remember about DIANNE FEINSTEIN, her courage, her integrity, her commitment to public service, literally, until the very, very end.

I yield the floor.

The PRESIDING OFFICER (Mr. VAN HOLLEN). The Senator from New Hampshire is recognized.

REMEMBERING DIANNE FEINSTEIN

Ms. HASSAN. Mr. President, I want to offer my condolences to DIANNE's family, to her colleagues in California, to the Speaker Emerita, to my colleague Senator PADILLA, and to so many of our friends and colleagues who are watching today. I wanted to rise just because I am one of the newer women in the U.S. Senate, and I wanted to acknowledge the difference that DIANNE FEINSTEIN's example and work has made for me, for my constituents, for our daughters, and our granddaughters.

When I came to the Senate, the bipartisan women's dinners were long-established. I didn't have to think about how I would get to know my women colleagues and share experiences and learn the ropes from them because DIANNE FEINSTEIN and her other colleagues who were early pioneers in the Senate had already done some of that work for us. I didn't have to think about whether there was going to be a women's bathroom right off the floor that I could use just the way the men use their bathroom in quick moments because DIANNE FEINSTEIN and others had paved the way.

I didn't have to think about whether I would be accepted in the same way

that DIANNE FEINSTEIN had to because she had already done that really difficult work of being that much better than everybody else to make sure that she never let women down and that she never let her constituents down.

This morning, after Senator MURRAY called us and said that we are all going to be on the floor, I was rushing to get ready, and to Senator MURKOWSKI's point, I put on different shoes than I was planning to. They were shoes that DIANNE had admired. She had the same pair, and she told me they were good ones to wear.

I wore a scarf—it is not one DIANNE gave me but because I thought DIANNE would think it would add a little something to my presence today. In the last few months of her service, DIANNE graced us with her dignity and with her friendship. She had a way of sitting down next to me in caucus lunch and checking in. She knew I had had some particular caregiving challenges at home, and she would always say to me: Who is with Ben right now? Ben is our son. How are things with the family? I am not sure people really understand that women still have family responsibilities that aren't easily transferable.

She wanted me always to know that we had made a lot of progress but that there was still progress to make. And in her way of nudging us and being an example for us, she was reminding us that we still have work to do and she was counting on us to do it.

The last meeting that my senior Senator and I had with DIANNE about an issue that was really important to our State and we needed a vote on, she had been home in California recuperating, and she had just made it back to the Senate. And we went to meet with her in her hideaway, and I, frankly, didn't know what to expect. I didn't know how her health would be. She had a memo—it wasn't a short one—that laid out the entire issue that we were there to talk to her about. She went through that memo, several places, and said: Well, I read here that this is the case, and I read there that that is the case, and you both are telling me that you think I should vote in a particular way.

We went back and forth about a couple of issues. We reinforced our arguments, our belief in why she should vote to support our position. She asked us questions. She knew her stuff. She had read the memo. And she said for a number of reasons—and she laid them out—that she would vote with us.

She had muscle memory that pulled her up to her full height. She had the intellectual discipline and memory to understand how to cut to the chase and make sure she understood the essence of the issue we were dealing with. And she was reminding us of what you are supposed to do to serve your constituents, your State, and your country as a U.S. Senator.

May her memory be a blessing.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

REMEMBERING DIANNE FEINSTEIN

Mrs. GILLIBRAND. Mr. President, I want to thank Senator PATTY MURRAY for bringing us all together today. It is a privilege to be on the floor of the U.S. Senate; it is a privilege to serve in the Senate; and it was a privilege to serve with someone as extraordinary as Senator DIANNE FEINSTEIN. People know me as a Senator who cares deeply about women's rights, about LGBT equality, about children, family, safety. And anything that I have ever cared about, DIANNE was fighting for, long before I was ever in public service.

When we talk about public servants who leave legacies and when we talk about the giants on whose shoulders we stand, for me, that is DIANNE. She was unlike any Senator I met when I first got here in 2009. She had a really incredible combination of elegance, brilliance, stature, certainty, toughness, and kindness.

When I first got to the U.S. Senate, I didn't know anything. I was appointed. I hadn't just run a long election where I was telling the constituents of New York why I wanted to serve and what my vision for the State was. I was really, really new. I had been a House Member for 2 years. DIANNE asked me to lunch. She said: How can I help you, KIRSTEN? What would be most useful, for you, for me to do for you?

And I said: Well, could you just tell me a little bit about what is it like to be a Senator for a State of 60 million people. I have a State of 20 million people, so it is a lot, but I would love to hear how you have navigated this enormous job that you have.

And she just went through it. She took me step-by-step, everything that she did to manage her office. She would get a memo every week from her staff about where her legislation sat, what was happening, who were her bipartisan cosponsors.

She had a memo about how many calls her office had received, what the calls were about, what people wanted to talk to her about, what their concerns were. And that was extremely meaningful to me because she said: I have a copy of this memo, and I will give it to you. It is very confidential. It is just for me from my staff, but perhaps you can use it to model what you need from your staff every week to know if your office is working well, to make sure all the things you need your staff to be doing are happening.

It was just a small thing, but it was such a big thing to me at that time in my Senate career. And every step of the way, DIANNE always reached out. She always said—just as you said, MAGGIE—how are you doing? How are those boys of yours? Tell me how your struggle is. I never had to raise children while being a Senator. Tell me how that is.

She always cared. She always bothered. She always stopped. I have had many dinners with DIANNE. We had dinners together with our spouses. She would take me to her favorite restaurant in Georgetown. She would introduce me to her other favorite women who are public servants. And she always had something meaningful to talk about, a challenge, an issue, a crisis. At the first dinner, she wanted to talk about how the military was using nuclear weapons in a much more strategic way and changing the entire framework of what nuclear defense meant. She had that conversation with me and the then-chairwoman of Armed Services, of one of the key subcommittees in the House.

She always asked: What do you think? How are you going to challenge that problem?

Our most recent meeting was a glass of wine in her hideaway a week ago. We talked about what issues could we work on together. We agreed two of the biggest issues facing her State and my State were homelessness and affordable housing, and we decided we would start working on legislation together.

She didn't stop working when she was here just because she had health issues. She never stopped being insightful in the Intelligence Committee, asking the right question at the right time.

DIANNE's legacy is extraordinary. She is an icon for women's politics—the first female Mayor of San Francisco; first of the two women ever elected to the Senate in California.

There will be a lot of speeches about her, and so I am not going to talk about just her bio. But one of the areas where she really was a role model for me was in LGBTQ rights. She became a champion in the '60s. Sadly, she found Harvey Milk's body after he was assassinated. But she channeled that tragedy into her public service and made sure that while she was mayor of San Francisco that she made a difference for that community in her city and in her State.

During the AIDS epidemic, she helped create the global standard for AIDS health in San Francisco. When she ran for California Governor and became the first woman in her State to win a major party's Gubernatorial nomination, despite losing that race, she went on to run for Senate to win. And we have seen her champion all those issues for same-sex marriage; reproductive rights; she helped pass the first assault weapons ban to keep our communities safe. These are all issues that I have always cared about and built on her record. If she didn't fight for those things, we wouldn't have been able to repeal don't ask, don't tell. We wouldn't have been able to make sure transgender servicemembers could still serve in the U.S. military. Without her hard work, we would not have been able to guarantee marriage equality at the U.S. Supreme Court.

This body is less because DIANNE's not here—that grace, that courage, that keen intelligence. She will be missed by me and by all our colleagues.

I brought the last gift DIANNE gave to me, a beautiful pencil drawing; again,

just part of her kindness. And I am wearing DIANNE FEINSTEIN's famous red lipstick.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that I be able to display this poster on the floor.

The PRESIDING OFFICER. Without objection.

REMEMBERING DIANNE FEINSTEIN

Ms. CORTEZ MASTO. Mr. President, like so many this morning, I rise to mourn the loss of a true champion in the U.S. Senate.

DIANNE was one of the kindest, most thoughtful people that I had the pleasure to know. When I first got to the Senate—and I have heard some of my colleagues this morning talk about as new Senators—she was so gracious. As a new Senator, she would invite me to dinner with colleagues, and she was such a lady and so professional and so elegant. Every time you went to dinner with DIANNE, you can be guaranteed that she would have a little set of flowers for you at your place at the restaurant. And then she would have a little parting gift for you, whether it was a little coin purse or something to show just truly who she was. And I heard this morning from my colleagues, similarly, the stories of DIANNE's kindness and her respect for others.

She was a fighter her whole life, leading on so many important issues. In the coming days and weeks and months and years, as people around the world really honor DIANNE's memory, many will speak to her leadership—and rightfully so—on women's rights and foreign affairs.

But I want to take the time to highlight a place where DIANNE did so much. And most people don't know, unless you are a part of Team Tahoe, DIANNE loved Lake Tahoe. Lake Tahoe is a beautiful, pristine Alpine lake that both Nevada and California share. In 1997, DIANNE and then-Senator Harry Reid got together and passed legislation to protect this pristine lake.

And since that time, once a year, DIANNE has been instrumental in bringing people around the lake together to address the needs for Lake Tahoe. That was all DIANNE.

So when I first got to the Senate in 1997, one of the first things we talked about, she pulled me aside and said: We are going to have the Tahoe Summit this year. I hope you are there, and I hope you will be there always to support Tahoe.

And I said: DIANNE, I grew up around this lake. The first time I was there was when I was 18 years old. My mother grew up around this lake. We love Lake Tahoe in Nevada, and you can guarantee that I will always be there for it.

And if you sat and talked to DIANNE, the first thing you will hear her talk about in Lake Tahoe are her memories—her memories of riding her bike as a young girl around the lake. Her memories of times when she was there with her family, having the opportunity to enjoy incredible Lake Tahoe.

So I couldn't pass this day without recognizing, of course, all the incredible things DIANNE has done; but what most people don't know, unless you are a part of Nevada and California, is the hard work that she has done around this lake for the people who live there, for the people who cherish this lake, for the tourists that come here every single day. And it is not just the work that she has done here in the Senate. This was 2017. This was the first opportunity that I had as a young Senator to join DIANNE. And as you can see, DIANNE was hosting it that summer, the Lake Tahoe Summit.

But DIANNE had this ability not only to have this summit once a year to talk about how we protect this lake, but she brought together incredible stakeholders and experts around the lake—people who live there, people who worked in our State—to address not just the quality of the lake and the pristineness to protect it, but everything else around it from the transportation side to the wildfires that were happening to the environment. And she had a luncheon, a regular luncheon after the Tahoe Summit to talk about how we continue that work together.

And because of DIANNE's prestige, she had the ability to bring incredible speakers to the Tahoe Summit once a year. First, President Clinton; then one time, President Obama; and just recently, we had our former Speaker, Speaker Emerita NANCY PELOSI speaking. We had one of our incredible Senators, chairwoman of Energy and Natural Resources at the time, LISA MURKOWSKI. It was about how we work across party lines to really focus on protecting, for everyone who wants to enjoy this, Lake Tahoe.

She was a true champion, and she will be missed. On behalf of Team Tahoe, which is what she coined it—Dianne never took credit for anything she did around this lake. Even though people wanted to recognize her and show that support, she never took the credit. She said: This is about a team. This is Team Tahoe. This is what we do together. This is how we work together.

This is the legacy of her work in the U.S. Senate, carried forward right here in Lake Tahoe.

So, to DIANNE, to her family—her incredible family—and to everyone on Team Tahoe, we will miss DIANNE FEINSTEIN. She will always be a part of the work we do. Her legacy will live on not just around Tahoe but in so many other areas as we have talked about today.

I am going to miss her. I am going to miss the opportunity to sit with her at lunch and talk about what we still need to do to fight to protect this incredible, pristine lake.

Thank you, DIANNE, for your service. With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3935, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3935) to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Pending:

Schumer (for Murray) amendment No. 1292, in the nature of a substitute.

Schumer amendment No. 1293 (to amendment No. 1292), to add an effective date.

Schumer motion to commit the bill to the Committee on Commerce, Science, and Transportation, with instructions, Schumer amendment No. 1294, to add an effective date.

Schumer amendment No. 1295 (to (the instructions) amendment No. 1294), to modify the effective date.

The PRESIDING OFFICER. The Senator from Tennessee.

REMEMBERING DIANNE FEINSTEIN

Mrs. BLACKBURN. Mr. President, I join my colleagues on the floor this morning to pay tribute to Senator FEINSTEIN and to remember her warmth, her generosity, her kindness, and the way she really loved to elevate women. It didn't matter what your party was; it didn't matter where you came from; when you achieved, she loved to recognize that.

As I came to the Senate from the House and in being the first female from Tennessee to serve in the U.S. Senate, she talked about the likeness of that experience for her as breaking barriers and being the first female mayor of San Francisco and being the first woman from California to hold a seat in the U.S. Senate. So I always appreciated that she pushed forward with elevating women and encouraging women.

Of course, as we all know, she loved to gather the women of the Senate together for dinner or for a photo to make certain that we recorded our gains here in the Senate and that we had a place to share our stories of what we were experiencing, because we all know there were times that she had incurred different unkind words from people who thought that she should not be in that position. So we appreciated that of her.

I really enjoyed the opportunity to work with her on the Senate Judiciary

Committee. She and I spent quite a bit of time working on issues that pertained to our Nation's creative community. This was a community that she truly celebrated. She loved the fact that people could create a song out of a thought or a few words that they heard.

We worked together to protect those rights, the entertainers, and to make certain that, as we worked on the HITS Act, as we worked on intellectual property issues, that our innovators and our creators were going to have that constitutional right protected to benefit from those creations.

We all know—and I know many of my colleagues have mentioned today—of her fondness for the Senate and for the institution. We will remember that as we wish her family well and wish them protection during this time of loss and sadness.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I come to the floor this morning to reflect on and remember a dear friend and colleague, someone who served this Nation in this body for 30 years, someone who has already been remembered by many others as a trailblazer, someone who left a lasting one on this Senate, on her State of California, on our Nation.

When I first came to this Senate, now 13 years ago, Senator FEINSTEIN was someone whose career I had long followed and long admired. She was elected to this body when I was a law student, in the Year of the Woman, when, following a contentious hearing, there was a concerted effort made to recruit some of the strongest, most capable potential candidates to join this body, and Senator FEINSTEIN was certainly among those incredible leaders.

I had the honor, the blessing, of being in small rooms in negotiations with her within my first few years, and I saw behind the scenes what anyone who followed her publicly got to know about Senator FEINSTEIN. She was tough. She was fierce. She was determined. She was prepared. She had always done the reading. She studied the details of every bill, every piece of legislation, everything we voted on.

When I had the chance to join the Appropriations Committee, and I approached her once here on the floor to ask her consent to amend the Energy and Water Appropriations Subcommittee bill she was floor managing, she turned, stopped, and said: Are you asking my permission to file an amendment to my bill?

And somewhat haltingly, being still a very junior Senator, I said: Yes, ma'am, that is exactly what I am doing.

She smiled and laughed and said: Oh, aren't you nice.

I said: Doesn't every Senator ask your permission before they attempt to amend your bill?

She goes: No, they no longer do. But they should.

She was always dressed to the nines. She was always gracious and dignified. She exuded a quiet power that in critical moments in the history of this institution and our Nation, our country and world got to see: the chair of the Intelligence Committee, determined to make public a tectonic struggle between this body and its role and the history of interrogation techniques that she and many of us concluded were inappropriate and broke the boundaries, determined to defend the prerogatives of the Senate, even in a very difficult and charged environment.

Given her early experience in San Francisco and the tragedy that brought her from council president to mayor, she was a focused, persistent, and effective advocate for gun safety.

My friend and predecessor in this seat—now our President—President Joe Biden, served alongside Senator FEINSTEIN for many, many years. Together, they worked hard to advance the Violence Against Women Act, the assault weapons ban, and dozens of other pieces of important legislation to help make our country more equitable, more inclusive, safer, and more just.

I was reflecting this morning, when I got the hard news about DIANNE'S passing last night, on the very first time I met her. I was a young man. I was just a year out of law school. I was living and working in New York City for the I Have A Dream Foundation, and I happened to have a car. A friend, who I think was working for Mayor Dinkins, called and asked if I would drive out to Teterboro Airport and pick up Senator FEINSTEIN of California. I couldn't believe my luck, as a young man in his early twenties, to get a chance to speak for even a moment or two to a U.S. Senator.

I drove out there and was sure to be on time and waited diligently. I had been told by some of the campaign staff to not expect that she would even speak to me.

She insisted on sitting in the front seat next to me, and we chatted for almost an hour and a half as we made our way back into downtown Manhattan in heavy traffic. I had the chance to listen to then-new Senator FEINSTEIN talk about her experience as mayor, make observations about how the city of New York was being run and what the issues were, and then to ask her a few questions about public service, about what motivated her, about why she worked so hard. As a very young man, that experience, that conversation stayed with me for years.

When I first came to this body and had a chance to sit near her on this floor and to serve down the dais from her on Judiciary, I approached her and repeated that story.

She said: Young man, what I want you to remember is that every time you have a chance—whether with a page or an intern, with a campaign volunteer—you also have the opportunity and the obligation to remind them whom we serve and why we serve.

Senator FEINSTEIN was a giant here. She showed what public service means. She was determined. She was capable. She was dedicated.

Her last vote was yesterday. I cannot imagine the loss that her family and staff are feeling, the enormous gap this will leave for the State of California and for this institution today and into the future as we mark, as we mourn the passing of this incredible trailblazer and as we prayerfully reflect on her incredible legacy.

Thank you, DIANNE, for your decades of loyal and loving service to this, our great Nation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to complete my remarks prior to the scheduled vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I join my colleagues in mourning the passing of a great and good colleague, someone we knew not only as a fellow worker here and a colleague but also as a friend.

Every one of us had a personal connection to DIANNE FEINSTEIN. She had no enemies. She had adversaries, she differed, but she could differ and disagree without being disagreeable, as the saying goes. She established personal connections with all of us over her many years of service.

I have listened to my colleagues on the floor this morning, and coming through to me is not only a sense of pain in her passing but also joy in knowing her.

What strikes me is that she leaves a legacy—yes, a legacy—in legislation, in good works in California that impacted people's lives there, but her real legacy is people. Her legacy is the people who regard her as a role model, the people who were inspired to follow her into public service, the people who stood up and spoke out—and often it was truth to power as she did—because she was there. She blazed the trail. She showed how to do it.

I first became aware of DIANNE FEINSTEIN in the early 1990s as a newly elected State attorney general, advocating for an assault weapons ban in the State of Connecticut—the early 1990s, and she was doing it at the Federal level. Connecticut and the Congress did it together.

Then I defended our Connecticut law in the Connecticut courts with many of the same arguments that we used to challenge Federal law.

She stood alone in those days as an advocate and a champion of gun violence prevention, and she modeled the curve that has led to the modern movement of gun violence prevention. And it is a movement now because she knew it would require the American people to be as outraged as she was and saddened by the death that she personally witnessed in San Francisco. And she would often recall it in very personal terms.

For her, all of these causes were personal. Her service and her helping people were personal. And she understood that service and results, accomplishments, required that we be bipartisan, that we work across the aisle, that we work with people who disagreed with us and try to find common ground. That is what she did relentlessly and tirelessly.

So her service, her grace, her generosity, her sensitivity, her caring will continue in the people that are her legacy, in the people who will and should, always, preserve her memory as a motivation for continued service.

I am proud to have been her friend as well as her colleague, and I will always treasure the great and good model and mentorship that she provided for so many of us, as we go through these next days of grief and pain but also joy in knowing her.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Todd Gee, of the District of Columbia, to be United States Attorney for the Southern District of Mississippi for the term of four years.

VOTE ON GEE NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Gee nomination?

Mr. BLUMENTHAL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS), the Senator from Minnesota (Ms. SMITH), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Louisiana (Mr. CASSIDY), the Senator from North Dakota (Mr. CRAMER), the Senator from Montana (Mr. DAINES), the Senator from Kansas (Mr. MARSHALL), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 82, nays 8, as follows:

[Rollcall Vote No. 244 Ex.]

YEAS—82

Baldwin	Hassan	Reed
Barrasso	Heinrich	Ricketts
Bennet	Hickenlooper	Risch
Blackburn	Hirono	Romney
Blumenthal	Hoeven	Rosen
Booker	Hyde-Smith	Rounds
Boozman	Kaine	Rubio
Brown	Kelly	Schatz
Budd	Kennedy	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Lankford	Sullivan
Casey	Lee	Tester
Collins	Luján	Thune
Coons	Lummis	Tillis
Cornyn	Manchin	Tuberville
Cortez Masto	Markey	Van Hollen
Cotton	McConnell	Vance
Crapo	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Moran	Warren
Ernst	Mullin	Welch
Fetterman	Murkowski	Whitehouse
Fischer	Murphy	Wicker
Gillibrand	Murray	Wyden
Graham	Ossoff	Young
Grassley	Padilla	
Hagerty	Peters	

NAYS—8

Braun	Hawley	Schmitt
Britt	Johnson	Scott (FL)
Cruz	Paul	

NOT VOTING—9

Capito	Daines	Scott (SC)
Cassidy	Marshall	Smith
Cramer	Sanders	Stabenow

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the McGrath nomination.

The senior assistant legislative clerk read the nomination of Tara K. McGrath, of California, to be United States Attorney for the Southern District of California for the term of four years.

VOTE ON MCGRATH NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the McGrath nomination?

Mr. SCHATZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE), the Senator from Vermont (Mr. SANDERS), the Senator from Minnesota (Ms. SMITH), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Louisiana (Mr. CASSIDY), the Senator from North Dakota (Mr. CRAMER), the Senator from Montana (Mr. DAINES), the Senator from Kansas (Mr. MARSHALL), and the Senator from South Carolina (Mr. SCOTT).

Further, if present and voting: the Senator from Kansas (Mr. MARSHALL) would have voted ''nay.''

The result was announced—yeas 52, nays 37, as follows:

[Rollcall Vote No. 245 Ex.]

YEAS—52

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Booker	Hirono	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Luján	Tester
Casey	Manchin	Tillis
Collins	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murkowski	Warren
Durbin	Murphy	Welch
Fetterman	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Grassley	Peters	

NAYS—37

Barrasso	Hawley	Risch
Blackburn	Hoeven	Romney
Boozman	Hyde-Smith	Rubio
Braun	Johnson	Schmitt
Britt	Kennedy	Scott (FL)
Budd	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Ernst	Mullin	Young
Fischer	Paul	
Hagerty	Ricketts	

NOT VOTING—10

Capito	Kaine	Smith
Cassidy	Marshall	Stabenow
Cramer	Sanders	
Daines	Scott (SC)	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KELLY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from Alaska.

UNANIMOUS CONSENT REQUEST—S. 2835

Mr. SULLIVAN. Mr. President, I am on the floor again with my colleague from Texas, Senator CRUZ, trying once again to pass our Pay Our Military Act.

I am not going to spend a lot of time explaining what we are trying to do here since 48 hours ago we tried to do the same thing. We are, in our conference, right now trying to get to a compromise, working through things to make sure we don't have a government shutdown. It may or may not happen. It is looking more likely, though.

As we get closer to that moment, the idea that we would leave the men and women who protect this country uncertain about whether they are going to get paid even though they are still going to deploy, they are still going to be fighting all over the world, protecting this Nation—so we are going to leave them out hanging, right?

So all we are trying to do is the most commonsense thing you could do if you cared one bit about the troops of the United States, and that is to say: Hey, we know you are worried. We know you are probably deployed. We know your wife or spouse is back home worried about whether you are going to get paid next week. You have a dangerous mission you are going on tonight somewhere in the world. So we are going to take that worry away from you because we care about you.

Now, granted, my colleagues might say: Well, what about the IRS worker? What about the Department of the Interior worker?

No offense—there is a little bit of a difference, OK. There is a little bit of a difference. We all know it. We should know it.

So as we get closer, this is the bipartisan solution that we all need to undertake.

Here is the thing: As I said last week, when we had the identical situation in 2013, 10 years ago—identical: a Democrat-controlled Senate, a Republican-controlled House, a Democrat-controlled White House—it was looking like there was going to be a shutdown. What did everybody unanimously agree to? Hey, let's take the troops out of this. Let's make sure the men and women who serve in our military are not worried. Let's unanimously pass the Pay Our Military Act.

So, 10 years ago, we did that. I wasn't here, but I applaud everybody who did that. Simple. Identical. Identical. So what has changed? I have no idea what has changed.

It looks like my Democratic colleague is going to come down and object and make some gobbledygook argument about appropriations or ''Let's keep trying.'' The government is going to shut down tomorrow evening. We are going to keep trying. But let's take one group of Americans and say: Hey, we know you sacrifice more than anybody. We are going to take that worry away from you. We did it 10 years ago in a bipartisan way, so we are going to do it again.

The Presiding Officer knows. I guarantee you the Presiding Officer agrees with this bill, as a veteran of almost 30 years, a naval aviator. The Presiding Officer knows what it is like.

There are guys on aircraft carriers right now and women on aircraft carriers flying F–18s, and their spouses back home are going: Hey, honey, guess what. I don't think I am going to have money to buy groceries next week.

That guy is getting ready to take off on some carrier in the INDOPACOM region, and he has to worry about that? He has to worry about that? She has to worry about that?

We can fix that right now—right now. We have done it before, and I can't imagine my Democratic colleagues are going to come up and object to this bill. I am starting to get mad. We don't want a government shutdown, but we can protect certain people, for goodness' sake. If we are not going to protect our troops and their families, I don't know whom we should protect.

So maybe my colleagues are on the floor getting ready to say: You know what, gee, Senator SULLIVAN, Senator CRUZ, we relent. These are good ideas. And you know why we know these are good ideas? Because we all did this 10 years ago.

I have no idea why we didn't do it now.

I yield the floor and recognize my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, unless something significant changes, 35 hours from now, the Federal Government will shut down. At 12:01 a.m. on Sunday, the paychecks will stop for every soldier, every sailor, every airman, every marine, every member of the Space Force, and every coastguardsman. That is not right.

The good news is, we can prevent it. We can prevent it right now. The bill Senator SULLIVAN and I are trying to pass says that at 12:01 a.m., our Active-Duty military will be paid; that if Washington is dysfunctional, if politicians will bicker throughout the night, that is not their fault, and we are not going to hold them hostage to the partisan demands of politicians.

Right now at home, there are people watching this debate on C–SPAN, and they may be wondering: When did the Senate get this dysfunctional? Did this institution ever operate?

Senator SULLIVAN pointed to a time when it at least operated a little better than it does now.

In 2013, this identical legislation was before the Senate. There was a Democrat majority. Harry Reid was the majority leader. This identical legislation passed 100 to nothing, and it passed unanimously in the House.

In 2013, Senate Democrats realized: Fine, we will have a fight, but we are not holding our Active-Duty military hostage.

In 2013, Senator DURBIN, who is sitting on the floor, voted yes to fund our military. In 2013, Senator WHITEHOUSE, who is sitting on the floor, voted yes to fund our military. In 2013, Senator MURRAY, who I believe is getting ready to stand up and block this bill, in 2013, she voted yes to fund our military. Have we really gone that far in a decade that Democrats now are perfectly happy to take away the paychecks from the young men and women who are risking their lives to keep us safe?

The Presiding Officer spent years in the Active-Duty military. The Presiding Officer is a proud Navy veteran. The Presiding Officer knows men and women who are serving right now in Active Duty, and I feel quite confident the Presiding Officer doesn't want to go home and look them in the eyes and say: It was my party, the Democratic Party, that took your paycheck away.

Well, it doesn't have to happen.

Everyone at home, I want you to listen to what is going to happen in a moment, because there are two magic words. If you hear two magic words from the Senator from Washington—''I object''—if you hear those words, understand what will have happened. It is the same thing that happened just a couple of days ago, which is that Democrat leadership said to our Active-Duty military: We don't give a damn about you, and we are going to cut off your paycheck Sunday at 12:01 a.m.

That doesn't have to happen.

By the way, I would point out not only is it the fault of every Democrat—and I am sorry, Mr. President—it is the fault of every Democrat because there are no Democrats here supporting us. The Presiding Officer, in his heart, knows we are right, so I am going to invite the Presiding Officer, when we do this again—because we are going to keep doing it and keep doing it. I would invite the Presiding Officer to come join us because the Presiding Officer knows this is the right thing to do. And there are more of your colleagues on the Democrat side who know this is the right thing to do.

Some 19-year-old marine right now in the DMZ facing North Korean machineguns is being told that the U.S. Senate doesn't care enough about his or her service to pay them. That is just wrong. It is stupid.

And this body used to know enough to say: Hey, we have political disagreements here, but we support our troops.

I guarantee you, every Democrat Senator in this Chamber goes home and tells your constituents: I support the troops.

You know what? Talk is cheap. If you support the troops, stand up next to us and say: Let's pay the troops.

And by the way, if you support the troops, go to your leadership and say: Stop this garbage.

Was Harry Reid a rightwing kook? Because Harry Reid signed off on paying the troops. And I will tell you why today's Democrat leadership believes they can get away with it—because in 2013, we had something of a functioning media. They actually reported on what was happening. If you look up in the Gallery, there are a total of zero reporters there. There is not one.

The corrupt corporate media doesn't intend to tell the citizens of Washington State or the citizens of Illinois or the citizens of Rhode Island or the citizens of Arizona—they don't intend to tell them: Your Democrat Senator is why Active-Duty military isn't being paid.

So every reporter yesterday—I had reporters running after me, going: Oh,

isn't this Republican shutdown terrible?

And I said: Those are great talking points. Have you written a single story about the fact that the reason our military is not going to be paid is because Democrat leadership is objecting?

No. Because none of them have written that story. Every one of you knows what the right thing to do is. And so my hope is there is a tiny, still voice inside of some Democrat Senators that will stand up and go to your leadership and say: We can fight all day long on partisan issues, but we are not going to take our troops hostage.

That is the right thing to do, and every Member of this body knows it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of S. 2835 and the Senate proceed to its immediate consideration; I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, as I have said, I share my colleague's concern with making sure that our servicemembers do not miss a paycheck because of a potential government shutdown. In fact, I do not want any of our Federal workers to miss a paycheck, whether they are cancer researchers whose work saves our lives or brave firefighters who risk their lives for us, and I don't want any programs families rely on to be undermined: counseling and transition assistance for new veterans adjusting to civilian life, nutrition assistance for 7 million moms and kids who need a hand up. And that includes our servicemembers' families.

Several years ago, I worked to save a WIC clinic which was going to be kicked off a Navy base in my home State of Washington that hundreds of military families counted on. None of those paychecks for any of these workers and none of those programs should shutter because of a completely unnecessary shutdown, which is why I am working around the clock with the majority of our colleagues to make sure that we do pass a bipartisan CR, which we released this week, because that is the only serious solution here. That is the only way that we will make sure everyone is able to keep doing the work that the American people count on and getting that paycheck that they do deserve.

If the Senator from Alaska or the Senator from Texas are serious about making sure our servicemembers get paid, I hope they will get serious in a way that matters the most, and that is their votes. I hope they will work with us to keep the government open. And I hope they will reconsider their recent votes against the CR to fund the government in a bipartisan and timely way.

Let's be real. You cannot grandstand about wanting to make sure that servicemembers get paid during a shutdown and then vote against the very bipartisan bill that prevented a shutdown.

I also hope the Senators will understand that our servicemembers will see the harm of a government shutdown in so many other ways. Permanent change-in-station moves will be significantly curtailed, meaning that some of our families could be left without a place to live if they have already sold their house or broken their lease or they could be forced to pay for two homes at once. For the Army alone, this means approximately 2,100 moves every week. And if you do not work with us to keep the entire government open, servicemembers' elective surgeries and procedures at DOD medical and dental facilities would have to be postponed. And, by the way, an elective surgery could be anything from removing a kidney stone to a mastectomy for breast cancer.

Essentially, post and base services will be closed or severely limited. That is everything from our commissary statewide to childcare our military families count on.

So not only do I want to make sure that our servicemembers don't miss a paycheck, I want to make sure that our servicemembers don't miss out on any critical services they rely on every day.

The Senators should also understand that their focus and support of the military cannot end with those who are currently in uniform. And they should remember, 47 percent of Department of Defense civilians are veterans. And for that matter, one in every four employees across the entire Federal Government are veterans. We can't leave anyone behind.

So I will say it again for my colleagues who raise their voices here on the Senate floor but have not cast their votes to prevent a shutdown: There are a lot of programs I care about, a lot of programs we all care about that would be hurt by a shutdown. But we are not going to solve this problem one by one, carve-out by carve-out. The best solution is to stop a shutdown in the first place. That is something we can do. And I bet we could do it a lot more quickly if the Senators from Alaska and Texas would earnestly work with us.

This isn't complicated. We have a straightforward, bipartisan CR package that will avoid that shutdown, keep our military paid. So let's get our jobs done and get that passed. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I am going to try to keep this short because the issues that we are debating here are not that complicated.

I agree with my colleague from Washington State. We are working around the clock. We are in our conference right now trying to get an amendment to bolster border security, that the whole country, by the way, wants—Democrats, Republicans—the whole country wants that. So we are working around the clock too.

And my colleague did misstate something. I actually voted to get on this bill. I voted to get on this bill. So her statement about my vote, she needs to check my vote the other day.

But be that as it may, once again, she says there is only one serious solution. Well, this body has done this before. The Senator from Washington State has done this before. On the eve of a shutdown in 2013, the Senator from Washington State voted for this bill. Every Senator voted for this bill.

So when she keeps saying, ''Let's get real,'' I agree, let's get real. Go look at your vote from 2013. You voted for this on the eve of a shutdown.

I will remind my colleague from Washington State, in 2019, when there was a partial government shutdown, focused on the Coast Guard which wasn't getting paid and the Democrats blocked my bill to pay the Coast Guard, she actually stated:

> It is absolutely unacceptable that our Coast Guard families went without their paychecks during the shutdown. We need to make sure President Trump doesn't put them through this again.

Well, I am going to put the Senator from Washington State's words back at her: It is absolutely unacceptable that Coast Guard and other family members went without paychecks during the shutdown. We need to make sure it doesn't happen again. So vote for our bill.

Every time they object, the arguments of why they are objecting to something they already agreed to 10 years ago get more tangled up. We are all working to avoid a shutdown, but if it doesn't happen, let's make sure the men and women who are risking their lives for our country and their families know that they are going to get paid. That is all we are asking. That is all we are asking.

And everybody in this body 10 years ago did this, including the Senator from Washington State. And it is just beyond comprehension that they are coming up with arguments now to not do this.

This isn't about politics. This is about supporting our troops at the moment they really need it. And they are not doing it.

I yield the floor to my colleague from Texas.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Texas.

Mr. CRUZ. Mr. President, at the opening of her remarks, the Senator from Washington said: I agree with the objective of this bill; I agree with what Senator SULLIVAN and Senator CRUZ are trying to accomplish. Then she talked for a while, and then she

blocked the entirety of the bill. Everything in between, saying, ''I agree with this bill,'' and the two magic words at the end of her remarks, ''I object,'' I have to admit brought me back to Saturday morning cartoons and watching ''Peanuts'' and the teacher going: ''Wah wah wah wah'' because they were words, but they didn't mean anything.

This is a binary choice. At 12:01 a.m. on Sunday, are soldiers going to get paid, yes or no? Are sailors going to get paid, yes or no? Are airmen going to get paid, yes or no? Are marines going to get paid, yes or no? Are members of the Space Force going to get paid, yes or no? Are coastguardsmen going to get paid, yes or no?

A decade ago, every Member of this body voted to pay them. Since this debate began, the Presiding Officer had been Senator KELLY and has now been replaced by Senator MURPHY from Connecticut. I would point out, Senator MURPHY voted yes to pay our Active-Duty military in 2013. And yet now the Democrats are blocking those paychecks.

The Senator from Washington said: Well, gosh, the Democrats had a CR that you could have voted for. The Senator from Washington knows fully well that the bill drafted by Democrat leadership is not going to pass the House of Representatives. She knows that. The result is going to be a shutdown. And what has changed from 2013 to now? From to 2013 to now, the Democrat leadership is perfectly willing to hold a young man or woman in the military—to hold their paychecks hostage.

Well, something interesting is going to happen at 12:01 a.m., 35 hours from now. Paychecks of every Federal employee will stop. The paychecks of the stenographer who is recording my words will stop. The paychecks of the clerks sitting down front will stop.

But, you know what, Mr. President? There are 535 people whose paychecks will not stop. Under the Constitution, Members of this body, Senators and Members of the House, their paychecks can't stop even during a shutdown, which means at 12:01 a.m. on Sunday, every Democrat Senator will keep drawing their paycheck, while the people risking their lives to defend us will not.

Well, I will tell you, I have in writing instructed the Senate that I will not accept a paycheck so long as our Active-Duty military is not being paid.

It is wrong. Senators are paid $174,000 a year, by law. The Democrat leadership, who stands up and says, ''I object,'' is telling a 19-year-old woman in a nuclear sub right now, defending our Nation, that her paycheck doesn't matter anymore.

There is, right now, a mom in tennis shoes serving in the military who is discovering that her mortgage payment—she doesn't know how to pay.

And so I am going to suggest to the reporters who aren't here and aren't covering this that so long as Democrat leadership keeps blocking what has been bipartisan and unanimous legislation previously, that every Democrat Senator ought to be asked: Are you taking a paycheck come 12:01 a.m. on Sunday? They are the ones objecting. They are the ones stopping. Every soldier needs to understand: Why are you not being paid? Because the Democrat objected. Every sailor needs to understand: Because the Democrats objected. Every airman, marine, coastguardsman, every member of the Space Force, when your paycheck goes away 35 hours from now, it is because of two magic words the Democrat leadership has said. Let's be clear, it is not just the Senator from Washington. She is doing it on instruction from the Democrat leadership. They could change it like that.

I can tell you this. Senator SULLIVAN and I are going to keep coming back over and over again because there is not a Member of this body who wants to go home to your State—even a State like Connecticut. You don't want to be at home looking at Active-Duty military and saying: Yes, my party took away your paycheck. That is too cynical even for this body. I pray that common sense comes back.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

REMEMBERING DIANNE FEINSTEIN

Mr. KENNEDY. Senator FEINSTEIN, Godspeed.

I had the pleasure of serving with Senator FEINSTEIN on the Judiciary Committee. I also served with DIANNE on the Appropriations Committee. In fact, we served on the Energy and Water Development Subcommittee. DIANNE was the chair and I was the ranking member.

DIANNE, you died with your boots on, and I think that was one of the things she most wanted to do.

Senator FEINSTEIN and I didn't agree on much, but she was a delight to work with. She understood politics and government, especially today. It takes a big heart and a lot of wind and a thick skin, and that is especially true today.

There are some people in this city who didn't want DIANNE to finish her term for political reasons. They tried to chew her up and tried to spit her out, and they tried to step on her. But they couldn't do it because DIANNE was tough as a boot, and she wanted to die with her boots on, as a Member of this august body. And I am going to miss her.

Godspeed, Senator FEINSTEIN.

UNANIMOUS CONSENT REQUEST—S. 2968

Mr. President, I am here today to try to extend the National Flood Insurance Program. It appears to me—I hope I am wrong, and I know, Mr. President, you agree with me—that we are headed toward a shutdown. If that happens, that means that the National Flood Insurance Program will come to a halt.

I don't want people to worry too much. If you already have national flood insurance, the program will continue to pay claims. But as long as government is shut down, you will not be able to buy new insurance. That is important because flood insurance is a huge part of the commerce of our real estate markets in America.

For most Americans, the purchase of a home is their biggest single financial decision they will ever make. In many areas—not just coastal States but many other States—you cannot purchase a home, if you have to borrow money, without flood insurance. So if we allow the National Flood Insurance Program to expire, it is going to shut down home sales where the entity loaning the money requires flood insurance. It is just going to shut it down. The real estate industry, for a variety of reasons—in part because of President Biden's inflation—is already having a tough time, and this will make it worse.

My bill would take the current flood insurance program and just extend it ''as is'' until December 31, 2023. If we don't do this—I want to make this clear, as well. Some of my fellow citizens may be saying: What is the big deal? Just don't buy it from the Federal Government.

You can't buy it from anybody else. The Federal program, imperfect as it is, is the only game in town. So if you are ready to buy a home and close on a home and you go to a mortgage lender and say, ''I need to borrow the money,'' and they say you have to buy flood insurance to get the loan, the Federal Government is the only entity you can go to. You cannot buy, for all practical purposes, private flood insurance in America today.

I mentioned that the NFIP was imperfect. I understate it. As I said yesterday on the floor, the National Flood Insurance Program, as administered by FEMA, is a mess. As I said yesterday, it looks like someone knocked over a urine sample.

FEMA made the program even worse a year or so ago with its Risk Rating 2.0. It went out and hired a consultant to design a new algorithm that made changes in the program without telling policy holders the basis for those changes. I met with FEMA a number of times. I said: Can I see your algorithm? They said: If we show you, we have to kill you—and I am in Congress. We are in litigation with FEMA right now.

Let me say it again. Risk Rating 2.0 made it even worse than it already was.

Ever since I have been in the U.S. Senate, I have been working with, I don't know, 20 different Senators and probably 50 to 100 House members who are involved to try to fix the flood insurance program, and it has been very difficult. We haven't been able to do it, but we will continue to try.

But in the meantime, the only thing worse than a bad flood insurance program is no flood insurance because, as imperfect as it may be, FEMA's National Flood Insurance Program is the only game in town. And if we allow this program to expire, it is going to

really, really, really hurt the American people. It is going to really, really hurt the real estate industry. It is going to really, really hurt folks out there who have saved money, and they are ready to buy a home, but they can't do it because they can't purchase flood insurance.

For that reason, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 2968—that is my bill that would just extend the current program for flood insurance, imperfect as it may be, until December 31, 2023. I ask unanimous consent that the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, once again, we are asked to extend the flood program without any reforms to protect the taxpayers. Like many Federal programs, this Federal program is well-intentioned, but it may very well be the best real-life example of moral hazard.

We are told that the program is funded through insurance premiums, but the premiums are below the market rate, and so the program is eternally and consistently short of money.

A 2014 report by the Government Accountability Office found the flood program collected $17 billion less than the market would have required. For all practical purposes, the flood program is insolvent.

Just a few years ago, the flood program owed $30 billion to the taxpayers. Congress later cancelled $16 billion of that debt, but the flood program has not made any progress in repaying the taxpayers. The total now stands that the flood program owes $20 billion to the taxpayers with no way of repaying that money.

Perhaps the greatest insult to the taxpayers, though, is the lack of true limits on this delinquent program. There are no limits on how many claims can be filed or how much money can be received for a policyholder. So it isn't that I have a $3 million flood policy. You could have a $3 trillion policy. There are no limits. There are also no limits on how big your house could be. You could have a $10 million house, a $20 million house, a $50 million house, and the taxpayers subsidize your house.

Rather than encourage people to leave flood-prone areas, this program encourages people to stay and rebuild time and time again. In thousands of instances, the program encourages people to rebuild and rebuild and rebuild.

According to the Pew Charitable Trusts, over 150,000 properties have been rebuilt over and over again. In fact, 25 to 30 percent of flood program claims are made by the policyholders whose properties have flooded time and time again. Over 2,000 properties have flooded more than 10 times. One home in Batchelor, LA, flooded 40 times and received a total of $428,000 of flood insurance payments—40 times. No one should keep rebuilding in a house that floods 40 times. But the record, if you can believe it, isn't Batchelor, LA. It is Virginia, where one home flooded 41 times and received payments of over $600,000, all subsidized by the taxpayer.

Adding insult to injury, the Congressional Budget Office found that the flood program tends to benefit the wealthy and that 23 percent of the subsidized coastal properties were not even policyholders' primary residences.

Realize what this program is doing. It is subsidizing insurance for the rich and famous for their beach houses. There are no limits. It subsidizes people who have $10 million homes to get subsidized government insurance. It is true. The government forces the taxpayers to pay and rebuild the summer homes of the rich. In fact, sometimes it seems that the flood program caters directly to the wealthy. Nearly 80 percent of the National Flood Insurance Program policies are located in counties that rank within the top 20 percent of income.

Enough is enough. It is an insult to rob the taxpayers to give to the rich. This is why I offer an amendment that, if we could come to an agreement today, would require that the Federal program not insure your second house, not insure your beach house. If you live there—it is your only house—it will be included. If it is your second house, your beach house, it is not going to be included.

And we would set a cap on the amount. Who in their right mind thinks we should be subsidizing insurance for $10 million mansions? It is crazy that anybody would think that is what we should do.

I offer a compromise today. Extend the program. Let's keep the program. We will keep the program open. We won't miss a beat. But we will set some limits on the houses.

So what I would like to start with would be a cap of $250,000. Those houses below 250 would be subsidized, would get subsidized insurance. Up to 250, you buy your own.

Also my proposal would not allow you to use the insurance if this is your vacation home—if this is your secondary home.

So, Mr. President, I ask the Senator to modify his request so that the Paul amendment at the desk be considered and agreed to, the bill as amended be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. KENNEDY. Reserving the right to modify or not modify.

Senator PAUL, as usual, makes some very good points. I agree with him wholeheartedly that the National Flood Insurance Program is a mess. It needs to be fixed.

I want to make the record clear that in Louisiana, my people are working people. My coast is a working coast. My people aren't wealthy millionaires who have three or four homes on the beach. These are ordinary people who get up every day, go to work, obey the law, pay their taxes, and try to do the right thing by their kids.

They can barely afford one home. It is not only the coast that we are talking about. In 2016, in the middle of my State—again, not mansions, just working-class people—we had 24 inches of rainfall in about a day and a half.

The homes that flooded—and many of them did—were not anywhere near a body of water. If you get 24 inches of rain in a day and a half, your home is going to flood. I don't care if you are living on Pike's Peak. So this program is meant to help those people as well.

But in pointing that out, I don't want to take anything away from Senator PAUL's excellent points. He is, however, mistaken in one critical respect: When you buy flood insurance through the Federal National Flood Insurance Program, the most you can collect on your home as a result of one flood is $250,000. It is not accurate to say that a million-dollar home can collect a million dollars in damages from a flood. That is just not true. If there is a flood and you own a million-dollar home and you own a $250,000 home and the owners of those two homes both have national flood insurance, the most under the policy they can collect is $250,000.

So why do you want to tell a person who owns a million-dollar home that they can't insure their home? You are just telling them they can't buy flood insurance, so the flood insurance program has less money to cash flow. It makes no sense.

Now, Senator PAUL is correct, and it is one of the things we are trying to fix, that there has been abuse in terms of some homes. Senator PAUL mentioned the example of Louisiana; but there are other States, many others, where homes have flooded three or four times, and they keep getting flood insurance.

If I can say anything good about the current National Flood Insurance Program today, I would say that FEMA has taken steps to try to prevent that from happening so that if you flood a certain number of times, you have to move. And I know the Senator didn't—I don't think I am disagreeing with him on that. I think we are in agreement.

But let me tell you the second and main reason I can't accept Senator PAUL's change. For me, it has to do with what is right. There are probably 20 different Senators—well, there are a hundred Senators who care about flood insurance, but there are about 20 different Senators who want to be involved in any changes made to this program. And I dare say there are 50 to 100 members of the House.

Now, as the Presiding Officer knows, when we bring a bill to the floor for unanimous consent, we don't just walk down here one day and do it.

We let all of our Senators—fellow colleagues, our fellow Senators—know what we are about to do. So if they want to come down and object, they can do that. And that is what I did with my bill, which just keeps the current program and extends it until December 31, so we will get past the shutdown and we won't keep people from buying homes.

But Senator PAUL's changes have not been sent to all members of the Senate. It is called a hotline. And I anticipate that the Senator will have other changes, and that is fine.

The easy thing for me to do today would be to agree with one of his changes. I am not sure it makes that much difference because the amount of damages you can claim on a flood is $250,000, but the easiest thing for me to do today would be to agree to one of Senator PAUL's changes, but that would be stabbing my colleagues in the back.

Because I can assure you, knowing how many of my colleagues feel about the National Flood Insurance Program, they would want to be here today to weigh in. And I just can't do that to them, even though it would allow me to get this passed.

I also think that if we make changes to the National Flood Insurance Program, those 50 to 100 House members that I am talking about are likely—some of them are likely not to allow the changes, and that is why they would object to it. And that is why my objective has been—and I need to stand behind it—to just take the current program and extend it to December 31.

So for that reason, I don't agree to the modification.

The PRESIDING OFFICER. The Senator has not agreed to the modification. Is there objection to the original request?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, the process is similar to what has been described but not exactly as has been described. The bill is sent out, everybody gets a chance to object. People who choose to object can come, that is also announced.

The objections are announced, and we come to the floor. If the Senator wanted to work together on this, this could be modified today and someone else would have to come to object, and that is announced to all 100 Senators and often works that way. But, today, what we have is a situation where I am offering an amendment to reform taxpayer-subsidized insurance, and it is being rejected by one Senator, not by all Senators, not in place of all Senators. They have a chance to come, it has been announced, they can come and object to this if they wanted.

But here is the thing, what I am trying to do is modify a program so that the average ordinary taxpayer does not have to pay for rich people's flood insurance for their beach houses.

About half of the houses that are insured in this program that loses billions of dollars every year, that is $20 billion in the hole, about half the homes are worth $500,000 or more.

Do you know any regular working folk that have $500,000 homes on the beach? No. If you have a $500,000 house on the beach, buy your own damn insurance. The taxpayer should not have to buy your insurance.

So I would ask the Senator—we can do this today; there are other Senators on the floor; they can come running from hither and yon, and they can object to this—but I would ask the Senator, let's modify the program so rich people don't get their houses insured by the government and subsidized by the taxpayer. We can change the limits to $500,000. That would cut out half of the homes in the United States, half of the beach houses, half of the rich people in our country who are getting subsidized insurance.

Make the limit $500,000. If we make it $500,000, the program will be half as big, and it will lose half as much money. Let's modify this program. So I would ask the Senator to modify his proposal with my amendment, and my amendment would say: You can't use the insurance for your second home, only your primary residence, and if you have a half-a-million-dollar mansion on the beach, guess what? You get to buy your own insurance. That is my modification, and I would ask the Senator to accept the Paul amendment that is at the desk.

The PRESIDING OFFICER. Does the Senator agree to the modification?

Mr. KENNEDY. Reserving the right to accept or not accept. Again, Senator PAUL—I understand his points, and they are very good ones. I would point out that his proposal—we have about 84.7 million owned or occupied homes in the United States. Let's call it 85 million homes in the United States.

Senator PAUL's amendment would exclude 52.5 million of them. Five hundred thousand dollars on a home is a lot of money, but I think in places like California and Connecticut and New York, where we have seen cost of living different from my State, there are plenty of ordinary Americans, middle-class Americans, who have scrimped and saved to put together the money to borrow $500,000, and I don't want to hurt them.

But the second and the main reason I can't agree to Senator PAUL's proposal: I am just not going to stab my fellow Senators in the back. They do not know about these changes that are being proposed. They may be good changes, and I like the way Senator PAUL is thinking. But let me say it again, I know of at least 20 Senators, some of whom are not in Washington who care about flood insurance. And if I started agreeing to changes for the short-term satisfaction of getting to pass a bill, it is just not worth it to me.

And I am not going to stab them in the back. They have the right to be here and participate in these changes, and they are not here because they don't know about it. So for that reason, I do not concur in Senator PAUL's amendment.

The PRESIDING OFFICER. The objection to the modification is heard. Is there objection to the underlying original motion?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object. What I am trying to find here, is there a compromise? Is there some level of rich person that maybe the taxpayer could say: Enough is enough; they ought to pay their own way? Is there some level of rich person's mansion that maybe the average, ordinary taxpayer should not have to subsidize their insurance?

So we have tried a half a million, which is about half the homes the ordinary working class people in our country have to insure, why don't we try—if we can't do a half a million, let's try mansions of $750,000. You would say, well, how many are there? Twenty-five percent of the national Federal subsidized insurance are homes of $750,000 a year. We are not talking about ordinary people now, we are talking about rich, rich, very rich people getting subsidized insurance from a program that loses billions of dollars and has to be bailed out every year. We have a government with a $1.7 trillion deficit. It goes on year after year. Nobody does anything. Just reauthorize it. Today we can make a compromise. So I offer the Senator a compromise: If $500,000 is too cheap and you want to insure half-a-million-dollar mansions, will you, at least, modify it to exclude mansions of $750,000 or more? I think that is the least we can do.

And I would ask unanimous consent to accept the Paul motion at the desk that indicates $750,000 as the limit for the insurance.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, reserving the right to object. I fear I am not being clear, and I am sorry for that. Let me say it again. If you own a $250,000 home and you own a $750,000 home, neither one of you can buy more than $250,000 worth of insurance, because the maximum amount of insurance that you can buy through the National Flood Insurance Program is $250,000.

So what is the point of excluding someone who owns a $750,000 home? I realize it is in vogue to denigrate rich people, but they can't buy any more insurance. It would be different if someone could buy $750,000 worth of flood insurance who owned a $750,000 home, but they can't. It is capped at $250,000.

So I have to respectfully disagree with my friend on that. And, No. 2—I don't want to belabor this—I am not going to stab my fellow Senators in the back. The 20-plus Senators with whom I have spoken to try to negotiate a new

and better Flood Insurance Program do not know about these changes.

And I would like to agree to Senator PAUL's suggestions, but if I do, I am stabbing my fellow Senators in the back, and it is just not worth it to me because they don't know about any of this.

For that reason, I respectfully object to Senator PAUL's amendment.

The PRESIDING OFFICER. The Senator objected to the modification.

Is there objection to the underlying request?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object. It is certainly not my intention to denigrate rich people. I aspire to be one someday. But I don't aspire to ask for free stuff from the government if I ever become a rich person.

Why would we subsidize insurance of rich people? Is there no limit—is there no limit—is there no possibility of compromise on some mansion that is too large to be in this program?

What about $10 million? We have tried $250,000. That was too little. You know, the insistence is we must insure these homes. We tried a half million. But the insistence is, no, everybody should get it.

I don't think rich people need subsidized insurance. The program loses billions of dollars every year. We have tried 750,000, but apparently there still is this need and this desire to insure rich people's beach houses.

Why don't we try one last time. We will try something that I think anybody could compromise to and anybody would accept, and certainly I wouldn't want to be the one justifying a program that gives people who have $10 million mansions insurance. Why not accept it and make someone on the other side support such a ridiculous policy?

So my final proposal today will be to ask unanimous consent that the Paul amendment at the desk would exclude $10 million mansions from government-subsidized insurance.

I think that is the least we can do. If we can get that compromise, it would bring at least some sense of sanity to this crazy program.

The PRESIDING OFFICER. Is there objection to the Senator's request to modify?

Mr. KENNEDY. Mr. President, reserving the right to object, if I own a $10 million home—and I assure you I do not—and my neighbor's home is $250,000, that is its value, which is more like it in Louisiana. And we both go to an insurance agent, and we say: We want to buy national flood insurance because we can't get a mortgage without it. Then the insurance agent is going to say: OK. Neighbor whose home is worth $250,000, I can write you a policy, maximum $250,000.

And then they are just going to turn to me with my $10 million home—which I can assure you is fictitious—and the agent is going to say, I can only sell you $250,000.

The suggestion that somebody with a $10 million home is being insured for $10 million is just not accurate. It is just not accurate.

So what good is it going to do to tell someone in a $10 million home who wants to buy $250,000 worth of flood insurance—the same amount as his neighbor—what good is it going to do to exclude him?

Some can beat themselves on the chest and say, boy, we stuck it to those rich people. But they are not getting any more insurance. And what it is going to mean to the program is there is going to be fewer and less premiums coming into the program, which will make it insolvent.

You can see the difficulty in trying to reach agreement on the forms.

That is why I am going to say it again. And I have proposed a clean, if you will, proposal that will just extend the current program, imperfect as it may be, until December 31.

If we don't do this, it is going to really, really, really hurt. It is not going to hurt the rich folks. It is going to hurt the ordinary, middle-class Americans who are trying to buy a home.

And the second and final reason, if it were, or the third and final reason, frankly, if it were up to me to get this passed—because I am really worried about it, as you can tell—I would probably agree to Rand's proposal, but I am just not going to stab my colleagues in the back.

They don't know about this proposal, and I think that of the 20 or so of my colleagues whom I have met with about changing the Flood Insurance Program, I know they would like to have their say. And if I agree to the Senator's proposal today—because they don't know about his proposal—I would be stabbing them in the back, and I just can't do it, Mr. President. It is just not worth it to me.

For that reason, I respectfully object.

The PRESIDING OFFICER. There is objection to the request to modify.

Is there objection to the Senator's original motion?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object. Let the record show from this discussion today that the Senator has objected to any limits on taxpayer-subsidized flood insurance, any limits: 250,000; 500,000; 750,000, even 10 million.

This is a program that loses billions of dollars every year. This is a program that can't work for the poor people because we have got so many rich people in it.

Half of the homes in the program cost over a half million dollars. So this is a problem. This is a program that loses money every year, and the Senator is unwilling to accept any limits on this.

There is this argument that somehow he is defending all the Democrat Senators who can't come here, but he could easily have said: I am not willing to object to this because these are reasonable proposals and force the Democrats to object to this.

But he has taken this upon himself to defend the status quo, to defend the inclusion of $10 million mansions in this program.

So I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, you are getting tired of my saying this, I know. This rich $10 million American that Senator PAUL keeps talking about can't buy any more insurance than the American who owns the $250,000 home. He just can't.

And I am going to try again. I will be back tomorrow, and like the terminator, ''I'll be back.''

Because in trying to punish the rich, when they can't buy any more insurance than the ordinary American, Mr. President, like you and me—250,000, that is the limit for the rich American and the middle-class American—this is going to put the entire real estate industry in jeopardy. And it is also going to put a lot of ordinary, middle-class Americans out there who have scrimped and saved, and they have got the money for the downpayment, and they are ready to buy a home, but they are not going to be able to buy it because they can't get flood insurance, and their mortgage lender requires it.

And by the time government opens back up—I hope it is a short period of time, but we don't know—those interest rates instead of 7.5 percent could be 8 percent.

And look, I get the politics of beating up on the rich, but the rich have nothing to do with this. This is about ordinary Americans.

But I appreciate, Mr. President, your patience in listening to me today. And with that, I think I need to yield the floor, do I not, Mr. President?

To whom should I yield it?

The PRESIDING OFFICER. The Senator can simply yield the floor.

Mr. KENNEDY. Senator HIRONO from the great State of Hawaii or Senator SCHUMER?

Are you seeking recognition, or are you just waving at each other?

Mr. SCHUMER. I always wave with friendship and affection to my friend, the Senator from Louisiana.

I was going to speak for a few minutes; is that OK?

Mr. KENNEDY. Of course. I just work here. I am not management.

The PRESIDING OFFICER. The majority leader.

NEW YORK

Mr. SCHUMER. Mr. President, I am going to speak on two topics; first, what is happening in my hometown of New York and then, second, what is going on over there in the House of Representatives.

As we speak, my hometown of New York is experiencing some of the most frightening rainfall and flooding we have seen since Hurricane Sandy. About a month's worth of rain has inundated Brooklyn in just a matter of

hours, and some parts of the city have experienced up to 5 inches of rain. Flash floods remain in effect from Manhattan to Queens to Brooklyn.

And we are not through the danger yet. Another powerful storm is expected over the next day, and the situation remains dangerous.

I will continue closely monitoring the otherworldly flooding we are seeing in New York.

A little while ago, I spoke to the Governor to tell her that I will do everything on the Federal level to get New York the help it needs.

Earlier today, I sent a letter to FEMA and a few minutes ago spoke to the FEMA Administrator, telling her New York needs help.

FEMA has promised me two things; one, to deal with the immediate effects of the flood, any equipment and other types of resources they need; and, second, later, to provide resources New Yorkers will need to rebuild and recover.

And here in the Senate, I will work to secure any Federal assistance possible to fund relief efforts and aid those who need to rebuild from the flood damage.

Again, I cannot stress enough that we are not through these storms just yet. Everyone please follow emergency guidance and stay safe.

CONTINUING RESOLUTION

Mr. President, now on the CR and the shutdown, we stand now at the precipice of an unnecessary, reckless, and entirely Republican-manufactured shutdown.

In less than 48 hours, funding that pays the salaries of our troops for border enforcement, for TSA operations, nutrition programs, food inspections, all—all—will come to a halt.

As I have said for months, Congress has only one option to avoid a shutdown, bipartisanship. We needed bipartisanship yesterday. We need it today. We will need it tomorrow. It was true yesterday, today, and tomorrow.

But in the House, sadly, unlike the Senate, we have not seen bipartisanship. We have only seen chaos. We have only seen paralysis.

A few hours ago, Speaker MCCARTHY held a vote on a truly radical CR proposal everyone knew never stood a chance of passing the Senate.

And now, the House Republicans' CR has failed to even pass the House by an unexpectedly large and decisive margin, 34 votes—much more than most expected.

The Speaker has spent weeks catering to the hard right, and now he finds himself in the exact same position he has been in since the beginning: no plan forward, no closer to passing something that avoids a shutdown.

The Speaker needs to abandon his doomed mission of trying to please MAGA extremists, and, instead, he needs to work across the aisle to keep the government open.

Things seem to be getting worse for the Speaker rather than better, and it is time for him to try bipartisanship.

Here in the Senate, bipartisanship is precisely what we are pursuing by working on our CR.

Just yesterday, I am proud to say, 76 Senators voted in favor of proceeding to the CR.

I salute not only Chairman MURRAY, but Ranking Member COLLINS, and Leader MCCONNELL, and the so many others on the other side of the aisle who joined us in moving forward.

We will continue working on the CR over the course of today and see if we can find some agreement to pass it quickly.

I note that these 76 Senators are voting in favor of proceeding to the CR even as we work through debates about the final content of the bill. That is what bipartisanship means—not that we agree on everything but that disagreements do not paralyze the process.

When the Senate finishes its work, it is imperative the House move on the Senate-passed, bipartisan CR. It will be our last chance to ensuring that a shutdown is avoided. Any more time the Speaker spends trying to cobble together hard-right wish lists that can't even pass the House would be a grievous mistake.

So to Speaker MCCARTHY, let me be clear. If you don't want our troops to go without pay, work in a bipartisan way. If you don't want to see border funding endangered, work in a bipartisan way. If you don't want to see seniors lose access to Meals on Wheels or cuts to nutrition for women, infants, and children or holds on small business loans, work in a bipartisan way.

At the end of the day, these MAGA extremists who are the ones responsible for bringing us to the brink fundamentally do not care about funding the government. Some of them are actually gleeful about a shutdown. Coddling the hard right is as futile as trying to nail Jell-O to a wall, and the harder the Speaker tries, the bigger mess he makes. And that mess is going to hurt the American people the most.

I hope the Speaker snaps out of the vice grip he has put himself in and stops succumbing to the 30 or so extremists who are running the show in the House.

Mr. Speaker, time has almost run out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I know there are others who are waiting to speak, and I will yield to them momentarily, but I think it is important that the majority leader explain the entire story of where we find ourselves here today on the verge of a shutdown.

The truth is, the Senate has not passed a single appropriations bill that passed out of the Senate Appropriations Committee by bipartisan support. Some of them were passed unanimously. The first bill, I believe, that passed out of the Senate Appropriations Committee passed out some 80 days ago. Now, it may have taken until the end of July before we could get a House bill to then amend, which is a necessary procedural prerequisite, but the fact of the matter is, the majority leader, who is the only person who can schedule a vote on any of these pieces of legislation, has failed to bring any of these bills to the floor and successfully passed in the U.S. Senate.

So 18 days before the end of the fiscal year, which is the shutdown unless we pass another funding bill, the majority leader puts a so-called minibus, or a combination of three appropriations bills, on the floor. That was the first time the majority leader decided to actually schedule a vote on anything.

My point is that the majority leader likes to blame the House—and particularly because it is a majority of Republicans—so he acts like this is all their fault. Everything is just hunky-dory and bipartisan in the Senate. That is false. The majority leader has contributed dramatically to this shutdown because of the Senate's failure under his leadership to pass any appropriations bills whatsoever. And, yes, it is no surprise to anybody that here we are needing to find some way forward on a continuing resolution—in other words, to keep the lights on—while we continue to work out other differences.

I think shutdowns are a mistake. Shutdowns are a mistake because they don't solve the underlying problem. They disrupt all sorts of people, and he mentioned some of the people they disrupt, including pay to our military. Our own staff aren't going to get paid. People aren't going to be able to get passports through the passport office. If they have immigration problems, if veterans are worried about getting compensation or other benefits, they are not going to be responded to because of this government shutdown. Completely, completely predictable and completely, completely unnecessary.

So I think if you are going to talk about who contributed to where we are today, the majority leader—I say this respectfully—this is in large part a Schumer shutdown because the Senate hasn't done its job. This is not governing. This is not responsible. Again, the only way we can consider legislation in the U.S. Senate is if he schedules something on the floor. That is his prerogative as the majority leader.

But people ought to be held accountable. People ought to be responsible for their own actions. And the majority leader has simply failed to let the Senate do its work even though the Senate Appropriations Committee, which is chaired by a Democrat, Senator PATTY MURRAY, and ranking member, Senator SUSAN COLLINS. They did magnificent work. They did what they were supposed to do. But because the majority leader failed to bring any of those bills to the floor, we haven't passed a single appropriations bill, and we are looking at a deadline of midnight Saturday,

where the government ceases to function because of the failure to do our job here in the Senate.

The House has its own problems, but we ought to take care of business here first, and we haven't done that.

The PRESIDING OFFICER. The Senator from Hawaii.

REMEMBERING DIANNE FEINSTEIN

Ms. HIRONO. Mr. President, thank you for your patience.

I want to begin today by reiterating my sadness about the passing of our friend Senator DIANNE FEINSTEIN.

Senator FEINSTEIN's death strikes at the heart of so many of us committed to public service, as she was. A courageous trailblazer, she stood up to powerful interest groups on behalf of her constituents and the rest of us. She was a fierce legislator, fighting to ban assault weapons, defend survivors of domestic violence, protect our Nation, and much more. But she was also a thoughtful friend.

Just last week, she wrote me a letter expressing her happiness that the banyan tree in Lahaina, badly burned by the wildfires, is starting to show signs of renewed life. She wrote:

I hope that the beloved tree continues to recover and serve as a source of hope and a symbol of resilience for the entire community.

I, too, share her hope.

MAUI WILDFIRES

Mr. President, it has now been 6 weeks since the fires tore through the town of Lahaina on Maui as well as several upcountry Maui communities. As the whole world has seen now, those fires were devastating, claiming nearly 100 lives and destroying close to 3,000 structures, most of them residences. Our hearts break for all those impacted by this tragedy.

Within hours of those fires, though, the Federal Government was on the ground, providing assistance and relief. In the weeks since, well over 1,000 Federal personnel have traveled to Maui to aid in the recovery efforts, and more than $125 million in individual relief has been distributed. Additionally, President Biden requested $4 billion in disaster relief funding following the fires on top of the $12 billion he had previously requested.

As I said at the time, disaster relief has always had broad bipartisan support, and there is no reason the Maui disaster should be treated any differently.

In fact, Speaker MCCARTHY agreed. When he visited Lahaina less than 4 weeks ago, he said:

We want to get the resources to individuals that could rebuild their life. We've got to focus on the children for the schools, get them back into the education so they don't miss out.

I couldn't agree more.

This funding is essential to our ongoing recovery efforts, but now Speaker MCCARTHY, in refusing to stand up to the most radical faction in his caucus—I call them the chaos caucus—is endangering these resources for Maui and other communities impacted by disasters across the country. We just heard from our majority leader what is happening in New York City even as we speak.

So, again, as we speak, the Senate is working to advance a bipartisan continuing resolution to keep government open, which includes $6 billion in disaster relief. While clearly not everything we need, it is a critical downpayment that will allow the Federal Government to continue its important work on Maui and in other communities impacted by disasters across the country. It will allow FEMA, the SBA, and the other critical Federal Agencies to continue their disaster relief work as we work to pass a longer term funding agreement. But if radical House Republicans shut down the government, that funding will be held up indefinitely.

My colleague, Representative JILL TOKUDA of Hawaii, summed it up well just yesterday in her testimony before the House Energy and Commerce Committee. She said that the people of Maui ''have gone through enough, the wheels of government must keep turning to provide support and resources, so they focus on recovery and rebuilding.''

By forcing a government shutdown, Speaker MCCARTHY will be abandoning the people of Maui—the very same people he vowed to help just weeks ago when he visited Maui.

We are less than 48 hours from Republicans shutting down our government, and they have yet to even put forward a funding bill that they can pass. It is unconscionable.

While these remarks are focused on the impact of a shutdown on disaster aid, make no mistake—a Republican government shutdown will have negative consequences for millions of Americans not just in disaster relief but on every aspect of their lives all across our country. This is not a game. We all want to know what it is going to take for House Republicans to grow up and realize that the chaos they are sowing is going to have real impacts on real people's lives all across the country.

Meanwhile, the Hawaii delegation, as well as the bipartisan Senate, will continue doing everything we can to keep government open by passing the continuing resolution that we have on deck in the Senate and secure the funding for our communities—funding that is so urgently needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I rise today to speak about the Senate's need to swiftly confirm any U.S. attorney nominees.

Two days ago, I came to the floor to request unanimous consent for the Senate to take up and confirm four pending U.S. attorney nominations that were being held up by one U.S. Senator, the junior Senator from Ohio, Senator VANCE.

Two days ago, he said:

My position is we should have a full Senate vote on each one of these . . . Justice Department nominations.

He also said:

[I]f it's so important to confirm these folks, bring them to the floor for a vote.

But now that is exactly what he is attempting to prevent today.

For decades, the Senate confirmed U.S. attorney nominees of both political parties by voice vote or what is called unanimous consent in the Senate after they had been reported by the Judiciary Committee. Before the beginning of the Biden administration, the Senate had not required a rollcall vote on the confirmation of a U.S. attorney since 1975—almost 50 years. In fact, during the Trump administration, Senate Democrats allowed every one of Trump's U.S. attorney nominees—all 85—to move through the committee and be confirmed by voice vote, unanimous consent.

Let me tell you, as a Democrat in those days, I knew what I was getting with these U.S. attorneys working for Jeff Sessions, former Attorney General Jeff Sessions, and William Barr. I knew what was going to happen, but I respected the tradition of the Senate.

Now Senate Republicans have decided to change the rules and are blocking the confirmation of these critical law enforcement officers.

I have faced this before. Republicans had said they were going to object to U.S. attorneys but fortunately had better thoughts on the subject as time progressed.

Now, this year, the Senator from Ohio has proudly announced that he will—I will quote him, in fact: ''I will hold all [DOJ] nominations. . . . We will grind [the Justice Department] to a halt.''

Grind the Justice Department to a halt.

U.S. attorneys are too important to be used as political pawns in a national debate. They lead our Nation's effort to prosecute violent criminals.

Don't tell me that you are for law and order, but you want to stop criminal prosecutors from being appointed to the job. They lead our Nation's effort to protect our communities from drug trafficking.

I quoted some numbers the other day about drug trafficking and fentanyl deaths in the State of Ohio, the State where one of these U.S. attorneys would be going to work, in the Cleveland area. Ohio runs fourth in the Nation in narcotics deaths, and for the Senate to respond by having one Senator from Ohio stopping the appointment of a criminal prosecutor to go after these cartels or drug gangs is not explainable.

So I offered Senator VANCE the opportunity to allow us to schedule confirmation votes on all pending U.S. attorneys. I want to read exactly what he said from the CONGRESSIONAL RECORD,

which, of course, is the permanent record of the Senate and will be read by future generations.

This was on September 27, 2 days ago. Here is what Senator VANCE said:

> I am the new guy, and I recognize that I am a little naive when it comes to matters of the procedures in the U.S. Senate. But I have had a lot of jobs in my life; and yesterday we passed one vote and today we have passed zero votes. The time that we have spent debating whether we should have unanimous consent over these nominations, we could actually use to vote on these nominations and end this charade and call it out for what it is. If we believe that these nominees must go forward, let's just have a vote on it. Allow me to scrutinize them. Allow my colleagues to vote them up or down. That is a totally reasonable thing to ask of this Chamber and to ask of this leadership; and because of that, I object.

Well, I accepted his challenge. I took his words to be heartfelt and truthful, that he wanted votes. So today we had two votes on two of the U.S. attorneys, considered by the Senate, which is exactly what the Senator from Ohio asked for.

But there are two more on the calendar that he held up initially. He said on the floor during our debate that these weren't people he was necessarily objecting to but that somebody else in the Senate might be objecting to. I didn't know what that meant, but I wanted to give him the time to find out who that might be. It turns out there is no one else—he is the only objector—even though he said on the record, in the CONGRESSIONAL RECORD, that all he wanted was a rollcall vote on these nominees.

Well, he is going to get the chance to keep his word that he put in the CONGRESSIONAL RECORD, and he is going to get a chance to have the vote he asked for. It is only fair. If we did it for the first two, we will do it for the others.

Let me repeat it again. Senator VANCE did not only refuse to move these nominees by voice vote, as the Senate has done for decades, he is now backtracking on his own words from 2 days ago and is refusing even to allow rollcalls on these nominees.

This kind of obstructionism is becoming commonplace, I am afraid. If you take a look at this Executive Calendar that we have here, there are pages and pages of military officers who have served this country nobly and honorably who are asking for a simple promotion they are entitled to. They are being held up by another Republican Senator who doesn't want to move forward on this, holding them for 6 months from promotion. Is this the new way of doing business under a MAGA regime? I hope not.

Rebecca Lutzko is nominated to be U.S. attorney for the Northern District of Ohio. She is a longtime Federal prosecutor who has served as assistant U.S. attorney in the U.S. Attorney's Office for the Northern District of Ohio for nearly 18 years. As a Federal prosecutor, she handles cases involving prescription drug trafficking, gun crimes, and corruption. Important? You bet it is.

April Perry is nominated to be U.S. attorney for the Northern District of Illinois. She has significant experience in the private sector and as a Federal prosecutor. She served in the U.S. Attorney's Office for the Northern District of Illinois for over a decade, where she handled narcotics, gang violence, public corruption, and fraud. Important? You bet it is. Ms. Perry specialized in child exploitation prosecutions and spent 6 years as the office's Project Safe Childhood coordinator.

Are you concerned, as I am, about the exploitation of children, the trafficking of children, the terrible sexual abuse that is taking place on the internet? Do you think we ought to have the Department of Justice on that case? Of course we should.

One week ago, Senator VANCE was quoted as saying, ''My objection is not to the specific qualifications of these particular individuals who have been nominated.''

So, here, he is not complaining about any of their resumes or their capacity to do the job and do it effectively. His concern—and he said it publicly, so I think I am going to accurately quote him—his concern is that the former President of the United States was indicted, and he is very concerned about a Department of Justice that would even let that happen.

For goodness' sake, things happened in the Department of Justice's activities during the administration of Donald Trump that I objected to, but I didn't stop the appointments of U.S. attorneys under Trump. I didn't stop the people in law enforcement, who are keeping us safe in our communities.

These are ably qualified individuals. I am asking Senator VANCE: In good faith, keep your word. What you said in the CONGRESSIONAL RECORD is a matter of record, and you should stand by your word.

For that reason, I make the following motion: I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 314 and 315; that the Senate vote on the nominations en bloc without intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The PRESIDING OFFICER (Ms. HIRONO). Is there objection?

The Senator from Ohio.

Mr. VANCE. Madam President, in reserving the right to object, let me address a few of my distinguished colleague from Illinois' comments.

First of all, while it is true that my hold policy regarding the Department of Justice is not focused on any particular nominee, I do think this particular nominee is particularly troublesome, and let me just talk about why.

Ms. Perry is a figure who served as the chief ethics officer in the Cook County State's Attorney's Office during the Jussie Smollett hate crime hoax. You may remember that from a few years ago. This is when a person accused people of engaging in a false hate crime, took a ton of State resources to investigate it, and it turned out the entire thing was fraudulent and meant to gin up publicity for Mr. Smollett.

Everyone pretty much agrees that Ms. FOXX, who was the State's attorney at the time, engaged in some pretty unethical behavior, and Ms. Perry effectively rubberstamped it. Is she the sort of person who could be entrusted to impartially administer justice in the Biden-Garland Department of Justice? I don't think she is. So I will be voting against her nomination. I also object to giving a streamlined confirmation process for her.

Now, the Senator from Illinois is apparently hell-bent on coming before the Chamber every single week to litigate what I think and believe is a corrupt and politicized Department of Justice. He makes much—and he makes much every single time we engage in this exercise—about the fact that the Department of Justice has never had this kind of hold policy placed on it before. I agree. This is a new and unique circumstance.

What is much different about the Trump administration Department of Justice and the Merrick Garland-Joe Biden Department of Justice is that Donald Trump never tried to throw his political opponents in prison. This is crazy, banana republic stuff, and I will not stand for it.

I will continue to hold these nominations, and I will continue to push back against the politicization of justice.

Finally, let me just say that what I have asked for and what I will continue to ask for is that these nominees go through regular order. The Senator knows well what everybody else knows, which is that, as one Senator, I cannot prevent the confirmation of these nominees however much I might like to. What I can do is force us to go through regular order.

I asked for a vote, Senator DURBIN. You can invoke cloture. We can vote on cloture. We can then do a recorded vote. That is what we have done with many, many nominees, and because of the corruption of Merrick Garland's Department of Justice, it is what I ask with this nominee and with any in the future.

Because of that, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Madam President, it is interesting that we have got a new argument.

Previously, he said: I have no objection to these nominees. I just don't like the process. I want a vote.

I said: Fine. You can have a vote.

Now when we ask for a vote on the two remaining nominees for U.S. attorney, he is finding fault with those individuals.

I hope he will take the time—and I know he is a fair person—to read the record about what Ms. Perry did when she worked for the State's attorney, Kim Foxx. It is true there was a controversial case before her office and that she was the chief ethics officer in the Cook County State's Attorney's Office. She served in that office at the time the Jussie Smollett matter was being investigated, but Ms. Perry' role as chief ethics officer was limited to recommending that State's Attorney Foxx recuse herself and that the office seek the appointment of a special prosecutor.

Notably, Ms. Perry resigned from that office a few weeks after the prosecutors initially agreed to drop the charges against Mr. Smollett. She has never been implicated, and to throw her name into this situation is unfair. I am sure the Senator from Ohio doesn't want to do that.

So listen to what he suggests—and I am glad Senator REED is on the floor, the chairman of the Armed Services Committee.

Does it sound familiar?

We have a group of people—of nominees—who have come before us who have been considered throughout history in a routine, unanimous consent way, and now the Senator from Ohio says we have to go one by one and have a cloture motion on each one of them. You and I both know, having been here a few years, what that means. It is physically impossible, whether we are talking about officers in the military or U.S. attorney nominees, to say we will just stack them up on the calendar and go through cloture votes, and it is unnecessary.

If we didn't single out a single U.S. attorney nominee in the Trump administration but gave voice votes to all 85, it is an indication of an effort of good will and bipartisanship even when we are suspicious of what the political agenda may be of that Department.

To hold some of these people—the U.S. attorney for his own home State, the city of Cleveland—to hold this person to this kind of scrutiny that goes way beyond anything we usually have been involved in is unfair to her, and it is unfair to the process and the system.

I am going to return to the floor. The Senator from Ohio and I are going to be pretty familiar fixtures on this floor because if you say something in the CONGRESSIONAL RECORD, as he did—that all he wants is a rollcall, and we offered a rollcall, just as I did, and he denies it over and over—he has some explaining to do.

If he thinks that standing up for the MAGA process here is something the American people admire, I beg to differ with him.

We understand that the Department of Justice has an important job to do to keep us safe in our communities, and for someone to say—for a Senator from the U.S. Senate to say, ''I will hold all [DOJ] nominations. . . . We will grind [the Justice Department] to a halt,'' really? That is your agenda? That is why you came to the Senate?

If the Department of Defense is being ground to a halt because of the promotions of officers and to do the same thing at the Department of Justice, and we are facing a government shutdown because of MAGA Members of the House of Representatives, the American people have a good picture, a good photograph, of the future if we go down one particular path in terms of the future of politics in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

REMEMBERING DIANNE FEINSTEIN

Mr. REED. Madam President, I rise to pay tribute to our colleague DIANNE FEINSTEIN, who passed away, as we all know, this morning.

As California's senior Senator and the longest serving woman Senator ever, Senator FEINSTEIN was a trailblazer. Everyone has made that point, and it is a true, accurate, and compelling point.

In representing the country's most populous State for over three decades, she occupied the national stage as well, and for many people inside and outside this Chamber, she became the archetypal Senator: prepared, professional, pragmatic, and unfailingly civil. Californians rewarded her hard work by voting for her by wider and wider margins.

She fought hard for the things she believed in and very often succeeded, but she never bullied or belittled those who took a contrary position. Her achievements are many: the enactment of the Federal assault weapons ban in 1994, the 6-year review of the CIA's Detention and Interrogation Program, which prompted significant reforms in the intelligence community. She was the leader in the reauthorization of the Violence Against Women Act. She delivered for the people of California, enacting laws to protect public lands and national treasures and doing the hard work to bring stakeholders together to resolve thorny issues and complex environmental challenges in her home State. She led on national environmental issues, including legislation to improve the fuel economy of automobiles.

I had the privilege and the pleasure to get to know her. We were both members of the Aspen study group. This is an organization sponsored by the Aspen Institute of both right and left, thoughtful national security policy people. I was very honored to be asked, and DIANNE was a long-term member. To listen to her insights, to listen to her analysis, along with other very thoughtful people, was incredibly helpful to me, particularly as a more junior Member of the Senate, and, of course, her hospitality, her friendship, and her decency just was so apparent there as it was here on the floor in the U.S. Senate.

In fact, as we look back, there is a very simple fact here that DIANNE FEINSTEIN influenced, in some way, every major policy challenge that this body and this Nation has faced over the last 31 years with her voice, with her vote, with her counsel, with her wisdom, with her unfailing commitment to the people of California and the people of the United States. She literally never gave up. She never stopped.

She is someone that will be remembered, truly, as one of the greatest U.S. Senators in the history of this country. It was a privilege to serve with her. On this day, I wish her family and all her loved ones the comfort of knowing what an extraordinary woman and what an extraordinary Senator DIANNE FEINSTEIN was.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

H.R. 3935

Mrs. MURRAY. Madam President, Americans across the country are watching us now, as we near the brink of an entirely pointless and absolutely devastating government shutdown and wondering: How in the world did we get here? It is a great question and an infuriating one.

So I want to take a few minutes to walk through exactly how we did get here, because the plain truth I want the American people to recognize is, it did not have to be this way. But a number of House Republicans, who have been working from day one of this Congress to hold our government hostage, pushed the most extreme partisan agenda imaginable and set us on a collision course for a government shutdown.

You don't have to take my word for it. Just listen to what some of them have been saying:

> If a shutdown occurs, then so be it.
>
> We should not fear a government shutdown.

It is ''not the worst thing that could happen.''

And this quote:

> [M]ay be what it takes.

Last week, of course, former President Trump—the same guy responsible for the longest shutdown in history—called for Republicans to shut down the government again.

Unfortunately, it sure seems like these are the sorts of people Speaker MCCARTHY has been listening to—the most extreme, fringed voices in his party—when he should be listening to the overwhelming majority of people in our country who do not want a shutdown, because, let's be clear, most Members of Congress—like most Americans—on both sides of the aisle here, in both Chambers of Congress, do not want a government shutdown. They do want to see us working together to get our jobs done.

This is something I have heard from so many of our colleagues when I became chair of the Senate Appropriations Committee at the beginning of

this year: We need to get back to regular order. No more omnibuses. No more chaos. No more government shutdowns. I heard it from across both parties here in the Senate.

So I have been working with the senior Senator from Maine to deliver on just that: to make our appropriations process work better, to get our bills done, and to ensure that all Members do have a say in the process.

We have made some concrete progress; but over and over, extreme Republicans in the House have put up roadblocks and done everything they can to prevent Congress from getting even the most basic things done.

The vice chair of the Appropriations Committee and I held nearly 50 hearings this past spring to evaluate what resources our communities need in the year ahead. But, then, instead of being able to get right to work and negotiate top-line spending numbers and writing those bills as we finished those hearings this spring, we had to press pause to contend with extreme Republicans who were then holding our Nation's credit hostage and threatening a devastating default if they did not get their way with unrealistic, draconian cuts to programs that this entire country relies on.

It was a full-blown crisis. It was created by extreme House Republicans who ground Congress and almost our economy to a halt.

Finally, after their dangerous brinksmanship caused so much unnecessary drama and delay, President Biden and Speaker MCCARTHY struck a deal on spending levels that rejected the deepest, most damaging cuts. Now, it was not a deal I would have written myself—absolutely not—but a deal is a deal.

The Speaker and the President shook hands. We all voted on it. It was signed into law. We had an agreement so we here in the Senate could finally get to work writing our bipartisan spending bills.

And in the Senate, that is exactly what we did. The senior Senator from Maine and I said: Okay, let's get things back on track. Let's get back to regular order. Let's write serious bills that can actually be signed into law.

We agreed to work off that Biden-McCarthy deal in a bipartisan way to avoid partisan poison pills and give all of our colleagues input on those bills. We held televised, bipartisan markups with amendments, with debate. And, for the first time in 5 years, we passed all 12 bills out of the committee, and those bills passed overwhelmingly with bipartisan support. We then got a resounding 91 votes to start work on three appropriations bills that passed unanimously out of committee on the Senate floor.

As we know, a few holdouts slowed things down. But I want you to know we are going to keep working together to return to regular order so Members can debate appropriations bills and offer amendments, and we can get them passed.

Now, compare that to the House. Did they work to produce serious, bipartisan appropriations bills that can be signed into law? Nope. They wrote extreme partisan bills—extreme—that are not going anywhere.

Did they keep out provisions that they knew would be nonstarters? Absolutely not. Their appropriations bills are a far-right wish list chock full of extreme policies that would undermine our response to the climate crisis, embolden bigotry against the LGBTQ community, weaken commonsense gun safety regulations, and, of course—of course—impose extreme abortion restrictions.

I mean, the list of extreme far-right policies that were slapped onto the government spending bills in the House is astounding. If you want to get something done for your constituents, you need to get serious, and those bills are not serious.

Did House Republicans, at least, stick to the bipartisan top lines that President Biden and Speaker MCCARTHY agreed to and we all voted on? Not even in the slightest. Before the ink was dry on that deal that he shook hands on, Speaker MCCARTHY caved to demands from the far right to ignore those agreed-upon spending levels and take a hatchet to programs that our families rely on.

In those spending bills, House Republicans want to cut 80 percent—8–0—80 percent, that is $14.7 billion from title I funding our public schools rely on. It supports nearly 90 percent of our Nation's school districts. That includes rescinding funding that Congress provided last year that schools have worked into their budgets and are using for this school year.

They want to cut grants that keep our drinking water safe by more than half.

They want to slash nearly $4 billion from lifesaving research at the NIH.

In the middle of a childcare crisis, they want to cut Head Start by $750 million and eliminate funding to help our States expand preschool programs.

I am just getting started. I can go on all day with the devastating cuts House Republicans have jammed into their partisan spending bills with utter disregard for that agreement that we all passed a few months ago and, more importantly, for how harmful those cuts would be for those back home.

Those cuts would hollow out Federal programs and Agencies to a point where basic government services that people expect to get done—whether it is food safety inspectors or air traffic controllers—would almost certainly break down.

I don't say all of this to score political points. I am laying the facts out to make them plain to the American people, who I am sure are just as frustrated as I am, about how pointless it would be to shut down and how ridiculous it is that we are even at this point today.

So here we are, days from a government shutdown, and it is clear the only way Congress can keep the lights on and avoid a terrible shutdown is the bipartisan bill to continue funding and keep things open short-term while we work on those full-year bills.

The House isn't even trying to put forward a serious proposal to do that.

Here in the Senate, the senior Senator from Maine and I have a simple, bipartisan bill that keeps the government funded so we can continue to work on our full-year appropriations bills. It includes absolutely essential, time-sensitive reauthorizations for the FAA and other Agencies, and it extends urgently needed funding for disaster relief and our allies in Ukraine. It is a truly reasonable, bipartisan bill carefully negotiated.

We are working at this very moment with our colleagues to get this bill over to the House as soon as possible. But so far, Speaker MCCARTHY seems to be more focused on indulging a few Members by writing bills with massive, cartoon-villain level cuts instead of listening to the American people and avoiding this shutdown.

After wasting all of our time on his partisan bills, which will never become law, he tried to jam through a truly extreme CR that would have cut agencies by 30 percent—30 percent—as if a 30-percent shutdown isn't devastating to our families and the economy.

They need to get real. If it were to become law, that extreme proposal would have been devastating for families and for our country. Whether it is the Social Security Administration that is working to get seniors signed up for new benefits; the Department of Education that is working to process Pell Grants and financial aid for students—those Agencies and so many others—would have had to figure out this Monday how to implement a 30-percent, across-the-board cut if their bill had passed. This Monday.

Their bill would grind basic government services to a halt. It would create chaos and almost certainly make the odds of a recession likely.

As we just saw a while ago, that bill, fortunately, went down in the House in flames because it was not bipartisan, and it was not a serious effort to get our communities the funding they need.

So the lesson here should be obvious: Partisanship is not how we get through crisis—any of them—especially in a divided government. It is not how we prevent shutdowns. We prevent shutdowns by rolling up our sleeves, doing the hard work of talking to each other, listening to each other, and hammering out a bipartisan agreement to keep the lights on.

Fortunately, that is what we have actually done here in the Senate. We have a bipartisan agreement. We are on our way to sending it to the House as soon as possible.

The good news: It is not too late for Speaker MCCARTHY to learn his lesson and do the right thing. So I hope instead of listening to the likes of former

President Trump or the extreme right and continuing to push a bill like he just did that failed so badly, the Speaker needs to listen to all of the people who will be hurt by this shutdown, who will miss their paychecks, who will be cut off from healthcare and childcare and support they rely on. And then I hope he will commit to bringing up our commonsense CR bills to the floor as soon as possible.

Let us get our jobs done. Let's keep the government open. And then, instead of retreating back to partisan extreme, I urge Speaker MCCARTHY to do what so many of our Members on both sides of the aisle here in the Senate have called for and work together with our colleagues to find common ground and produce serious proposals that will make people's lives better.

Politics isn't a game. Sometimes you just choose to do the right thing because you know quite clearly what the right thing is to do. Shutting down the government is not the right thing. Refusing to work in a bipartisan way and forcing us into a showdown to show certain Members of the House Republican majority that you will fight Democrats, that is the wrong thing.

The American people don't want to see you fight the other party. They want to see you work with your colleagues across the aisle. That is what we have done in the Senate with our 12 bipartisan funding bills, and the sooner we take the shutdown off the table, the sooner we can get back to work to pass those 12 bills that fund everything from cancer research to grants for our farmers, to top-notch medical care for our veterans, and so much more.

So, as I have said so many times, let's help people and solve problems. Let's work together, not against one another.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mrs. BLACKBURN. Madam President, on June 27, 2014, an email was sent to an individual who works with Iran's Foreign Ministry. The sender of that email was seeking advice on whether she should attend a workshop on Iran's nuclear program hosted by Ben-Gurion University in Israel.

The sender wrote:

I am not interested in going, but then I thought maybe it would be better that I go and talk, rather than an Israeli like Emily Landau who goes and disseminates disinformation. I would like to ask your opinion, too, and see if you think I should accept the invitation and go.

In a normal world, we would chalk this up to an academic seeking politically charged advice from a mentor. But I became concerned when I learned that this individual who wrote that email, who was actively seeking guidance from individuals within the Iranian Foreign Ministry, now has a U.S. Government Top Secret clearance and works within our Defense Department as the Chief of Staff for the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Just to be sure we are following this, this is a U.S. citizen who wrote to someone inside Iran's Foreign Ministry to seek advice on going to a conference in Israel and speaking at that so that they would speak instead of someone who was pro-Israel. They were asking their advice.

Well, this individual is Miss Ariane Tabatabai, and that email was not the last one that she sent to her friend who was there in Iran's Foreign Ministry. She also wrote him a few weeks later, on July 10, 2014, to let him know that she was offering testimony to Congress on the Iran nuclear deal and needed some advice on how to handle it.

To be sure that we are continuing to follow this, she is going to be speaking to Congress, and she is asking the advice of someone inside Iran's Foreign Ministry on how she should handle her testimony before the U.S. Congress.

Now, some of my colleagues may have seen the Semafor article detailing these communications and the extent of Iranian influence operations against the United States. It contained details about the Iran Experts Initiative, referred to often as the IEI, which was a brainchild of the Rouhani administration.

It tasked a handful of second-generation Iranians with planting pro-nuclear Iran ideology in Western think tanks and writing propaganda demanding compromise with Tehran.

So the IEI is a part of Iran's soft propaganda. It is very intentional. We know that they were using this to push pro-Iran stories. It wasn't a casual operation. The Iranian Foreign Minister and his nuclear negotiating team were involved in creating this group—creating this group—there to support pushing the nuclear complex, the nuclear buildup in Iran.

Well, Miss Tabatabai was a part of the core group of the IEI, as it was referred to—that tight-knit core group. Remember, this is the Iran Experts Initiative. And from what we can gather, by all accounts, she was very good at her job. We know this because we have now seen emails between the Iranian officials in charge of this propaganda mill boasting about the success of their propaganda mill.

And just a few years after Tabatabai made a name for herself, pushing propaganda for Iran, the Biden administration invited her to take a seat at the table as part of Robert Malley's Iran nuclear negotiating team.

You remember Robert Malley. He was the lead negotiator on the 2015 JCPOA—or, as we commonly call it, the Iran nuclear deal. And then, in 2021, Biden named him the U.S. Special Envoy for Iran. It was his job to bring the United States and Iran into compliance with the failed nuclear deal.

Now, this is a tweet from June of that year sent by a high-ranking Russian diplomat whose job it was to help reimplement this deal. It shows the U.S. delegation at the negotiating table, hammering out the details with the Iranians.

And that is Ms. Tabatabai on the end in the pink blazer. She was not a background player. She was someone who had a seat at the negotiating table.

For almost 3 years now, I have come to the floor to implore President Biden and his advisers to just pay attention to the blatant information warfare against our country that is being carried out every single day by the new ''axis of evil''—Russia, China, Iran, North Korea.

Now, we have seen this take many forms. We see it with the remaining Confucius Institutes that are still in our country. We see it on TikTok. But for the most part, Biden has chosen to ignore the risk these influence operations pose to our country.

Now, we know his administration found a willing participant in an Iranian-influenced operation. He hired her. He gave her a U.S. Government top-secret security clearance and sent her to negotiate with the very officials that once she worked for.

Remember, she was a part of the Iran Experts Initiative. This is beyond poor judgment. This is dangerous. It is also rather unthinkable.

I would also remind my colleagues that earlier this year, her former boss and colleague, Robert Malley, was placed on leave after the State Department suspended his security clearance. They had reason to believe he was mishandling classified material.

Yesterday, we learned that the Pentagon is going to review Tabatabai's links to Tehran. But that is not sufficient. I want to know how it could be possible that the Biden administration found nothing of concern when they vetted her.

That is why I have sent this letter over to the Pentagon demanding answers to these questions. The American people deserve to know. How in the world someone who had worked for the Iranian Experts Initiative had been a part of what was called the core group—how could they possibly get a security clearance?

But, you know, considering the links to which this administration has gone to appease Iran, I imagine their response will be just as satisfying as the other that some of my colleagues and I have received in our attempts to exercise oversight over some of these foreign policy and national security issues. The American people deserve answers.

I ask unanimous consent that my letter to the Secretary of Defense regarding the foreign contacts of Ariane Tabatabai be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 28, 2023.

Hon. LLOYD J. AUSTIN III,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY AUSTIN: I am writing to express my concern over the actions taken by Ariane Tabatabai, the current Chief of Staff for Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD/SOLIC). Iran is an evil, violent regime that supports terrorism and seeks to annihilate freedom loving countries across the globe. Under the Obama-Biden administration, your boss helped make it easier for Iran to develop a nuclear weapon—showing regimes across the world that the United States will reward them for abusing human rights. Last year, the Iranian government murdered a woman for not wearing a head scarf. There is no other way to put it: Iran is a barbaric country.

This administration has gone to great lengths to appease Iran—taking the Iran-backed Houthis in Yemen off the Foreign Terrorist Organization list and ending U.S. support for Saudi Arabia and the UAE's war against the group. And just this month, on the anniversary of 9/11, President Biden incentivized Iran's terrorist activities and conceded our nation's future security as he handed over a $6 billion payout to Iran.

Given your administration's intentional appeasement of the Iranian regime, it is unfortunately not surprising that you are allowing those with close ties to Iran to serve in a senior role. It is vital to the security of our nation to thoroughly evaluate all individuals with links to the regime that wish to operate within the Department of Defense. It is imperative that no one with direct affiliations to the Iranian regime have access to sensitive information or influence over United States foreign policy.

According to a report, on June 27, 2014, Ms. Tabatabai consulted with an individual within Iran's Foreign Ministry over attending a workshop regarding the Iran's nuclear program at Ben-Gurion University in Israel. To quote Ms. Tabatabai. ''I am not interested in going, but then I thought maybe it would be better that I go and talk, rather than an Israeli like Emily Landau who goes and disseminates disinformation. I would like to ask your opinion too and see if you think I should accept the invitation and go.'' She also wrote to that same individual that she was to give testimony before the U.S. Congress on the nuclear deal.

Ms. Tabatabai's relationship with Iranian government representatives, along with her malicious comments regarding our ally, Israel, as a representative of the U.S. Department of Defense is undeniably unacceptable. Ms. Tabatabai's ties to the Iranian regime are dangerous and raise questions about potential foreign adversarial influence within the Department of Defense. Additionally, these reports call into question whether Ms. Tabatabai should be permitted to a security clearance with access to classified materials.

I ask a response to the following questions no later than October 6th, 2023:

1. What level clearance does Ms. Tabatabai currently possess?
2. How long has she held this clearance level?
3. Was her affiliation with the Iran Experts Initiative (IEI) discussed during the processing of her security clearance?
4. Has the Defense Counterintelligence and Security Agency (DCSA) reviewed Ms. Tabatabai's SF–86 for consistency since the release of this information?
5. Is it a standard Department of Defense policy to clear speaking engagements with a foreign leader prior to finalizing the decision?
6. Does the Department of Defense plan to question Ms. Tabatabai on if there is additional information she has leaked to foreign governments?
7. Has Ms. Tabatabai ever been in the position to make impacts that directly impact the country of Israel?
8. Did Ms. Tabatabai have access to classified documents related to the Joint Comprehensive Plan of Action?

Sincerely,

MARSHA BLACKBURN,
U.S. Senator.

Mrs. BLACKBURN. I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Republican leader is recognized.

GOVERNMENT FUNDING

Mr. MCCONNELL. Madam President, Congress has until tomorrow night to pass a straight-forward short-term funding extension and avoid a government shutdown.

All this week, and every time we have found ourselves in this situation before, I have offered my colleagues the same warning: Shutting down the government doesn't help anybody politically; it doesn't make any meaningful progress on policy; and it heaps unnecessary hardships on the American people as well as the brave men and women who keep us safe.

Right now, I am encouraged that many of my colleagues who share our concerns are working hard on amendments to strengthen the pending legislation and avert the disastrous effects of a shutdown.

Congress has an opportunity right now to pay our servicemembers, border security personnel, and other essential workers; to keep important government functions running; and to keep the lights on so the important discussions we are having right now about dealing with Democrats' border crisis, delivering disaster relief, supporting Ukraine, and reining in reckless spending can continue. And I would urge our colleagues to take that opportunity.

UNIVERSITY OF LOUISVILLE

Madam President, now, on an entirely different matter, today, I join my alma mater, the University of Louisville, in celebrating the inauguration of its new president, Dr. Kim Schatzel.

As many alum will tell you, UofL is a special place. For me, it was the first place in Kentucky where I felt completely at home. And it is somewhere I continue to find fulfillment in my personal and public life.

As a young man, it is where I met the first professor who challenged me to think for myself, where I tested my talents in my first art class, and where I was lucky enough to take part in UofL's congressional internship program. And that turned out a lot better than my artistic pursuits.

These days, UofL continues to be an important part of my life, whether I am tailgating football games with friends, advocating on behalf of the university in Washington, or observing the success of the McConnell Center scholars.

As President Schatzel steps into her new role, I hope she will find the immense opportunity and access afforded to myself and every UofL student, staff, faculty, and alum who walks this campus.

Throughout its 225-year history, UofL has hosted a long list of visionary leaders who shaped its success, and today I am proud to welcome President Schatzel to though those ranks. Her wealth of experience in both academics and business make her a valuable addition to the UofL family.

Before joining the University of Louisville, she led a successful career in corporate America. In just two decades, she rose from foreman on a Ford Pinto assembly line to heading up a multinational manufacturing enterprise.

She would eventually pivot to an equally impressive career in academia, taking her marketing genius to higher education. As President of Towson University, she bolstered graduation rates and broke records in capital investment on campus.

These are high priorities for our university as well, and I look forward to partnering with her to bring similar success to the UofL and broader communities.

The city of Louisville, the Commonwealth of Kentucky, and the entire Nation rely on the University of Louisville for its research and innovations in medicine, engineering, agriculture, the arts, and so much more.

Leading a major metropolitan university like UofL is a big job, but I think I speak for the entire Louisville community when I say: President Schatzel, keep up the great work. From one Cardinal to another, I wish her the best of luck and congratulations this momentous day.

The PRESIDING OFFICER. The Senator from Oregon.

REMEMBERING DIANNE FEINSTEIN

Mr. MERKLEY. Madam President, I am standing here at the desk next to the desk of our fallen colleague, Senator DIANNE FEINSTEIN. It seems enormously strange that instead of being able to sit here and have her next to me, her desk is covered with a black cloth and a crystal bowl of white roses.

We come from the west coast where our States sit side by side, so perhaps it was fitting that we sat side by side here on the floor of the U.S. Senate.

One thing, in particular, that Senator FEINSTEIN liked to do was share with me pictures of her dog Kirby, whom she absolutely loved. And she had a lot of pictures on her phone to show Kirby in different moments of delight. And I must say, for me, this was kind of a powerful, personal connection because I enjoyed showing her pictures of my dogs, Roxy and Lila, whom I love dearly.

So even as we work on the great issues of international affairs or the

big challenges of America, sometimes it is just the personal connections, simple connections in life that can bond people to each other.

Very few people's lives are as full of as much history and consequence as Senator DIANNE FEINSTEIN's: the first woman to serve as mayor of San Francisco; the first woman to serve as a Senator from California; the longest serving Senator not only from California, the longest serving woman in the Senate ever at just over 30 years.

In 2009, during my first year in the Senate, she made a point to invite me as a freshman Senator to meet her friend the Dalai Lama. I had a chance to previously meet the Dalai Lama when I was head of the World Affairs Council in Oregon, and I had invited him to speak to the people of Oregon. But this was in a different context of the connection, the foreign relations, in which we were striving to elevate concerns about the treatment of the Tibetan people. She was a passionate supporter of Tibetan people.

She had met him 30 years before in India. She had welcomed him on his first visit to the United States, as the mayor of San Francisco. She never let up on the importance of that challenge and her concerns about the mistreatment of the Tibetan people.

In fact, I also had the opportunity to work with her on the Congressional-Executive Commission on China, which strived to shine a light on many human rights issues, but one of which, certainly, was defending the Tibetan people's human rights and culture from the repression of the Chinese Government.

She was also a powerful partner as we worked together to pass the Employment Non-Discrimination Act here on the Senate floor, which we did in 2013, and then to strive to elevate the Equality Act, the gold standard for ending discrimination against our LGBTQ community—an act that we have not yet passed on this Senate floor but absolutely should. I hope someday we will have the votes to do that.

She just believed that nobody should face discrimination, everybody should have an equal opportunity to thrive here in the United States of America.

We also served together for many years on the Appropriations Committee and the Rules Committee. She was a persistent voice in this last couple of years, time and time again, calling for better pay for our Federal wildland firefighters. Now, that particular issue is so essential because of the fires we are facing in the West, and no one raised it as often or as passionately as she did. As a result, we won that pay raise. I know that she would be insisting, if she was here today, to make sure that pay raise is sustained in any continuing resolution that we might pass in the next couple of days.

She knew how essential that was out West, that we have wildland firefighters who can work year-round and be paid decently so we are actually there on the job.

I was proud to cosponsor her legislation this year, the West Coast Ocean Protection Act, to prohibit the exploration, development, and production of oil off the west coast, a mutual concern of those of the west coast that our coast and our multiple fisheries—our crabbing, our whiting, our shrimp, our salmon, our groundfish—are not damaged by oil, that our shoreline is not damaged by oil.

It was essential, she felt, that we preserve the health of our oceans against the potential damage of drilling off the coast. In fact, she was a strong voice in this modern conversation about climate change. She understood climate chaos and how the changing temperatures are affecting us in so many different ways.

At one point when we were serving on the Appropriations Committee together, I had a simple amendment that supported our international obligation to help fund an intergovernmental panel on climate change, and we had a deal between legislators on both sides of the aisle that we would simply hold a voice vote because legislators across the aisle felt it should be passed. But they knew anything that related to climate was so controversial, and they didn't want to bring that controversy into the discussion about honoring a treaty obligation. So the agreement was to pass it by voice vote.

When I proposed the amendment, Senator DIANNE FEINSTEIN spoke up—I hadn't filled her in on the background—and she said: This issue is about climate. It is so important we should hold a recorded vote.

I probably went a little bit pale because I wasn't sure that, as a recorded vote, we could vote to honor our international agreement. But, fortunately, and just by a single vote, we did. It worked out. But it just shows her commitment to having a public discussion, public votes, public accountability to take on this incredibly significant challenge that we have faced with the changing climate.

Senator FEINSTEIN helped open the doors of the Senate to so many other women legislators. She took weapons off the street. She believed torture was un-American and unacceptable, and those who are responsible must be held accountable.

She raised vehicle emissions standards and protected so many of California's and America's beautiful outdoor spaces for future generations, including the interest she had in protecting Lake Tahoe.

Yesterday, Senator FEINSTEIN, who did so much to open this government to so many, cast her final vote in the U.S. Senate. It was a vote to keep this government open, keep the American Government serving the American people.

She lived an exceptional life—a life dedicated to public service. She has left behind an enormous public legacy—a legacy of tenacity, a legacy of and willingness to build bridges across the aisle to solve problems. I hope that many of us can just hope to do as well.

My thoughts are with her daughter Katherine and her granddaughter Eileen. It was an honor and privilege to serve with Senator DIANNE FEINSTEIN here in the U.S. Senate.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. LUMMIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LUMMIS. Madam President, I am honored to have had my first term in the U.S. Senate coincide with DIANNE FEINSTEIN's time here in this Senate.

When I learned this morning that she had passed away—the longest serving woman in the U.S. Senate—two words came to my mind: patience and kindness. The Bible says that love is patient and kind.

Senator FEINSTEIN and I disagreed on policy much of the time, but never regarding patience and kindness. DIANNE FEINSTEIN was unfailingly kind. She was particularly kind to other women Senators. She was the first to invite other women Senators to dinner, to lead our gatherings, and to focus our attention on things that are good for all Americans, without regard to political ideology.

As someone who arrived in the Senate the same week as January 6, that day set the tone for many of my first months in the U.S. Senate. But that day never set the tone for my relationship with Senator DIANNE FEINSTEIN. My conversations with her, from beginning to end, were unfailingly cordial and kind.

Particularly poignant were my observations of the relationship between Senator FEINSTEIN and her colleague from California, Senator ALEX PADILLA. The conversations I enjoyed with Senator FEINSTEIN and Senator PADILLA displayed his admiration and respect for his senior Senate colleague, based on a yearslong working relationship going back to his internship for her. And his importance to her is on display in the beautiful artwork she created for him. That was a beautiful California duo. I know that Senator PADILLA will do her honor in becoming California's senior Senator.

So I conclude with positive memories of DIANNE FEINSTEIN—Senator, colleague, and hopefully for both of us, friend. That is a lovely way to set the tone for political opposites going forward.

If patience and kindness is what love is, then that is also what Senator DIANNE FEINSTEIN is. Senator DIANNE FEINSTEIN is love. I salute her service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST

Mr. JOHNSON. Madam President, I am very glad that you have taken the chair to preside because I want to talk about something I think is kind of near and dear to your heart. This is something that I passed in the Homeland Security and Governmental Affairs Committee in the Senate back in 2019, and this was passed with bipartisan support. I am talking about a bill called the Prevent Government Shutdowns Act.

Following passage, I wrote an article in the Wall Street Journal. I just want to read the first two paragraphs of that column, published on September 22, 2019:

If the Legislature in my home state of Wisconsin fails to pass the next year's appropriation bills, we don't shut government agencies down. We fund them at the previous year's appropriation levels. Doesn't that make sense?

That common-sense approach should apply in Washington, but it doesn't. By the time I arrived in 2011, Congress's appropriations process was completely broken.

It still is.

The United States has since had—

Again, this is as of September 2019.

—the United States has since had three government shutdowns, passed 34 continuing resolutions to avoid shutdowns, raised or suspended the debt ceiling nine times and—

Again, this was just 4 years ago.

—increased the federal debt $8.5 trillion.

So here we are, a couple days before the end of the fiscal year, 4 years later—our debt, by the way, has more than doubled; it stands at $33 trillion now—and we are facing a shutdown.

Isn't this ridiculous? There is no reason for this.

Again, back in June of 2019, I tasked up my committee members. I said: OK. I want to pass a bill that will end all government shutdowns forever. Take it off the table.

Now, there have been a number of bills designed to do that offered in both Chambers, both the House and the Senate.

I have three members of the committee—four members of the committee have their own bills.

The bill I selected to debate, mark up, and pass was one offered by Senators JAMES LANKFORD and MAGGIE HASSAN.

I chose that bill because—one bill actually increased spending; one bill decreased spending. But the Hassan-Lankford bill did what we do in Wisconsin: You don't shut an agency down; you don't shut the government down; you just keep spending at last year's level until the legislature can get its act together and appropriate the funds.

So that bill that I chose that we passed—by the way, on a bipartisan basis. I believe every Democratic Senator on the committee voted for it because Senator HASSAN, Senator LANKFORD did a good job of coming together in a bipartisan fashion. They put some disciplines in there.

But what it does, it just creates rolling 14-day CRs. With those disciplines, Members can't travel back on the government dime. You only have a 24-hour shutdown, I believe. There are other disciplines there that put pressure on the process to get our act together and start appropriating bills.

If you don't get it done in the first 14 days, you have another 14-day CR, you do another 14-day CR, until we complete the appropriations process.

Again, not an efficient way of doing things. I think the reason most Members say that they don't want to shut down the government is we realize it is a very inefficient process, and it hurts people. It hurts people.

So why haven't we passed this in the last 4 years? Why haven't some of these other preventing government shutdowns acts passed in the past? Why not? It is ridiculous we haven't done it yet.

The result, by the way, has been what this chart demonstrates. Again, I already mentioned we are at $33 trillion in debt. It is very important to recognize how out of control spending is here in Washington, DC.

When we were debating the omnibus last year, I asked my Republican colleagues at the Senate lunch: Does anybody know how much the Federal Government is going to spend this year?

I didn't get any answers. Maybe somebody knew, but they didn't volunteer to answer.

I went out and asked the Washington press corps, the folks who are supposed to be reporting on this to our constituents and to the American public: Does anybody know how much the government spent last year?

Well, it is over $1 trillion. Well, that is true in terms of discretionary spending—less than 30 percent of the budget.

By the way, I granted them immediate absolution. I said: I wouldn't expect you to know how much the Federal Government spends in total because we never talk about it.

Think of it. The Federal Government is the largest financial entity in the world, and, in December of 2022, the people I was asking—the people who should have known this—had no idea what in total the Federal Government spent. Well, the answer was about $6.2 trillion.

Let me put that in context. That is what this chart shows. The numbers are pretty small. So I will describe them. This column is fiscal year 2019 spending. This is the fiscal year before the pandemic and the pandemic recession.

This column is this fiscal year, fiscal year 2023 estimated spending. We don't have hard figures yet, but we have a pretty good idea of what we are going to be spending.

Just 4 years ago, in just the year 2019, total Federal Government spending was $4.446 trillion—$4.4 trillion. Let me put that in perspective. In 2002, it was the first time we passed the Rubicon of spending over $2 trillion in total. Seventeen years later—it took us 17 years to more than double that to $4.4 trillion.

This fiscal year that we are closing out in a couple of days, we will spend over $6.3 trillion. We are spending $1.9 trillion more this year than we spent just 4 years ago. This is completely out of control.

By the way, if you put us on a baseline, based on just population growth and inflation—in other words, take out the massive out-of-control spending during the pandemic and just put us on a reasonable baseline—last year, we spent a little more than $5 trillion.

But in the debt ceiling deal—which, by the way, didn't raise the debt ceiling by a given amount—but House conservatives basically gave the Speaker to negotiate $1.5 trillion. We have done one of these Washington games, which is suspending debt. It will probably result in a debt ceiling of $4 trillion, which will accommodate this massive—massive—deficit spending.

So again, just to repeat: 4 years ago, $4.4 trillion; 4 years later, $6.3, almost $6.4 trillion. That is an increase of more than $1.9 trillion. And the deficit this year will be somewhere between $1.7 and $2 trillion. We need to get this under control.

But I want to make an important point here. As dysfunctional as Washington, DC, is—it is grotesquely dysfunctional. I come from the private sector. This would not happen in the private sector. You wouldn't take 72 or 73 percent of what you spend in your private sector budget and say: That is on automatic pilot. We are never going to look at that. We are only going to look at 27 percent of the budget and try to control that. That is basically what we are doing here with discretionary spending this year. Twenty-seven percent, we will focus on that, and we will ignore 73 percent and let it grow out of control.

But again, this is a well-honed process. This isn't—it is dysfunctional, but the process is in place, and it is a well-honed process to mortgage our children's future, and we are witnessing that process.

Again, this is my 13th year. I think every year, at least, a shutdown has been threatened, as we are threatening this one—again, disquieting people, worrying people, because if a shutdown does occur, people will be hurt. We can avoid it.

But this well-honed process is playing out as it has ever since I have arrived here. Basically, you don't do appropriation bills without the House, without the Senate. You might start. You might start the charade, like we did this year, and start passing them in this Chamber, in September, a few weeks before the fiscal year. Obviously, you don't have enough time to pass all of them. So then you threaten a government shutdown.

You predict calamity, and then you load onto a continuing resolution spending that may or may not be controversial. It is not where you increase spending. It is not where you put supplemental spending. But that is what

we do. So it becomes controversial, and, all of a sudden, here you are threatening shutdown.

Now the proposal on the table right now in the Senate is: Let's do a CR with some controversial spending, and we will have that CR end the day before the Thanksgiving recess—a little pressure on our Members, just in case we can get our act together to come up with a couple of massive minibuses or just one massive omnibus to drop on everybody's desk. And if they want to go home for recess, you had better pass that now.

Now, my guess is we probably won't be able to get that done in time, and so we will end up with another CR. This one will probably be scheduled to expire—oh, I don't know, pick a date. My guess would be December 23 and December 24—the same process. That is what happened last year.

Then we get it, again, dropped on our desk—about a 2,000-plus page bill. Nobody has time to read it, other than the people who wrote it. And you get the Hobson's choice—vote yes or no. The problem with that, in addition to just the grotesque dysfunction of it, is the individual appropriation bills do not get the scrutiny that they deserve.

If you bring up every appropriations bill—12—you have got to start somewhere around May. You bring up each individual appropriation bill. Now you can actually scrutinize it. The public can see it. We can offer amendments.

Again, it is not a panacea. I am not going to say it is going to completely stop this runaway spending train, but it will be some constraint. It restores some function to this very dysfunctional place.

So what I have been pushing for, for 4 years—and it is one of the reasons I withheld my consent on the minibus. And I appreciate the fact that the chairman and the ranking member of the Appropriations Committee were willing to work with me and offer me an amendment on the minibus to try and get a vote to maybe pass the Preventing Government Shutdown Act, but other people are objecting, and we haven't got that vote yet.

So here we are, a couple days before a shutdown, and we need to do something. The House is having, obviously, a difficult time coming up with a solution. The Senate may pass something that really has no chance of passing in the House. I think we have to be honest about that.

So, again, in order to prevent a government shutdown, what we ought to do is do something that people agree on. You know, rather than trying to use this moment to jam something through that people don't all agree with, let's try and pass something people agree with, which is a bill that will prevent a government shutdown.

Now, I chose a 14-day clean CR—because that is pretty much the structure of the Prevent Government Shutdowns Act, rolling 14-day CRs, giving both Chambers the time to act to start passing these bills with a little bit more scrutiny than what minibuses or an omnibus would afford. It is a very commonsense approach. It is something we all ought to agree on. It would prevent a shutdown. It would prevent pain to real people. And all we have to do is agree to do what we all say we want to do, to avoid what we all say we want to avoid—a government shutdown.

So, Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of my bill, which is at the desk. I further ask that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Ms. HASSAN). Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object, we can't be back here in the same situation in 2 weeks. We need a CR that gives us the actual time to get through our bipartisan spending bills. Believe me, I would love to say we could get this done in 2 weeks. But we know that is not realistic, because even the three that passed unanimously out of my committee have run into delays, as the Senator from Wisconsin knows all too well.

And, just as importantly, this bill does nothing to reauthorize time-sensitive programs. It does not reauthorize the FAA, which means chaos for air travelers. It doesn't reauthorize our community health centers and other critical primary care programs, which means patients in our underserved areas will lose access to programs they need.

And it doesn't protect our wildland firefighters from a drastic pay cut. It doesn't extend disaster relief funding or Ukraine's aid.

We have before this body a carefully negotiated bipartisan CR that does include all of those absolutely essential policies, that has already garnered more than enough support to pass here in the Senate, and that I am confident will pass the House as soon as Speaker MCCARTHY actually puts it to a vote.

That is where our attention needs to be, not on a slapdash bill that puts us back here in 2 weeks and completely leaves air travel, health care providers, firefighters, and so much more in a lurch.

I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

VOTE EXPLANATION

Mr. HAWLEY. Mr. President, had there been a recorded vote, I would have voted ''no'' on the confirmation of Executive Calendar No. 324, Thomas G. Day, of Virginia, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2028.

HOPEWELL CEREMONIAL EARTHWORKS

Mr. BROWN. Madam President, I rise today to congratulate the Ohio History Connection, National Parks Service, and local Tribal communities on their historic achievement of earning Ohio's first World Heritage designation.

The Hopewell Ceremonial Earthworks join the Yellowstone National Park, the Grand Canyon, the Statue of Liberty, and 21 others as U.S.-designated World Heritage sites. The designation is reserved for the places on earth that are of ''Outstanding Universal Value'' to humanity and will support the protection of the site for future generations.

The Hopewell Ceremonial Earthworks are a series of eight ancient monuments built in the middle of the Woodland period, between 1,600 and 2,000 years ago by people we now refer to as the Hopewell Culture. The Earthworks embody the artistry, spirituality, and architecture of the Hopewell peoples. They also reflect the commitment to preservation and collaboration that archaeologists and Tribal nations have maintained over the years.

This designation would not be possible without the collaboration of the Ohio History Connection, the National Parks Service, and local Tribal communities. May the celebration and preservation of the Hopewell Earthworks tell the story of Ohio history for generations to come. Congratulations.

MESSAGE FROM THE HOUSE

At 4:40 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the Speaker appoints the following Members to be the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense and 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, in lieu of their appointments on September 19, 2023:

From the Committee on Financial Services, for consideration of subtitle J of title X of division A, secs. 1085 and 1086, title LXVIII of division E, division

I, and division J of the Senate amendment, and modifications committed to conference: Messrs. MCHENRY and LUETKEMEYER, and Ms. WATERS.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2322. A communication from the Comptroller General of the United States, Government Accountability Office, transmitting, pursuant to law, a report entitled ''White House Spending: FY 2022 Certificated Expenditures of the President and Vice President Were for Authorized Purposes''; to the Committee on Appropriations.

EC–2323. communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Implementation of Executive Order 12938 Concerning the Proliferation of Weapons of Mass Destruction''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2324. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report entitled ''Audit of the Exchange Stabilization Fund's Financial Statements for Fiscal Year 2022 and 2021''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2325. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the Financial Stability Oversight Council 2022 annual report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–2326. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13660 with respect to Ukraine; to the Committee on Banking, Housing, and Urban Affairs.

EC–2327. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13288 with respect to Zimbabwe; to the Committee on Banking, Housing, and Urban Affairs.

EC–2328. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13692 with respect to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–2329. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12957 with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–2330. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12978 with respect to significant foreign narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2331. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''The Commission's Privacy Act Regulations'' (RIN3235–AN21) received during adjournment of the Senate in the Office of the President of the Senate on September 22, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC–2332. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Investment Company Names'' (RIN3235–AM72) received during adjournment of the Senate in the Office of the President of the Senate on September 22, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC–2333. A communication from the Senior Legal Advisor for Regulatory Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Provisions Pertaining to Certain Transactions by Foreign Persons Involving Real Estate in the United States'' (RIN1505–AC82) received in the Office of the President of the Senate on September 13, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC–2334. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Corrections in the Iranian Transactions and Sanctions Regulations and Western Balkans Stabilization Regulations'' received in the Office of the President of the Senate on September 14, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC–2335. A communication from the Chief of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Species Status for Magnificent Ramshorn and Designation of Critical Habitat'' (RIN1018–BE86) received during adjournment of the Senate in the Office of the President of the Senate on September 22, 2023; to the Committee on Environment and Public Works.

EC–2336. A communication from the Chief of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Sand Dune Phacelia and Designation of Critical Habitat'' (RIN1018–BF89) received during adjournment of the Senate in the Office of the President of the Senate on September 22, 2023; to the Committee on Environment and Public Works.

EC–2337. A communication from the Chief of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Foothill Yellow-Legged Frog; Threatened Status With Section 4(d) Rule for Two Distinct Population Segments and Endangered Status for Two Distinct Population Segments'' (RIN1018–BE90) received during adjournment of the Senate in the Office of the President of the Senate on September 22, 2023; to the Committee on Environment and Public Works.

EC–2338. A communication from the Policy Advisor, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Technical Corrections for Eight Species of Endangered and Threatened Fish and Wildlife'' (RIN1018–BA54) received during adjournment of the Senate in the Office of the President of the Senate on September 22, 2023; to the Committee on Environment and Public Works.

EC–2339. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; WA; Yakima County Outdoor and Agricultural Burning Rule Revisions'' (FRL No. 9203–02–R10) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2340. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wyoming: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference'' (FRL No. 10614–02–R8) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2341. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Indiana; ArcelorMittal and NIPSCO Sulfur Dioxide Revisions'' (FRL No. 10754–02–R5) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2342. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Texas; Updates to Public Notice and Procedural Rules and Removal of Obsolete Provisions'' (FRL No. 10892–03–R6) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2343. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Revisions; California; Placer County Air Pollution Control District; General Permit Requirements, New Source Review'' (FRL No. 11004–02–R9) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2344. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Delegation of Authority for Designated Facilities and Pollutants; New Hampshire; Delegation of Authority'' (FRL No. 11112–02–R1) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2345. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Washington; Southwest Clean Air Agency, General Air Quality Regulations'' (FRL No. 11155–02–R10) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2346. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Washington; Southwest Clean Air Agency; Emission Standards and Controls for Sources Emitting Gasoline Vapors'' (FRL No. 11175–02–R10) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2347. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal 'Good Neighbor Plan' for the 2015 Ozone National Ambient Air Quality Standards; Response to Additional Judicial Stays of SIP Disapproval Action for Certain States'' (FRL No. 8670.3–01–OAR) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Environment and Public Works.

EC–2348. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Disapproval; Iowa; Electronic Submittal of Air Quality'' (FRL No. 10989–02–R7) received during adjournment of the Senate in the Office of the President of the Senate on September 15, 2023; to the Committee on Environment and Public Works.

EC–2349. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Water Act Section 401 Water Quality Certification Improvement Rule'' (FRL No. 6976.1–03–OW) received during adjournment of the Senate in the Office of the President of the Senate on September 15, 2023; to the Committee on Environment and Public Works.

EC–2350. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Healthcare Fraud Prevention Partnership Biennial Report to Congress''; to the Committee on Finance.

EC–2351. A communication from the Acting Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's 2023 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC–2352. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Report to Congress on Department of State Actions in FY 2021 and FY 2022 Pursuant to the Convention on Cultural Property Implementation Act''; to the Committee on Finance.

EC–2353. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Reports of the Cultural Property Advisory Committee in FY 2021 and FY 2022''; to the Committee on Finance.

EC–2354. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Streamlining Medicaid; Medicare Savings Program Eligibility Determination and Enrollment'' (RIN0938–AU00) received in the Office of the President of the Senate on September 21, 2023; to the Committee on Finance.

EC–2355. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Separate Licensing or Approval Standards for Relative or Kinship Foster Family Homes'' (RIN0970–AC91) received in the Office of the President of the Senate on September 27, 2023; to the Committee on Finance.

EC–2356. A communication from the Senior Legal Advisor for Regulatory Affairs, Office of Recovery Programs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coronavirus State and Local Fiscal Recovery Funds'' (RIN1505–AC81) received in the Office of the President of the Senate on September 26, 2023; to the Committee on Finance.

EC–2357. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transition Relief and Guidance Relating to Certain Required Minimum Distributions'' (Notice 2023–54) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2023; to the Committee on Finance.

EC–2358. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax Treatment of Staking Rewards'' (Rev. Rul. 2023–14) received in the Office of the President of the Senate on September 20, 2023; to the Committee on Finance.

EC–2359. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Amortization of Research or Experimental Expenditures under Section 174'' (Notice 2023–63) received in the Office of the President of the Senate on September 27, 2023; to the Committee on Finance.

EC–2360. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Interim Guidance Regarding the Application of the Corporate Alternative Minimum Tax under Sections 55, 56A, and 59 of the Internal Revenue Code'' (Notice 2023–64) received in the Office of the President of the Senate on September 27, 2023; to the Committee on Finance.

EC–2361. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Determination Under Section 506(a) (1) and Section 614(a) (1) of the Foreign Assistance Act of 1961 (FAA) to Provide Military Assistance to Ukraine''; to the Committee on Foreign Relations.

EC–2362. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''U.S. Compliance with the Authorization for Use of Military Force in Iraq''; to the Committee on Foreign Relations.

EC–2363. A communication from the Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'' (29 CFR Part 4044) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2023; to the Committee on Health, Education, Labor, and Pensions.

EC–2364. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Board's budget request for fiscal year 2025; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Environment and Public Works:

Report to accompany S. 2195, a bill to amend the Energy Policy Act of 2005 to reauthorize the diesel emissions reduction program (Rept. No. 118–100).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RICKETTS (for himself and Ms. SMITH):

S. 2996. A bill to amend the Consolidated Farm and Rural Development Act to extend and enhance the Rural Microentrepreneur Assistance Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TILLIS:

S. 2997. A bill to amend title 40, United States Code, to increase the mileage of the Appalachian Development Highway System to provide for improvements to and expansion of Corridor K in North Carolina, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself and Mr. WARNOCK):

S. 2998. A bill to amend the Food and Agriculture Act of 1977 and the Agriculture Improvement Act of 2018 to modify provisions relating to matching funds requirements for research and extension activities at eligible institutions and related reporting requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCOTT of Florida (for himself, Mr. RISCH, Mr. SULLIVAN, Mr. SCOTT of South Carolina, Mr. WICKER, and Mr. JOHNSON):

S. 2999. A bill making continuing appropriations for certain employees and contractors of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in the event of a Government shutdown; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PETERS (for himself, Mr. RUBIO, Mrs. SHAHEEN, Mr. CASSIDY, Mr. VAN HOLLEN, Mr. RICKETTS, and Mr. KENNEDY):

S. 3000. A bill to repeal Freedom Support Act section 907 waiver authority with respect to assistance to Azerbaijan; to the Committee on Foreign Relations.

By Ms. HIRONO (for herself, Ms. MURKOWSKI, and Mr. SULLIVAN):

S. 3001. A bill to amend the Internal Revenue Code of 1986 to extend the exemption from the excise tax on alternative motorboat fuels sold as supplies for vessels or aircraft to include certain vessels serving only one coast; to the Committee on Finance.

By Ms. HIRONO:

S. 3002. A bill to amend the Internal Revenue Code of 1986 to modify the clean fuel production credit to provide a special rate for sustainable vessel fuel; to the Committee on Finance.

By Mr. KAINE (for himself, Mr. DURBIN, Mrs. SHAHEEN, Mr. MERKLEY, Mr. MURPHY, Mr. COONS, Mr. WELCH, Mr. SCHATZ, Mr. WYDEN, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. MARKEY, Mrs. MURRAY, Ms. WARREN, Mr. BOOKER, and Mr. WARNER):

S.J. Res. 46. A joint resolution commemorating the fifth anniversary of the murder of Jamal Khashoggi and calling for accountability; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LUMMIS (for herself, Mr. RISCH, Mr. CRAPO, Mr. RICKETTS, Mr. CRAMER, Mr. SULLIVAN, Mrs. CAPITO, Mr. BARRASSO, Mr. CASSIDY, Mr. HOEVEN, Mr. LANKFORD, and Mr. CRUZ):

S. Res. 386. A resolution designating October 4, 2023, as National Energy Appreciation Day to celebrate the people who work to power the United States and the economy of the United States and to build awareness of the important role that the energy producers of the United States play in reducing poverty, strengthening national security, and improving the quality of life for people around the world; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Ms. COLLINS, and Mr. KING):

S. Res. 387. A resolution designating October 12, 2023, as ''National Loggers Day''; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. DUCKWORTH, Mr. HICKENLOOPER, Mr. COONS, Mr. WARNOCK, Mr. SULLIVAN, Ms. SMITH, Mr. KING, Mr. REED, Ms. SINEMA, Mr. WHITEHOUSE, Mr. TILLIS, Mrs. CAPITO, Mr. GRAHAM, Mr. ROMNEY, Ms. WARREN, Mrs. SHAHEEN, and Mr. CASSIDY):

S. Res. 388. A resolution designating the week of September 25 through September 29, 2023, as ''National Clean Energy Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. HAGERTY, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to repeal the amendments made to reporting of third party network transactions by the American Rescue Plan Act of 2021.

S. 89

At the request of Mr. BRAUN, the name of the Senator from Missouri (Mr. SCHMITT) was added as a cosponsor of S. 89, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 219

At the request of Mr. BRAUN, the name of the Senator from Missouri (Mr. SCHMITT) was added as a cosponsor of S. 219, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 673

At the request of Ms. ROSEN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 673, a bill to allow nonprofit child care providers to participate in certain loan programs of the Small Business Administration, and for other purposes.

S. 805

At the request of Mr. BROWN, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 805, a bill to amend the Tariff Act of 1930 to increase civil penalties for, and improve enforcement with respect to, customs fraud, and for other purposes.

S. 1481

At the request of Mr. HAGERTY, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 1481, a bill to amend the Investment Company Act of 1940 to postpone the date of payment or satisfaction upon redemption of certain securities in the case of the financial exploitation of specified adults, and for other purposes.

S. 1602

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1602, a bill to provide for grants to address maternal mental health conditions and substance use disorders, and for other purposes.

S. 2378

At the request of Mr. MARKEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2378, a bill to amend the Internal Revenue Code of 1986 to increase excise taxes on fuel used by private jets, and for other purposes.

S. 2647

At the request of Mr. BOOKER, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2647, a bill to improve research and data collection on stillbirths, and for other purposes.

S. 2791

At the request of Mr. CRUZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2791, a bill to amend title 14, United States Code, to make appropriations for Coast Guard pay in the event an appropriations Act expires before the enactment of a new appropriations Act, and for other purposes.

S. 2824

At the request of Mr. CRUZ, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2824, a bill to secure the borders of the United States, and for other purposes.

S. 2835

At the request of Mr. SULLIVAN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2835, a bill making continuing appropriations for military pay in the event of a Government shutdown.

S. 2911

At the request of Mr. BRAUN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2911, a bill to prohibit the President and the Secretary of Health and Human Services from declaring certain emergencies or disasters for the purpose of imposing gun control.

S. 2982

At the request of Mr. BOOKER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2982, a bill to require a GAO study on the sale of illicit drugs online, and for other purposes.

S. 2988

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2988, a bill to establish a Green New Deal for public schools.

S. 2994

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to support upgrades at existing hydroelectric dams in order to increase clean energy production, improve the resiliency and reliability of the United States electric grid, enhance the health of the Nation's rivers and associated wildlife habitats, and for other purposes.

AMENDMENT NO. 1298

At the request of Mr. CRUZ, the names of the Senator from Louisiana (Mr. KENNEDY), the Senator from North Dakota (Mr. CRAMER), the Senator from Tennessee (Mr. HAGERTY) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of amendment No. 1298 intended to be proposed to H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 386—DESIGNATING OCTOBER 4, 2023, AS NATIONAL ENERGY APPRECIATION DAY TO CELEBRATE THE PEOPLE WHO WORK TO POWER THE UNITED STATES AND THE ECONOMY OF THE UNITED STATES AND TO BUILD AWARENESS OF THE IMPORTANT ROLE THAT THE ENERGY PRODUCERS OF THE UNITED STATES PLAY IN REDUCING POVERTY, STRENGTHENING NATIONAL SECURITY, AND IMPROVING THE QUALITY OF LIFE FOR PEOPLE AROUND THE WORLD

Ms. LUMMIS (for herself, Mr. RISCH, Mr. CRAPO, Mr. RICKETTS, Mr. CRAMER, Mr. SULLIVAN, Mrs. CAPITO, Mr. BARRASSO, Mr. CASSIDY, Mr. HOEVEN, Mr. LANKFORD, and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 386

Whereas energy is a vital part of daily life and has greatly improved the standard of living in the United States and around the world;

Whereas the energy mix in the United States reflects an all-of-the-above energy approach, which is important for keeping energy affordable, reliable, and efficient;

Whereas the efficient use of the natural resources of the United States is a key part of strengthening the national security of the United States;

Whereas access to affordable, reliable energy supports economic growth and creates upward mobility;

Whereas the use of advanced energy technology has greatly reduced emissions associated with energy development and use while supporting sustained economic growth alongside continued environmental improvement;

Whereas the men and women who play a part in building, maintaining, and delivering access to energy should be commended for their hard work and vital role in modern life;

Whereas access to energy throughout the United States has more than doubled life expectancy;

Whereas access to energy has reduced the percentage of the global population living in poverty from more than 40 percent to less than 10 percent;

Whereas the energy industry accounts for 7,800,000 jobs in the United States;

Whereas each direct job in the oil and natural gas industry of the United States generates 3.7 jobs elsewhere in the economy of the United States, ultimately supporting 10,800,000 jobs that account for 5.4 percent of employment in the United States;

Whereas Federal oil and natural gas leases for onshore and offshore development brought in more than $22,000,000,000 in revenue for the Federal Government in 2022;

Whereas the United States oil and natural gas industry alone generates nearly $1,800,000,000,000 in gross domestic product per year;

Whereas coal continues to serve as a reliable and affordable source of baseload power for consumers across the United States and provided 19.5 percent of the utility-scale electricity in the United States in 2022;

Whereas hydroelectric power infrastructure contributes significant clean and reliable baseload power to the energy grid of the United States and vital grid flexibility with the ability to scale up or down to match fluxes in consumer demand;

Whereas innovation in the nuclear energy industry of the United States has led to the annual generation capacity of about 100,000 megawatts of safe, clean, and reliable nuclear power; and

Whereas renewable energy employment continues to expand, with solar jobs accounting for the largest area of growth: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 4, 2023, as National Energy Appreciation Day; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe National Energy Appreciation Day with appropriate events to promote education on and celebrate the role of modern energy systems in everyday life.

SENATE RESOLUTION 387—DESIGNATING OCTOBER 12, 2023, AS ''NATIONAL LOGGERS DAY''

Ms. BALDWIN (for herself, Ms. COLLINS, and Mr. KING) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 387

Whereas the logging industry has served as an economic driver and cultural tradition in the United States for centuries;

Whereas the logging industry creates rural jobs and provides revenue for local and State governments and National forests;

Whereas loggers provide renewable material for products used by people in the United States every day;

Whereas loggers are the first link in the $300,000,000,000 domestic forest products supply chain;

Whereas loggers are the means by which healthy forest management plans are accomplished;

Whereas logging provides for healthy forests, which—

(1) maintain vital animal habitats;

(2) protect watersheds;

(3) sequester carbon;

(4) provide public recreational opportunities; and

(5) reduce loss of life and property from wildfires; and

Whereas logging provides for healthy forests through regeneration, including by planting 2,500,000,000 trees annually: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 12, 2023, as ''National Loggers Day''; and

(2) encourages the President to officially designate October 12th as ''National Loggers Day''.

SENATE RESOLUTION 388—DESIGNATING THE WEEK OF SEPTEMBER 25 THROUGH SEPTEMBER 29, 2023, AS ''NATIONAL CLEAN ENERGY WEEK''

Ms. COLLINS (for herself, Ms. CANTWELL, Ms. DUCKWORTH, Mr. HICKENLOOPER, Mr. COONS, Mr. WARNOCK, Mr. SULLIVAN, Ms. SMITH, Mr. KING, Mr. REED, Ms. SINEMA, Mr. WHITEHOUSE, Mr. TILLIS, Mrs. CAPITO, Mr. GRAHAM, Mr. ROMNEY, Ms. WARREN, Mrs. SHAHEEN, and Mr. CASSIDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 388

Whereas, across the United States, clean and readily abundant forms of energy are powering more homes and businesses than ever before;

Whereas clean energy generation is readily available from zero- and low-emissions sources;

Whereas the clean energy sector is a growing part of the economy and has been a key driver of economic growth in the United States in recent years;

Whereas technological innovation can further reduce costs, enhance reliability, and increase deployment of clean energy sources;

Whereas the report of the Department of Energy entitled ''United States Energy & Employment Report 2023'' found that, at the end of 2022, the energy and energy efficiency sectors in the United States employed approximately 8,100,000 individuals;

Whereas the scaling of affordable and exportable clean energy is essential to reducing global emissions;

Whereas clean energy jobs contribute to the growth of local economies; and

Whereas innovative clean energy solutions and clean energy jobs are part of the energy future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 25 through September 29, 2023, as ''National Clean Energy Week'';

(2) encourages individuals and organizations across the United States to support commonsense solutions that address the economic, environmental, and energy needs of the United States in the 21st century;

(3) encourages the Federal Government, States, municipalities, and individuals to invest in affordable, clean, and low-emitting energy technologies;

(4) supports reliable and affordable energy for the people of the United States; and

(5) recognizes the role of entrepreneurs and small businesses in ensuring the leadership of the United States in the global energy marketplace and in supporting low-cost, clean, and reliable energy in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1300. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table.

SA 1301. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1302. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1303. Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1304. Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1305. Mr. VANCE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1306. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1307. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1308. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1309. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1310. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1311. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1312. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1313. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1314. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1315. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1316. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1317. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1318. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1319. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1320. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1321. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1322. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1323. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1324. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1325. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1326. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1327. Mr. CRUZ (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1328. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1329. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1330. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1331. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1332. Ms. BALDWIN (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1333. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1334. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1335. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1336. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1337. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1338. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1300. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Amounts made available under section 101 of this Act may not be used to reimburse non-Federal entities for onward destination transportation or transportation from one non-Federal entity to another non-Federal entity of individuals encountered by the Department of Homeland Security if any member of the family unit or an individual has been convicted of a criminal offense or other immigration violation, unless such transportation is operationally necessary to facilitate a removal.

SA 1301. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding section 101, the fourth proviso under the heading ''U.S. Customs and Border Protection—Operations and Support'' in title II of division F of Public Law 117–328 shall be applied by substituting '''U.S. Immigrations and Customs Enforcement—Operations and Support' to support enforcement, detention, and removal operations, including transportation of unaccompanied alien minors'' for '''Federal Emergency Management Agency—Federal Assistance' to support sheltering and related activities provided by non-Federal entities, including facility improvements and construction, in support of relieving overcrowding in short-term holding facilities of U.S. Customs and Border Protection, of which not to exceed $11,200,000 shall be for the administrative costs of the Federal Emergency Management Agency.''.

SA 1302. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding section 101, the fourth proviso under the heading ''U.S. Customs and Border Protection—Operations and Support'' in title II of Division F of Public Law 117–328 shall be applied by substituting ''$720,000,000'' for ''$800,000,000'': *Provided*, That these funds may not be used for onward destination transportation or service-provider-to-service-provider transportation for aliens convicted of criminal offenses or other immigration violations, unless operationally necessary to facilitate a removal.

(b) Notwithstanding section 101, the matter preceding the first proviso under the heading ''U.S. Customs and Border Protection—Operations and Support'' in title II of Division F of Public Law 117–328 shall be applied by substituting ''$15,510,694,000'' for ''$15,590,694,000''.

(c) Notwithstanding section 101, the amounts made available for ''U.S. Immigration and Customs Enforcement—Operations and Support'' in title II of Public Law 117–328 shall be applied by substituting—

(1) ''$8,476,305,000'' for ''$8,396,305,000''; and

(2) ''$4,261,786,000'' for ''$4,181,786,000''.

SA 1303. Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

SEC. 21___. REHABILITATION AND REPAIR OF FLOOD AND STORM DAMAGE REDUCTION PROJECTS.

Any requirement under section 103 of the Water Resources Development Act of 1986 (33

U.S.C. 2213) with respect to easements shall not apply to construction or rehabilitation and repair of damages to shore protection projects caused by natural disasters using amounts made available to the Corps of Engineers for flood and storm damage reduction projects.

SA 1304. Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 15 and all that follows through ''$5,500,000,000'' on line 21 and insert ''$16,500,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which $1,000,000 shall be transferred to 'Office of the Inspector General—Operations and Support' for audits and investigations of activities funded under 'Federal Emergency 20 Management Agency—Disaster Relief Fund' and $16,499,000,000.''.

SA 1305. Mr. VANCE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. PROHIBITION ON THE IMPOSITION OF MASK MANDATES.

(a) SHORT TITLE.—This section may be cited as the ''Freedom to Breathe Act''.

(b) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' means an air carrier conducting passenger operations under part 121 of title 14, Code of Federal Regulations.

(2) APPLICABLE PERIOD.—The term ''applicable period'' means the period that begins on the date of enactment of this section and ends on December 31, 2024.

(3) COMMUTER RAIL PASSENGER TRANSPORTATION.—The term ''commuter rail passenger transportation'' has the meaning given the term in section 24102 of title 49, United States Code.

(4) ESEA DEFINITIONS.—The terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.).

(5) COVERED EDUCATIONAL INSTITUTION.—The term ''covered educational institution'' means an elementary school, secondary school, or institution of higher education that receives Federal funds.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(7) MASK.—The term ''mask'' means a material covering the nose and mouth of the wearer, excluding face shields.

(8) MASK MANDATE.—The term ''mask mandate'' means an order, directive, or ordinance which requires an individual to wear a mask to travel on any conveyance, or to enter or remain in any place within the United States, in response to a public health emergency.

(9) NATIONAL AIRSPACE SYSTEM.—The term ''national airspace system'' has the meaning given such term in section 245.5 of title 32, Code of Federal Regulations (or a successor regulation).

(10) PUBLIC TRANSIT.—The term ''public transit''—

(A) means a regular, continuing shared-ride surface transportation service that is open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) includes—

(i) intercity passenger rail transportation provided by the entity described in chapter 243 of title 49, United States Code (or a successor to such entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of 1 or more specific establishments;

(vii) intra-terminal or intra-facility shuttle services; and

(viii) commuter rail passenger transportation.

(c) RESTRICTIONS ON THE USE OF FEDERAL FUNDS.—During the applicable period, notwithstanding any other provision of law, no Federal funds may be obligated or expended to propose, establish, implement, or enforce, directly or indirectly through the imposition of a condition on receipt of Federal funds, any requirement that an individual wear a mask or comply with a mask mandate while traveling as a passenger of an air carrier in the national airspace system, using public transit, or while in any elementary school, secondary school, or institution of higher education.

(d) PROHIBITIONS ON IMPOSING A MASK MANDATE ON PASSENGERS OF AIR CARRIERS IN THE NATIONAL AIRSPACE SYSTEM.—

(1) NO MASK REQUIREMENTS ON PASSENGERS OF AIR CARRIERS IN THE NATIONAL AIRSPACE SYSTEM.—Notwithstanding any other provision of law, during the applicable period, neither the President nor any other Federal officer, employee, agency, or office shall issue or enforce an order requiring an air carrier to impose a mask mandate on individuals who are passengers of the air carrier in the national airspace system.

(2) NO AUTHORITY TO REFUSE AIR TRANSPORTATION.—During the applicable period, no certificate holder under part 119 of title 14, Code of Federal Regulations, which conducts scheduled operations under part 121 of that title, nor any other air carrier who provides passenger air transportation in the national airspace system, shall refuse transportation to a passenger on the basis that the passenger refuses to wear a mask or comply with a mask mandate while traveling in the national airspace system.

(3) NO AUTHORITY TO ISSUE OR ENFORCE MASK MANDATES ON PASSENGER AIR CARRIER OPERATIONS IN RESPONSE TO A PUBLIC HEALTH EMERGENCY.—Section 361 of the Public Health Service Act (42 U.S.C. 264) is amended by adding at the end the following:

''(f) Nothing in this section authorizes the Secretary to require individuals to comply with a mask mandate (as defined in the Freedom to Breathe Act) while traveling as a passenger of an air carrier (as defined in such Act) in the national airspace system (as defined in such Act) in response to a public health emergency declared under section 319 during the applicable period (as defined in such Act).''.

(e) PROHIBITIONS ON IMPOSING A MASK MANDATE ON PASSENGERS USING PUBLIC TRANSIT.—

(1) NO MASK REQUIREMENTS ON PASSENGERS USING PUBLIC TRANSIT.—Notwithstanding any other provision of law, during the applicable period, neither the President nor any other Federal officer, employee, agency, or office shall issue or enforce an order requiring a Federal, State, or local public transit agency or authority to impose a mask mandate on passengers using public transit.

(2) NO AUTHORITY TO REFUSE PUBLIC TRANSIT.—During the applicable period, no public transit operator shall refuse transportation to a passenger on the basis that the passenger refuses to wear a mask or comply with a mask mandate.

(3) NO AUTHORITY TO ISSUE OR ENFORCE MASK MANDATES ON PASSENGER AIR CARRIER OPERATIONS IN RESPONSE TO A PUBLIC HEALTH EMERGENCY.—Section 361 of the Public Health Service Act (42 U.S.C. 264), as amended by subsection (d)(3), is amended by adding at the end the following:

''(g) Nothing in this section authorizes the Secretary to require individuals to comply with a mask mandate (as defined in the Freedom to Breathe Act) while using public transit (as defined in such Act) in response to a public health emergency declared under section 319 during the applicable period (as defined in such Act).''.

(f) PROHIBITIONS ON IMPOSING A MASK MANDATE IN EDUCATION SETTINGS.—

(1) NO MASK REQUIREMENTS IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding any other provision of law, during the applicable period, neither the President nor any other Federal officer, employee, agency, or office, shall issue or enforce a mask mandate requiring individuals to wear a mask in any elementary school, secondary school, or institution of higher education.

(2) NO AUTHORITY TO REFUSE ACCESS TO EDUCATION.—During the applicable period, a covered educational institution shall not refuse entry to or participation in any educational service or activity to a student, teacher, parent, or other individual on the basis that the student, teacher, parent, or other individual refuses to wear a mask or comply with a mask mandate during the educational service or activity.

(3) NO AUTHORITY TO ISSUE OR ENFORCE MASK MANDATES IN EDUCATIONAL SETTINGS IN RESPONSE TO A PUBLIC HEALTH EMERGENCY.—Section 361 of the Public Health Service Act (42 U.S.C. 264), as amended by subsection (e)(3), is further amended by adding at the end the following:

''(h) Nothing in this section authorizes the Secretary to require individuals to comply with a mask mandate (as defined in the Freedom to Breathe Act) in any elementary school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965) or institution of higher education (as defined in section 102 of the Higher Education Act of 1965) in response to a public health emergency declared under section 319 during the applicable period (as defined in such Act).''.

(g) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the head of each Federal agency or office to which this section applies shall issue such new or revised regulations as are necessary to carry out this section.

(h) PREEMPTION.—The provisions of this section shall supersede any provision of Federal, State, Tribal, territorial, or local law, declaration, guidance, or directive to the extent that such laws, declarations, guidance, or directives are inconsistent with this section.

SA 1306. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr.

SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, strike line 12 and all that follows through page 32, line 17, and insert the following:

SEC. 126. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 127. (a) Notwithstanding section 101, title II of division E of Public Law 117–328 shall be applied by adding the following new heading and appropriation language under the heading ''Executive Office of the President and Funds Appropriated to the President'':

''OFFICE OF PANDEMIC PREPAREDNESS AND RESPONSE POLICY

''SALARIES AND EXPENSES

''For necessary expenses of the Office of Pandemic Preparedness and Response Policy, as authorized by section 2104 of the PREVENT Pandemics Act (42 U.S.C. 300hh–3), $3,700,000, of which not to exceed $5,000 shall be available for official reception and representation expenses.''.

(b) Notwithstanding section 101, section 201 of title II of division E of Public Law 117–328 shall be applied by inserting ''Office of Pandemic Preparedness and Response Policy'' after ''Office of Administration''.

SEC. 128. Notwithstanding section 101, the matter preceding the first proviso under the heading ''Office of Personnel Management—Salaries and Expenses'' in division E of Public Law 117–328 shall be applied by substituting ''$219,076,000'' for ''$190,784,000''.

SEC. 129. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Act 25–161), as modified as of the date of enactment of this Act.

SEC. 130. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 131. In addition to amounts otherwise provided by section 101, for ''Federal Emergency Management Agency—Disaster Relief Fund'', there is appropriated $5,999,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which $1,000,000 shall be transferred to ''Office of the Inspector General—Operations and Support'' for audits and investigations of activities funded under ''Federal Emergency Management Agency—Disaster Relief Fund'' and $5,500,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 132. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 133. Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 134. Amounts made available by section 101 for ''Department of the Interior—Department-Wide Programs—Wildland Fire Management'' and ''Department of Agriculture—Forest Service—Wildland Fire Management'' shall be available for the Federal wildland firefighter base salary increase provided under section 40803(d)(4)(B) of Public Law 117–58 and may be apportioned up to the rate for operations necessary to continue to fund such base salary increase.

SEC. 135. (a) Amounts made available by section 101 for ''Department of Education—Student Aid Administration'' may be apportioned up to the rate for operations necessary to ensure the continuation of student loan servicing activities, including supporting borrowers reentering repayment.

(b) The limitation in section 302 of division H of Public Law 117–328 regarding transfers increasing any appropriation shall be applied to transfers to appropriations under the heading ''Department of Education—Student Aid Administration'' during the period covered by this Act by substituting ''10 percent'' for ''3 percent'' for the purposes of the continuation of basic operations, including student loan servicing, business process operations, digital customer care, common origination and disbursement, cybersecurity activities, and information technology systems.

SEC. 136. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 137. Amounts provided by section 101 for ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' for activities carried out by the Assistant Secretary for Preparedness and Response may be obligated under the authorities and conditions of division H of Public Law 117–328 in an account and budget structure under the heading ''Department of Health and Human Services—Administration for Strategic Preparedness and Response'' to one or more applicable accounts.

SEC. 138. Notwithstanding section 101, section 126 of division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

SEC. 139. None of the funds made available under this Act or an amendment made by this Act may be obligated or expended for any program, project, or activity in Ukraine or that is related to the war in Ukraine, including any intelligence sharing program, project, or activity.

SA 1307. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike division A and insert the following:

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading ''Department of Energy—Energy Programs—SPR Petroleum Account''.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to $1,590,000,000,000: *Provided,* That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'' may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for ''Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for ''Shipbuilding and Conversion, Navy'' shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for ''Department of Energy—Energy Programs—Nuclear Energy'' at a rate for operations of $220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of $120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of $100,000,000.

SEC. 123. Amounts made available by section 101 for ''Small Business Administration—Business Loans Program Account'' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by

section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled ''Guidelines for the Enforcement of Civil Immigration Law'' or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled ''Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion'' or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled ''Emergency Driving and Vehicular Pursuits''.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled ''Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers'' (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to ''Circumvention of Lawful Pathways'' (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than $17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

SEC. 138. None the funds made available under this Act or an amendment made by this Act may be obligated or expended for any program, project, or activity in Ukraine or that is related to the war in Ukraine, including any intelligence sharing program, project, or activity.

This division may be cited as the ''Continuing Appropriations Act, 2024''.

SA 1308. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike division A and insert the following:

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading ''Department of Energy—Energy Programs—SPR Petroleum Account''.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to $1,590,000,000,000: *Provided*, That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'' may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for ''Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for ''Shipbuilding and Conversion, Navy'' shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for ''Department of Energy—Energy Programs—Nuclear Energy'' at a rate for operations of $220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of $120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of $100,000,000.

SEC. 123. Amounts made available by section 101 for ''Small Business Administration—Business Loans Program Account'' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled ''Guidelines for the Enforcement of Civil Immigration Law'' or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled ''Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion'' or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled ''Emergency Driving and Vehicular Pursuits''.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled ''Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers'' (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to ''Circumvention of Lawful Pathways'' (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than $17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

This division may be cited as the ''Continuing Appropriations Act, 2024''.

SA 1309. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON DEFINING THE MISSION IN UKRAINE.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President, in coordination with the Secretary of Defense and the Secretary of State, shall develop and submit to Congress a comprehensive report that contains a strategy for United States involvement in Ukraine.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) define the United States national interests at stake with respect to the conflict between the Russian Federation and Ukraine;

(2) identify specific objectives the President believes must be achieved in Ukraine in order to protect the United States national interests defined in paragraph (1), and for each objective—

(A) an estimate of the amount of time required to achieve the objective, with an explanation;

(B) benchmarks to be used by the President to determine whether an objective has been met, is in the progress of being met, or cannot be met in the time estimated to be required in subparagraph (A); and

(C) estimates of the amount of resources, including United States personnel, materiel, and funding, required to achieve the objective;

(3) list the expected contribution for security assistance made by European member countries of the North Atlantic Treaty Organization within the next fiscal year; and

(4) provide an assessment of the impact of the Russian Federation's dominance of the natural gas market in Europe on the ability to resolve the ongoing conflict with Ukraine.

(c) REQUIREMENTS FOR STRATEGY.—The strategy included in the report required under subsection (a)—

(1) shall be designed to achieve a cease-fire in which the Russian Federation and Ukraine agree to abide by the terms and conditions of such cease-fire; and

(2) may not be contingent on United States involvement of funding of Ukrainian reconstruction.

(d) FORM.—The report required by subsection (a)—

(1) shall be submitted in an unclassified form; and

(2) shall include a classified annex if necessary to provide the most holistic picture of information to Congress as required under this section.

(e) CONGRESS DEFINED.—In this section, the term ''Congress'' means—

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

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

(3) any Member of Congress upon request.

SA 1310. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITIONS RELATING TO UKRAINE SECURITY ASSISTANCE INITIATIVE AND USE OF DRAWDOWN AUTHORITY.

The Secretary of Defense may not use any funds appropriated for the Ukraine Security Assistance Initiative to enter into any contracts, or use any drawdown authority under section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)), until all funds available for the replenishment of United States stocks have been obligated.

SA 1311. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United

States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF DRAWDOWN AUTHORITY WHEN REMAINING VALUE EXCEEDS AMOUNTS AVAILABLE FOR STOCKPILE REPLENISHMENT.

Whenever the remaining value of drawdown authority under section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) exceeds the amounts available to the Secretary of Defense for the replenishment of stockpiles, the Secretary may not use such drawdown authority.

SA 1312. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTION ON ASSISTANCE TO UKRAINE.

Not more than two percent of the funds appropriated or otherwise made available by this Act for assistance or support to Ukraine may be obligated or expended.

SA 1313. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 126 through 142 and insert the following:

SEC. 127. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 128. (a) Notwithstanding section 101, title II of division E of Public Law 117–328 shall be applied by adding the following new heading and appropriation language under the heading ''Executive Office of the President and Funds Appropriated to the President'':

''OFFICE OF PANDEMIC PREPAREDNESS AND RESPONSE POLICY

''SALARIES AND EXPENSES

''For necessary expenses of the Office of Pandemic Preparedness and Response Policy, as authorized by section 2104 of the PREVENT Pandemics Act (42 U.S.C. 300hh–3), $3,700,000, of which not to exceed $5,000 shall be available for official reception and representation expenses.''.

(b) Notwithstanding section 101, section 201 of title II of division E of Public Law 117–328 shall be applied by inserting ''Office of Pandemic Preparedness and Response Policy'' after ''Office of Administration''.

SEC. 129. Notwithstanding section 101, the matter preceding the first proviso under the heading ''Office of Personnel Management—Salaries and Expenses'' in division E of Public Law 117–328 shall be applied by substituting ''$219,076,000'' for ''$190,784,000''.

SEC. 130. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Act 25–161), as modified as of the date of enactment of this Act.

SEC. 131. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 132. In addition to amounts otherwise provided by section 101, for ''Federal Emergency Management Agency—Disaster Relief Fund'', there is appropriated $5,999,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which $1,000,000 shall be transferred to ''Office of the Inspector General—Operations and Support'' for audits and investigations of activities funded under ''Federal Emergency Management Agency—Disaster Relief Fund'' and $5,500,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 133. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 134. Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 135. Amounts made available by section 101 for ''Department of the Interior—Department-Wide Programs—Wildland Fire Management'' and ''Department of Agriculture—Forest Service—Wildland Fire Management'' shall be available for the Federal wildland firefighter base salary increase provided under section 40803(d)(4)(B) of Public Law 117–58 and may be apportioned up to the rate for operations necessary to continue to fund such base salary increase.

SEC. 136. (a) Amounts made available by section 101 for ''Department of Education—Student Aid Administration'' may be apportioned up to the rate for operations necessary to ensure the continuation of student loan servicing activities, including supporting borrowers reentering repayment.

(b) The limitation in section 302 of division H of Public Law 117–328 regarding transfers increasing any appropriation shall be applied to transfers to appropriations under the heading ''Department of Education—Student Aid Administration'' during the period covered by this Act by substituting ''10 percent'' for ''3 percent'' for the purposes of the continuation of basic operations, including student loan servicing, business process operations, digital customer care, common origination and disbursement, cybersecurity activities, and information technology systems.

SEC. 137. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 138. During the period covered by this Act, section 401(a)(1)(A) of the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023'': *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 139. Amounts provided by section 101 for ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' for activities carried out by the Assistant Secretary for Preparedness and Response may be obligated under the authorities and conditions of division H of Public Law 117–328 in an account and budget structure under the heading ''Department of Health and Human Services—Administration for Strategic Preparedness and Response'' to one or more applicable accounts.

SEC. 140. In addition to amounts otherwise provided by section 101, for ''Government Accountability Office—Salaries and Expenses'', there is appropriated $2,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which $1,000,000 shall be for the oversight of amounts provided in this Act to respond to the situation in Ukraine and for related expenses, division M of Public Law 117–328, division B of Public Law 117–180, Public Law 117–128, and division N of Public Law 117–103 and of which $1,000,000 shall be for audits and investigations relating to disasters and emergencies declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for calendar year 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 141. Notwithstanding section 101, section 126 of division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

SA 1314. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 101 through 142 and insert the following:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the

costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328), except section 729, and including the matter under the headings ''Food for Peace Title II Grants'' and ''McGovern-Dole International Food for Education and Child Nutrition Program Grants'' in title I of division M of Public Law 117–328 (except no amounts may be provided under such headings for Ukraine), the matter under the headings ''Agricultural Research Service—Buildings and Facilities'', ''Food Safety and Inspection Service'', ''Rural Housing Service—Rural Community Facilities Program Account'' (except all that follows after ''expended'' in such matter and except that such matter shall be applied by substituting ''$25,300,000'' for ''$75,300,000''), and ''Rural Utilities Service—Rural Water and Waste Disposal Program Account'' (except all that follows after ''expended'' in such matter and except that such matter shall be applied by substituting ''$60,000,000'' for ''$325,000,000'') in title I of division N of Public Law 117–328, and section 2102 in title I of such division N.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328), except section 540, and except section 521(d)(1) shall be applied by substituting ''$122,572,000'' for ''$705,768,000'', and including the matter under the headings ''Federal Prison System—Buildings and Facilities'' and ''National Science Foundation—STEM Education'' (except all that follows after ''2024'' in such matter and except that such matter shall be applied by substituting ''$92,000,000'' for ''$217,000,000'') in title II of division N of Public Law 117–328, and the second paragraph under each of the headings ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' (except all that follows after ''2024'' in such paragraph and except that such paragraph shall be applied by substituting ''$42,000,000'' for ''$62,000,000''), ''National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction'', ''National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration'', and ''National Science Foundation—Research and Related Activities'' (except all that follows after ''2024'' in such paragraph and except that such paragraph shall be applied by substituting ''$608,162,000'' for ''$818,162,000'') in title II of such division N.

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading ''SPR Petroleum Account'', and except the second paragraph under the heading ''Title 17 Innovative Technology Loan Guarantee Program'', and including the matter under the heading ''Energy Programs—Nuclear Energy'' in title III of division M of Public Law 117–328 (except no amounts may be provided under such heading for Ukraine) and the second paragraph under each of the headings ''Corps of Engineers—Civil—Department of the Army—Construction'' and ''Corps of Engineers—Civil—Department of the Army—Operation and Maintenance'' in title IV of division N of Public Law 117–328.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), section 2602 of title VI of division N of Public Law 117-328, and title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328), except section 443, and including the second paragraph under each of the headings ''Department of the Interior—Departmental Offices—Department-Wide Programs—Wildland Fire Management'' and ''Related Agencies—Department of Agriculture—Forest Service—Wildland Fire Management'' in title VII of division N of Public Law 117–328.

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328), section 145 of division A of Public Law 117–180, and the second paragraph under the heading ''Administration for Children and Families—Low Income Home Energy Assistance'' in title VIII of division N of Public Law 117–328.

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328), and section 6 in the matter preceding division A of Public Law 117–328.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328), except the matter preceding the first provisos under the headings ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'' shall be applied by substituting ''$0'' for ''$261,000,000'', ''$4,300,000,000'', ''$1,400,000,000'', and ''$1,500,000,000'', respectively.

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328), except section 7069, and including the matter under the headings ''Department of State—Administration of Foreign Affairs—Diplomatic Programs'' (except all that follows after ''2024'' in such matter and except that such matter shall be applied by substituting ''$87,054,000'' for ''$147,054,000''), ''Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance'' (except all that follows after ''expended'' in such matter and except that such matter shall be applied by substituting ''$637,902,000'' for ''$937,902,000''), ''Bilateral Economic Assistance—Funds Appropriated to the President—Assistance for Europe, Eurasia and Central Asia'', ''Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance'' (except all that follows after ''expended'' in such matter and except that such matter shall be applied by substituting ''$915,048,000'' for ''$1,535,048,000''), and ''International Security Assistance—Department of State—International Narcotics Control and Law Enforcement'' (except all that follows after ''2024'' in such matter and except that such matter shall be applied by substituting ''$74,996,000'' for ''$374,996,000'') in title VII of division M of Public Law 117–328 (except no amounts may be provided under such headings for Ukraine).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328), except sections 153 and 420, and including the matter under the headings ''Public and Indian Housing—Tenant-Based Rental Assistance'' and ''Housing Programs—Project-Based Rental Assistance'' in title X of division N of Public Law 117–328.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) November 17, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, except the matter under the heading ''Cost of War Toxic Exposures Fund'' in title II of division J of Public Law 117–328, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a)(1) For each amount incorporated by reference in this Act from amounts provided by division M or N of Public Law 117–328, each section or paragraph of an account providing each such amount, as applicable, shall be applied as if that section or paragraph ended with the following sentence: ''The amount provided herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(2) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b)(1) Each amount incorporated by reference in this Act that was specified to meet the terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as additional new budget authority for purposes of section 4004(b)(5) of such concurrent resolution and section 1(g) of such House resolution, is provided to meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for purposes of section 251(b)(2)(F) of such Act, respectively.

(2) Each amount incorporated by reference in this Act for ''Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations'' that was specified to meet the terms of a concurrent resolution on the budget in the Senate and section 1(j)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(j) of such House resolution, is provided to meet the terms of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(E) of such Act, respectively.

(3) Each amount incorporated by reference in this Act for ''Department of Health and Human Services—Centers for Medicare & Medicaid Services—Health Care Fraud and Abuse Control Account'' that was specified to meet the terms of a concurrent resolution on the budget in the Senate, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(h) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(C) of such Act, respectively.

(4) Each amount incorporated by reference in this Act for ''Social Security Administration—Limitation on Administrative Expenses'' that was specified to meet the terms of a concurrent resolution on the budget in the Senate, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(i) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(B) of such Act, respectively.

(c) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or repurposed or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 17, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'' may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 for ''Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Amounts made available by section 101 for ''Domestic Food Programs—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' may be apportioned at the rate for operations necessary to maintain participation.

SEC. 119. Amounts made available by section 101 for ''Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program'' may be apportioned up to the rate for operations necessary to maintain current program caseload in the Commodity Supplemental Food Program.

SEC. 120. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 121. Amounts made available by section 101 for ''National Telecommunications and Information Administration—Salaries and Expenses'' may be apportioned up to the rate for operations necessary to administer broadband programs.

SEC. 122. (a) Funds previously made available in the Consolidated Appropriations Act, 2017 (Public Law 115–31) and the Consolidated Appropriations Act, 2018 (Public Law 115–141) under the heading ''National Aeronautics and Space Administration—Space Operations'' that were available for obligation through fiscal year 2018 and fiscal year 2019, respectively, are to remain available through fiscal year 2027 for the liquidation of valid obligations incurred in fiscal years 2017 through 2019.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 123. For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to ''36 years'' or ''36-year period'' shall be deemed a reference to ''36 years and 17 days'' or ''36-year and 17-day period'', respectively.

SEC. 124. Notwithstanding sections 102 and 104, amounts made available by section 101 to the Department of Defense for ''Shipbuilding and Conversion, Navy'' may be apportioned up to the rate for operations necessary for ''Ohio Replacement Submarine (Full Funding)'' in an amount not to exceed $621,270,000 for the procurement of one Columbia Class Submarine.

SEC. 125. (a) The remaining unobligated balances, as of September 30, 2023, from amounts provided under the heading ''Department of Defense—Operation and Maintenance—Overseas Humanitarian, Disaster, and Civic Aid'' in division C of Public Law 117–43 and division B of Public Law 117–70, are hereby permanently rescinded and, in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2023, for an additional amount for fiscal year 2023, to remain available until September 30, 2024, for the same purposes and under the same authorities provided under such heading in Public Laws 117–43 and 117–70, in addition to other funds as may be available for such purposes: *Provided*, That the new budget authority provided by this subsection may be transferred to any appropriation account of the Department of State for support of Operation Allies Welcome or any successor operation: *Provided further*, That upon any such transfer, the funds shall be merged with the appropriation to which the funds are transferred except that such funds may be made available for such purposes notwithstanding any requirement or limitation applicable to the appropriation to which transferred, including sections 2(c)(1) and 2(c)(2) of the Migration and Refugee Assistance Act with respect to the ''United States Emergency Refugee and Migration Assistance Fund'' and in section 4(a) and section 4(b) of the State Department Basic Authorities Act of 1956 with respect to funds transferred to the ''Emergencies in the Diplomatic and Consular Service'' account: *Provided further*, That section 2215 of title 10, United States Code, shall not apply to a transfer of funds under this section: *Provided further*, That the transfer authority provided under this section is in addition to any other transfer authority provided by law: *Provided further*, That the exercise of the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the new budget authority provided by this subsection is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th 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.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 127. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 128. (a) Notwithstanding section 101, title II of division E of Public Law 117–328 shall be applied by adding the following new heading and appropriation language under the heading ''Executive Office of the President and Funds Appropriated to the President'':

''OFFICE OF PANDEMIC PREPAREDNESS AND RESPONSE POLICY

''SALARIES AND EXPENSES

''For necessary expenses of the Office of Pandemic Preparedness and Response Policy, as authorized by section 2104 of the PREVENT Pandemics Act (42 U.S.C. 300hh–3), $3,700,000, of which not to exceed $5,000 shall be available for official reception and representation expenses.''.

(b) Notwithstanding section 101, section 201 of title II of division E of Public Law 117–328 shall be applied by inserting ''Office of Pandemic Preparedness and Response Policy'' after ''Office of Administration''.

SEC. 129. Notwithstanding section 101, the matter preceding the first proviso under the heading ''Office of Personnel Management—Salaries and Expenses'' in division E of Public Law 117–328 shall be applied by substituting ''$219,076,000'' for ''$190,784,000''.

SEC. 130. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Act 25–161), as modified as of the date of enactment of this Act.

SEC. 131. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 132. In addition to amounts otherwise provided by section 101, for ''Federal Emergency Management Agency—Disaster Relief Fund'', there is appropriated $5,999,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which $1,000,000 shall be transferred to ''Office of the Inspector General—Operations and Support'' for audits and investigations of activities funded under ''Federal Emergency Management Agency—Disaster Relief Fund'' and $5,500,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 133. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 134. Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 135. Amounts made available by section 101 for ''Department of the Interior—Department-Wide Programs—Wildland Fire Management'' and ''Department of Agriculture—Forest Service—Wildland Fire Management'' shall be available for the Federal wildland firefighter base salary increase provided under section 40803(d)(4)(B) of Public Law 117–58 and may be apportioned up to the rate for operations necessary to continue to fund such base salary increase.

SEC. 136. (a) Amounts made available by section 101 for ''Department of Education—Student Aid Administration'' may be apportioned up to the rate for operations necessary to ensure the continuation of student loan servicing activities, including supporting borrowers reentering repayment.

(b) The limitation in section 302 of division H of Public Law 117–328 regarding transfers increasing any appropriation shall be applied to transfers to appropriations under the heading ''Department of Education—Student Aid Administration'' during the period covered by this Act by substituting ''10 percent'' for ''3 percent'' for the purposes of the continuation of basic operations, including student loan servicing, business process operations, digital customer care, common origination and disbursement, cybersecurity activities, and information technology systems.

SEC. 137. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 138. During the period covered by this Act, section 401(a)(1)(A) of the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023'': *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 139. Amounts provided by section 101 for ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' for activities carried out by the Assistant Secretary for Preparedness and Response may be obligated under the authorities and conditions of division H of Public Law 117–328 in an account and budget structure under the heading ''Department of Health and Human Services—Administration for Strategic Preparedness and Response'' to one or more applicable accounts.

SEC. 140. In addition to amounts otherwise provided by section 101, for ''Government Accountability Office—Salaries and Expenses'', there is appropriated $2,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which $1,000,000 shall be for the oversight of amounts provided in this Act to respond to the situation in Ukraine and for related expenses, division M of Public Law 117–328, division B of Public Law 117–180, Public Law 117–128, and division N of Public Law 117–103 and of which $1,000,000 shall be for audits and investigations relating to disasters and emergencies declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for calendar year 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 141. Notwithstanding section 101, section 126 of division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

SA 1315. Mr. LEE submitted an amendment intended to be proposed to

amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON FUNDING FOR UKRAINE.

Notwithstanding any other provision of this Act—

(1) sections 126 and 142 shall have no force or effect; and

(2) no amounts may be provided for Ukraine from amounts appropriated or otherwise made available for—

(A) the Food for Peace Title II Grants or the McGovern-Dole International Food for Education and Child Nutrition Program Grants as described in paragraph (1) of section 101;

(B) the Energy Programs—Nuclear Energy as described in paragraph (4) of such section; or

(C) the Department of State as described in paragraph (11) of such section.

SA 1316. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE V—REINS ENHANCEMENT ACT OF 2023

SEC. 2501. SHORT TITLE.

This title may be cited as the ''Regulations from the Executive in Need of Scrutiny Enhancement Act of 2023'' or the ''REINS Enhancement Act of 2023''.

SEC. 2502. PURPOSE.

The purpose of this title is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

SEC. 2503. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1) (A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

''

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a finding, rendered in consultation with the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, whether the rule is a major or nonmajor rule, including an explanation of the finding specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 804(2);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions;

''(v) the proposed effective date of the rule; and

''(vi) a statement of the constitutional authority authorizing the agency to make the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress (and to each committee of jurisdiction in each House)—

''(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

''(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

''(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995;

''(iv) an estimate of the effect on inflation of the rule; and

''(v) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(D) If requested in writing by a member of Congress—

''(i) the Comptroller General shall make a determination whether an agency action qualifies as a rule for purposes of this chapter, and shall submit to Congress this determination not later than 60 days after the date of the request; and

''(ii) the Comptroller General, in consultation with the Director of the Congressional Budget Office, shall make a determination whether a rule is considered a major rule under the provisions of this act, and shall submit to Congress this determination not later than 90 days after the date of the request. If such determination concludes a rule to be a major rule, such rule shall not take effect (or continue) unless Congress enacts a joint resolution of approval described under Section 802.

''For purposes of this section, a determination under this subparagraph shall be deemed to be a report under subparagraph (A).

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days; or

''(B) in the case of the House of Representatives, 60 legislative days,

''before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day; or

''(II) in the case of the House of Representatives, the 15th legislative day,

''after the succeeding session of Congress first convenes; and

''

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title (with blanks filled as appropriate): 'Approving the rule submitted by _____ relating to _____.';

''(C) includes after its resolving clause only the following (with blanks filled as appropriate): 'That Congress approves the rule submitted by _____ relating to _____.'; and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within 3 legislative days; and

''(B) in the case of the Senate, within 3 session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

''(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a

joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter:

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1).

''(2) The term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget or the Federal agency promulgating such rule finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100 million or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(D) in an increase in mandatory vaccinations.

''(3) The term 'nonmajor rule' means any rule that is not a major rule.

''(4) The term 'rule' has the meaning given such term in section 551, except that such term—

''(A) includes interpretative rules, general statements of policy, and all other agency guidance documents; and

''(B) does not include—

''(i) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(ii) any rule relating to agency management or personnel; or

''(iii) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

''(5) The term 'submission or publication date', except as otherwise provided in this chapter, means—

''(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

''(B) in the case of a nonmajor rule, the later of—

''(i) the date on which the Congress receives the report submitted under section 801(a)(1); and

''(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Affirmative defense

''It shall be an affirmative defense against an alleged violation of a rule for a defendant in any administrative proceeding of an agency, or before a court of the United States, if an individual of ordinary intelligence could not anticipate from the statutory language of a provision of law purported to form the basis for the rule in question that the conduct of the individual would be unlawful.

''§ 807. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 808. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

''shall take effect at such time as the Federal agency promulgating the rule determines.

''§ 809. Review of rules currently in effect

''(a) ANNUAL REVIEW.—Beginning on the date that is 6 months after the date of enactment of this section and annually thereafter for the 4 years following, each agency shall designate not less than 20 percent of eligible rules made by that agency for review, and shall submit a report including each such eligible rule in the same manner as a report under section 801(a)(1). Section 801, section 802, and section 803 shall apply to each such rule, subject to subsection (c) of this section. No eligible rule previously designated may be designated again.

''(b) SUNSET FOR ELIGIBLE RULES NOT EXTENDED.—Beginning after the date that is 5 years after the date of enactment of this section, if Congress has not enacted a joint resolution of approval for that eligible rule, that eligible rule shall not continue in effect.

''(c) APPROVAL OF RULES.—

''(1) Unless Congress approves all eligible rules designated by executive agencies for review within 90 days of designation, they shall have no effect.

''(2) A single joint resolution of approval shall apply to all eligible rules in a report designated for a year as follows: 'That Congress approves the rules submitted by the_____ for the year _____.' (The blank spaces being appropriately filled in).

''(3) A member of either House may move that a separate joint resolution be required for a specified rule.

''(d) DEFINITION.—In this section, the term 'eligible rule' means a rule that is in effect as of the date of enactment of this section.''.

SEC. 2504. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. 2505. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report (and publish the report on the website of the Comptroller General) to Congress that contains the findings of the study conducted under subsection (a).

SA 1317. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CIVIL PENALTY FOR FAILURE TO DISCLOSURE AGRICULTURAL FOREIGN INVESTMENT.

Section 3(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502(b)) is amended by striking ''shall not exceed 25 percent'' and inserting ''shall be equal to not less than 25 percent''.

SA 1318. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO MANDATORY EARTAGS FOR CATTLE AND BISON.

None of the funds made available by this Act shall be used by the Secretary of Agriculture to mandate electronic identification eartags for cattle or bison.

SA 1319. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ___. None of the funds made available by this Act may be used—

(1) to carry out Socially Disadvantaged Applicant funding under Farm Service Agency farm loan programs; or

(2) for Department of Agriculture loan programs that use race as a criteria for eligibility.

SA 1320. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. PROHIBITION ON USE OF FUNDS FOR SURGICAL OR NON-SURGICAL TREATMENTS FOR INDIVIDUALS UNDER THE AGE OF 18 RELATING TO GENDER TRANSITIONS.

None of the funds made available by this Act or an amendment made by this Act may be used for surgical or non-surgical treatments for individuals under the age of 18 relating to gender transitions.

SA 1321. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. _____. PROHIBITION ON USE OF FUNDS FOR SURGICAL OR NON-SURGICAL TREATMENTS FOR INDIVIDUALS UNDER THE AGE OF 18 RELATING TO GENDER TRANSITIONS.

None of the funds made available by this Act or an amendment made by this Act may be used for surgical or non-surgical treatments for individuals under the age of 18 relating to gender transitions.

SA 1322. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 59, strike line 23 and all that follows through page 60, line 2 and insert the following:

(1) in paragraph (1), by striking ''2019 through 2023'' and inserting ''2024 through 2028''; and

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SA 1323. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, strike ''$33,500,000'' and insert ''$29,931,240''.

SA 1324. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

SEC. 146. Notwithstanding section 101, the amounts made available for ''U.S. Immigration and Customs Enforcement—Operations and Support'' in title II of division F of Public Law 117–328 shall be applied by substituting ''$4,669,386,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied alien minors; of which not less than $3,317,981,000 shall be for custody operations; and of which not less than $460,656,000 shall be for transportation and removal operations: *Provided*, That funding made available under this heading shall be used to maintain a level of not fewer than 49,500 detention beds through September 30, 2023: *Provided further*,'' for ''$4,181,786,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied alien minors: *Provided*,''.

SA 1325. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

SEC. 2103. Section 601 of division O of Public Law 117–328 shall be applied by substituting ''December 31, 2054'' for ''December 31, 2024.''. In the Senate, this section is designated as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SA 1326. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 25, strike line 23 and all that follows through page 26, line 15.

SA 1327. Mr. CRUZ (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

SEC. 146. None of the funds made available under this Act may be used to pay the salary of an individual carrying out the responsibilities of the position of Administrator of the National Highway Traffic Safety Administration in an acting or temporary capacity who was nominated to that position and whose nomination was subsequently withdrawn.

SA 1328. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter preceding division A, insert the following:

SEC. 4. PROHIBITION ON USE OF FUNDS FOR SURGICAL OR NON-SURGICAL TREATMENTS FOR INDIVIDUALS UNDER THE AGE OF 18 RELATING TO GENDER TRANSITIONS.

None of the funds made available by division A or B of this Act or an amendment made by division A or B of this Act may be used for surgical or non-surgical treatments for individuals under the age of 18 relating to gender transitions.

SA 1329. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, strike lines 1 and 2.

SA 1330. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which

was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS TO DEVELOP OR IMPLEMENT THE LABYRINTH RIMS/GEMINI BRIDGES TRAVEL MANAGEMENT PLAN.

None of the funds made available by this Act shall be used by the Secretary of the Interior to develop or implement the Labyrinth Rims Gemini Bridges Travel Management Plan.

SA 1331. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS FOR THE MANAGEMENT OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT.

None of the funds made available by this Act shall be used by the Secretary of the Interior for the management of the Grand Staircase-Escalante National Monument, except in compliance with the document entitled ''Record of Decision and Approved Resource Management Plans for the Grand Staircase-Escalante National Monument'' and dated February 2020.

SA 1332. Ms. BALDWIN (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PAYMENT TO CERTAIN INDIVIDUALS WHO DYE FUEL.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6434. DYED FUEL.

''(a) IN GENERAL.—If a person establishes to the satisfaction of the Secretary that such person meets the requirements of subsection (b) with respect to diesel fuel or kerosene, then the Secretary shall pay to such person an amount (without interest) equal to the tax described in subsection (b)(2)(A) with respect to such diesel fuel or kerosene.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person meets the requirements of this subsection with respect to diesel fuel or kerosene if such person removes from a terminal eligible indelibly dyed diesel fuel or kerosene.

''(2) ELIGIBLE INDELIBLY DYED DIESEL FUEL OR KEROSENE DEFINED.—The term 'eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene—

''(A) with respect to which a tax under section 4081 was previously paid (and not credited or refunded), and

''(B) which is exempt from taxation under section 4082(a).

''(c) CROSS REFERENCE.—For civil penalty for excessive claims under this section, see section 6675.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6206 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or 6427'' each place it appears and inserting ''6427, or 6434''; and

(B) by striking ''6420 and 6421'' and inserting ''6420, 6421, and 6434''.

(2) Section 6430 of such Code is amended—

(A) by striking ''or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', or'', and by adding at the end the following new paragraph:

''(4) which are removed as eligible indelibly dyed diesel fuel or kerosene under section 6434.''.

(3) Section 6675 of such Code is amended—

(A) in subsection (a), by striking ''or 6427 (relating to fuels not used for taxable purposes)'' and inserting ''6427 (relating to fuels not used for taxable purposes), or 6434 (relating to eligible indelibly dyed fuel)''; and

(B) in subsection (b)(1), by striking ''6421, or 6427,'' and inserting ''6421, 6427, or 6434,''.

(4) The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end the following new item:

''Sec. 6434. Dyed fuel.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible indelibly dyed diesel fuel or kerosene removed on or after the date that is 180 days after the date of the enactment of this section.

SA 1333. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II of division B, insert the following:

SEC. _____. FEDERAL EMPLOYEE COMPENSATION FOLLOWING AIRPORT AND AIRWAY TRUST FUND EXPIRATION.

(a) IN GENERAL.—Each employee of the United States Government furloughed as a result of a covered lapse in Airport and Airway Trust Fund expenditure authority shall be paid for the period of the covered lapse, and each excepted employee (as defined in section 1341(c)(1) of title 31, United States Code) who is required to perform work during a covered lapse shall be paid for such work, at the employee's standard rate of pay, at the earliest date possible after the covered lapse ends, regardless of scheduled pay dates, and subject to availability of funds.

(b) COVERED LAPSE.—In this section, the term ''covered lapse in Airport and Airway Trust Fund expenditure authority'' means any lapse in authority to make expenditures from the Airport and Airway Trust Fund that begins on October 1, 2023, and ends on or before the date of enactment of this Act.

SA 1334. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike division A and insert the following:

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading ''Department of Energy—Energy Programs—SPR Petroleum Account''.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 29.88565 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to $1,470,979,000,000: *Provided,* That the reduction in this subsection shall not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, the Department of Homeland Security, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'' may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for ''Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for ''Shipbuilding and Conversion, Navy'' shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for ''Department of Energy—Energy Programs—Nuclear Energy'' at a rate for operations of $220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of $120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of $100,000,000.

SEC. 123. Amounts made available by section 101 for ''Small Business Administration—Business Loans Program Account'' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business

Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled ''Guidelines for the Enforcement of Civil Immigration Law'' or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled ''Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion'' or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled ''Emergency Driving and Vehicular Pursuits''.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled ''Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers'' (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to ''Circumvention of Lawful Pathways'' (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than $17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

This division may be cited as the ''Continuing Appropriations Act, 2024''.

SA 1335. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike division A and insert the following:

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading ''Department of Energy—Energy Programs—SPR Petroleum Account''.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 29.88565 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to $1,470,979,000,000: *Provided*, That the reduction in this subsection shall not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, the Department of Homeland Security, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element

and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided,* That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'' may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for ''Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for ''Shipbuilding and Conversion, Navy'' shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for ''Department of Energy—Energy Programs—Nuclear Energy'' at a rate for operations of $220,000,000: *Provided,* That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of $120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of $100,000,000.

SEC. 123. Amounts made available by section 101 for ''Small Business Administration—Business Loans Program Account'' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–

161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled ''Guidelines for the Enforcement of Civil Immigration Law'' or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled ''Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion'' or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled ''Emergency Driving and Vehicular Pursuits''.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled ''Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers'' (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to ''Circumvention of Lawful Pathways'' (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than $17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

SEC. 138. None the funds made available under this Act or an amendment made by this Act may be obligated or expended for any program, project, or activity in Ukraine or that is related to the war in Ukraine, including any intelligence sharing program, project, or activity.

This division may be cited as the ''Continuing Appropriations Act, 2024''.

SA 1336. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Continuing Appropriations and Border Security Enhancement Act, 2024''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading ''Department of Energy—Energy Programs—SPR Petroleum Account''.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to $1,590,000,000,000: *Provided*, That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may

continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'' may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for ''Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for ''Shipbuilding and Conversion, Navy'' shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for ''Department of Energy—Energy Programs—Nuclear Energy'' at a rate for operations of $220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of $120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of $100,000,000.

SEC. 123. Amounts made available by section 101 for ''Small Business Administration—Business Loans Program Account'' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled ''Guidelines for the Enforcement of Civil Immigration Law'' or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled ''Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion'' or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled ''Emergency Driving and Vehicular Pursuits''.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled ''Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers'' (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to ''Circumvention of Lawful Pathways'' (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than $17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

This division may be cited as the ''Continuing Appropriations and Border Security Enhancement Act, 2024''.

DIVISION B—BORDER SECURITY

SEC. 101. DEFINITIONS.

In this division:

(1) CBP.—The term ''CBP'' means U.S. Customs and Border Protection.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 102. BORDER WALL CONSTRUCTION.

(a) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER WALL CONSTRUCTION.—Not later than seven days after the date of the enactment of this Act, the Secretary shall resume all activities related to the construction of the border wall along the border between the United States and Mexico that were underway or being planned for prior to January 20, 2021.

(2) USE OF FUNDS.—To carry out this section, the Secretary shall expend all unexpired funds appropriated or explicitly obligated for the construction of the border wall that were appropriated or obligated, as the case may be, for use beginning on October 1, 2019.

(3) USE OF MATERIALS.—Any unused materials purchased before the date of the enactment of this Act for construction of the border wall may be used for activities related to the construction of the border wall in accordance with paragraph (1).

(b) PLAN TO COMPLETE TACTICAL INFRASTRUCTURE AND TECHNOLOGY.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until construction of the border wall has been completed, the Secretary shall submit to the appropriate congressional committees an implementation plan, including annual benchmarks for the construction of 200 miles of such wall and associated cost estimates for satisfying all requirements of the construction of the border wall, including installation and deployment of tactical infrastructure, technology, and other elements as identified by the Department prior to January 20, 2021, through the expenditure of funds appropriated or explicitly obligated, as the case may be, for use, as well as any future funds appropriated or otherwise made available by Congress.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(2) TACTICAL INFRASTRUCTURE.—The term ''tactical infrastructure'' includes boat ramps, access gates, checkpoints, lighting, and roads associated with a border wall.

(3) TECHNOLOGY.—The term ''technology'' includes border surveillance and detection technology, including linear ground detection systems, associated with a border wall.

SEC. 103. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the southwest border to achieve situational awareness and operational control of the southwest border and deter, impede, and detect unlawful activity.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in the heading, by striking ''FENCING'' and inserting ''BARRIERS'';

(ii) by amending subparagraph (A) to read as follows:

''(A) REINFORCED BARRIERS.—In carrying out this section, the Secretary of Homeland Security shall construct a border wall, including physical barriers, tactical infrastructure, and technology, along not fewer than 900 miles of the southwest border until situational awareness and operational control of the southwest border is achieved.'';

(iii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective physical barriers, tactical infrastructure, and technology available for achieving situational awareness and operational control of the southwest border.'';

(iv) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of State, Tribal, and local governments, and appropriate private property owners in the United States to minimize the impact on natural resources, commerce, and sites of historical or cultural significance for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed. Such consultation may not delay such construction for longer than seven days.''; and

(II) in clause (ii)—

(aa) in subclause (I), by striking ''or'' after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or''; and

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

''(III) create any right or liability for any party.''; and

(v) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers, tactical infrastructure, and technology'';

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, testing, constructing, installing, deploying, integrating, and operating physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, test, construction, installation, deployment, integration, or operation of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines are necessary to maximize the safety and effectiveness of officers and agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; and

(E) in paragraph (4), by striking ''this subsection'' and inserting ''this section'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall waive all legal requirements necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. The Secretary shall ensure the maintenance and effectiveness of such physical barriers, tactical infrastructure, or technology. Any such action by the

Secretary shall be effective upon publication in the Federal Register.'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) NOTIFICATION.—Not later than seven days after the date on which the Secretary of Homeland Security exercises a waiver pursuant to paragraph (1), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such waiver.''; and

(4) by adding at the end the following new subsections:

''(e) TECHNOLOGY.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective technology available for achieving situational awareness and operational control.

''(f) DEFINITIONS.—In this section:

''(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term 'advanced unattended surveillance sensors' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, the border wall, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including the following:

''(A) Tower-based surveillance technology.

''(B) Deployable, lighter-than-air ground surveillance equipment.

''(C) Vehicle and Dismount Exploitation Radars (VADER).

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

''(E) Advanced unattended surveillance sensors.

''(F) Mobile vehicle-mounted and manportable surveillance capabilities.

''(G) Unmanned aircraft systems.

''(H) Tunnel detection systems and other seismic technology.

''(I) Fiber-optic cable.

''(J) Other border detection, communication, and surveillance technology.

''(7) UNMANNED AIRCRAFT SYSTEM.—The term 'unmanned aircraft system' has the meaning given such term in section 44801 of title 49, United States Code.''.

SEC. 104. BORDER AND PORT SECURITY TECHNOLOGY INVESTMENT PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with covered officials and border and port security technology stakeholders, shall submit to the appropriate congressional committees a strategic 5-year technology investment plan (in this section referred to as the ''plan''). The plan may include a classified annex, if appropriate.

(b) CONTENTS OF PLAN.—The plan shall include the following:

(1) An analysis of security risks at and between ports of entry along the northern and southern borders of the United States.

(2) An identification of capability gaps with respect to security at and between such ports of entry to be mitigated in order to—

(A) prevent terrorists and instruments of terror from entering the United States;

(B) combat and reduce cross-border criminal activity, including—

(i) the transport of illegal goods, such as illicit drugs; and

(ii) human smuggling and human trafficking; and

(C) facilitate the flow of legal trade across the southwest border.

(3) An analysis of current and forecast trends relating to the number of aliens who—

(A) unlawfully entered the United States by crossing the northern or southern border of the United States; or

(B) are unlawfully present in the United States.

(4) A description of security-related technology acquisitions, to be listed in order of priority, to address the security risks and capability gaps analyzed and identified pursuant to paragraphs (1) and (2), respectively.

(5) A description of each planned security-related technology program, including objectives, goals, and timelines for each such program.

(6) An identification of each deployed security-related technology that is at or near the end of the life cycle of such technology.

(7) A description of the test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines, necessary to support the acquisition of security-related technologies pursuant to paragraph (4).

(8) An identification and assessment of ways to increase opportunities for communication and collaboration with the private sector, small and disadvantaged businesses, intragovernment entities, university centers of excellence, and federal laboratories to ensure CBP is able to engage with the market for security-related technologies that are available to satisfy its mission needs before engaging in an acquisition of a security-related technology.

(9) An assessment of the management of planned security-related technology programs by the acquisition workforce of CBP.

(10) An identification of ways to leverage already-existing acquisition expertise within the Federal Government.

(11) A description of the security resources, including information security resources, required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack.

(12) A description of initiatives to—

(A) streamline the acquisition process of CBP; and

(B) provide to the private sector greater predictability and transparency with respect to such process, including information relating to the timeline for testing and evaluation of security-related technology.

(13) An assessment of the privacy and security impact on border communities of security-related technology.

(14) In the case of a new acquisition leading to the removal of equipment from a port of entry along the northern or southern border of the United States, a strategy to consult with the private sector and community stakeholders affected by such removal.

(15) A strategy to consult with the private sector and community stakeholders with respect to security impacts at a port of entry described in paragraph (14).

(16) An identification of recent technological advancements in the following:

(A) Manned aircraft sensor, communication, and common operating picture technology.

(B) Unmanned aerial systems and related technology, including counter-unmanned aerial system technology.

(C) Surveillance technology, including the following:

(i) Mobile surveillance vehicles.

(ii) Associated electronics, including cameras, sensor technology, and radar.

(iii) Tower-based surveillance technology.

(iv) Advanced unattended surveillance sensors.

(v) Deployable, lighter-than-air, ground surveillance equipment.

(D) Nonintrusive inspection technology, including non-x-ray devices utilizing muon tomography and other advanced detection technology.

(E) Tunnel detection technology.

(F) Communications equipment, including the following:

(i) Radios.

(ii) Long-term evolution broadband.

(iii) Miniature satellites.

(c) LEVERAGING THE PRIVATE SECTOR.—To the extent practicable, the plan shall—

(1) leverage emerging technological capabilities, and research and development trends, within the public and private sectors;

(2) incorporate input from the private sector, including from border and port security stakeholders, through requests for information, industry day events, and other innovative means consistent with the Federal Acquisition Regulation; and

(3) identify security-related technologies that are in development or deployed, with or without adaptation, that may satisfy the mission needs of CBP.

(d) FORM.—To the extent practicable, the plan shall be published in unclassified form on the website of the Department.

(e) DISCLOSURE.—The plan shall include an identification of individuals not employed by the Federal Government, and their professional affiliations, who contributed to the development of the plan.

(f) UPDATE AND REPORT.—Not later than the date that is two years after the date on which the plan is submitted to the appropriate congressional committees pursuant to subsection (a) and biennially thereafter for ten years, the Commissioner shall submit to the appropriate congressional committees—

(1) an update of the plan, if appropriate; and

(2) a report that includes—

(A) the extent to which each security-related technology acquired by CBP since the initial submission of the plan or most recent update of the plan, as the case may be, is consistent with the planned technology programs and projects described pursuant to subsection (b)(5); and

(B) the type of contract and the reason for acquiring each such security-related technology.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(2) COVERED OFFICIALS.—The term ''covered officials'' means—

(A) the Under Secretary for Management of the Department;

(B) the Under Secretary for Science and Technology of the Department; and

(C) the Chief Information Officer of the Department.

(3) UNLAWFULLY PRESENT.—The term ''unlawfully present'' has the meaning provided such term in section 212(a)(9)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

SEC. 105. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

''SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $100,000,000 (based on fiscal year 2023 constant dollars) over its lifecycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is satisfying cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for satisfying program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan for testing, evaluating, and using independent verification and validation of resources relating to the proposed acquisition of border security technology. Under such plan, the proposed acquisition of new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(2) the effective use of taxpayer dollars.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following new item:

''Sec. 437. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 437 of the Homeland Security Act of 2002, as added by subsection (a).

SEC. 106. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.

(a) SECURE COMMUNICATIONS.—The Commissioner shall ensure that each CBP officer or agent, as appropriate, is equipped with a secure radio or other two-way communication device that allows each such officer or agent to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, Tribal, and local law enforcement entities.

(b) BORDER SECURITY DEPLOYMENT PROGRAM.—

(1) EXPANSION.—Not later than September 30, 2025, the Commissioner shall—

(A) fully implement the Border Security Deployment Program of CBP; and

(B) expand the integrated surveillance and intrusion detection system at land ports of entry along the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal years 2024 and 2025 to carry out paragraph (1).

(c) UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.—

(1) UPGRADE.—Not later than two years after the date of the enactment of this Act, the Commissioner shall upgrade all existing license plate readers in need of upgrade, as determined by the Commissioner, on the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal years 2023 and 2024 to carry out paragraph (1).

SEC. 107. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) RETENTION BONUS.—To carry out this section, there is authorized to be appropriated up to $100,000,000 to the Commissioner to provide a retention bonus to any front-line U.S. Border Patrol law enforcement agent—

(1) whose position is equal to or below level GS–12 of the General Schedule;

(2) who has five years or more of service with the U.S. Border Patrol; and

(3) who commits to two years of additional service with the U.S. Border Patrol upon acceptance of such bonus.

(b) BORDER PATROL AGENTS.—Not later than September 30, 2025, the Commissioner shall hire, train, and assign a sufficient number of Border Patrol agents to maintain an active duty presence of not fewer than 22,000 full-time equivalent Border Patrol agents, who may not perform the duties of processing coordinators.

(c) PROHIBITION AGAINST ALIEN TRAVEL.—No personnel or equipment of Air and Marine Operations may be used for the transportation of non-detained aliens, or detained aliens expected to be administratively released upon arrival, from the southwest border to destinations within the United States.

(d) GAO REPORT.—If the staffing level required under this section is not achieved by the date associated with such level, the Comptroller General of the United States shall—

(1) conduct a review of the reasons why such level was not so achieved; and

(2) not later than September 30, 2027, publish on a publicly available website of the Government Accountability Office a report relating thereto.

SEC. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.

(a) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221; Public Law 111–376) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER REQUIREMENT.—Subject to subsection (c), the Commissioner of U.S. Customs and Border Protection shall waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension; and

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; or

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B).

''(c) TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and Border Protection (CBP) certifies to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP has met all requirements pursuant to section 107 of the Secure the Border Act of 2023 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner re-certifies to such Committees that CBP has so met all such requirements.''.

(b) SUPPLEMENTAL COMMISSIONER AUTHORITY; REPORTING; DEFINITIONS.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new sections:

"SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NONEXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from any other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—An individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.

"SEC. 6. REPORTING.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period, the following:

''(1) Information relating to the number of waivers granted under such section 3(b).

''(2) Information relating to the percentage of applicants who were hired after receiving such a waiver.

''(3) Information relating to the number of instances that a polygraph was administered to an applicant who initially received such a waiver and the results of such polygraph.

''(4) An assessment of the current impact of such waiver authority on filling law enforcement positions at U.S. Customs and Border Protection.

''(5) An identification of additional authorities needed by U.S. Customs and Border Protection to better utilize such waiver authority for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include the following:

''(1) An analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential applicants or employees for suitability for employment or continued employment, as the case may be.

''(2) A recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

"SEC. 7. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as such term is defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635–200, chapter 14–12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5', with respect to background investigations, have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(c) POLYGRAPH EXAMINERS.—Not later than September 30, 2025, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 109. ESTABLISHMENT OF WORKLOAD STAFFING MODELS FOR U.S. BORDER PATROL AND AIR AND MARINE OPERATIONS OF CBP.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commissioner, in coordination with the Under Secretary for Management, the Chief Human Capital Officer, and the Chief Financial Officer of the Department, shall implement a workload staffing model for each of the following:

(1) The U.S. Border Patrol.

(2) Air and Marine Operations of CBP.

(b) RESPONSIBILITIES OF THE COMMISSIONER.—Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211), is amended—

(1) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively; and

(2) by inserting after paragraph (17) the following new paragraphs:

''(18) implement a staffing model for the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations that includes consideration for essential frontline operator activities and functions, variations in operating environments, present and planned infrastructure, present and planned technology, and required operations support levels to enable such entities to manage and assign personnel of such entities to ensure field and support posts possess adequate resources to carry out duties specified in this section;

''(19) develop standard operating procedures for a workforce tracking system within the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations, train the workforce of each of such entities on the use, capabilities, and purpose of such system, and implement internal controls to ensure timely and accurate scheduling and reporting of actual completed work hours and activities;''.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act with respect to subsection (a) and paragraphs (18) and (19) of section 411(c) of the Homeland Security Act of 2002 (as amended by subsection (b)), and annually thereafter with respect to such paragraphs (18) and (19), the Secretary shall submit to the appropriate congressional committees a report that includes a status update on the following:

(A) The implementation of such subsection (a) and such paragraphs (18) and (19).

(B) Each relevant workload staffing model.

(2) DATA SOURCES AND METHODOLOGY REQUIRED.—Each report required under paragraph (1) shall include information relating to the data sources and methodology used to generate each relevant staffing model.

(d) INSPECTOR GENERAL REVIEW.—Not later than 90 days after the Commissioner develops the workload staffing models pursuant to subsection (a), the Inspector General of the Department shall review such models and provide feedback to the Secretary and the appropriate congressional committees with respect to the degree to which such models are responsive to the recommendations of the Inspector General, including the following:

(1) Recommendations from the Inspector General's February 2019 audit.

(2) Any further recommendations to improve such models.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 110. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 2010. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through State administrative agencies, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

''(1) be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border;

''(2) be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office; and

''(3) have an agreement in place with U.S. Immigration and Customs Enforcement to support enforcement operations.

''(c) PERMITTED USES.—A recipient of a grant under this section may use such grant for costs associated with the following:

''(1) Equipment, including maintenance and sustainment.

''(2) Personnel, including overtime and backfill, in support of enhanced border law enforcement activities.

''(3) Any activity permitted for Operation Stonegarden under the most recent fiscal year Department of Homeland Security's Homeland Security Grant Program Notice of Funding Opportunity.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not fewer than 36 months.

''(e) NOTIFICATION.—Upon denial of a grant to a law enforcement agency, the Administrator shall provide written notice to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, including the reasoning for such denial.

''(f) REPORT.—For each of fiscal years 2024 through 2028 the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains—

''(1) information on the expenditure of grants made under this section by each grant recipient; and

''(2) recommendations for other uses of such grants to further support eligible law enforcement agencies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated

$110,000,000 for each of fiscal years 2024 through 2028 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, 2009, and 2010 to State, local, and Tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2009 the following new item:

''Sec. 2010. Operation Stonegarden.''.

SEC. 111. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) AIR AND MARINE OPERATIONS FLIGHT HOURS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall ensure that not fewer than 110,000 annual flight hours are carried out by Air and Marine Operations of CBP.

(b) UNMANNED AIRCRAFT SYSTEMS.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that Air and Marine Operations operate unmanned aircraft systems on the southern border of the United States for not less than 24 hours per day.

(c) PRIMARY MISSIONS.—The Commissioner shall ensure the following:

(1) The primary missions for Air and Marine Operations are to directly support the following:

(A) U.S. Border Patrol activities along the borders of the United States.

(B) Joint Interagency Task Force South and Joint Task Force East operations in the transit zone.

(2) The Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions specified in paragraph (1).

(d) HIGH DEMAND FLIGHT HOUR REQUIREMENTS.—The Commissioner shall—

(1) ensure that U.S. Border Patrol Sector Chiefs identify air support mission-critical hours; and

(2) direct Air and Marine Operations to support requests from such Sector Chiefs as a component of the primary mission of Air and Marine Operations in accordance with subsection (c)(1)(A).

(e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—The Commissioner shall contract for air support mission-critical hours to meet the requests for such hours, as identified pursuant to subsection (d).

(f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Chief of the U.S. Border Patrol shall be the executive agent with respect to the use of small unmanned aircraft by CBP for the purposes of the following:

(A) Meeting the unmet flight hour operational requirements of the U.S. Border Patrol.

(B) Achieving situational awareness and operational control of the borders of the United States.

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall coordinate—

(A) flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the national airspace system; and

(B) with the Executive Assistant Commissioner for Air and Marine Operations of CBP to—

(i) ensure the safety of other CBP aircraft flying in the vicinity of small unmanned aircraft operated by the U.S. Border Patrol; and

(ii) establish a process to include data from flight hours in the calculation of got away statistics.

(3) CONFORMING AMENDMENT.—Paragraph (3) of section 411(e) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) carry out the small unmanned aircraft (as such term is defined in section 44801 of title 49, United States Code) requirements pursuant to subsection (f) of section 111 of the Secure the Border Act of 2023; and''.

(g) SAVINGS CLAUSE.—Nothing in this section may be construed as conferring, transferring, or delegating to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of CBP, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

(h) DEFINITIONS.—In this section:

(1) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(3)).

(2) TRANSIT ZONE.—The term ''transit zone'' has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(8)).

SEC. 112. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of relevant Federal, State, and local agencies, shall hire contractors to begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations. Such eradication shall be completed—

(1) by not later than September 30, 2027, except for required maintenance; and

(2) in the most expeditious and cost-effective manner possible to maintain clear fields of view.

(b) APPLICATION.—The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 103 of this division, shall apply to activities carried out pursuant to subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategic plan to eradicate all carrizo cane plant and salt cedar along the Rio Grande River that impedes border security operations by not later than September 30, 2027.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 for each of fiscal years 2024 through 2028 to the Secretary to carry out this subsection.

SEC. 113. BORDER PATROL STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and biennially thereafter, the Commissioner, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan (referred to in this section as the ''plan'') to enhance the security of the borders of the United States.

(b) ELEMENTS.—The plan shall include the following:

(1) A consideration of Border Patrol Capability Gap Analysis reporting, Border Security Improvement Plans, and any other strategic document authored by the U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents.

(2) Information relating to the dissemination of information relating to border security or border threats with respect to the efforts of the Department and other appropriate Federal agencies.

(3) Information relating to efforts by U.S. Border Patrol to—

(A) increase situational awareness, including—

(i) surveillance capabilities, such as capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aircraft;

(B) detect and prevent terrorists and instruments of terrorism from entering the United States;

(C) detect, interdict, and disrupt between ports of entry aliens unlawfully present in the United States;

(D) detect, interdict, and disrupt human smuggling, human trafficking, drug trafficking, and other illicit cross-border activity;

(E) focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States; and

(F) ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department.

(4) Information relating to initiatives of the Department with respect to operational coordination, including any relevant task forces of the Department.

(5) Information gathered from the lessons learned by the deployments of the National Guard to the southern border of the United States.

(6) A description of cooperative agreements relating to information sharing with State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States.

(7) Information relating to border security information received from the following:

(A) State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States or in the maritime environment.

(B) Border community stakeholders, including representatives from the following:

(i) Border agricultural and ranching organizations.

(ii) Business and civic organizations.

(iii) Hospitals and rural clinics within 150 miles of the borders of the United States.

(iv) Victims of crime committed by aliens unlawfully present in the United States.

(v) Victims impacted by drugs, transnational criminal organizations, cartels, gangs, or other criminal activity.

(vi) Farmers, ranchers, and property owners along the border.

(vii) Other individuals negatively impacted by illegal immigration.

(8) Information relating to the staffing requirements with respect to border security for the Department.

(9) A prioritized list of Department research and development objectives to enhance the security of the borders of the United States.

(10) An assessment of training programs, including such programs relating to the following:

(A) Identifying and detecting fraudulent documents.

(B) Understanding the scope of CBP enforcement authorities and appropriate use of force policies.

(C) Screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking.

SEC. 114. U.S. CUSTOMS AND BORDER PROTECTION SPIRITUAL READINESS.

Not later than one year after the enactment of this Act and annually thereafter for five years, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the availability and usage of the assistance of chaplains, prayer groups, houses of worship, and other spiritual resources for members of CBP who identify as religiously affiliated and have attempted suicide, have suicidal ideation, or are at risk of suicide, and metrics on the impact such resources have in assisting religiously affiliated members who have access to and utilize such resources compared to religiously affiliated members who do not.

SEC. 115. RESTRICTIONS ON FUNDING.

(a) ARRIVING ALIENS.—No funds are authorized to be appropriated to the Department to process the entry into the United States of aliens arriving in between ports of entry.

(b) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling.

(c) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization to provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens who enter the United States after the date of the enactment of this Act.

SEC. 116. COLLECTION OF DNA AND BIOMETRIC INFORMATION AT THE BORDER.

Not later than 14 days after the date of the enactment of this Act, the Secretary shall ensure and certify to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP is fully compliant with Federal DNA and biometric collection requirements at United States land borders.

SEC. 117. ERADICATION OF NARCOTIC DRUGS AND FORMULATING EFFECTIVE NEW TOOLS TO ADDRESS YEARLY LOSSES OF LIFE; ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and the U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.

(b) REPORTING REQUIREMENT.—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that summarizes any policy and manual changes pursuant to subsection (a).

SEC. 118. PUBLICATION BY U.S. CUSTOMS AND BORDER PROTECTION OF OPERATIONAL STATISTICS.

(a) IN GENERAL.—Not later than the seventh day of each month beginning with the second full month after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish on a publicly available website of the Department of Homeland Security information relating to the total number of alien encounters and nationalities, unique alien encounters and nationalities, gang affiliated apprehensions and nationalities, drug seizures, alien encounters included in the terrorist screening database and nationalities, arrests of criminal aliens or individuals wanted by law enforcement and nationalities, known got aways, encounters with deceased aliens, and all other related or associated statistics recorded by U.S. Customs and Border Protection during the immediately preceding month. Each such publication shall include the following:

(1) The aggregate such number, and such number disaggregated by geographic regions, of such recordings and encounters, including specifications relating to whether such recordings and encounters were at the southwest, northern, or maritime border.

(2) An identification of the Office of Field Operations field office, U.S. Border Patrol sector, or Air and Marine Operations branch making each recording or encounter.

(3) Information relating to whether each recording or encounter of an alien was of a single adult, an unaccompanied alien child, or an individual in a family unit.

(4) Information relating to the processing disposition of each alien recording or encounter.

(5) Information relating to the nationality of each alien who is the subject of each recording or encounter.

(6) The total number of individuals included in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)) who have repeatedly attempted to cross unlawfully into the United States.

(7) The total number of individuals included in the terrorist screening database who have been apprehended, including information relating to whether such individuals were released into the United States or removed.

(b) EXCEPTIONS.—If the Commissioner of U.S. Customs and Border Protection in any month does not publish the information required under subsection (a), or does not publish such information by the date specified in such subsection, the Commissioner shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the reason relating thereto, as the case may be, by not later than the date that is two business days after the tenth day of such month.

(c) DEFINITIONS.—In this section:

(1) ALIEN ENCOUNTERS.—The term ''alien encounters'' means aliens apprehended, determined inadmissible, or processed for removal by U.S. Customs and Border Protection.

(2) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)).

(3) TERRORIST SCREENING DATABASE.—The term ''terrorist screening database'' has the meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).

(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. 119. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than seven days after the date of the enactment of this Act, the Commissioner shall certify to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate that CBP has real-time access to the criminal history databases of all countries of origin and transit for aliens encountered by CBP to perform criminal history background checks for such aliens.

(b) STANDARDS.—The certification required under subsection (a) shall also include a determination whether the criminal history databases of a country are accurate, up to date, digitized, searchable, and otherwise meet the standards of the Federal Bureau of Investigation for criminal history databases maintained by State and local governments.

(c) CERTIFICATION.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a certification that each database referred to in subsection (b) which the Secretary accessed or sought to access pursuant to this section met the standards described in subsection (b).

SEC. 120. PROHIBITED IDENTIFICATION DOCUMENTS AT AIRPORT SECURITY CHECKPOINTS; NOTIFICATION TO IMMIGRATION AGENCIES.

(a) IN GENERAL.—The Administrator may not accept as valid proof of identification a prohibited identification document at an airport security checkpoint.

(b) NOTIFICATION TO IMMIGRATION AGENCIES.—If an individual presents a prohibited identification document to an officer of the Transportation Security Administration at an airport security checkpoint, the Administrator shall promptly notify the Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Customs and Border Protection, and the head of the appropriate local law enforcement agency to determine whether the individual is in violation of any term of release from the custody of any such agency.

(c) ENTRY INTO STERILE AREAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is found to be in violation of any term of release under subsection (b), the Administrator may not permit such individual to enter a sterile area.

(2) EXCEPTION.—An individual presenting a prohibited identification document under this section may enter a sterile area if the individual—

(A) is leaving the United States for the purposes of removal or deportation; or

(B) presents a covered identification document.

(d) COLLECTION OF BIOMETRIC INFORMATION FROM CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE AREA OF AN AIRPORT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator shall collect biometric information from an individual described in subsection (e) prior to authorizing such individual to enter into a sterile area.

(e) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is seeking entry into the sterile area of an airport;

(2) does not present a covered identification document; and

(3) the Administrator cannot verify is a national of the United States.

(f) PARTICIPATION IN IDENT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretary, shall submit biometric data collected under this section to the Automated Biometric Identification System (IDENT).

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) BIOMETRIC INFORMATION.—The term ''biometric information'' means any of the following:

(A) A fingerprint.

(B) A palm print.

(C) A photograph, including—

(i) a photograph of an individual's face for use with facial recognition technology; and

(ii) a photograph of any physical or anatomical feature, such as a scar, skin mark, or tattoo.

(D) A signature.

(E) A voice print.

(F) An iris image.

(3) COVERED IDENTIFICATION DOCUMENT.—The term ''covered identification document'' means any of the following, if the document is valid and unexpired:

(A) A United States passport or passport card.

(B) A biometrically secure card issued by a trusted traveler program of the Department of Homeland Security, including—

(i) Global Entry;

(ii) Nexus;

(iii) Secure Electronic Network for Travelers Rapid Inspection (SENTRI); and

(iv) Free and Secure Trade (FAST).

(C) An identification card issued by the Department of Defense, including such a card issued to a dependent.

(D) Any document required for admission to the United States under section 211(a) of the Immigration and Nationality Act (8 U.S.C. 1181(a)).

(E) An enhanced driver's license issued by a State.

(F) A photo identification card issued by a federally recognized Indian Tribe.

(G) A personal identity verification credential issued in accordance with Homeland Security Presidential Directive 12.

(H) A driver's license issued by a province of Canada.

(I) A Secure Certificate of Indian Status issued by the Government of Canada.

(J) A Transportation Worker Identification Credential.

(K) A Merchant Mariner Credential issued by the Coast Guard.

(L) A Veteran Health Identification Card issued by the Department of Veterans Affairs.

(M) Any other document the Administrator determines, pursuant to a rule making in accordance with section 553 of title 5, United States Code, will satisfy the identity verification procedures of the Transportation Security Administration.

(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) PROHIBITED IDENTIFICATION DOCUMENT.—The term ''prohibited identification document'' means any of the following (or any applicable successor form):

(A) U.S. Immigration and Customs Enforcement Form I–200, Warrant for Arrest of Alien.

(B) U.S. Immigration and Customs Enforcement Form I–205, Warrant of Removal/Deportation.

(C) U.S. Immigration and Customs Enforcement Form I–220A, Order of Release on Recognizance.

(D) U.S. Immigration and Customs Enforcement Form I–220B, Order of Supervision.

(E) Department of Homeland Security Form I–862, Notice to Appear.

(F) U.S. Customs and Border Protection Form I–94, Arrival/Departure Record (including a print-out of an electronic record).

(G) Department of Homeland Security Form I–385, Notice to Report.

(H) Any document that directs an individual to report to the Department of Homeland Security.

(I) Any Department of Homeland Security work authorization or employment verification document.

(6) STERILE AREA.—The term ''sterile area'' has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation.

SEC. 121. PROHIBITION AGAINST ANY COVID–19 VACCINE MANDATE OR ADVERSE ACTION AGAINST DHS EMPLOYEES.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary may not issue any COVID–19 vaccine mandate unless Congress expressly authorizes such a mandate.

(b) PROHIBITION ON ADVERSE ACTION.—The Secretary may not take any adverse action against a Department employee based solely on the refusal of such employee to receive a vaccine for COVID–19.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the following:

(1) The number of Department employees who were terminated or resigned due to the COVID–19 vaccine mandate.

(2) An estimate of the cost to reinstate such employees.

(3) How the Department would effectuate reinstatement of such employees.

(d) RETENTION AND DEVELOPMENT OF UNVACCINATED EMPLOYEES.—The Secretary shall make every effort to retain Department employees who are not vaccinated against COVID–19 and provide such employees with professional development, promotion and leadership opportunities, and consideration equal to that of their peers.

SEC. 122. CBP ONE APP LIMITATION.

(a) LIMITATION.—The Department may use the CBP One Mobile Application or any other similar program, application, internet-based portal, website, device, or initiative only for inspection of perishable cargo.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry, how many aliens have scheduled interviews at land ports of entry using CBP One, the nationalities of such aliens, and the stated final destinations of such aliens within the United States, if any.

SEC. 123. REPORT ON MEXICAN DRUG CARTELS.

Not later than 60 days after the date of the enactment of this Act, Congress shall commission a report that contains the following:

(1) A national strategy to address Mexican drug cartels, and a determination regarding whether there should be a designation established to address such cartels.

(2) Information relating to actions by such cartels that causes harm to the United States.

SEC. 124. GAO STUDY ON COSTS INCURRED BY STATES TO SECURE THE SOUTHWEST BORDER.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine the costs incurred by individual States as a result of actions taken by such States in support of the Federal mission to secure the southwest border, and the feasibility of a program to reimburse such States for such costs.

(b) CONTENTS.—The study required under subsection (a) shall include consideration of the following:

(1) Actions taken by the Department of Homeland Security that have contributed to costs described in such subsection incurred by States to secure the border in the absence of Federal action, including the termination of the Migrant Protection Protocols and cancellation of border wall construction.

(2) Actions taken by individual States along the southwest border to secure their borders, and the costs associated with such actions.

(3) The feasibility of a program within the Department of Homeland Security to reimburse States for the costs incurred in support of the Federal mission to secure the southwest border.

SEC. 125. REPORT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter for five years, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report examining the economic and security impact of mass migration to municipalities and States along the southwest border. Such report shall include information regarding costs incurred by the following:

(1) State and local law enforcement to secure the southwest border.

(2) Public school districts to educate students who are aliens unlawfully present in the United States.

(3) Healthcare providers to provide care to aliens unlawfully present in the United States who have not paid for such care.

(4) Farmers and ranchers due to migration impacts to their properties.

(b) CONSULTATION.—To produce the report required under subsection (a), the Inspector General of the Department of Homeland Security shall consult with the individuals and representatives of the entities described in paragraphs (1) through (4) of such subsection.

SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.

(a) OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.—No funds are authorized to be appropriated for the Alternatives to Detention Case Management Pilot Program or the Office of the Immigration Detention Ombudsman for the Office of the Secretary and Emergency Management of the Department of Homeland Security.

(b) MANAGEMENT DIRECTORATE.—No funds are authorized to be appropriated for electric vehicles or St. Elizabeths campus construction for the Management Directorate of the Department of Homeland Security.

(c) INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS.—There is authorized to be appropriated $216,000,000 for Intelligence, Analysis, and Situational Awareness of the Department of Homeland Security.

(d) U.S. CUSTOMS AND BORDER PROTECTION.—No funds are authorized to be appropriated for the Shelter Services Program for U.S. Customs and Border Protection.

SEC. 127. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of foreign terrorist organizations attempting to move their members or affiliates into the United States through the southern, northern, or maritime border.

(b) DEFINITION.—In this section, the term ''foreign terrorist organization'' means an organization described in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 128. ASSESSMENT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY ON THE MITIGATION OF UNMANNED AIRCRAFT SYSTEMS AT THE SOUTHWEST BORDER.

Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of U.S. Customs and Border Protection's ability to mitigate unmanned aircraft systems at the southwest border. Such assessment shall include information regarding any intervention between January 1, 2021, and the date of the enactment of this Act, by any Federal agency affecting in any manner U.S. Customs and Border Protection's authority to so mitigate such systems.

DIVISION C—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS

TITLE I—ASYLUM REFORM AND BORDER PROTECTION

SEC. 101. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking ''if the Attorney General determines'' and inserting ''if the Attorney General or the Secretary of Homeland Security determines—'';

(2) by striking ''that the alien may be removed'' and inserting the following:

''(i) that the alien may be removed'';

(3) by striking '', pursuant to a bilateral or multilateral agreement, to'' and inserting ''to'';

(4) by inserting ''or the Secretary, on a case by case basis,'' before ''finds that'';

(5) by striking the period at the end and inserting ''; or''; and

(6) by adding at the end the following:

''(ii) that the alien entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence en route to the United States, unless—

''(I) the alien demonstrates that he or she applied for protection from persecution or torture in at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States, and the alien received a final judgment denying the alien protection in each country;

''(II) the alien demonstrates that he or she was a victim of a severe form of trafficking in which a commercial sex act was induced by force, fraud, or coercion, or in which the person induced to perform such act was under the age of 18 years; or in which the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and was unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

''(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.''.

SEC. 102. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''there is a significant possibility'' and all that follows, and inserting '', taking into account the credibility of the statements made by the alien in support of the alien's claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, the alien more likely than not could establish eligibility for asylum under section 208, and it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 103. CLARIFICATION OF ASYLUM ELIGIBILITY.

(a) IN GENERAL.—Section 208(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(A)) is amended by inserting after ''section 101(a)(42)(A)'' the following: ''(in accordance with the rules set forth in this section), and is eligible to apply for asylum under subsection (a)''.

(b) PLACE OF ARRIVAL.—Section 208(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(1)) is amended—

(1) by striking ''or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters),''; and

(2) by inserting after ''United States'' the following: ''and has arrived in the United States at a port of entry (including an alien who is brought to the United States after having been interdicted in international or United States waters),''.

SEC. 104. EXCEPTIONS.

Paragraph (2) of section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)) is amended to read as follows:

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

''(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(ii) the alien has been convicted of any felony under Federal, State, tribal, or local law;

''(iii) the alien has been convicted of any misdemeanor offense under Federal, State, tribal, or local law involving—

''(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as those terms and phrases are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

''(aa) the document or feature was presented before boarding a common carrier;

''(bb) the document or feature related to the alien's eligibility to enter the United States;

''(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

''(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

''(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

''(III) possession or trafficking of a controlled substance or controlled substance paraphernalia, as those phrases are defined under the law of the jurisdiction where the conviction occurred, other than a single offense involving possession for one's own use of 30 grams or less of marijuana (as marijuana is defined under the law of the jurisdiction where the conviction occurred);

''(iv) the alien has been convicted of an offense arising under paragraph (1)(A) or (2) of section 274(a), or under section 276;

''(v) the alien has been convicted of a Federal, State, tribal, or local crime that the Attorney General or Secretary of Homeland Security knows, or has reason to believe, was committed in support, promotion, or furtherance of the activity of a criminal street gang (as defined under the law of the jurisdiction where the conviction occurred or in section 521(a) of title 18, United States Code);

''(vi) the alien has been convicted of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, in which such intoxicated or impaired driving was a cause of serious bodily injury or death of another person;

''(vii) the alien has been convicted of more than one offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

''(viii) the alien has been convicted of a crime—

''(I) that involves conduct amounting to a crime of stalking;

''(II) of child abuse, child neglect, or child abandonment; or

''(III) that involves conduct amounting to a domestic assault or battery offense, including—

''(aa) a misdemeanor crime of domestic violence, as described in section 921(a)(33) of title 18, United States Code;

''(bb) a crime of domestic violence, as described in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)); or

''(cc) any crime based on conduct in which the alien harassed, coerced, intimidated, voluntarily or recklessly used (or threatened to use) force or violence against, or inflicted physical injury or physical pain, however slight, upon a person—

''(AA) who is a current or former spouse of the alien;

''(BB) with whom the alien shares a child;

''(CC) who is cohabitating with, or who has cohabitated with, the alien as a spouse;

''(DD) who is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(EE) who is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(ix) the alien has engaged in acts of battery or extreme cruelty upon a person and the person—

''(I) is a current or former spouse of the alien;

''(II) shares a child with the alien;

''(III) cohabitates or has cohabitated with the alien as a spouse;

''(IV) is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(V) is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(x) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

''(xi) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

''(xii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiii) the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 212(a)(3)(B)(i) or section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the Secretary's or the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiv) the alien was firmly resettled in another country prior to arriving in the United States; or

''(xv) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien's country of nationality or, in the case of an alien having no nationality, another part of the alien's country of last habitual residence.

''(B) SPECIAL RULES.—

''(i) PARTICULARLY SERIOUS CRIME; SERIOUS NONPOLITICAL CRIME OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—For purposes of subparagraph (A)(x), the Attorney General or Secretary of Homeland Security, in their discretion, may determine that a conviction constitutes a particularly serious crime based on—

''(aa) the nature of the conviction;

''(bb) the type of sentence imposed; or

''(cc) the circumstances and underlying facts of the conviction.

''(II) DETERMINATION.—In making a determination under subclause (I), the Attorney General or Secretary of Homeland Security may consider all reliable information and is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) TREATMENT OF FELONIES.—In making a determination under subclause (I), an alien who has been convicted of a felony (as defined under this section) or an aggravated felony (as defined under section 101(a)(43)), shall be considered to have been convicted of a particularly serious crime.

''(IV) INTERPOL RED NOTICE.—In making a determination under subparagraph (A)(xi), an Interpol Red Notice may constitute reliable evidence that the alien has committed a serious nonpolitical crime outside the United States.

''(ii) CRIMES AND EXCEPTIONS.—

''(I) DRIVING WHILE INTOXICATED OR IMPAIRED.—A finding under subparagraph (A)(vi) does not require the Attorney General or Secretary of Homeland Security to find the first conviction for driving while intoxicated or impaired (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense. The Attorney General or Secretary of Homeland Security need only make a factual determination that the alien previously was convicted for driving while intoxicated or impaired as those terms are defined under the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs).

''(II) STALKING AND OTHER CRIMES.—In making a determination under subparagraph (A)(viii), including determining the existence of a domestic relationship between the alien and the victim, the underlying conduct of the crime may be considered, and the Attorney General or Secretary of Homeland Security is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) BATTERY OR EXTREME CRUELTY.—In making a determination under subparagraph (A)(ix), the phrase 'battery or extreme cruelty' includes—

''(aa) any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury;

''(bb) psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution, shall be considered acts of violence; and

''(cc) other abusive acts, including acts that, in and of themselves, may not initially appear violent, but that are a part of an overall pattern of violence.

''(IV) EXCEPTION FOR VICTIMS OF DOMESTIC VIOLENCE.—An alien who was convicted of an offense described in clause (viii) or (ix) of subparagraph (A) is not ineligible for asylum on that basis if the alien satisfies the criteria under section 237(a)(7)(A).

''(C) SPECIFIC CIRCUMSTANCES.—Paragraph (1) shall not apply to an alien whose claim is based on—

''(i) personal animus or retribution, including personal animus in which the alleged persecutor has not targeted, or manifested an animus against, other members of an alleged particular social group in addition to the member who has raised the claim at issue;

''(ii) the applicant's generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations absent expressive behavior in furtherance of a discrete cause against such organizations related to control of a State or expressive behavior that is antithetical to the State or a legal unit of the State;

''(iii) the applicant's resistance to recruitment or coercion by guerrilla, criminal, gang, terrorist, or other non-state organizations;

''(iv) the targeting of the applicant for criminal activity for financial gain based on wealth or affluence or perceptions of wealth or affluence;

''(v) the applicant's criminal activity; or

''(vi) the applicant's perceived, past or present, gang affiliation.

''(D) DEFINITIONS AND CLARIFICATIONS.—

''(i) DEFINITIONS.—For purposes of this paragraph:

''(I) FELONY.—The term 'felony' means—

''(aa) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime punishable by more than one year of imprisonment.

''(II) MISDEMEANOR.—The term 'misdemeanor' means—

''(aa) any crime defined as a misdemeanor by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime not punishable by more than one year of imprisonment.

''(ii) CLARIFICATIONS.—

''(I) CONSTRUCTION.—For purposes of this paragraph, whether any activity or conviction also may constitute a basis for removal is immaterial to a determination of asylum eligibility.

''(II) ATTEMPT, CONSPIRACY, OR SOLICITATION.—For purposes of this paragraph, all references to a criminal offense or criminal conviction shall be deemed to include any attempt, conspiracy, or solicitation to commit the offense or any other inchoate form of the offense.

''(III) EFFECT OF CERTAIN ORDERS.—

''(aa) IN GENERAL.—No order vacating a conviction, modifying a sentence, clarifying a sentence, or otherwise altering a conviction or sentence shall have any effect under this paragraph unless the Attorney General or Secretary of Homeland Security determines that—

''(AA) the court issuing the order had jurisdiction and authority to do so; and

''(BB) the order was not entered for rehabilitative purposes or for purposes of ameliorating the immigration consequences of the conviction or sentence.

''(bb) AMELIORATING IMMIGRATION CONSEQUENCES.—For purposes of item (aa)(BB), the order shall be presumed to be for the purpose of ameliorating immigration consequences if—

''(AA) the order was entered after the initiation of any proceeding to remove the alien from the United States; or

''(BB) the alien moved for the order more than one year after the date of the original order of conviction or sentencing, whichever is later.

''(cc) AUTHORITY OF IMMIGRATION JUDGE.—An immigration judge is not limited to consideration only of material included in any order vacating a conviction, modifying a sentence, or clarifying a sentence to determine whether such order should be given any effect under this paragraph, but may consider such additional information as the immigration judge determines appropriate.

''(E) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security or the Attorney General may by regulation establish additional limitations and conditions, consistent with this section, under which an alien shall be ineligible for asylum under paragraph (1).

''(F) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Secretary of Homeland Security or the Attorney General under subparagraph (A)(xiii).''.

SEC. 105. EMPLOYMENT AUTHORIZATION.

Paragraph (2) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

''(2) EMPLOYMENT AUTHORIZATION.—

''(A) AUTHORIZATION PERMITTED.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Secretary of Homeland Security. An applicant who is not otherwise eligible for employment authorization shall not be granted

such authorization prior to the date that is 180 days after the date of filing of the application for asylum.

''(B) TERMINATION.—Each grant of employment authorization under subparagraph (A), and any renewal or extension thereof, shall be valid for a period of 6 months, except that such authorization, renewal, or extension shall terminate prior to the end of such 6 month period as follows:

''(i) Immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an immigration judge.

''(ii) 30 days after the date on which an immigration judge denies an asylum application, unless the alien timely appeals to the Board of Immigration Appeals.

''(iii) Immediately following the denial by the Board of Immigration Appeals of an appeal of a denial of an asylum application.

''(C) RENEWAL.—The Secretary of Homeland Security may not grant, renew, or extend employment authorization to an alien if the alien was previously granted employment authorization under subparagraph (A), and the employment authorization was terminated pursuant to a circumstance described in subparagraph (B)(i), (ii), or (iii), unless a Federal court of appeals remands the alien's case to the Board of Immigration Appeals.

''(D) INELIGIBILITY.—The Secretary of Homeland Security may not grant employment authorization to an alien under this paragraph if the alien—

''(i) is ineligible for asylum under subsection (b)(2)(A); or

''(ii) entered or attempted to enter the United States at a place and time other than lawfully through a United States port of entry.''.

SEC. 106. ASYLUM FEES.

Paragraph (3) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

''(3) FEES.—

''(A) APPLICATION FEE.—A fee of not less than $50 for each application for asylum shall be imposed. Such fee shall not exceed the cost of adjudicating the application. Such fee shall not apply to an unaccompanied alien child who files an asylum application in proceedings under section 240.

''(B) EMPLOYMENT AUTHORIZATION.—A fee may also be imposed for the consideration of an application for employment authorization under this section and for adjustment of status under section 209(b). Such a fee shall not exceed the cost of adjudicating the application.

''(C) PAYMENT.—Fees under this paragraph may be assessed and paid over a period of time or by installments.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Attorney General or Secretary of Homeland Security to set adjudication and naturalization fees in accordance with section 286(m).''.

SEC. 107. RULES FOR DETERMINING ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

''(f) RULES FOR DETERMINING ASYLUM ELIGIBILITY.—In making a determination under subsection (b)(1)(A) with respect to whether an alien is a refugee within the meaning of section 101(a)(42)(A), the following shall apply:

''(1) PARTICULAR SOCIAL GROUP.—The Secretary of Homeland Security or the Attorney General shall not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining, the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien's claim of membership in a particular social group does not involve—

''(A) past or present criminal activity or association (including gang membership);

''(B) presence in a country with generalized violence or a high crime rate;

''(C) being the subject of a recruitment effort by criminal, terrorist, or persecutory groups;

''(D) the targeting of the applicant for criminal activity for financial gain based on perceptions of wealth or affluence;

''(E) interpersonal disputes of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(F) private criminal acts of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(G) past or present terrorist activity or association;

''(H) past or present persecutory activity or association; or

''(I) status as an alien returning from the United States.

''(2) POLITICAL OPINION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien holds a political opinion with respect to which the alien is subject to persecution if the political opinion is constituted solely by generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations and does not include expressive behavior in furtherance of a cause against such organizations related to efforts by the State to control such organizations or behavior that is antithetical to or otherwise opposes the ruling legal entity of the State or a unit thereof.

''(3) PERSECUTION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien has been subject to persecution or has a well-founded fear of persecution based only on—

''(A) the existence of laws or government policies that are unenforced or infrequently enforced, unless there is credible evidence that such a law or policy has been or would be applied to the applicant personally; or

''(B) the conduct of rogue foreign government officials acting outside the scope of their official capacity.

''(4) DISCRETIONARY DETERMINATION.—

''(A) ADVERSE DISCRETIONARY FACTORS.—The Secretary of Homeland Security or the Attorney General may only grant asylum to an alien if the alien establishes that he or she warrants a favorable exercise of discretion. In making such a determination, the Attorney General or Secretary of Homeland Security shall consider, if applicable, an alien's use of fraudulent documents to enter the United States, unless the alien arrived in the United States by air, sea, or land directly from the applicant's home country without transiting through any other country.

''(B) FAVORABLE EXERCISE OF DISCRETION NOT PERMITTED.—Except as provided in subparagraph (C), the Attorney General or Secretary of Homeland Security shall not favorably exercise discretion under this section for any alien who—

''(i) has accrued more than one year of unlawful presence in the United States, as defined in sections 212(a)(9)(B)(ii) and (iii), prior to filing an application for asylum;

''(ii) at the time the asylum application is filed with the immigration court or is referred from the Department of Homeland Security, has—

''(I) failed to timely file (or timely file a request for an extension of time to file) any required Federal, State, or local income tax returns;

''(II) failed to satisfy any outstanding Federal, State, or local tax obligations; or

''(III) income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service;

''(iii) has had two or more prior asylum applications denied for any reason;

''(iv) has withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application;

''(v) failed to attend an interview regarding his or her asylum application with the Department of Homeland Security, unless the alien shows by a preponderance of the evidence that—

''(I) exceptional circumstances prevented the alien from attending the interview; or

''(II) the interview notice was not mailed to the last address provided by the alien or the alien's representative and neither the alien nor the alien's representative received notice of the interview; or

''(vi) was subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of the change in country conditions.

''(C) EXCEPTIONS.—If one or more of the adverse discretionary factors set forth in subparagraph (B) are present, the Attorney General or the Secretary, may, notwithstanding such subparagraph (B), favorably exercise discretion under section 208—

''(i) in extraordinary circumstances, such as those involving national security or foreign policy considerations; or

''(ii) if the alien, by clear and convincing evidence, demonstrates that the denial of the application for asylum would result in exceptional and extremely unusual hardship to the alien.

''(5) LIMITATION.—If the Secretary or the Attorney General determines that an alien fails to satisfy the requirement under paragraph (1), the alien may not be granted asylum based on membership in a particular social group, and may not appeal the determination of the Secretary or Attorney General, as applicable. A determination under this paragraph shall not serve as the basis for any motion to reopen or reconsider an application for asylum or withholding of removal for any reason, including a claim of ineffective assistance of counsel, unless the alien complies with the procedural requirements for such a motion and demonstrates that counsel's failure to define, or provide a basis for defining, a formulation of a particular social group was both not a strategic choice and constituted egregious conduct.

''(6) STEREOTYPES.—Evidence offered in support of an application for asylum that promotes cultural stereotypes about a country, its inhabitants, or an alleged persecutor, including stereotypes based on race, religion, nationality, or gender, shall not be admissible in adjudicating that application, except that evidence that an alleged persecutor holds stereotypical views of the applicant shall be admissible.

''(7) DEFINITIONS.—In this section:

''(A) The term 'membership in a particular social group' means membership in a group that is—

''(i) composed of members who share a common immutable characteristic;

''(ii) defined with particularity; and

''(iii) socially distinct within the society in question.

''(B) The term 'political opinion' means an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state or a unit thereof.

''(C) The term 'persecution' means the infliction of a severe level of harm constituting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control. Such term does not include—

''(i) generalized harm or violence that arises out of civil, criminal, or military strife in a country;

''(ii) all treatment that the United States regards as unfair, offensive, unjust, unlawful, or unconstitutional;

''(iii) intermittent harassment, including brief detentions;

''(iv) threats with no actual effort to carry out the threats, except that particularized threats of severe harm of an immediate and menacing nature made by an identified entity may constitute persecution; or

''(v) non-severe economic harm or property damage.''.

SEC. 108. FIRM RESETTLEMENT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by this title, is further amended by adding at the end the following:

''(g) FIRM RESETTLEMENT.—In determining whether an alien was firmly resettled in another country prior to arriving in the United States under subsection (b)(2)(A)(xiv), the following shall apply:

''(1) IN GENERAL.—An alien shall be considered to have firmly resettled in another country if, after the events giving rise to the alien's asylum claim—

''(A) the alien resided in a country through which the alien transited prior to arriving in or entering the United States and—

''(i) received or was eligible for any permanent legal immigration status in that country;

''(ii) resided in such a country with any non-permanent but indefinitely renewable legal immigration status (including asylee, refugee, or similar status, but excluding status of a tourist); or

''(iii) resided in such a country and could have applied for and obtained an immigration status described in clause (ii);

''(B) the alien physically resided voluntarily, and without continuing to suffer persecution or torture, in any one country for one year or more after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States, except for any time spent in Mexico by an alien who is not a native or citizen of Mexico solely as a direct result of being returned to Mexico pursuant to section 235(b)(3) or of being subject to metering; or

''(C) the alien is a citizen of a country other than the country in which the alien alleges a fear of persecution, or was a citizen of such a country in the case of an alien who renounces such citizenship, and the alien was present in that country after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States.

''(2) BURDEN OF PROOF.—If an immigration judge determines that an alien has firmly resettled in another country under paragraph (1), the alien shall bear the burden of proving the bar does not apply.

''(3) FIRM RESETTLEMENT OF PARENT.—An alien shall be presumed to have been firmly resettled in another country if the alien's parent was firmly resettled in another country, the parent's resettlement occurred before the alien turned 18 years of age, and the alien resided with such parent at the time of the firm resettlement, unless the alien establishes that he or she could not have derived any permanent legal immigration status or any non-permanent but indefinitely renewable legal immigration status (including asylum, refugee, or similar status, but excluding status of a tourist) from the alien's parent.''.

SEC. 109. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking ''If the'' and all that follows and inserting:

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) CRITERIA.—An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appear in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of the material elements are knowingly fabricated.

''(C) SUFFICIENT OPPORTUNITY TO CLARIFY.—In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

''(D) WITHHOLDING OF REMOVAL NOT PRECLUDED.—For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3) or protection pursuant to the Convention Against Torture.''.

SEC. 110. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(C) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

SEC. 111. REQUIREMENT FOR PROCEDURES RELATING TO CERTAIN ASYLUM APPLICATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish procedures to expedite the adjudication of asylum applications for aliens—

(1) who are subject to removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); and

(2) who are nationals of a Western Hemisphere country sanctioned by the United States, as described in subsection (b), as of January 1, 2023.

(b) WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES DESCRIBED.—Subsection (a) shall apply only to an asylum application filed by an alien who is a national of a Western Hemisphere country subject to sanctions pursuant to—

(1) the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note);

(2) the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 or the RENACER Act (50 U.S.C. 1701 note); or

(3) Executive Order 13692 (80 Fed. Reg. 12747; declaring a national emergency with respect to the situation in Venezuela).

(c) APPLICABILITY.—This section shall only apply to an alien who files an application for asylum after the date of the enactment of this Act.

TITLE II—BORDER SAFETY AND MIGRANT PROTECTION

SEC. 201. INSPECTION OF APPLICANTS FOR ADMISSION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clauses (i) and (ii), by striking ''section 212(a)(6)(C)'' inserting ''subparagraph (A) or (C) of section 212(a)(6)''; and

(II) by adding at the end the following:

''(iv) INELIGIBILITY FOR PAROLE.—An alien described in clause (i) or (ii) shall not be eligible for parole except as expressly authorized pursuant to section 212(d)(5), or for parole or release pursuant to section 236(a).''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking ''asylum.'' and inserting ''asylum and shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).''; and

(II) in clause (iii)(IV)—

(aa) in the header by striking ''DETENTION'' and inserting ''DETENTION, RETURN, OR REMOVAL''; and

(bb) by adding at the end the following: ''The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Subject to subparagraphs (B) and (C),'' and inserting ''Subject to subparagraph (B) and paragraph (3),''; and

(II) by adding at the end the following: ''The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).''; and

(ii) by striking subparagraph (C);

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

''(3) RETURN TO FOREIGN TERRITORY CONTIGUOUS TO THE UNITED STATES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

''(B) MANDATORY RETURN.—If at any time the Secretary of Homeland Security cannot—

''(i) comply with its obligations to detain an alien as required under clauses (ii) and (iii)(IV) of subsection (b)(1)(B) and subsection (b)(2)(A); or

''(ii) remove an alien to a country described in section 208(a)(2)(A),

the Secretary of Homeland Security shall, without exception, including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5), return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

''(4) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention, return, or removal requirements under paragraph (1), (2), or (3) that affects such State or its residents, may bring an action against the Secretary of Homeland Security on behalf of the residents of the State in an appropriate United States district court to obtain appropriate injunctive relief.''; and

(2) by adding at the end the following:

''(e) AUTHORITY TO PROHIBIT INTRODUCTION OF CERTAIN ALIENS.—If the Secretary of Homeland Security determines, in his discretion, that the prohibition of the introduction of aliens who are inadmissible under subparagraph (A) or (C) of section 212(a)(6) or under section 212(a)(7) at an international land or maritime border of the United States is necessary to achieve operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) of such border, the Secretary may prohibit, in whole or in part, the introduction of such aliens at such border for such period of time as the Secretary determines is necessary for such purpose.''.

SEC. 202. OPERATIONAL DETENTION FACILITIES.

(a) IN GENERAL.—Not later than September 30, 2023, the Secretary of Homeland Security shall take all necessary actions to reopen or restore all U.S. Immigration and Customs Enforcement detention facilities that were in operation on January 20, 2021, that subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021. In carrying out the requirement under this subsection, the Secretary may use the authority under section 103(a)(11) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(11)).

(b) SPECIFIC FACILITIES.—The requirement under subsection (a) shall include at a minimum, reopening, or restoring, the following facilities:

(1) Irwin County Detention Center in Georgia.

(2) C. Carlos Carreiro Immigration Detention Center in Bristol County, Massachusetts.

(3) Etowah County Detention Center in Gadsden, Alabama.

(4) Glades County Detention Center in Moore Haven, Florida.

(5) South Texas Family Residential Center.

(c) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary of Homeland Security is authorized to obtain equivalent capacity for detention facilities at locations other than those listed in subsection (b).

(2) LIMITATION.—The Secretary may not take action under paragraph (1) unless the capacity obtained would result in a reduction of time and cost relative to the cost and time otherwise required to obtain such capacity.

(3) SOUTH TEXAS FAMILY RESIDENTIAL CENTER.—The exception under paragraph (1) shall not apply to the South Texas Family Residential Center. The Secretary shall take all necessary steps to modify and operate the South Texas Family Residential Center in the same manner and capability it was operating on January 20, 2021.

(d) PERIODIC REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until September 30, 2027, the Secretary of Homeland Security shall submit to the appropriate congressional committees a detailed plan for and a status report on—

(1) compliance with the deadline under subsection (a);

(2) the increase in detention capabilities required by this section—

(A) for the 90-day period immediately preceding the date such report is submitted; and

(B) for the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(3) the number of detention beds that were used and the number of available detention beds that were not used during—

(A) the 90-day period immediately preceding the date such report is submitted; and

(B) the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(4) the number of aliens released due to a lack of available detention beds; and

(5) the resources the Department of Homeland Security needs in order to comply with the requirements under this section.

(e) NOTIFICATION.—The Secretary of Homeland Security shall notify Congress, and include with such notification a detailed description of the resources the Department of Homeland Security needs in order to detain all aliens whose detention is mandatory or nondiscretionary under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(1) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 90 percent of capacity;

(2) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 95 percent of capacity; and

(3) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach full capacity.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the House of Representatives;

(2) the Committee on Appropriations of the House of Representatives;

(3) the Committee on the Judiciary of the Senate; and

(4) the Committee on Appropriations of the Senate.

TITLE III—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

SEC. 301. UNITED STATES POLICY REGARDING WESTERN HEMISPHERE COOPERATION ON IMMIGRATION AND ASYLUM.

It is the policy of the United States to enter into agreements, accords, and memoranda of understanding with countries in the Western Hemisphere, the purposes of which are to advance the interests of the United States by reducing costs associated with illegal immigration and to protect the human capital, societal traditions, and economic growth of other countries in the Western Hemisphere. It is further the policy of the United States to ensure that humanitarian and development assistance funding aimed at reducing illegal immigration is not expended on programs that have not proven to reduce illegal immigrant flows in the aggregate.

SEC. 302. NEGOTIATIONS BY SECRETARY OF STATE.

(a) AUTHORIZATION TO NEGOTIATE.—The Secretary of State shall seek to negotiate agreements, accords, and memoranda of understanding between the United States, Mexico, Honduras, El Salvador, Guatemala, and other countries in the Western Hemisphere with respect to cooperation and burden sharing required for effective regional immigration enforcement, expediting legal claims by aliens for asylum, and the processing, detention, and repatriation of foreign nationals seeking to enter the United States unlawfully. Such agreements shall be designed to facilitate a regional approach to immigration enforcement and shall, at a minimum, provide that—

(1) the Government of Mexico authorize and accept the rapid entrance into Mexico of nationals of countries other than Mexico who seek asylum in Mexico, and process the asylum claims of such nationals inside Mexico, in accordance with both domestic law and international treaties and conventions governing the processing of asylum claims;

(2) the Government of Mexico authorize and accept both the rapid entrance into Mexico of all nationals of countries other than Mexico who are ineligible for asylum in Mexico and wish to apply for asylum in the United States, whether or not at a port of entry, and the continued presence of such nationals in Mexico while they wait for the adjudication of their asylum claims to conclude in the United States;

(3) the Government of Mexico commit to provide the individuals described in paragraphs (1) and (2) with appropriate humanitarian protections;

(4) the Government of Honduras, the Government of El Salvador, and the Government of Guatemala each authorize and accept the entrance into the respective countries of nationals of other countries seeking asylum in the applicable such country and process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

(5) the Government of the United States commit to work to accelerate the adjudication of asylum claims and to conclude removal proceedings in the wake of asylum adjudications as expeditiously as possible;

(6) the Government of the United States commit to continue to assist the governments of countries in the Western Hemisphere, such as the Government of Honduras, the Government of El Salvador, and the Government of Guatemala, by supporting the enhancement of asylum capacity in those countries; and

(7) the Government of the United States commit to monitoring developments in hemispheric immigration trends and regional asylum capabilities to determine whether additional asylum cooperation agreements are warranted.

(b) NOTIFICATION IN ACCORDANCE WITH CASE-ZABLOCKI ACT.—The Secretary of State shall, in accordance with section 112b of title 1, United States Code, promptly inform the relevant congressional committees of each agreement entered into pursuant to subsection (a). Such notifications shall be submitted not later than 48 hours after such agreements are signed.

(c) ALIEN DEFINED.—In this section, the term ''alien'' has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 303. MANDATORY BRIEFINGS ON UNITED STATES EFFORTS TO ADDRESS THE BORDER CRISIS.

(a) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (b), the Secretary of State, or the designee of the Secretary of State, shall provide to the appropriate congressional committees an in-person briefing on efforts undertaken pursuant to the negotiation authority provided by section 302 of this title to monitor, deter, and prevent illegal immigration to the United States, including by entering into agreements, accords, and memoranda of understanding with foreign countries and by using United States foreign assistance to stem the root causes of migration in the Western Hemisphere.

(b) TERMINATION OF MANDATORY BRIEFING.—The date described in this subsection is the date on which the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, determines and certifies to the appropriate congressional committees that illegal immigration flows have subsided to a manageable rate.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER

SEC. 401. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There is no presumption that an alien child who is not an unaccompanied alien child should not be detained.

''(2) FAMILY DETENTION.—The Secretary of Homeland Security shall—

''(A) maintain the care and custody of an alien, during the period during which the charges described in clause (i) are pending, who—

''(i) is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)); and

''(ii) entered the United States with the alien's child who has not attained 18 years of age; and

''(B) detain the alien with the alien's child.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the amendments in this section to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) are intended to satisfy the requirements of the Settlement Agreement in Flores v. Meese, No. 85–4544 (C.D. Cal), as approved by the court on January 28, 1997, with respect to its interpretation in Flores v. Johnson, 212 F. Supp. 3d 864 (C.D. Cal. 2015), that the agreement applies to accompanied minors.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after such date.

(d) PREEMPTION OF STATE LICENSING REQUIREMENTS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of one or more of such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision thereof.

TITLE V—PROTECTION OF CHILDREN

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) Implementation of the provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children has incentivized multiple surges of unaccompanied alien children arriving at the southwest border in the years since the bill's enactment.

(2) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children treat unaccompanied alien children from countries that are contiguous to the United States disparately by swiftly returning them to their home country absent indications of trafficking or a credible fear of return, but allowing for the release of unaccompanied alien children from noncontiguous countries into the interior of the United States, often to those individuals who paid to smuggle them into the country in the first place.

(3) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched the cartels, who profit hundreds of millions of dollars each year by smuggling unaccompanied alien children to the southwest border, exploiting and sexually abusing many such unaccompanied alien children on the perilous journey.

(4) Prior to 2008, the number of unaccompanied alien children encountered at the southwest border never exceeded 1,000 in a single year.

(5) The United States is currently in the midst of the worst crisis of unaccompanied alien children in our nation's history, with over 350,000 such unaccompanied alien children encountered at the southwest border since Joe Biden became President.

(6) In 2022, during the Biden Administration, 152,057 unaccompanied alien children were encountered, the most ever in a single year and an over 400 percent increase compared to the last full fiscal year of the Trump Administration in which 33,239 unaccompanied alien children were encountered.

(7) The Biden Administration has lost contact with at least 85,000 unaccompanied alien children who entered the United States since Joe Biden took office.

(8) The Biden Administration dismantled effective safeguards put in place by the Trump Administration that protected unaccompanied alien children from being abused by criminals or exploited for illegal and dangerous child labor.

(9) A recent New York Times investigation found that unaccompanied alien children are being exploited in the labor market and ''are ending up in some of the most punishing jobs in the country.''.

(10) The Times investigation found unaccompanied alien children, ''under intense pressure to earn money'' in order to ''send cash back to their families while often being in debt to their sponsors for smuggling fees, rent, and living expenses,'' feared ''that they had become trapped in circumstances they never could have imagined.''.

(11) The Biden Administration's Department of Health and Human Services Secretary Xavier Becerra compared placing unaccompanied alien children with sponsors, to widgets in an assembly line, stating that, ''If Henry Ford had seen this in his plant, he would have never become famous and rich. This is not the way you do an assembly line.''.

(12) Department of Health and Human Services employees working under Secretary Xavier Becerra's leadership penned a July 2021 memorandum expressing serious concern that ''labor trafficking was increasing'' and that the agency had become ''one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.''.

(13) Despite this, Secretary Xavier Becerra pressured then-Director of the Office of Refugee Resettlement Cindy Huang to prioritize releases of unaccompanied alien children over ensuring their safety, telling her ''if she could not increase the number of discharges he would find someone who could'' and then-Director Huang resigned one month later.

(14) In June 2014, the Obama-Biden Administration requested legal authority to exercise discretion in returning and removing unaccompanied alien children from non-contiguous countries back to their home countries.

(15) In August 2014, the House of Representatives passed H.R. 5320, which included the Protection of Children Act.

(16) This title ends the disparate policies of the Trafficking Victims Protection Reauthorization Act of 2008 by ensuring the swift return of all unaccompanied alien children to their country of origin if they are not victims of trafficking and do not have a fear of return.

SEC. 502. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by inserting ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii); and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting before ''permit such child to withdraw'' the following: ''may''; and

(III) in clause (ii), by inserting before ''return such child'' the following: ''shall''; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria listed in paragraph (2)(A)''; and

(ii) in clause (i), by inserting before the semicolon at the end the following: '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: ''believed not to meet the criteria listed in subsection (a)(2)(A)''; and

(ii) in subparagraph (B), by inserting before the period the following: ''and does not meet the criteria listed in subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''an unaccompanied alien child in custody shall'' and all that follows, and inserting the following: ''an unaccompanied alien child in custody—

''(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of a child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and

(3) in subsection (c)—

(A) in paragraph (3), by inserting at the end the following:

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, information on—

''(I) the name of the individual;

''(II) the social security number of the individual;

''(III) the date of birth of the individual;

''(IV) the location of the individual's residence where the child will be placed;

''(V) the immigration status of the individual, if known; and

''(VI) contact information for the individual.

''(ii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security, upon determining that an individual with whom a child is placed is unlawfully present in the United States and not in removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), shall initiate such removal proceedings.''; and

(B) in paragraph (5)—

(i) by inserting after ''to the greatest extent practicable'' the following: ''(at no expense to the Government)''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unaccompanied alien child (as such term is defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) in clause (i), by striking '', and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law''; and

(2) in clause (iii)—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(III) an alien may not be granted special immigrant status under this subparagraph if the alien's reunification with any one parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law;''.

SEC. 504. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the following procedures or practices relating to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))):

(1) Screening of such a child for a credible fear of return to his or her country of origin.

(2) Screening of such a child to determine whether he or she was a victim of trafficking.

(3) Department of Health and Human Services policy in effect on the date of the enactment of this Act requiring a home study for such a child if he or she is under 12 years of age.

TITLE VI—VISA OVERSTAYS PENALTIES

SEC. 601. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in subsection (a) by inserting after ''for a subsequent commission of any such offense'' the following: ''or if the alien was previously convicted of an offense under subsection (e)(2)(A)'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''at least $50 and not more than $250'' and inserting ''not less than $500 and not more than $1,000''; and

(B) in paragraph (2), by inserting after ''in the case of an alien who has been previously subject to a civil penalty under this subsection'' the following: ''or subsection (e)(2)(B)''; and

(3) by adding at the end the following:

''(e) VISA OVERSTAYS.—

''(1) IN GENERAL.—An alien who was admitted as a nonimmigrant has violated this paragraph if the alien, for an aggregate of 10 days or more, has failed—

''(A) to maintain the nonimmigrant status in which the alien was admitted, or to which it was changed under section 248, including complying with the period of stay authorized by the Secretary of Homeland Security in connection with such status; or

''(B) to comply otherwise with the conditions of such nonimmigrant status.

''(2) PENALTIES.—An alien who has violated paragraph (1)—

''(A) shall—

''(i) for the first commission of such a violation, be fined under title 18, United States Code, or imprisoned not more than 6 months, or both; and

''(ii) for a subsequent commission of such a violation, or if the alien was previously convicted of an offense under subsection (a), be fined under such title 18, or imprisoned not more than 2 years, or both; and

''(B) in addition to, and not in lieu of, any penalty under subparagraph (A) and any other criminal or civil penalties that may be imposed, shall be subject to a civil penalty of—

''(i) not less than $500 and not more than $1,000 for each violation; or

''(ii) twice the amount specified in clause (i), in the case of an alien who has been previously subject to a civil penalty under this subparagraph or subsection (b).''.

TITLE VII—IMMIGRATION PAROLE REFORM

SEC. 701. IMMIGRATION PAROLE REFORM.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5)(A) Except as provided in subparagraphs (B) and (C) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit. Parole granted under this subparagraph may not be regarded as an admission of the alien. When the purposes of such parole have been served in the opinion of the Secretary, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

''(B) The Secretary of Homeland Security may grant parole to any alien who—

''(i) is present in the United States without lawful immigration status;

''(ii) is the beneficiary of an approved petition under section 203(a);

''(iii) is not otherwise inadmissible or removable; and

''(iv) is the spouse or child of a member of the Armed Forces serving on active duty.

''(C) The Secretary of Homeland Security may grant parole to any alien—

''(i) who is a national of the Republic of Cuba and is living in the Republic of Cuba;

''(ii) who is the beneficiary of an approved petition under section 203(a);

''(iii) for whom an immigrant visa is not immediately available;

''(iv) who meets all eligibility requirements for an immigrant visa;

''(v) who is not otherwise inadmissible; and

''(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

''(D) The Secretary of Homeland Security may grant parole to an alien who is returned to a contiguous country under section 235(b)(3) to allow the alien to attend the alien's immigration hearing. The grant of parole shall not exceed the time required for the alien to be escorted to, and attend, the alien's immigration hearing scheduled on the same calendar day as the grant, and to

immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

''(E) For purposes of determining an alien's eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that—

''(i)(I) the alien has a medical emergency; and

''(II)(aa) the alien cannot obtain necessary treatment in the foreign state in which the alien is residing; or

''(bb) the medical emergency is life-threatening and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(ii) the alien is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

''(iii) the alien is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(iv) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted to the United States through the normal visa process;

''(v) the alien is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted to the United States through the normal visa process;

''(vi) the alien is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

''(vii) the alien is a lawful applicant for adjustment of status under section 245 and is returning to the United States after temporary travel abroad.

''(F) For purposes of determining an alien's eligibility for parole under subparagraph (A), a significant public benefit may be determined to result from the parole of an alien only if—

''(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

''(ii) the alien's presence is required by the Government in furtherance of such law enforcement matter; and

''(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.

''(G) For purposes of determining an alien's eligibility for parole under subparagraph (A), the term 'case-by-case basis' means that the facts in each individual case are considered and parole is not granted based on membership in a defined class of aliens to be granted parole. The fact that aliens are considered for or granted parole one-by-one and not as a group is not sufficient to establish that the parole decision is made on a 'case-by-case basis'.

''(H) The Secretary of Homeland Security may not use the parole authority under this paragraph to parole an alien into the United States for any reason or purpose other than those described in subparagraphs (B), (C), (D), (E), and (F).

''(I) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (B) or (C) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

''(J) Parole granted after a departure from the United States shall not be regarded as an admission of the alien. An alien granted parole, whether as an initial grant of parole or parole upon reentry into the United States, is not eligible to adjust status to lawful permanent residence or for any other immigration benefit if the immigration status the alien had at the time of departure did not authorize the alien to adjust status or to be eligible for such benefit.

''(K)(i) Except as provided in clauses (ii) and (iii), parole shall be granted to an alien under this paragraph for the shorter of—

''(I) a period of sufficient length to accomplish the activity described in subparagraph (D), (E), or (F) for which the alien was granted parole; or

''(II) 1 year.

''(ii) Grants of parole pursuant to subparagraph (A) may be extended once, in the discretion of the Secretary, for an additional period that is the shorter of—

''(I) the period that is necessary to accomplish the activity described in subparagraph (E) or (F) for which the alien was granted parole; or

''(II) 1 year.

''(iii) Aliens who have a pending application to adjust status to permanent residence under section 245 may request extensions of parole under this paragraph, in 1-year increments, until the application for adjustment has been adjudicated. Such parole shall terminate immediately upon the denial of such adjustment application.

''(L) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

''(i) identifying the total number of aliens paroled into the United States under this paragraph during the previous fiscal year; and

''(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

''(I) the duration of parole;

''(II) the type of parole; and

''(III) the current status of the aliens so paroled.''.

SEC. 702. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding subsection (a), each of the following exceptions apply:

(1) Any application for parole or advance parole filed by an alien before the date of the enactment of this Act shall be adjudicated under the law that was in effect on the date on which the application was properly filed and any approved advance parole shall remain valid under the law that was in effect on the date on which the advance parole was approved.

(2) Section 212(d)(5)(J) of the Immigration and Nationality Act, as added by section 701 of this title, shall take effect on the date of the enactment of this Act.

(3) Aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

SEC. 703. CAUSE OF ACTION.

Any person, State, or local government that experiences financial harm in excess of $1,000 due to a failure of the Federal Government to lawfully apply the provisions of this title or the amendments made by this title shall have standing to bring a civil action against the Federal Government in an appropriate district court of the United States for appropriate relief.

SEC. 704. SEVERABILITY.

If any provision of this title or any amendment by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the application of such provision or amendment to any other person or circumstance shall not be affected.

SA 1337. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the '' 'Continuing Appropriations and Border Security Enhancement Act, 2024' ''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading ''Department of Energy—Energy Programs—SPR Petroleum Account''.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to $1,590,000,000,000: *Provided,* That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024

without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided,* That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'' may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for ''Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for ''Shipbuilding and Conversion, Navy'' shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting ''four years'' for ''two years''.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for ''Department of Energy—Energy Programs—Nuclear Energy'' at a rate for operations of $220,000,000: *Provided,* That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of $120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of $100,000,000.

SEC. 123. Amounts made available by section 101 for ''Small Business Administration—Business Loans Program Account'' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading ''District of Columbia—District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled ''Guidelines for the Enforcement of Civil Immigration Law'' or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled ''Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion'' or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled ''Emergency Driving and Vehicular Pursuits''.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled ''Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers'' (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to ''Circumvention of Lawful Pathways'' (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2023''.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than $17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting ''fiscal year 2017, fiscal year 2018, and fiscal year 2019'' for ''fiscal year 2017 and fiscal year 2018''.

This division may be cited as the ''Continuing Appropriations Act, 2024''.

DIVISION B—BORDER SECURITY

SEC. 101. DEFINITIONS.

In this division:

(1) CBP.—The term ''CBP'' means U.S. Customs and Border Protection.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 102. BORDER WALL CONSTRUCTION.

(a) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER WALL CONSTRUCTION.—Not later than seven days after the date of the enactment of this Act, the Secretary shall resume all activities related to the construction of the border wall along the border between the United States and Mexico that were underway or being planned for prior to January 20, 2021.

(2) USE OF FUNDS.—To carry out this section, the Secretary shall expend all unexpired funds appropriated or explicitly obligated for the construction of the border wall that were appropriated or obligated, as the case may be, for use beginning on October 1, 2019.

(3) USE OF MATERIALS.—Any unused materials purchased before the date of the enactment of this Act for construction of the border wall may be used for activities related to the construction of the border wall in accordance with paragraph (1).

(b) PLAN TO COMPLETE TACTICAL INFRASTRUCTURE AND TECHNOLOGY.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until construction of the border wall has been completed, the Secretary shall submit to the appropriate congressional committees an implementation plan, including annual benchmarks for the construction of 200 miles of such wall and associated cost estimates for satisfying all requirements of the construction of the border wall, including installation and deployment of tactical infrastructure, technology, and other elements as identified by the Department prior to January 20, 2021, through the expenditure of funds appropriated or explicitly obligated, as the case may be, for use, as well as any future funds appropriated or otherwise made available by Congress.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(2) TACTICAL INFRASTRUCTURE.—The term ''tactical infrastructure'' includes boat ramps, access gates, checkpoints, lighting, and roads associated with a border wall.

(3) TECHNOLOGY.—The term ''technology'' includes border surveillance and detection technology, including linear ground detection systems, associated with a border wall.

SEC. 103. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the southwest border to achieve situational awareness and operational control of the southwest border and deter, impede, and detect unlawful activity.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in the heading, by striking ''FENCING'' and inserting ''BARRIERS'';

(ii) by amending subparagraph (A) to read as follows:

''(A) REINFORCED BARRIERS.—In carrying out this section, the Secretary of Homeland Security shall construct a border wall, including physical barriers, tactical infrastructure, and technology, along not fewer than 900 miles of the southwest border until situational awareness and operational control of the southwest border is achieved.'';

(iii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective physical barriers, tactical infrastructure, and technology available for achieving situational awareness and operational control of the southwest border.'';

(iv) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of State, Tribal, and local governments, and appropriate private property owners in the United States to minimize the impact on natural resources, commerce, and sites of historical or cultural significance for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed. Such consultation may not delay such construction for longer than seven days.''; and

(II) in clause (ii)—

(aa) in subclause (I), by striking ''or'' after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or''; and

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

''(III) create any right or liability for any party.''; and

(v) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers, tactical infrastructure, and technology'';

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, testing, constructing, installing, deploying, integrating, and operating physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, test, construction, installation, deployment, integration, or operation of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines are necessary to maximize the safety and effectiveness of officers and agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; and

(E) in paragraph (4), by striking ''this subsection'' and inserting ''this section'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall waive all legal requirements necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. The Secretary shall ensure the maintenance and effectiveness of such physical barriers, tactical infrastructure, or technology. Any such action by the Secretary shall be effective upon publication in the Federal Register.'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) NOTIFICATION.—Not later than seven days after the date on which the Secretary of Homeland Security exercises a waiver pursuant to paragraph (1), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such waiver.''; and

(4) by adding at the end the following new subsections:

''(e) TECHNOLOGY.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective technology available for achieving situational awareness and operational control.

''(f) DEFINITIONS.—In this section:

''(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term 'advanced unattended surveillance sensors' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, the border wall, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including the following:

''(A) Tower-based surveillance technology.

''(B) Deployable, lighter-than-air ground surveillance equipment.

''(C) Vehicle and Dismount Exploitation Radars (VADER).

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

''(E) Advanced unattended surveillance sensors.

''(F) Mobile vehicle-mounted and manportable surveillance capabilities.

''(G) Unmanned aircraft systems.

''(H) Tunnel detection systems and other seismic technology.

''(I) Fiber-optic cable.

''(J) Other border detection, communication, and surveillance technology.

''(7) UNMANNED AIRCRAFT SYSTEM.—The term 'unmanned aircraft system' has the meaning given such term in section 44801 of title 49, United States Code.''.

SEC. 104. BORDER AND PORT SECURITY TECHNOLOGY INVESTMENT PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with covered officials and border and port security technology stakeholders, shall submit to the appropriate congressional committees a strategic 5-year technology investment plan (in this section referred to as the ''plan''). The plan may include a classified annex, if appropriate.

(b) CONTENTS OF PLAN.—The plan shall include the following:

(1) An analysis of security risks at and between ports of entry along the northern and southern borders of the United States.

(2) An identification of capability gaps with respect to security at and between such ports of entry to be mitigated in order to—

(A) prevent terrorists and instruments of terror from entering the United States;

(B) combat and reduce cross-border criminal activity, including—

(i) the transport of illegal goods, such as illicit drugs; and

(ii) human smuggling and human trafficking; and

(C) facilitate the flow of legal trade across the southwest border.

(3) An analysis of current and forecast trends relating to the number of aliens who—

(A) unlawfully entered the United States by crossing the northern or southern border of the United States; or

(B) are unlawfully present in the United States.

(4) A description of security-related technology acquisitions, to be listed in order of priority, to address the security risks and capability gaps analyzed and identified pursuant to paragraphs (1) and (2), respectively.

(5) A description of each planned security-related technology program, including objectives, goals, and timelines for each such program.

(6) An identification of each deployed security-related technology that is at or near the end of the life cycle of such technology.

(7) A description of the test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines, necessary to support the acquisition of security-related technologies pursuant to paragraph (4).

(8) An identification and assessment of ways to increase opportunities for communication and collaboration with the private sector, small and disadvantaged businesses, intragovernment entities, university centers of excellence, and federal laboratories to ensure CBP is able to engage with the market for security-related technologies that are available to satisfy its mission needs before engaging in an acquisition of a security-related technology.

(9) An assessment of the management of planned security-related technology programs by the acquisition workforce of CBP.

(10) An identification of ways to leverage already-existing acquisition expertise within the Federal Government.

(11) A description of the security resources, including information security resources, required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack.

(12) A description of initiatives to—

(A) streamline the acquisition process of CBP; and

(B) provide to the private sector greater predictability and transparency with respect to such process, including information relating to the timeline for testing and evaluation of security-related technology.

(13) An assessment of the privacy and security impact on border communities of security-related technology.

(14) In the case of a new acquisition leading to the removal of equipment from a port of entry along the northern or southern border of the United States, a strategy to consult with the private sector and community stakeholders affected by such removal.

(15) A strategy to consult with the private sector and community stakeholders with respect to security impacts at a port of entry described in paragraph (14).

(16) An identification of recent technological advancements in the following:

(A) Manned aircraft sensor, communication, and common operating picture technology.

(B) Unmanned aerial systems and related technology, including counter-unmanned aerial system technology.

(C) Surveillance technology, including the following:

(i) Mobile surveillance vehicles.

(ii) Associated electronics, including cameras, sensor technology, and radar.

(iii) Tower-based surveillance technology.

(iv) Advanced unattended surveillance sensors.

(v) Deployable, lighter-than-air, ground surveillance equipment.

(D) Nonintrusive inspection technology, including non-x-ray devices utilizing muon tomography and other advanced detection technology.

(E) Tunnel detection technology.

(F) Communications equipment, including the following:

(i) Radios.

(ii) Long-term evolution broadband.

(iii) Miniature satellites.

(c) LEVERAGING THE PRIVATE SECTOR.—To the extent practicable, the plan shall—

(1) leverage emerging technological capabilities, and research and development trends, within the public and private sectors;

(2) incorporate input from the private sector, including from border and port security stakeholders, through requests for information, industry day events, and other innovative means consistent with the Federal Acquisition Regulation; and

(3) identify security-related technologies that are in development or deployed, with or

without adaptation, that may satisfy the mission needs of CBP.

(d) FORM.—To the extent practicable, the plan shall be published in unclassified form on the website of the Department.

(e) DISCLOSURE.—The plan shall include an identification of individuals not employed by the Federal Government, and their professional affiliations, who contributed to the development of the plan.

(f) UPDATE AND REPORT.—Not later than the date that is two years after the date on which the plan is submitted to the appropriate congressional committees pursuant to subsection (a) and biennially thereafter for ten years, the Commissioner shall submit to the appropriate congressional committees—

(1) an update of the plan, if appropriate; and

(2) a report that includes—

(A) the extent to which each security-related technology acquired by CBP since the initial submission of the plan or most recent update of the plan, as the case may be, is consistent with the planned technology programs and projects described pursuant to subsection (b)(5); and

(B) the type of contract and the reason for acquiring each such security-related technology.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(2) COVERED OFFICIALS.—The term ''covered officials'' means—

(A) the Under Secretary for Management of the Department;

(B) the Under Secretary for Science and Technology of the Department; and

(C) the Chief Information Officer of the Department.

(3) UNLAWFULLY PRESENT.—The term ''unlawfully present'' has the meaning provided such term in section 212(a)(9)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

SEC. 105. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

''SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $100,000,000 (based on fiscal year 2023 constant dollars) over its lifecycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is satisfying cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for satisfying program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan for testing, evaluating, and using independent verification and validation of resources relating to the proposed acquisition of border security technology. Under such plan, the proposed acquisition of new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(2) the effective use of taxpayer dollars.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following new item:

''Sec. 437. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 437 of the Homeland Security Act of 2002, as added by subsection (a).

SEC. 106. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.

(a) SECURE COMMUNICATIONS.—The Commissioner shall ensure that each CBP officer or agent, as appropriate, is equipped with a secure radio or other two-way communication device that allows each such officer or agent to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, Tribal, and local law enforcement entities.

(b) BORDER SECURITY DEPLOYMENT PROGRAM.—

(1) EXPANSION.—Not later than September 30, 2025, the Commissioner shall—

(A) fully implement the Border Security Deployment Program of CBP; and

(B) expand the integrated surveillance and intrusion detection system at land ports of entry along the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal years 2024 and 2025 to carry out paragraph (1).

(c) UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.—

(1) UPGRADE.—Not later than two years after the date of the enactment of this Act, the Commissioner shall upgrade all existing license plate readers in need of upgrade, as determined by the Commissioner, on the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal years 2023 and 2024 to carry out paragraph (1).

SEC. 107. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) RETENTION BONUS.—To carry out this section, there is authorized to be appropriated up to $100,000,000 to the Commissioner to provide a retention bonus to any front-line U.S. Border Patrol law enforcement agent—

(1) whose position is equal to or below level GS–12 of the General Schedule;

(2) who has five years or more of service with the U.S. Border Patrol; and

(3) who commits to two years of additional service with the U.S. Border Patrol upon acceptance of such bonus.

(b) BORDER PATROL AGENTS.—Not later than September 30, 2025, the Commissioner shall hire, train, and assign a sufficient number of Border Patrol agents to maintain an active duty presence of not fewer than 22,000 full-time equivalent Border Patrol agents, who may not perform the duties of processing coordinators.

(c) PROHIBITION AGAINST ALIEN TRAVEL.—No personnel or equipment of Air and Marine Operations may be used for the transportation of non-detained aliens, or detained aliens expected to be administratively released upon arrival, from the southwest border to destinations within the United States.

(d) GAO REPORT.—If the staffing level required under this section is not achieved by the date associated with such level, the Comptroller General of the United States shall—

(1) conduct a review of the reasons why such level was not so achieved; and

(2) not later than September 30, 2027, publish on a publicly available website of the Government Accountability Office a report relating thereto.

SEC. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.

(a) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221; Public Law 111–376) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER REQUIREMENT.—Subject to subsection (c), the Commissioner of U.S. Customs and Border Protection shall waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension; and

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not

resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; or

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B).

''(c) TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and Border Protection (CBP) certifies to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP has met all requirements pursuant to section 107 of the Secure the Border Act of 2023 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner re-certifies to such Committees that CBP has so met all such requirements.''.

(b) SUPPLEMENTAL COMMISSIONER AUTHORITY; REPORTING; DEFINITIONS.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new sections:

''SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NONEXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from any other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—An individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.

''SEC. 6. REPORTING.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period, the following:

''(1) Information relating to the number of waivers granted under such section 3(b).

''(2) Information relating to the percentage of applicants who were hired after receiving such a waiver.

''(3) Information relating to the number of instances that a polygraph was administered to an applicant who initially received such a waiver and the results of such polygraph.

''(4) An assessment of the current impact of such waiver authority on filling law enforcement positions at U.S. Customs and Border Protection.

''(5) An identification of additional authorities needed by U.S. Customs and Border Protection to better utilize such waiver authority for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include the following:

''(1) An analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential applicants or employees for suitability for employment or continued employment, as the case may be.

''(2) A recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

''SEC. 7. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as such term is defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635–200, chapter 14–12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5', with respect to background investigations, have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(c) POLYGRAPH EXAMINERS.—Not later than September 30, 2025, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 109. ESTABLISHMENT OF WORKLOAD STAFFING MODELS FOR U.S. BORDER PATROL AND AIR AND MARINE OPERATIONS OF CBP.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commissioner, in coordination with the Under Secretary for Management, the Chief Human Capital Officer, and the Chief Financial Officer of the Department, shall implement a workload staffing model for each of the following:

(1) The U.S. Border Patrol.

(2) Air and Marine Operations of CBP.

(b) RESPONSIBILITIES OF THE COMMISSIONER.—Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211), is amended—

(1) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively; and

(2) by inserting after paragraph (17) the following new paragraphs:

''(18) implement a staffing model for the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations that includes consideration for essential frontline operator activities and functions, variations in operating environments, present and planned infrastructure, present and planned technology, and required operations support levels to enable such entities to manage and assign personnel of such entities to ensure field and support posts possess adequate resources to carry out duties specified in this section;

''(19) develop standard operating procedures for a workforce tracking system within the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations, train the workforce of each of such entities on the use, capabilities, and purpose of such system, and implement internal controls to ensure timely and accurate scheduling and reporting of actual completed work hours and activities;''.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act with respect to subsection (a) and paragraphs (18) and (19) of section 411(c) of the Homeland Security Act of 2002 (as amended by subsection (b)), and annually thereafter with respect to such paragraphs (18) and (19), the Secretary shall submit to the appropriate congressional committees a report that includes a status update on the following:

(A) The implementation of such subsection (a) and such paragraphs (18) and (19).

(B) Each relevant workload staffing model.

(2) DATA SOURCES AND METHODOLOGY REQUIRED.—Each report required under paragraph (1) shall include information relating to the data sources and methodology used to generate each relevant staffing model.

(d) INSPECTOR GENERAL REVIEW.—Not later than 90 days after the Commissioner develops the workload staffing models pursuant to subsection (a), the Inspector General of the Department shall review such models and provide feedback to the Secretary and the appropriate congressional committees with respect to the degree to which such models are responsive to the recommendations of the Inspector General, including the following:

(1) Recommendations from the Inspector General's February 2019 audit.

(2) Any further recommendations to improve such models.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 110. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''SEC. 2010. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through State administrative agencies, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

''(1) be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border;

''(2) be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office; and

''(3) have an agreement in place with U.S. Immigration and Customs Enforcement to support enforcement operations.

''(c) PERMITTED USES.—A recipient of a grant under this section may use such grant for costs associated with the following:

''(1) Equipment, including maintenance and sustainment.

''(2) Personnel, including overtime and backfill, in support of enhanced border law enforcement activities.

''(3) Any activity permitted for Operation Stonegarden under the most recent fiscal year Department of Homeland Security's Homeland Security Grant Program Notice of Funding Opportunity.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not fewer than 36 months.

''(e) NOTIFICATION.—Upon denial of a grant to a law enforcement agency, the Administrator shall provide written notice to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, including the reasoning for such denial.

''(f) REPORT.—For each of fiscal years 2024 through 2028 the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains—

''(1) information on the expenditure of grants made under this section by each grant recipient; and

''(2) recommendations for other uses of such grants to further support eligible law enforcement agencies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of fiscal years 2024 through 2028 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, 2009, and 2010 to State, local, and Tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2009 the following new item:

''Sec. 2010. Operation Stonegarden.''.

SEC. 111. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) AIR AND MARINE OPERATIONS FLIGHT HOURS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall ensure that not fewer than 110,000 annual flight hours are carried out by Air and Marine Operations of CBP.

(b) UNMANNED AIRCRAFT SYSTEMS.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that Air and Marine Operations operate unmanned aircraft systems on the southern border of the United States for not less than 24 hours per day.

(c) PRIMARY MISSIONS.—The Commissioner shall ensure the following:

(1) The primary missions for Air and Marine Operations are to directly support the following:

(A) U.S. Border Patrol activities along the borders of the United States.

(B) Joint Interagency Task Force South and Joint Task Force East operations in the transit zone.

(2) The Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions specified in paragraph (1).

(d) HIGH DEMAND FLIGHT HOUR REQUIREMENTS.—The Commissioner shall—

(1) ensure that U.S. Border Patrol Sector Chiefs identify air support mission-critical hours; and

(2) direct Air and Marine Operations to support requests from such Sector Chiefs as a component of the primary mission of Air and Marine Operations in accordance with subsection (c)(1)(A).

(e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—The Commissioner shall contract for air support mission-critical hours to meet the requests for such hours, as identified pursuant to subsection (d).

(f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Chief of the U.S. Border Patrol shall be the executive agent with respect to the use of small unmanned aircraft by CBP for the purposes of the following:

(A) Meeting the unmet flight hour operational requirements of the U.S. Border Patrol.

(B) Achieving situational awareness and operational control of the borders of the United States.

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall coordinate—

(A) flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the national airspace system; and

(B) with the Executive Assistant Commissioner for Air and Marine Operations of CBP to—

(i) ensure the safety of other CBP aircraft flying in the vicinity of small unmanned aircraft operated by the U.S. Border Patrol; and

(ii) establish a process to include data from flight hours in the calculation of got away statistics.

(3) CONFORMING AMENDMENT.—Paragraph (3) of section 411(e) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) carry out the small unmanned aircraft (as such term is defined in section 44801 of title 49, United States Code) requirements pursuant to subsection (f) of section 111 of the Secure the Border Act of 2023; and''.

(g) SAVINGS CLAUSE.—Nothing in this section may be construed as conferring, transferring, or delegating to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of CBP, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

(h) DEFINITIONS.—In this section:

(1) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(3)).

(2) TRANSIT ZONE.—The term ''transit zone'' has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(8)).

SEC. 112. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of relevant Federal, State, and local agencies, shall hire contractors to begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations. Such eradication shall be completed—

(1) by not later than September 30, 2027, except for required maintenance; and

(2) in the most expeditious and cost-effective manner possible to maintain clear fields of view.

(b) APPLICATION.—The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 103 of this division, shall apply to activities carried out pursuant to subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategic plan to eradicate all carrizo cane plant and salt cedar along the Rio Grande River that impedes border security operations by not later than September 30, 2027.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 for each of fiscal years 2024 through 2028 to the Secretary to carry out this subsection.

SEC. 113. BORDER PATROL STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and biennially thereafter, the Commissioner, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan (referred to in this section as the ''plan'') to enhance the security of the borders of the United States.

(b) ELEMENTS.—The plan shall include the following:

(1) A consideration of Border Patrol Capability Gap Analysis reporting, Border Security Improvement Plans, and any other strategic document authored by the U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents.

(2) Information relating to the dissemination of information relating to border security or border threats with respect to the efforts of the Department and other appropriate Federal agencies.

(3) Information relating to efforts by U.S. Border Patrol to—

(A) increase situational awareness, including—

(i) surveillance capabilities, such as capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aircraft;

(B) detect and prevent terrorists and instruments of terrorism from entering the United States;

(C) detect, interdict, and disrupt between ports of entry aliens unlawfully present in the United States;

(D) detect, interdict, and disrupt human smuggling, human trafficking, drug trafficking, and other illicit cross-border activity;

(E) focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States; and

(F) ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department.

(4) Information relating to initiatives of the Department with respect to operational

coordination, including any relevant task forces of the Department.

(5) Information gathered from the lessons learned by the deployments of the National Guard to the southern border of the United States.

(6) A description of cooperative agreements relating to information sharing with State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States.

(7) Information relating to border security information received from the following:

(A) State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States or in the maritime environment.

(B) Border community stakeholders, including representatives from the following:

(i) Border agricultural and ranching organizations.

(ii) Business and civic organizations.

(iii) Hospitals and rural clinics within 150 miles of the borders of the United States.

(iv) Victims of crime committed by aliens unlawfully present in the United States.

(v) Victims impacted by drugs, transnational criminal organizations, cartels, gangs, or other criminal activity.

(vi) Farmers, ranchers, and property owners along the border.

(vii) Other individuals negatively impacted by illegal immigration.

(8) Information relating to the staffing requirements with respect to border security for the Department.

(9) A prioritized list of Department research and development objectives to enhance the security of the borders of the United States.

(10) An assessment of training programs, including such programs relating to the following:

(A) Identifying and detecting fraudulent documents.

(B) Understanding the scope of CBP enforcement authorities and appropriate use of force policies.

(C) Screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking.

SEC. 114. U.S. CUSTOMS AND BORDER PROTECTION SPIRITUAL READINESS.

Not later than one year after the enactment of this Act and annually thereafter for five years, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the availability and usage of the assistance of chaplains, prayer groups, houses of worship, and other spiritual resources for members of CBP who identify as religiously affiliated and have attempted suicide, have suicidal ideation, or are at risk of suicide, and metrics on the impact such resources have in assisting religiously affiliated members who have access to and utilize such resources compared to religiously affiliated members who do not.

SEC. 115. RESTRICTIONS ON FUNDING.

(a) ARRIVING ALIENS.—No funds are authorized to be appropriated to the Department to process the entry into the United States of aliens arriving in between ports of entry.

(b) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling.

(c) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization to provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens who enter the United States after the date of the enactment of this Act.

SEC. 116. COLLECTION OF DNA AND BIOMETRIC INFORMATION AT THE BORDER.

Not later than 14 days after the date of the enactment of this Act, the Secretary shall ensure and certify to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP is fully compliant with Federal DNA and biometric collection requirements at United States land borders.

SEC. 117. ERADICATION OF NARCOTIC DRUGS AND FORMULATING EFFECTIVE NEW TOOLS TO ADDRESS YEARLY LOSSES OF LIFE; ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and the U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.

(b) REPORTING REQUIREMENT.—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that summarizes any policy and manual changes pursuant to subsection (a).

SEC. 118. PUBLICATION BY U.S. CUSTOMS AND BORDER PROTECTION OF OPERATIONAL STATISTICS.

(a) IN GENERAL.—Not later than the seventh day of each month beginning with the second full month after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish on a publicly available website of the Department of Homeland Security information relating to the total number of alien encounters and nationalities, unique alien encounters and nationalities, gang affiliated apprehensions and nationalities, drug seizures, alien encounters included in the terrorist screening database and nationalities, arrests of criminal aliens or individuals wanted by law enforcement and nationalities, known got aways, encounters with deceased aliens, and all other related or associated statistics recorded by U.S. Customs and Border Protection during the immediately preceding month. Each such publication shall include the following:

(1) The aggregate such number, and such number disaggregated by geographic regions, of such recordings and encounters, including specifications relating to whether such recordings and encounters were at the southwest, northern, or maritime border.

(2) An identification of the Office of Field Operations field office, U.S. Border Patrol sector, or Air and Marine Operations branch making each recording or encounter.

(3) Information relating to whether each recording or encounter of an alien was of a single adult, an unaccompanied alien child, or an individual in a family unit.

(4) Information relating to the processing disposition of each alien recording or encounter.

(5) Information relating to the nationality of each alien who is the subject of each recording or encounter.

(6) The total number of individuals included in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)) who have repeatedly attempted to cross unlawfully into the United States.

(7) The total number of individuals included in the terrorist screening database who have been apprehended, including information relating to whether such individuals were released into the United States or removed.

(b) EXCEPTIONS.—If the Commissioner of U.S. Customs and Border Protection in any month does not publish the information required under subsection (a), or does not publish such information by the date specified in such subsection, the Commissioner shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the reason relating thereto, as the case may be, by not later than the date that is two business days after the tenth day of such month.

(c) DEFINITIONS.—In this section:

(1) ALIEN ENCOUNTERS.—The term ''alien encounters'' means aliens apprehended, determined inadmissible, or processed for removal by U.S. Customs and Border Protection.

(2) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)).

(3) TERRORIST SCREENING DATABASE.—The term ''terrorist screening database'' has the meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).

(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. 119. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than seven days after the date of the enactment of this Act, the Commissioner shall certify to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate that CBP has real-time access to the criminal history databases of all countries of origin and transit for aliens encountered by CBP to perform criminal history background checks for such aliens.

(b) STANDARDS.—The certification required under subsection (a) shall also include a determination whether the criminal history databases of a country are accurate, up to date, digitized, searchable, and otherwise meet the standards of the Federal Bureau of Investigation for criminal history databases maintained by State and local governments.

(c) CERTIFICATION.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a certification that each database referred to in subsection (b) which the Secretary accessed or sought to access pursuant to this section met the standards described in subsection (b).

SEC. 120. PROHIBITED IDENTIFICATION DOCUMENTS AT AIRPORT SECURITY CHECKPOINTS; NOTIFICATION TO IMMIGRATION AGENCIES.

(a) IN GENERAL.—The Administrator may not accept as valid proof of identification a prohibited identification document at an airport security checkpoint.

(b) NOTIFICATION TO IMMIGRATION AGENCIES.—If an individual presents a prohibited identification document to an officer of the Transportation Security Administration at an airport security checkpoint, the Administrator shall promptly notify the Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Customs and Border Protection, and the head of the appropriate local law enforcement agency to determine whether the individual is in violation of any term of release from the custody of any such agency.

(c) ENTRY INTO STERILE AREAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is found to be in violation of any term of release under subsection (b), the Administrator may not permit such individual to enter a sterile area.

(2) EXCEPTION.—An individual presenting a prohibited identification document under this section may enter a sterile area if the individual—

(A) is leaving the United States for the purposes of removal or deportation; or

(B) presents a covered identification document.

(d) COLLECTION OF BIOMETRIC INFORMATION FROM CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE AREA OF AN AIRPORT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator shall collect biometric information from an individual described in subsection (e) prior to authorizing such individual to enter into a sterile area.

(e) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is seeking entry into the sterile area of an airport;

(2) does not present a covered identification document; and

(3) the Administrator cannot verify is a national of the United States.

(f) PARTICIPATION IN IDENT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretary, shall submit biometric data collected under this section to the Automated Biometric Identification System (IDENT).

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) BIOMETRIC INFORMATION.—The term ''biometric information'' means any of the following:

(A) A fingerprint.

(B) A palm print.

(C) A photograph, including—

(i) a photograph of an individual's face for use with facial recognition technology; and

(ii) a photograph of any physical or anatomical feature, such as a scar, skin mark, or tattoo.

(D) A signature.

(E) A voice print.

(F) An iris image.

(3) COVERED IDENTIFICATION DOCUMENT.—The term ''covered identification document'' means any of the following, if the document is valid and unexpired:

(A) A United States passport or passport card.

(B) A biometrically secure card issued by a trusted traveler program of the Department of Homeland Security, including—

(i) Global Entry;

(ii) Nexus;

(iii) Secure Electronic Network for Travelers Rapid Inspection (SENTRI); and

(iv) Free and Secure Trade (FAST).

(C) An identification card issued by the Department of Defense, including such a card issued to a dependent.

(D) Any document required for admission to the United States under section 211(a) of the Immigration and Nationality Act (8 U.S.C. 1181(a)).

(E) An enhanced driver's license issued by a State.

(F) A photo identification card issued by a federally recognized Indian Tribe.

(G) A personal identity verification credential issued in accordance with Homeland Security Presidential Directive 12.

(H) A driver's license issued by a province of Canada.

(I) A Secure Certificate of Indian Status issued by the Government of Canada.

(J) A Transportation Worker Identification Credential.

(K) A Merchant Mariner Credential issued by the Coast Guard.

(L) A Veteran Health Identification Card issued by the Department of Veterans Affairs.

(M) Any other document the Administrator determines, pursuant to a rule making in accordance with section 553 of title 5, United States Code, will satisfy the identity verification procedures of the Transportation Security Administration.

(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) PROHIBITED IDENTIFICATION DOCUMENT.—The term ''prohibited identification document'' means any of the following (or any applicable successor form):

(A) U.S. Immigration and Customs Enforcement Form I–200, Warrant for Arrest of Alien.

(B) U.S. Immigration and Customs Enforcement Form I–205, Warrant of Removal/Deportation.

(C) U.S. Immigration and Customs Enforcement Form I–220A, Order of Release on Recognizance.

(D) U.S. Immigration and Customs Enforcement Form I–220B, Order of Supervision.

(E) Department of Homeland Security Form I–862, Notice to Appear.

(F) U.S. Customs and Border Protection Form I–94, Arrival/Departure Record (including a print-out of an electronic record).

(G) Department of Homeland Security Form I–385, Notice to Report.

(H) Any document that directs an individual to report to the Department of Homeland Security.

(I) Any Department of Homeland Security work authorization or employment verification document.

(6) STERILE AREA.—The term ''sterile area'' has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation.

SEC. 121. PROHIBITION AGAINST ANY COVID–19 VACCINE MANDATE OR ADVERSE ACTION AGAINST DHS EMPLOYEES.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary may not issue any COVID–19 vaccine mandate unless Congress expressly authorizes such a mandate.

(b) PROHIBITION ON ADVERSE ACTION.—The Secretary may not take any adverse action against a Department employee based solely on the refusal of such employee to receive a vaccine for COVID–19.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the following:

(1) The number of Department employees who were terminated or resigned due to the COVID–19 vaccine mandate.

(2) An estimate of the cost to reinstate such employees.

(3) How the Department would effectuate reinstatement of such employees.

(d) RETENTION AND DEVELOPMENT OF UNVACCINATED EMPLOYEES.—The Secretary shall make every effort to retain Department employees who are not vaccinated against COVID–19 and provide such employees with professional development, promotion and leadership opportunities, and consideration equal to that of their peers.

SEC. 122. CBP ONE APP LIMITATION.

(a) LIMITATION.—The Department may use the CBP One Mobile Application or any other similar program, application, internet-based portal, website, device, or initiative only for inspection of perishable cargo.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry, how many aliens have scheduled interviews at land ports of entry using CBP One, the nationalities of such aliens, and the stated final destinations of such aliens within the United States, if any.

SEC. 123. REPORT ON MEXICAN DRUG CARTELS.

Not later than 60 days after the date of the enactment of this Act, Congress shall commission a report that contains the following:

(1) A national strategy to address Mexican drug cartels, and a determination regarding whether there should be a designation established to address such cartels.

(2) Information relating to actions by such cartels that causes harm to the United States.

SEC. 124. GAO STUDY ON COSTS INCURRED BY STATES TO SECURE THE SOUTHWEST BORDER.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine the costs incurred by individual States as a result of actions taken by such States in support of the Federal mission to secure the southwest border, and the feasibility of a program to reimburse such States for such costs.

(b) CONTENTS.—The study required under subsection (a) shall include consideration of the following:

(1) Actions taken by the Department of Homeland Security that have contributed to costs described in such subsection incurred by States to secure the border in the absence of Federal action, including the termination of the Migrant Protection Protocols and cancellation of border wall construction.

(2) Actions taken by individual States along the southwest border to secure their borders, and the costs associated with such actions.

(3) The feasibility of a program within the Department of Homeland Security to reimburse States for the costs incurred in support of the Federal mission to secure the southwest border.

SEC. 125. REPORT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter for five years, the Inspector General of the Department of Homeland

Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report examining the economic and security impact of mass migration to municipalities and States along the southwest border. Such report shall include information regarding costs incurred by the following:

(1) State and local law enforcement to secure the southwest border.

(2) Public school districts to educate students who are aliens unlawfully present in the United States.

(3) Healthcare providers to provide care to aliens unlawfully present in the United States who have not paid for such care.

(4) Farmers and ranchers due to migration impacts to their properties.

(b) CONSULTATION.—To produce the report required under subsection (a), the Inspector General of the Department of Homeland Security shall consult with the individuals and representatives of the entities described in paragraphs (1) through (4) of such subsection.

SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.

(a) OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.—No funds are authorized to be appropriated for the Alternatives to Detention Case Management Pilot Program or the Office of the Immigration Detention Ombudsman for the Office of the Secretary and Emergency Management of the Department of Homeland Security.

(b) MANAGEMENT DIRECTORATE.—No funds are authorized to be appropriated for electric vehicles or St. Elizabeths campus construction for the Management Directorate of the Department of Homeland Security.

(c) INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS.—There is authorized to be appropriated $216,000,000 for Intelligence, Analysis, and Situational Awareness of the Department of Homeland Security.

(d) U.S. CUSTOMS AND BORDER PROTECTION.—No funds are authorized to be appropriated for the Shelter Services Program for U.S. Customs and Border Protection.

SEC. 127. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of foreign terrorist organizations attempting to move their members or affiliates into the United States through the southern, northern, or maritime border.

(b) DEFINITION.—In this section, the term ''foreign terrorist organization'' means an organization described in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 128. ASSESSMENT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY ON THE MITIGATION OF UNMANNED AIRCRAFT SYSTEMS AT THE SOUTHWEST BORDER.

Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of U.S. Customs and Border Protection's ability to mitigate unmanned aircraft systems at the southwest border. Such assessment shall include information regarding any intervention between January 1, 2021, and the date of the enactment of this Act, by any Federal agency affecting in any manner U.S. Customs and Border Protection's authority to so mitigate such systems.

DIVISION C—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS

TITLE I—ASYLUM REFORM AND BORDER PROTECTION

SEC. 101. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking ''if the Attorney General determines'' and inserting ''if the Attorney General or the Secretary of Homeland Security determines—'';

(2) by striking ''that the alien may be removed'' and inserting the following:

''(i) that the alien may be removed'';

(3) by striking '', pursuant to a bilateral or multilateral agreement, to'' and inserting ''to'';

(4) by inserting ''or the Secretary, on a case by case basis,'' before ''finds that'';

(5) by striking the period at the end and inserting ''; or''; and

(6) by adding at the end the following:

''(ii) that the alien entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence en route to the United States, unless—

''(I) the alien demonstrates that he or she applied for protection from persecution or torture in at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States, and the alien received a final judgment denying the alien protection in each country;

''(II) the alien demonstrates that he or she was a victim of a severe form of trafficking in which a commercial sex act was induced by force, fraud, or coercion, or in which the person induced to perform such act was under the age of 18 years; or in which the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and was unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

''(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.''.

SEC. 102. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''there is a significant possibility'' and all that follows, and inserting '', taking into account the credibility of the statements made by the alien in support of the alien's claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, the alien more likely than not could establish eligibility for asylum under section 208, and it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 103. CLARIFICATION OF ASYLUM ELIGIBILITY.

(a) IN GENERAL.—Section 208(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(A)) is amended by inserting after ''section 101(a)(42)(A)'' the following: ''(in accordance with the rules set forth in this section), and is eligible to apply for asylum under subsection (a)''.

(b) PLACE OF ARRIVAL.—Section 208(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(1)) is amended—

(1) by striking ''or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters),''; and

(2) by inserting after ''United States'' the following: ''and has arrived in the United States at a port of entry (including an alien who is brought to the United States after having been interdicted in international or United States waters),''.

SEC. 104. EXCEPTIONS.

Paragraph (2) of section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)) is amended to read as follows:

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

''(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(ii) the alien has been convicted of any felony under Federal, State, tribal, or local law;

''(iii) the alien has been convicted of any misdemeanor offense under Federal, State, tribal, or local law involving—

''(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as those terms and phrases are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

''(aa) the document or feature was presented before boarding a common carrier;

''(bb) the document or feature related to the alien's eligibility to enter the United States;

''(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

''(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

''(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

''(III) possession or trafficking of a controlled substance or controlled substance paraphernalia, as those phrases are defined under the law of the jurisdiction where the conviction occurred, other than a single offense involving possession for one's own use of 30 grams or less of marijuana (as marijuana is defined under the law of the jurisdiction where the conviction occurred);

''(iv) the alien has been convicted of an offense arising under paragraph (1)(A) or (2) of section 274(a), or under section 276;

''(v) the alien has been convicted of a Federal, State, tribal, or local crime that the Attorney General or Secretary of Homeland Security knows, or has reason to believe, was committed in support, promotion, or furtherance of the activity of a criminal street gang (as defined under the law of the jurisdiction where the conviction occurred or in section 521(a) of title 18, United States Code);

''(vi) the alien has been convicted of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, in which such intoxicated or impaired driving was a cause of serious bodily injury or death of another person;

''(vii) the alien has been convicted of more than one offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

''(viii) the alien has been convicted of a crime—

''(I) that involves conduct amounting to a crime of stalking;

''(II) of child abuse, child neglect, or child abandonment; or

''(III) that involves conduct amounting to a domestic assault or battery offense, including—

''(aa) a misdemeanor crime of domestic violence, as described in section 921(a)(33) of title 18, United States Code;

''(bb) a crime of domestic violence, as described in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)); or

''(cc) any crime based on conduct in which the alien harassed, coerced, intimidated, voluntarily or recklessly used (or threatened to use) force or violence against, or inflicted physical injury or physical pain, however slight, upon a person—

''(AA) who is a current or former spouse of the alien;

''(BB) with whom the alien shares a child;

''(CC) who is cohabitating with, or who has cohabitated with, the alien as a spouse;

''(DD) who is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(EE) who is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(ix) the alien has engaged in acts of battery or extreme cruelty upon a person and the person—

''(I) is a current or former spouse of the alien;

''(II) shares a child with the alien;

''(III) cohabitates or has cohabitated with the alien as a spouse;

''(IV) is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(V) is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(x) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

''(xi) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

''(xii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiii) the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 212(a)(3)(B)(i) or section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the Secretary's or the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiv) the alien was firmly resettled in another country prior to arriving in the United States; or

''(xv) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien's country of nationality or, in the case of an alien having no nationality, another part of the alien's country of last habitual residence.

''(B) SPECIAL RULES.—

''(i) PARTICULARLY SERIOUS CRIME; SERIOUS NONPOLITICAL CRIME OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—For purposes of subparagraph (A)(x), the Attorney General or Secretary of Homeland Security, in their discretion, may determine that a conviction constitutes a particularly serious crime based on—

''(aa) the nature of the conviction;

''(bb) the type of sentence imposed; or

''(cc) the circumstances and underlying facts of the conviction.

''(II) DETERMINATION.—In making a determination under subclause (I), the Attorney General or Secretary of Homeland Security may consider all reliable information and is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) TREATMENT OF FELONIES.—In making a determination under subclause (I), an alien who has been convicted of a felony (as defined under this section) or an aggravated felony (as defined under section 101(a)(43)), shall be considered to have been convicted of a particularly serious crime.

''(IV) INTERPOL RED NOTICE.—In making a determination under subparagraph (A)(xi), an Interpol Red Notice may constitute reliable evidence that the alien has committed a serious nonpolitical crime outside the United States.

''(ii) CRIMES AND EXCEPTIONS.—

''(I) DRIVING WHILE INTOXICATED OR IMPAIRED.—A finding under subparagraph (A)(vi) does not require the Attorney General or Secretary of Homeland Security to find the first conviction for driving while intoxicated or impaired (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense. The Attorney General or Secretary of Homeland Security need only make a factual determination that the alien previously was convicted for driving while intoxicated or impaired as those terms are defined under the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs).

''(II) STALKING AND OTHER CRIMES.—In making a determination under subparagraph (A)(viii), including determining the existence of a domestic relationship between the alien and the victim, the underlying conduct of the crime may be considered, and the Attorney General or Secretary of Homeland Security is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) BATTERY OR EXTREME CRUELTY.—In making a determination under subparagraph (A)(ix), the phrase 'battery or extreme cruelty' includes—

''(aa) any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury;

''(bb) psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution, shall be considered acts of violence; and

''(cc) other abusive acts, including acts that, in and of themselves, may not initially appear violent, but that are a part of an overall pattern of violence.

''(IV) EXCEPTION FOR VICTIMS OF DOMESTIC VIOLENCE.—An alien who was convicted of an offense described in clause (viii) or (ix) of subparagraph (A) is not ineligible for asylum on that basis if the alien satisfies the criteria under section 237(a)(7)(A).

''(C) SPECIFIC CIRCUMSTANCES.—Paragraph (1) shall not apply to an alien whose claim is based on—

''(i) personal animus or retribution, including personal animus in which the alleged persecutor has not targeted, or manifested an animus against, other members of an alleged particular social group in addition to the member who has raised the claim at issue;

''(ii) the applicant's generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations absent expressive behavior in furtherance of a discrete cause against such organizations related to control of a State or expressive behavior that is antithetical to the State or a legal unit of the State;

''(iii) the applicant's resistance to recruitment or coercion by guerrilla, criminal, gang, terrorist, or other non-state organizations;

''(iv) the targeting of the applicant for criminal activity for financial gain based on wealth or affluence or perceptions of wealth or affluence;

''(v) the applicant's criminal activity; or

''(vi) the applicant's perceived, past or present, gang affiliation.

''(D) DEFINITIONS AND CLARIFICATIONS.—

''(i) DEFINITIONS.—For purposes of this paragraph:

''(I) FELONY.—The term 'felony' means—

''(aa) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime punishable by more than one year of imprisonment.

''(II) MISDEMEANOR.—The term 'misdemeanor' means—

''(aa) any crime defined as a misdemeanor by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime not punishable by more than one year of imprisonment.

''(ii) CLARIFICATIONS.—

''(I) CONSTRUCTION.—For purposes of this paragraph, whether any activity or conviction also may constitute a basis for removal is immaterial to a determination of asylum eligibility.

''(II) ATTEMPT, CONSPIRACY, OR SOLICITATION.—For purposes of this paragraph, all references to a criminal offense or criminal conviction shall be deemed to include any attempt, conspiracy, or solicitation to commit the offense or any other inchoate form of the offense.

''(III) EFFECT OF CERTAIN ORDERS.—

''(aa) IN GENERAL.—No order vacating a conviction, modifying a sentence, clarifying a sentence, or otherwise altering a conviction or sentence shall have any effect under this paragraph unless the Attorney General or Secretary of Homeland Security determines that—

''(AA) the court issuing the order had jurisdiction and authority to do so; and

''(BB) the order was not entered for rehabilitative purposes or for purposes of ameliorating the immigration consequences of the conviction or sentence.

''(bb) AMELIORATING IMMIGRATION CONSEQUENCES.—For purposes of item (aa)(BB), the order shall be presumed to be for the purpose of ameliorating immigration consequences if—

''(AA) the order was entered after the initiation of any proceeding to remove the alien from the United States; or

''(BB) the alien moved for the order more than one year after the date of the original order of conviction or sentencing, whichever is later.

''(cc) AUTHORITY OF IMMIGRATION JUDGE.—An immigration judge is not limited to consideration only of material included in any order vacating a conviction, modifying a sentence, or clarifying a sentence to determine whether such order should be given any effect under this paragraph, but may consider such additional information as the immigration judge determines appropriate.

''(E) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security or the Attorney General may by regulation establish additional limitations and conditions, consistent with this section, under which an alien shall be ineligible for asylum under paragraph (1).

''(F) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Secretary of Homeland Security or the Attorney General under subparagraph (A)(xiii).''.

SEC. 105. EMPLOYMENT AUTHORIZATION.

Paragraph (2) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

''(2) EMPLOYMENT AUTHORIZATION.—

''(A) AUTHORIZATION PERMITTED.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Secretary of Homeland Security. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization prior to the date that is 180 days after the date of filing of the application for asylum.

''(B) TERMINATION.—Each grant of employment authorization under subparagraph (A), and any renewal or extension thereof, shall be valid for a period of 6 months, except that such authorization, renewal, or extension shall terminate prior to the end of such 6 month period as follows:

''(i) Immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an immigration judge.

''(ii) 30 days after the date on which an immigration judge denies an asylum application, unless the alien timely appeals to the Board of Immigration Appeals.

''(iii) Immediately following the denial by the Board of Immigration Appeals of an appeal of a denial of an asylum application.

''(C) RENEWAL.—The Secretary of Homeland Security may not grant, renew, or extend employment authorization to an alien if the alien was previously granted employment authorization under subparagraph (A), and the employment authorization was terminated pursuant to a circumstance described in subparagraph (B)(i), (ii), or (iii), unless a Federal court of appeals remands the alien's case to the Board of Immigration Appeals.

''(D) INELIGIBILITY.—The Secretary of Homeland Security may not grant employment authorization to an alien under this paragraph if the alien—

''(i) is ineligible for asylum under subsection (b)(2)(A); or

''(ii) entered or attempted to enter the United States at a place and time other than lawfully through a United States port of entry.''.

SEC. 106. ASYLUM FEES.

Paragraph (3) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

''(3) FEES.—

''(A) APPLICATION FEE.—A fee of not less than $50 for each application for asylum shall be imposed. Such fee shall not exceed the cost of adjudicating the application. Such fee shall not apply to an unaccompanied alien child who files an asylum application in proceedings under section 240.

''(B) EMPLOYMENT AUTHORIZATION.—A fee may also be imposed for the consideration of an application for employment authorization under this section and for adjustment of status under section 209(b). Such a fee shall not exceed the cost of adjudicating the application.

''(C) PAYMENT.—Fees under this paragraph may be assessed and paid over a period of time or by installments.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Attorney General or Secretary of Homeland Security to set adjudication and naturalization fees in accordance with section 286(m).''.

SEC. 107. RULES FOR DETERMINING ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

''(f) RULES FOR DETERMINING ASYLUM ELIGIBILITY.—In making a determination under subsection (b)(1)(A) with respect to whether an alien is a refugee within the meaning of section 101(a)(42)(A), the following shall apply:

''(1) PARTICULAR SOCIAL GROUP.—The Secretary of Homeland Security or the Attorney General shall not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining, the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien's claim of membership in a particular social group does not involve—

''(A) past or present criminal activity or association (including gang membership);

''(B) presence in a country with generalized violence or a high crime rate;

''(C) being the subject of a recruitment effort by criminal, terrorist, or persecutory groups;

''(D) the targeting of the applicant for criminal activity for financial gain based on perceptions of wealth or affluence;

''(E) interpersonal disputes of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(F) private criminal acts of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(G) past or present terrorist activity or association;

''(H) past or present persecutory activity or association; or

''(I) status as an alien returning from the United States.

''(2) POLITICAL OPINION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien holds a political opinion with respect to which the alien is subject to persecution if the political opinion is constituted solely by generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations and does not include expressive behavior in furtherance of a cause against such organizations related to efforts by the State to control such organizations or behavior that is antithetical to or otherwise opposes the ruling legal entity of the State or a unit thereof.

''(3) PERSECUTION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien has been subject to persecution or has a well-founded fear of persecution based only on—

''(A) the existence of laws or government policies that are unenforced or infrequently enforced, unless there is credible evidence that such a law or policy has been or would be applied to the applicant personally; or

''(B) the conduct of rogue foreign government officials acting outside the scope of their official capacity.

''(4) DISCRETIONARY DETERMINATION.—

''(A) ADVERSE DISCRETIONARY FACTORS.—The Secretary of Homeland Security or the Attorney General may only grant asylum to an alien if the alien establishes that he or she warrants a favorable exercise of discretion. In making such a determination, the Attorney General or Secretary of Homeland Security shall consider, if applicable, an alien's use of fraudulent documents to enter the United States, unless the alien arrived in the United States by air, sea, or land directly from the applicant's home country without transiting through any other country.

''(B) FAVORABLE EXERCISE OF DISCRETION NOT PERMITTED.—Except as provided in subparagraph (C), the Attorney General or Secretary of Homeland Security shall not favorably exercise discretion under this section for any alien who—

''(i) has accrued more than one year of unlawful presence in the United States, as defined in sections 212(a)(9)(B)(ii) and (iii), prior to filing an application for asylum;

''(ii) at the time the asylum application is filed with the immigration court or is referred from the Department of Homeland Security, has—

''(I) failed to timely file (or timely file a request for an extension of time to file) any required Federal, State, or local income tax returns;

''(II) failed to satisfy any outstanding Federal, State, or local tax obligations; or

''(III) income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service;

''(iii) has had two or more prior asylum applications denied for any reason;

''(iv) has withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application;

''(v) failed to attend an interview regarding his or her asylum application with the Department of Homeland Security, unless the alien shows by a preponderance of the evidence that—

''(I) exceptional circumstances prevented the alien from attending the interview; or

''(II) the interview notice was not mailed to the last address provided by the alien or the alien's representative and neither the alien nor the alien's representative received notice of the interview; or

''(vi) was subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of the change in country conditions.

''(C) EXCEPTIONS.—If one or more of the adverse discretionary factors set forth in subparagraph (B) are present, the Attorney General or the Secretary, may, notwithstanding such subparagraph (B), favorably exercise discretion under section 208—

''(i) in extraordinary circumstances, such as those involving national security or foreign policy considerations; or

''(ii) if the alien, by clear and convincing evidence, demonstrates that the denial of the

application for asylum would result in exceptional and extremely unusual hardship to the alien.

''(5) LIMITATION.—If the Secretary or the Attorney General determines that an alien fails to satisfy the requirement under paragraph (1), the alien may not be granted asylum based on membership in a particular social group, and may not appeal the determination of the Secretary or Attorney General, as applicable. A determination under this paragraph shall not serve as the basis for any motion to reopen or reconsider an application for asylum or withholding of removal for any reason, including a claim of ineffective assistance of counsel, unless the alien complies with the procedural requirements for such a motion and demonstrates that counsel's failure to define, or provide a basis for defining, a formulation of a particular social group was both not a strategic choice and constituted egregious conduct.

''(6) STEREOTYPES.—Evidence offered in support of an application for asylum that promotes cultural stereotypes about a country, its inhabitants, or an alleged persecutor, including stereotypes based on race, religion, nationality, or gender, shall not be admissible in adjudicating that application, except that evidence that an alleged persecutor holds stereotypical views of the applicant shall be admissible.

''(7) DEFINITIONS.—In this section:

''(A) The term 'membership in a particular social group' means membership in a group that is—

''(i) composed of members who share a common immutable characteristic;

''(ii) defined with particularity; and

''(iii) socially distinct within the society in question.

''(B) The term 'political opinion' means an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state or a unit thereof.

''(C) The term 'persecution' means the infliction of a severe level of harm constituting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control. Such term does not include—

''(i) generalized harm or violence that arises out of civil, criminal, or military strife in a country;

''(ii) all treatment that the United States regards as unfair, offensive, unjust, unlawful, or unconstitutional;

''(iii) intermittent harassment, including brief detentions;

''(iv) threats with no actual effort to carry out the threats, except that particularized threats of severe harm of an immediate and menacing nature made by an identified entity may constitute persecution; or

''(v) non-severe economic harm or property damage.''.

SEC. 108. FIRM RESETTLEMENT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by this title, is further amended by adding at the end the following:

''(g) FIRM RESETTLEMENT.—In determining whether an alien was firmly resettled in another country prior to arriving in the United States under subsection (b)(2)(A)(xiv), the following shall apply:

''(1) IN GENERAL.—An alien shall be considered to have firmly resettled in another country if, after the events giving rise to the alien's asylum claim—

''(A) the alien resided in a country through which the alien transited prior to arriving in or entering the United States and—

''(i) received or was eligible for any permanent legal immigration status in that country;

''(ii) resided in such a country with any non-permanent but indefinitely renewable legal immigration status (including asylee, refugee, or similar status, but excluding status of a tourist); or

''(iii) resided in such a country and could have applied for and obtained an immigration status described in clause (ii);

''(B) the alien physically resided voluntarily, and without continuing to suffer persecution or torture, in any one country for one year or more after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States, except for any time spent in Mexico by an alien who is not a native or citizen of Mexico solely as a direct result of being returned to Mexico pursuant to section 235(b)(3) or of being subject to metering; or

''(C) the alien is a citizen of a country other than the country in which the alien alleges a fear of persecution, or was a citizen of such a country in the case of an alien who renounces such citizenship, and the alien was present in that country after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States.

''(2) BURDEN OF PROOF.—If an immigration judge determines that an alien has firmly resettled in another country under paragraph (1), the alien shall bear the burden of proving the bar does not apply.

''(3) FIRM RESETTLEMENT OF PARENT.—An alien shall be presumed to have been firmly resettled in another country if the alien's parent was firmly resettled in another country, the parent's resettlement occurred before the alien turned 18 years of age, and the alien resided with such parent at the time of the firm resettlement, unless the alien establishes that he or she could not have derived any permanent legal immigration status or any non-permanent but indefinitely renewable legal immigration status (including asylum, refugee, or similar status, but excluding status of a tourist) from the alien's parent.''.

SEC. 109. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking ''If the'' and all that follows and inserting:

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) CRITERIA.—An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appear in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of the material elements are knowingly fabricated.

''(C) SUFFICIENT OPPORTUNITY TO CLARIFY.—In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

''(D) WITHHOLDING OF REMOVAL NOT PRECLUDED.—For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3) or protection pursuant to the Convention Against Torture.''.

SEC. 110. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(C) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

SEC. 111. REQUIREMENT FOR PROCEDURES RELATING TO CERTAIN ASYLUM APPLICATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish procedures to expedite the adjudication of asylum applications for aliens—

(1) who are subject to removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); and

(2) who are nationals of a Western Hemisphere country sanctioned by the United States, as described in subsection (b), as of January 1, 2023.

(b) WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES DESCRIBED.—Subsection (a) shall apply only to an asylum application filed by an alien who is a national of a Western Hemisphere country subject to sanctions pursuant to—

(1) the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note);

(2) the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 or the RENACER Act (50 U.S.C. 1701 note); or

(3) Executive Order 13692 (80 Fed. Reg. 12747; declaring a national emergency with respect to the situation in Venezuela).

(c) APPLICABILITY.—This section shall only apply to an alien who files an application for

asylum after the date of the enactment of this Act.

TITLE II—BORDER SAFETY AND MIGRANT PROTECTION

SEC. 201. INSPECTION OF APPLICANTS FOR ADMISSION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clauses (i) and (ii), by striking ''section 212(a)(6)(C)'' inserting ''subparagraph (A) or (C) of section 212(a)(6)''; and

(II) by adding at the end the following:

''(iv) INELIGIBILITY FOR PAROLE.—An alien described in clause (i) or (ii) shall not be eligible for parole except as expressly authorized pursuant to section 212(d)(5), or for parole or release pursuant to section 236(a).''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking ''asylum.'' and inserting ''asylum and shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).''; and

(II) in clause (iii)(IV)—

(aa) in the header by striking ''DETENTION'' and inserting ''DETENTION, RETURN, OR REMOVAL''; and

(bb) by adding at the end the following: ''The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Subject to subparagraphs (B) and (C),'' and inserting ''Subject to subparagraph (B) and paragraph (3),''; and

(II) by adding at the end the following: ''The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).''; and

(ii) by striking subparagraph (C);

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

''(3) RETURN TO FOREIGN TERRITORY CONTIGUOUS TO THE UNITED STATES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

''(B) MANDATORY RETURN.—If at any time the Secretary of Homeland Security cannot—

''(i) comply with its obligations to detain an alien as required under clauses (ii) and (iii)(IV) of subsection (b)(1)(B) and subsection (b)(2)(A); or

''(ii) remove an alien to a country described in section 208(a)(2)(A),

the Secretary of Homeland Security shall, without exception, including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5), return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

''(4) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention, return, or removal requirements under paragraph (1), (2), or (3) that affects such State or its residents, may bring an action against the Secretary of Homeland Security on behalf of the residents of the State in an appropriate United States district court to obtain appropriate injunctive relief.''; and

(2) by adding at the end the following:

''(e) AUTHORITY TO PROHIBIT INTRODUCTION OF CERTAIN ALIENS.—If the Secretary of Homeland Security determines, in his discretion, that the prohibition of the introduction of aliens who are inadmissible under subparagraph (A) or (C) of section 212(a)(6) or under section 212(a)(7) at an international land or maritime border of the United States is necessary to achieve operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) of such border, the Secretary may prohibit, in whole or in part, the introduction of such aliens at such border for such period of time as the Secretary determines is necessary for such purpose.''.

SEC. 202. OPERATIONAL DETENTION FACILITIES.

(a) IN GENERAL.—Not later than September 30, 2023, the Secretary of Homeland Security shall take all necessary actions to reopen or restore all U.S. Immigration and Customs Enforcement detention facilities that were in operation on January 20, 2021, that subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021. In carrying out the requirement under this subsection, the Secretary may use the authority under section 103(a)(11) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(11)).

(b) SPECIFIC FACILITIES.—The requirement under subsection (a) shall include at a minimum, reopening, or restoring, the following facilities:

(1) Irwin County Detention Center in Georgia.

(2) C. Carlos Carreiro Immigration Detention Center in Bristol County, Massachusetts.

(3) Etowah County Detention Center in Gadsden, Alabama.

(4) Glades County Detention Center in Moore Haven, Florida.

(5) South Texas Family Residential Center.

(c) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary of Homeland Security is authorized to obtain equivalent capacity for detention facilities at locations other than those listed in subsection (b).

(2) LIMITATION.—The Secretary may not take action under paragraph (1) unless the capacity obtained would result in a reduction of time and cost relative to the cost and time otherwise required to obtain such capacity.

(3) SOUTH TEXAS FAMILY RESIDENTIAL CENTER.—The exception under paragraph (1) shall not apply to the South Texas Family Residential Center. The Secretary shall take all necessary steps to modify and operate the South Texas Family Residential Center in the same manner and capability it was operating on January 20, 2021.

(d) PERIODIC REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until September 30, 2027, the Secretary of Homeland Security shall submit to the appropriate congressional committees a detailed plan for and a status report on—

(1) compliance with the deadline under subsection (a);

(2) the increase in detention capabilities required by this section—

(A) for the 90-day period immediately preceding the date such report is submitted; and

(B) for the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(3) the number of detention beds that were used and the number of available detention beds that were not used during—

(A) the 90-day period immediately preceding the date such report is submitted; and

(B) the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(4) the number of aliens released due to a lack of available detention beds; and

(5) the resources the Department of Homeland Security needs in order to comply with the requirements under this section.

(e) NOTIFICATION.—The Secretary of Homeland Security shall notify Congress, and include with such notification a detailed description of the resources the Department of Homeland Security needs in order to detain all aliens whose detention is mandatory or nondiscretionary under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(1) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 90 percent of capacity;

(2) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 95 percent of capacity; and

(3) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach full capacity.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the House of Representatives;

(2) the Committee on Appropriations of the House of Representatives;

(3) the Committee on the Judiciary of the Senate; and

(4) the Committee on Appropriations of the Senate.

TITLE III—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

SEC. 301. UNITED STATES POLICY REGARDING WESTERN HEMISPHERE COOPERATION ON IMMIGRATION AND ASYLUM.

It is the policy of the United States to enter into agreements, accords, and memoranda of understanding with countries in the Western Hemisphere, the purposes of which are to advance the interests of the United States by reducing costs associated with illegal immigration and to protect the human capital, societal traditions, and economic growth of other countries in the Western Hemisphere. It is further the policy of the United States to ensure that humanitarian and development assistance funding aimed at reducing illegal immigration is not expended on programs that have not proven to reduce illegal immigrant flows in the aggregate.

SEC. 302. NEGOTIATIONS BY SECRETARY OF STATE.

(a) AUTHORIZATION TO NEGOTIATE.—The Secretary of State shall seek to negotiate agreements, accords, and memoranda of understanding between the United States, Mexico, Honduras, El Salvador, Guatemala, and other countries in the Western Hemisphere with respect to cooperation and burden sharing required for effective regional immigration enforcement, expediting legal claims by aliens for asylum, and the processing, detention, and repatriation of foreign nationals seeking to enter the United States unlawfully. Such agreements shall be designed to

facilitate a regional approach to immigration enforcement and shall, at a minimum, provide that—

(1) the Government of Mexico authorize and accept the rapid entrance into Mexico of nationals of countries other than Mexico who seek asylum in Mexico, and process the asylum claims of such nationals inside Mexico, in accordance with both domestic law and international treaties and conventions governing the processing of asylum claims;

(2) the Government of Mexico authorize and accept both the rapid entrance into Mexico of all nationals of countries other than Mexico who are ineligible for asylum in Mexico and wish to apply for asylum in the United States, whether or not at a port of entry, and the continued presence of such nationals in Mexico while they wait for the adjudication of their asylum claims to conclude in the United States;

(3) the Government of Mexico commit to provide the individuals described in paragraphs (1) and (2) with appropriate humanitarian protections;

(4) the Government of Honduras, the Government of El Salvador, and the Government of Guatemala each authorize and accept the entrance into the respective countries of nationals of other countries seeking asylum in the applicable such country and process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

(5) the Government of the United States commit to work to accelerate the adjudication of asylum claims and to conclude removal proceedings in the wake of asylum adjudications as expeditiously as possible;

(6) the Government of the United States commit to continue to assist the governments of countries in the Western Hemisphere, such as the Government of Honduras, the Government of El Salvador, and the Government of Guatemala, by supporting the enhancement of asylum capacity in those countries; and

(7) the Government of the United States commit to monitoring developments in hemispheric immigration trends and regional asylum capabilities to determine whether additional asylum cooperation agreements are warranted.

(b) NOTIFICATION IN ACCORDANCE WITH CASE-ZABLOCKI ACT.—The Secretary of State shall, in accordance with section 112b of title 1, United States Code, promptly inform the relevant congressional committees of each agreement entered into pursuant to subsection (a). Such notifications shall be submitted not later than 48 hours after such agreements are signed.

(c) ALIEN DEFINED.—In this section, the term ''alien'' has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 303. MANDATORY BRIEFINGS ON UNITED STATES EFFORTS TO ADDRESS THE BORDER CRISIS.

(a) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (b), the Secretary of State, or the designee of the Secretary of State, shall provide to the appropriate congressional committees an in-person briefing on efforts undertaken pursuant to the negotiation authority provided by section 302 of this title to monitor, deter, and prevent illegal immigration to the United States, including by entering into agreements, accords, and memoranda of understanding with foreign countries and by using United States foreign assistance to stem the root causes of migration in the Western Hemisphere.

(b) TERMINATION OF MANDATORY BRIEFING.—The date described in this subsection is the date on which the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, determines and certifies to the appropriate congressional committees that illegal immigration flows have subsided to a manageable rate.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER

SEC. 401. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There is no presumption that an alien child who is not an unaccompanied alien child should not be detained.

''(2) FAMILY DETENTION.—The Secretary of Homeland Security shall—

''(A) maintain the care and custody of an alien, during the period during which the charges described in clause (i) are pending, who—

''(i) is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)); and

''(ii) entered the United States with the alien's child who has not attained 18 years of age; and

''(B) detain the alien with the alien's child.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the amendments in this section to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) are intended to satisfy the requirements of the Settlement Agreement in Flores v. Meese, No. 85–4544 (C.D. Cal), as approved by the court on January 28, 1997, with respect to its interpretation in Flores v. Johnson, 212 F. Supp. 3d 864 (C.D. Cal. 2015), that the agreement applies to accompanied minors.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after such date.

(d) PREEMPTION OF STATE LICENSING REQUIREMENTS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of one or more of such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision thereof.

TITLE V—PROTECTION OF CHILDREN

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) Implementation of the provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children has incentivized multiple surges of unaccompanied alien children arriving at the southwest border in the years since the bill's enactment.

(2) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children treat unaccompanied alien children from countries that are contiguous to the United States disparately by swiftly returning them to their home country absent indications of trafficking or a credible fear of return, but allowing for the release of unaccompanied alien children from noncontiguous countries into the interior of the United States, often to those individuals who paid to smuggle them into the country in the first place.

(3) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched the cartels, who profit hundreds of millions of dollars each year by smuggling unaccompanied alien children to the southwest border, exploiting and sexually abusing many such unaccompanied alien children on the perilous journey.

(4) Prior to 2008, the number of unaccompanied alien children encountered at the southwest border never exceeded 1,000 in a single year.

(5) The United States is currently in the midst of the worst crisis of unaccompanied alien children in our nation's history, with over 350,000 such unaccompanied alien children encountered at the southwest border since Joe Biden became President.

(6) In 2022, during the Biden Administration, 152,057 unaccompanied alien children were encountered, the most ever in a single year and an over 400 percent increase compared to the last full fiscal year of the Trump Administration in which 33,239 unaccompanied alien children were encountered.

(7) The Biden Administration has lost contact with at least 85,000 unaccompanied alien children who entered the United States since Joe Biden took office.

(8) The Biden Administration dismantled effective safeguards put in place by the Trump Administration that protected unaccompanied alien children from being abused by criminals or exploited for illegal and dangerous child labor.

(9) A recent New York Times investigation found that unaccompanied alien children are being exploited in the labor market and ''are ending up in some of the most punishing jobs in the country.''.

(10) The Times investigation found unaccompanied alien children, ''under intense pressure to earn money'' in order to ''send cash back to their families while often being in debt to their sponsors for smuggling fees, rent, and living expenses,'' feared ''that they had become trapped in circumstances they never could have imagined.''.

(11) The Biden Administration's Department of Health and Human Services Secretary Xavier Becerra compared placing unaccompanied alien children with sponsors, to widgets in an assembly line, stating that, ''If Henry Ford had seen this in his plant, he would have never become famous and rich. This is not the way you do an assembly line.''.

(12) Department of Health and Human Services employees working under Secretary Xavier Becerra's leadership penned a July 2021 memorandum expressing serious concern that ''labor trafficking was increasing'' and that the agency had become ''one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.''.

(13) Despite this, Secretary Xavier Becerra pressured then-Director of the Office of Refugee Resettlement Cindy Huang to prioritize releases of unaccompanied alien children over ensuring their safety, telling her ''if she could not increase the number of discharges he would find someone who could'' and then-Director Huang resigned one month later.

(14) In June 2014, the Obama-Biden Administration requested legal authority to exercise discretion in returning and removing unaccompanied alien children from non-contiguous countries back to their home countries.

(15) In August 2014, the House of Representatives passed H.R. 5320, which included the Protection of Children Act.

(16) This title ends the disparate policies of the Trafficking Victims Protection Reauthorization Act of 2008 by ensuring the swift return of all unaccompanied alien children to their country of origin if they are not victims of trafficking and do not have a fear of return.

SEC. 502. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by inserting ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii); and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting before ''permit such child to withdraw'' the following: ''may''; and

(III) in clause (ii), by inserting before ''return such child'' the following: ''shall''; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria listed in paragraph (2)(A)''; and

(ii) in clause (i), by inserting before the semicolon at the end the following: '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: ''believed not to meet the criteria listed in subsection (a)(2)(A)''; and

(ii) in subparagraph (B), by inserting before the period the following: ''and does not meet the criteria listed in subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''an unaccompanied alien child in custody shall'' and all that follows, and inserting the following: ''an unaccompanied alien child in custody—

''(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of a child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.'';

and

(3) in subsection (c)—

(A) in paragraph (3), by inserting at the end the following:

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, information on—

''(I) the name of the individual;

''(II) the social security number of the individual;

''(III) the date of birth of the individual;

''(IV) the location of the individual's residence where the child will be placed;

''(V) the immigration status of the individual, if known; and

''(VI) contact information for the individual.

''(ii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security, upon determining that an individual with whom a child is placed is unlawfully present in the United States and not in removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), shall initiate such removal proceedings.''; and

(B) in paragraph (5)—

(i) by inserting after ''to the greatest extent practicable'' the following: ''(at no expense to the Government)''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unaccompanied alien child (as such term is defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) in clause (i), by striking '', and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law''; and

(2) in clause (iii)—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(III) an alien may not be granted special immigrant status under this subparagraph if the alien's reunification with any one parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law;''.

SEC. 504. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the following procedures or practices relating to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))):

(1) Screening of such a child for a credible fear of return to his or her country of origin.

(2) Screening of such a child to determine whether he or she was a victim of trafficking.

(3) Department of Health and Human Services policy in effect on the date of the enactment of this Act requiring a home study for such a child if he or she is under 12 years of age.

TITLE VI—VISA OVERSTAYS PENALTIES

SEC. 601. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in subsection (a) by inserting after ''for a subsequent commission of any such offense'' the following: ''or if the alien was previously convicted of an offense under subsection (e)(2)(A)'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''at least $50 and not more than $250'' and inserting ''not less than $500 and not more than $1,000''; and

(B) in paragraph (2), by inserting after ''in the case of an alien who has been previously subject to a civil penalty under this subsection'' the following: ''or subsection (e)(2)(B)''; and

(3) by adding at the end the following:

''(e) VISA OVERSTAYS.—

''(1) IN GENERAL.—An alien who was admitted as a nonimmigrant has violated this paragraph if the alien, for an aggregate of 10 days or more, has failed—

''(A) to maintain the nonimmigrant status in which the alien was admitted, or to which it was changed under section 248, including complying with the period of stay authorized by the Secretary of Homeland Security in connection with such status; or

''(B) to comply otherwise with the conditions of such nonimmigrant status.

''(2) PENALTIES.—An alien who has violated paragraph (1)—

''(A) shall—

''(i) for the first commission of such a violation, be fined under title 18, United States Code, or imprisoned not more than 6 months, or both; and

''(ii) for a subsequent commission of such a violation, or if the alien was previously convicted of an offense under subsection (a), be fined under such title 18, or imprisoned not more than 2 years, or both; and

''(B) in addition to, and not in lieu of, any penalty under subparagraph (A) and any other criminal or civil penalties that may be imposed, shall be subject to a civil penalty of—

''(i) not less than $500 and not more than $1,000 for each violation; or

''(ii) twice the amount specified in clause (i), in the case of an alien who has been previously subject to a civil penalty under this subparagraph or subsection (b).''.

TITLE VII—IMMIGRATION PAROLE REFORM

SEC. 701. IMMIGRATION PAROLE REFORM.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5)(A) Except as provided in subparagraphs (B) and (C) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit. Parole granted under this subparagraph may not be regarded as an admission of the alien. When the purposes of such parole have been served in the opinion of the Secretary, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

''(B) The Secretary of Homeland Security may grant parole to any alien who—

''(i) is present in the United States without lawful immigration status;

''(ii) is the beneficiary of an approved petition under section 203(a);

''(iii) is not otherwise inadmissible or removable; and

''(iv) is the spouse or child of a member of the Armed Forces serving on active duty.

''(C) The Secretary of Homeland Security may grant parole to any alien—

''(i) who is a national of the Republic of Cuba and is living in the Republic of Cuba;

''(ii) who is the beneficiary of an approved petition under section 203(a);

''(iii) for whom an immigrant visa is not immediately available;

''(iv) who meets all eligibility requirements for an immigrant visa;

''(v) who is not otherwise inadmissible; and

''(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

''(D) The Secretary of Homeland Security may grant parole to an alien who is returned to a contiguous country under section 235(b)(3) to allow the alien to attend the alien's immigration hearing. The grant of parole shall not exceed the time required for the alien to be escorted to, and attend, the alien's immigration hearing scheduled on the same calendar day as the grant, and to immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

''(E) For purposes of determining an alien's eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that—

''(i)(I) the alien has a medical emergency; and

''(II)(aa) the alien cannot obtain necessary treatment in the foreign state in which the alien is residing; or

''(bb) the medical emergency is life-threatening and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(ii) the alien is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

''(iii) the alien is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(iv) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted to the United States through the normal visa process;

''(v) the alien is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted to the United States through the normal visa process;

''(vi) the alien is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

''(vii) the alien is a lawful applicant for adjustment of status under section 245 and is returning to the United States after temporary travel abroad.

''(F) For purposes of determining an alien's eligibility for parole under subparagraph (A), a significant public benefit may be determined to result from the parole of an alien only if—

''(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

''(ii) the alien's presence is required by the Government in furtherance of such law enforcement matter; and

''(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.

''(G) For purposes of determining an alien's eligibility for parole under subparagraph (A), the term 'case-by-case basis' means that the facts in each individual case are considered and parole is not granted based on membership in a defined class of aliens to be granted parole. The fact that aliens are considered for or granted parole one-by-one and not as a group is not sufficient to establish that the parole decision is made on a 'case-by-case basis'.

''(H) The Secretary of Homeland Security may not use the parole authority under this paragraph to parole an alien into the United States for any reason or purpose other than those described in subparagraphs (B), (C), (D), (E), and (F).

''(I) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (B) or (C) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

''(J) Parole granted after a departure from the United States shall not be regarded as an admission of the alien. An alien granted parole, whether as an initial grant of parole or parole upon reentry into the United States, is not eligible to adjust status to lawful permanent residence or for any other immigration benefit if the immigration status the alien had at the time of departure did not authorize the alien to adjust status or to be eligible for such benefit.

''(K)(i) Except as provided in clauses (ii) and (iii), parole shall be granted to an alien under this paragraph for the shorter of—

''(I) a period of sufficient length to accomplish the activity described in subparagraph (D), (E), or (F) for which the alien was granted parole; or

''(II) 1 year.

''(ii) Grants of parole pursuant to subparagraph (A) may be extended once, in the discretion of the Secretary, for an additional period that is the shorter of—

''(I) the period that is necessary to accomplish the activity described in subparagraph (E) or (F) for which the alien was granted parole; or

''(II) 1 year.

''(iii) Aliens who have a pending application to adjust status to permanent residence under section 245 may request extensions of parole under this paragraph, in 1-year increments, until the application for adjustment has been adjudicated. Such parole shall terminate immediately upon the denial of such adjustment application.

''(L) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

''(i) identifying the total number of aliens paroled into the United States under this paragraph during the previous fiscal year; and

''(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

''(I) the duration of parole;

''(II) the type of parole; and

''(III) the current status of the aliens so paroled.''.

SEC. 702. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding subsection (a), each of the following exceptions apply:

(1) Any application for parole or advance parole filed by an alien before the date of the enactment of this Act shall be adjudicated under the law that was in effect on the date on which the application was properly filed and any approved advance parole shall remain valid under the law that was in effect on the date on which the advance parole was approved.

(2) Section 212(d)(5)(J) of the Immigration and Nationality Act, as added by section 701 of this title, shall take effect on the date of the enactment of this Act.

(3) Aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

SEC. 703. CAUSE OF ACTION.

Any person, State, or local government that experiences financial harm in excess of $1,000 due to a failure of the Federal Government to lawfully apply the provisions of this title or the amendments made by this title shall have standing to bring a civil action against the Federal Government in an appropriate district court of the United States for appropriate relief.

SEC. 704. SEVERABILITY.

If any provision of this title or any amendment by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the application of such provision or amendment to any other person or circumstance shall not be affected.

SA 1338. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. 7____. (a) The modifications approved by the Food and Drug Administration between March 29, 2016, and January 3, 2023, to the risk evaluation and mitigation strategy under section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1) for mifepristone shall have no force or effect.

(b) None of the funds made available by this Act may be used to—

(1) establish, implement, or enforce any provision of a risk evaluation and mitigation strategy under section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1) for mifepristone that is substantially similar to any of the modifications nullified by subsection (a); or

(2) exercise discretion to not enforce any provision of a risk evaluation and mitigation strategy under such section 505–1 for mifepristone.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Madam President, I ask unanimous consent that the privileges of the floor be extended to Mike Zwolinski, a member of my team, for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SATURDAY, SEPTEMBER 30, 2023

Mrs. MURRAY. Madam President, I ask unanimous consent that when the Senate completes its business today, it recess until 12 noon on Saturday, September 30; that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of H.R. 3935.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mrs. MURRAY. Madam President, if there is no further business to come before the Senate, I ask that it stand in recess under the previous order.

There being no objection, the Senate, at 5:21 p.m., recessed until Saturday, September 30, 2023, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 2023:

DEPARTMENT OF JUSTICE

TODD GEE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

TARA K. MCGRATH, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.