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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

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

Let us pray.

God of might, as we remember Pearl Harbor and a date that would live in infamy, we are reminded that You are our defender. Without Your protection, we are powerless. Hear our prayers as we lift our hearts toward Your throne. Lord, forgive us for our failures and continue to defend us with Your mercy.

Today, bless our lawmakers. Make them instruments of Your peace. Guide and lead them as You have promised. Keep them safe from the traps that bring national ruin, and shelter them from danger. Help them to find the common ground that will bring blessings to our Nation and world.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

REMOVING EXTRANEOUS LOOPHOLES INSURING EVERY VETERAN EMERGENCY ACT—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 815, which the clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 30, H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ASSAULT WEAPONS BAN

Mr. SCHUMER. Mr. President, yesterday morning, Democrats came to the floor of the Senate to try and pass the assault weapons ban and other life-saving gun safety legislation. Sadly, Republicans stood in the way of the Senate passing lifesaving legislation to get rid of the scourge of gun violence in America.

Just hours later, we learned of yet another shooting on the campus of the University of Nevada, Las Vegas. Our prayers are with the victims of the shooting at UNLV and their families, our prayers are with the students and staff of the university reeling from this horror, and thanks to the brave law enforcement officers who responded to the shooting and prevented even more deaths. The pain from these shootings in these communities never truly fades.

30TH ANNIVERSARY OF THE LONG ISLAND RAIL ROAD MASSACRE

Mr. President, I still remember the pain I felt when I first heard about the Long Island Rail Road massacre which happened in my own backyard.

Today, December 7, marks 30 years since the Long Island Rail Road massacre. It is heartbreaking that the horrors of a tragedy 30 years old still feel like it happened yesterday.

I remember the reports well: the 5:33 p.m. rush hour train from Penn Station, filled with commuters, average working Americans going home after a hard day's work to see their families. Moments later, a gunman unleashed carnage—6 dead, 19 injured. Many more lives were shattered, changed forever.

Among those killed and injured were the husband and son of Carolyn McCarthy, a nurse from Mineola. Following the shooting, Carolyn began to advocate for tougher gun laws. Carolyn understood that something had to change.

So after Carolyn's Congressman at the time announced he would be voting to repeal the assault weapons ban that I had championed—I carried the law in the House—she took matters into her own hands and ran for a seat in the House and won on that issue. She served in Congress for 18 years with me

and many of my colleagues in this building and remained a vocal advocate for stronger gun safety laws.

So now, in memory of those lost and those injured 30 years ago today on the 5:33 p.m. Long Island Rail Road train, I ask for this Chamber to observe a brief moment of silence.

(Moment of silence.)

SUPPLEMENTAL FUNDING

Now, Mr. President, last night was a sad moment for the Senate, for the country, and for our friends in Ukraine and Israel and around the world. With our values and democracy on the line, Senate Republicans killed a much needed bill with funding for Ukraine, for Israel, and humanitarian aid for the people of Gaza, and for the Indo-Pacific.

If there is a word for what we need now most, it is to be serious. Republicans need to be serious and stop game-playing. It is absurd that we are even in this situation to begin with.

Let me retrace the steps that got us here and then how we can get out and get something done.

First, we all know how important Ukraine aid is. Both sides have long claimed to support it. To quote a recent speech from my friend the Republican leader, Leader MCCONNELL, ''helping a democratic partner . . . against an unprovoked attack from a common enemy is obviously in America's interest.''

In another speech here on the floor, Leader MCCONNELL added that ''now . . . is not the time to ease up'' on helping Ukraine defending their sovereignty. Interestingly, he didn't mention anything about the southern border that day.

Second, it was Republicans who threw an unnecessary wrench into Ukraine funding by tying it to the extraneous issue of border. We all agree that border security is important. President Biden included strong border provisions in the proposal he sent us. But we also know it is a complicated issue—very complex—that has escaped bipartisan solution for years.

I am certainly willing to have that difficult conversation. I was a leader of the Gang of 8 that produced the last real border compromise a decade ago. But it is not realistic for Republicans to suddenly hold up Ukraine aid, which they claim to support, and then suddenly demand that we take up border, which has been a problem for years, and then solve it in a matter of days. Nevertheless, we Democrats were willing to give it a try.

And that is my third point. For 3 weeks, Democrats have sat down at the negotiating table with our Republican counterparts to see if something on the border was possible. We talked for 3 weeks, and, actually, negotiations ended up moving backward after Speaker Johnson said the only thing his Republican caucus would accept was Donald Trump's extreme border policies as embodied in H.R. 2. So Democrats tried to negotiate in good faith, but after the Speaker pushed H.R. 2, talks remained at an impasse.

Fourth, to work our way out of this morass, we Democrats offered our Republican colleagues a golden opportunity: an offer for a vote on an amendment on any border policy of their choosing. And all they would have needed to pass it were 11 Democratic votes. They rejected our offer.

I must say, it defies credulity for Republicans to demand border, hold up Ukraine because of the border, and then reject an offer to vote on a border amendment of their own crafting here on the floor.

It may well be that Republicans can't even agree among themselves on a proposal. Either way, they rejected our offer and voted down the bill.

So where are we now that that has happened yesterday? Well, we are left with only two paths forward to break the logjam: Either Republicans can take us up on an amendment offer or we can restart negotiations.

Now, if we are to negotiate, it has to be in good faith. Republicans need to show they are serious about reaching a compromise—not just throwing on the floor basically Donald Trump's border policies.

Again, Republicans need to be serious and stop the game-playing. They have been game-playing when they pushed Donald Trump's radical border policies, when they said border is the ransom they want, and when they moved the goalposts during negotiations.

We need to stop playing around and get serious about the immense challenge in front of us. Both sides must accept that we have to compromise on things important to each side if we have any hope of passing the supplemental.

Let me state: We Democrats very much—very much—want an agreement. We are willing to make compromises and concessions to meet our Republican colleagues, as long as they are willing to do the same.

Let me conclude, again, with how important this is and with the warning that the Republican leader issued in recent months that if we aren't willing to invest in the defense of democracy right now, we are going to be forced to pay a much higher price down the line. It is better to defend democracy with American resources today, instead of American lives tomorrow. That is the danger of allowing brutes like Vladimir Putin to win the day. So the time is now for us to show the world we are willing to defend democracy in its hour of need.

Democrats are serious about reaching a reasonable, bipartisan compromise to pass this security package. The question is if Republicans are now willing to do the same.

HANUKKAH

Mr. President, finally, on Hanukkah, Jewish people around the country and around the world will celebrate tonight the first night of Hanukkah. This year, more than most years, Hanukkah comes at a moment of grief, of trial, and of fear for many Jewish Americans. And, perhaps, for that, it is all the more meaningful. The story of Hanukkah is a story of perseverance—perseverance in the face of unspeakable hatred.

We have been taught about how the Jews of a different age—forced from their land, forbidden to practice their religion, their temple destroyed and desecrated—gathered to pray in secret, banded together in the hills and fields, and fought off their attackers. And once they endured, they set about the hard and slow and painful work of rededicating the temple and lighting once again the eternal flame of hope.

I believe that America should do the same thing right now: rededicate ourselves to that noble promise of being a land of tolerance for all people—all people. Anti-Semitism, frighteningly, is on the rise. Islamophobia is on the rise. Hatred and discrimination remain a festering wound in the soul of our country. We must rededicate ourselves to stand against anti-Semitism and all forms of discrimination. We must rededicate ourselves to rebuilding a more perfect Union, one that preserves tolerance and equality for every single American.

I have faith that the forces of intolerance will lose in the end, just as they did in the days of Hanukkah, when Judah Maccabee led the Jewish people against an oppressive majority.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SUPPLEMENTAL FUNDING

Mr. MCCONNELL. Mr. President, yesterday, every single Republican rejected the Democratic leader's attempt to separate border security from national security. As we have said for weeks, that was a futile effort that was doomed to fail from the very beginning. Hopefully, the Senate can now seize a new opportunity to make real progress on legislation that addresses urgent national security priorities both at home and abroad.

So let's establish a few things going forward: It is profoundly unserious to pretend that national security priorities don't include securing our Nation's borders, to warn about borders in jeopardy and not start with the one that is being overrun here at home, to invoke threats facing sovereign nations without a clear plan to uphold America's own sovereignty.

Mr. President, I am not in need of any lectures about the gravity of the challenges facing national security. I don't need any admonishments about what is at stake for America and our allies in Ukraine's fight against Russian aggression. I am well aware that the world's largest state sponsor of terrorism remains undeterred from trying to kill Americans in the Middle East. And I certainly have not forgotten that China, our top strategic adversary, is watching what we do very closely.

Instead, unfortunately, it has been the Biden administration—including our Commander in Chief—who has all too often needed reminders about the responsibilities of a global superpower. From Europe to the Middle East, the administration has reached new heights of self-deterrence.

With Putin's forces massing on the borders of Ukraine, the administration slow-walked lethal assistance. As the Russian offensive unfolded, they held back the most decisive capabilities Ukraine needed out of an unfounded fear of escalation.

And even with further security assistance hanging in the balance, the Biden administration has been slow—very slow—to sell this urgent measure and its massive domestic benefits to our people here at home.

From the outset, the Biden administration resumed the Obama-era efforts to reset relations with Tehran and removed the Iran-backed Houthis from the terrorism list. Also, it is no surprise that Iran has snubbed its nose at these displays of weakness. It is no surprise that U.S. personnel are facing a spike in terrorist attacks from Iraq and Syria to the Red Sea. But the administration continues to pull its punches.

And meanwhile, Republicans have spent years urging the administration to start performing even the bare minimum of its fundamental responsibility to secure our southern border and enforce our Nation's laws.

Right now, the crisis created by the Biden administration's neglect is bringing illegal aliens to the United States at the rate of 300,000 a month. That is roughly the population of Lexington, KY, arriving every month. And thanks to an asylum and parole system that desperately needs fixing, many of them are just brought straight in.

I know many of our Democratic colleagues recognize the urgency of this crisis. I know many of them are ready to help restore sanity at our southern border.

Well, Senator LANKFORD, Senator GRAHAM, and other Republican colleagues are still working hard to do exactly that. There is no time like the present to join them in those efforts.

SYRIA

Mr. President, now, on a different matter, this morning the Senate will vote on a resolution calling for the withdrawal of American military forces from Syria. Passage of such a resolution would be a gift to Iran and its terrorist network. Driving American troops from the Middle East is exactly what they would like to see.

Adopting this short-sighted measure would wreck America's credibility in the region. It would encourage Iran's proxies to open a northern front in the territorial war against Israel. It would invite America's adversaries to challenge our military presence throughout the world.

Back in 2019, as our colleagues may recall, the Senate went on record about the wisdom of withdrawing prematurely from Syria and Afghanistan. At that time, the vast majority of us rejected such a retreat. And those who didn't have since watched President Biden's disastrous withdrawal from Afghanistan, Putin's escalation against Ukraine, China's growing challenge to international peace and stability, and Iran's glaring threat to America and to Israel.

Today is the 82nd anniversary of Pearl Harbor. It is a day to remember the cost of being caught on our heels. A vote in favor of this resolution is a vote for retreat in the face of terror.

BIDENOMICS

Mr. President, now, on one final matter, working Americans can't seem to catch a break from Bidenomics. Washington Democrats' spending sprees on President Biden's watch have driven inflation up 17.6 percent. And the effects are becoming inescapable.

In my home State, many small business owners have been forced to raise their prices to keep up with the rising costs. One shop owner in Lexington, put it:

> I make food and chocolates and all the ingredients have gone up.
>
> I've been battling with increasing my prices which I don't want to do.

Just like in cities and towns across the country, small businesses in Lexington are facing declining foot traffic, which might have something to do with the consumers' shrinking paychecks. Inflation is eating away at people's savings.

By one estimate, the average American family would need an extra $11,400 a year just to maintain the standard of living they had when President Biden took office. And, needless to say, folks on fixed incomes are among the hardest hit.

One 68-year-old retiree in western Massachusetts summed up his struggle to make ends meet in the Biden economy. Here is what he said:

> You get your check and then you have to sit down there . . . like 'What am I going to pay [out]? Am I going to get food or lose my electricity?' . . . I can't spend nothing anymore. I have to pay rent, utilities, food, medicine.

This is what the American people are up against. This is everyday life under Bidenomics. Bizarrely, the Biden administration still seems to hold its favorite phrase in high esteem. The White House Press Secretary called Bidenomics ''the word of the year.''

Well, working Americans feel quite differently. And the President's hometown is no exception. As one resident from Scranton, PA, reported recently:

> [E]verything is going up, except for paychecks.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL FUNDING

Mr. THUNE. Mr. President, if Democrats were unsure about Republicans' seriousness about including meaningful border security provisions in the national security supplemental, yesterday's vote made it crystal clear. Every single Senate Republican rejected Democrats' collective attempt to bury their heads in the sand and pretend that what is happening at our southern border isn't a threat to our security.

Border security is national security, which is why any national security supplemental that moves through this Chamber must tackle this crisis head-on.

On Tuesday, FBI Director Christopher Wray testified before the Senate Judiciary Committee and told Members:

> I've never seen a time where all the threats or so many of the threats are all elevated all at exactly the same time.

Senator GRAHAM then asked Wray to comment on the threat environment using the blinking red lights analogy often used about warnings before the September 11 attacks. And Director Wray responded:

> I see blinking lights everywhere I turn.

''I see blinking lights everywhere I turn.''

It is against the background of this threat environment that Republicans are asking Democrats to finally—and I say finally—help secure our border.

We have endured 3, now, record-breaking years of illegal immigration at our southern border under President Biden, and the situation is only getting worse.

Tuesday saw a staggering 12,000 migrant encounters at our southern border—12,000 in just 1 day. That is 8 people per minute, and that follows 2 days of 10,000-plus encounters. I am not sure how anyone can look at these numbers and not think this is a crisis.

Plus, those numbers don't count any ''got-aways''—those are individuals the Border Patrol saw but was unable to apprehend—who may have made their way across the border during that same period. The month of October saw an average of roughly 1,000 ''got-aways'' per day. That is roughly 30,000 unknown individuals who made their way into our country—30,000 in just 1 month. All told, there have been more than 1.7 million known ''got-aways'' on President Biden's watch, not to mention an unknown number of unknown ''got-aways.''

These ''got-aways'' are not the migrants who are showing up, hoping to be apprehended because they know they can game the asylum or parole system. No—these are individuals bent on avoiding detection, which should concern us deeply.

Anyone who doesn't think bad actors are attempting to exploit the situation at our southern border needs to think

again. During fiscal year 2023, the Border Patrol apprehended 169 individuals on the Terrorist Watchlist attempting to make their way across our southern border into our country. That number, by the way, is more than the total of the previous 6 fiscal years combined.

FBI Director Wray noted at that same Judiciary Committee hearing that since the Hamas attack on Israel on October 7, the threat level has gone to ''a whole other level.'' Abroad, American troops have been attacked nearly 80 times since October 7. It is naive to think that there aren't terrorists out there currently trying to make their way into the United States to attack our country. Why wouldn't any terrorist trying to enter our country take advantage of the chaos at our southern border?

You don't have to take my word for it. The Department of Homeland Security, in its threat assessment released in September, noted the risk that ''terrorists and criminal actors may exploit the elevated flow [of migration] and increasingly complex security environment to enter the United States.'' That assessment was written before—before—the October 7 attack or the many attacks on U.S. troops abroad that followed it.

If there was a risk before, I think it is safe to say that there is an even greater risk now.

This situation cannot continue. The massive flood of illegal immigration at our southern border has to stop, and that is why the national security supplemental must contain real measures to secure the border—not cosmetic fixes, not superficial tweaks, real border security measures.

I believe it is in our national security interests to support allies like Israel, Taiwan, and Ukraine, but we cannot support American interests abroad while continuing to sacrifice the security of the American people here at home.

For 3 years, the Biden administration has put out a de facto welcome mat at our southern border. If we want to protect our country, that has to stop, and it has to stop now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

SYRIA

Mr. CARDIN. Mr. President, I understand that shortly we will be considering a motion to discharge S.J. Res. 51 from the Senate Foreign Relations Committee, and I take this time to urge my colleagues to vote against that motion to discharge.

I understand the concerns of my colleague from Kentucky about ensuring that Congress exercises the appropriate role in authorizing the use of military force. I appreciate the Senator's longstanding interest in these important matters.

I value having what I believe are critically important debates about when and under what authorities U.S. troops serve abroad. Decisions about authorizing the use of military force are among the most solemn duties we have in this body. But here, the decision is not so simple as the Senator from Kentucky presents it.

The Middle East is unstable right now. I don't have to remind my colleagues about that. ISIS's territorial caliphate might have been defeated, but it remains a threat to Syrians, Iraqis, and to U.S. interests. Now is not the time to withdraw from the region, but that is what this joint resolution would do without weighing the consequences, without a plan.

Think about what impact it would have. Think about what it would do to the resolve of our NATO allies and Kurdish partners fighting ISIS alongside the United States. We are not there alone; we are part of a coalition. Will they stick it out if we don't?

Think about how this would hurt the Syrian people. Without U.S. presence, civilians would be caught between ISIS and the Assad regime. Think about the ISIS terrorist cells that would have free reign to expand their operations in Syria. They will use it as a base to attack Iraq, where just last week they killed 11 innocent people.

Think about what a gift this would be to the Assad regime, who has committed atrocities, aided and abetted by Russia and Iran. The regime would strengthen its control of Syria, putting at risk the very people who fought side by side with the United States, people who would be subjected to the Assad regime's industrial-scale system of torture and murder.

Then there are the Assad backers—Russia and Iran. Putin wants the Middle East to descend into chaos and distract the world from his war in Ukraine. Iran's longstanding strategic objective has been to push the United States out of the region. We see it in proxy attacks on U.S. facilities and on global shipping.

Not only would pulling U.S. troops out of Syria be a propaganda win for Iran, it would be a strategic victory. It would make it easier for Iran to move weapons through Syria to Hezbollah. Do we want Hezbollah to have more weapons aimed at our ally Israel right now? We don't want to see an escalation of the conflict.

At a time when the administration is working to prevent the Gaza conflict from spilling over, this would be the wrong thing for us to do. The last thing we want is the conflict in Israel and Gaza to expand across the region.

For all of those reasons, I would urge my colleagues to vote against the motion to discharge S.J. Res. 51 if that motion is made by my colleague from Kentucky.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LUJÁN). Without objection, it is so ordered.

MOTION TO DISCHARGE—S.J. RES. 51

Mr. PAUL. Mr. President, I rise today to invoke the War Powers Act. The War Powers Act requires that upon request from a Member of the Senate or a Member of Congress, that there will be a vote on whether or not troops should be put into harm's way or into a conflict without the approval of this body.

Our Founding Fathers felt very clearly on this that we should not go to war without a vote of the legislature. They wanted to make sure that the Executive or the President was prohibited from going to war without the authority of the legislature.

We have drifted away from that. There really hasn't been a valid declaration of war since World War II. We have, at times, taken votes to authorize a use of military force. They call them an AUMF. We did when we went into the Iraq war. So we did the voting properly. It was still a disastrous mistake to go there.

But we never have voted on being in Syria. We never have voted on having troops in the middle of the Syrian civil war in which hundreds of thousands of people have died, millions of people have been displaced. We owe it to the soldiers who are in Syria—the U.S. soldiers, the young men and women in Syria—to have a debate and have a vote.

Now, the Senate doesn't want to do this. They are only doing this under duress because I am forcing them to vote on this issue. I have the power because it is called a privilege vote. They can't deny me this vote or this debate.

This will put the Senate on record: Are you for having troops in Syria? If so, why? What are they doing in Syria? I fear that they are merely a tripwire to a greater war or to a tragedy should a terrorist attack occur. They have become the target for the Iranian proxies. Will we ever learn?

As the fire of war spreads across the Middle East, the Biden administration sends aircraft carrier strike groups into the region without the debate of Congress about whether the United States should be further enmeshed in these region's conflicts. And will there be a debate at all?

For the past two decades, the wisdom of Washington foreign policy, the establishment, has embroiled our country in one war after another, impervious to the catastrophic consequences resulting from this adventurism. Some 7,000 U.S. servicemembers lost their lives in post-9/11 conflicts, tens of thousands more live with missing limbs, burn scars, or are confined to wheelchairs, to say nothing of the mental wounds of war. More than 30,000 veterans committed suicide since Washington's misguided project to remake the Middle East.

While our soldiers carried out their missions with honor, the Washington establishment has consistently failed them. Both Democrat and Republican Commanders in Chief repeatedly have ordered our troops into ill-advised conflicts with no vital national interest and no possibility of victory.

Syria is but one example. In 2014, the Obama administration entangled the United States in yet another endless war in the Middle East without congressional authorization, without a definition of victory, and without an exit strategy.

Operation Inherent Resolve was ostensibly intended to destroy the Islamic State in Iraq and Syria, ISIS, an abhorrent terrorist organization that was only able to thrive because of the chaos created by the Iraq war, by Bush's foolish invasion of Iraq.

The U.S.-led coalition carried out a significant air campaign again ISIS targets, conducting more than 11,000 airstrikes in Syria alone. But of course our intervention didn't stop there. President Obama unilaterally deployed boots on the ground, sending 300 Special Forces into Syria. My comments at the time were: Who goes to war with 300 people? Who sends 300 soldiers to a battle of thousands and thousands of troops? It was a terrible military strategy and still is.

By the end of 2017, the Pentagon revealed that we had, in fact, 2,000 American troops stationed on the ground in Syria. There were tens of thousands of Turkish troops; there are Syrian Kurds; there are Assad's troops; there are Russian troops; and we have got a couple thousand troops, sitting ducks, in the middle of this chaos.

Congress enacted the War Powers Act in 1973 to prevent this exact type of situation. At the time, the Nation was emerging from the national tragedy of the Vietnam war. That war was never declared as such. Yet it cost the lives of 58,000 Americans. Vietnam started with a few hundred U.S. military advisers but subsequently escalated to a point where there were over 540,000 troops, U.S. troops, in Vietnam.

The calamity of Vietnam prompted Congress to resolve that the President should never again be permitted to enter the United States into a prolonged war without congressional authority. The President doesn't have this constitutional authority. The President does not have the constitutional authority to unilaterally declare war anywhere at any time for any reason. It is the prerogative of Congress; the Constitution is clear.

Congress must heed the lessons of the past and seize abdicating their constitutional warmaking power to the executive branch. If we are going to deploy our young men and women in uniform to some farflung corner of the planet and ask them to fight and potentially give their life for some supposed cause, shouldn't we, as their elected representatives, at least have the courage to debate the merits of sending them there? Shouldn't we debate if the mission is achievable? Shouldn't we debate what the mission actually is, what the purpose for having the troops actually is, and if it is possible for them to accomplish that mission?

The Syrian civil war is one of the greatest tragedies of our time. For the past 12 years, the Syrian people have endured unimaginable suffering. That country has been torn apart, beset by conflict from within and without.

The Syrian Observatory for Human Rights estimates the war has cost the lives of 600,000 people. The United Nations claims that more than 6.8 million people are internally displaced and another 5.2 million people live as refugees abroad.

It is a disaster.

Today, some 90 percent of the Syrian population lives in poverty. The war, which began as a civil uprising of the Syrian people against the regime of Bashar al-Assad, quickly transformed into a global catastrophe as other countries, militias, and terrorist groups turned Syria into their own proxy battlefield.

Like Vietnam, Syria should serve as a powerful warning of the dangers of Presidential overreach and the dangers of mission creep.

The American people are told that the United States is in Syria to fight ISIS, but we are not fighting ISIS. ISIS is gone. We also have been directly attacked by the Syrian government and pro-Assad forces. It is a much more complicated situation. We have targeted Iran's Islamic Revolutionary Guard and Iranian-backed proxies. We have targeted every stripe of jihadist and militia group we could find in the region, which is lots.

In 2018, then-CIA Director Mike Pompeo admitted to the Senate Foreign Relations Committee that the United States has even killed a couple hundred Russians who were in Syria as part of the Wagner Group. We also had our troops take fire from our own NATO ally Turkey. Just this past September, we returned the favor by shooting down an armed Turkish drone that came within 500 yards of U.S. forces. It is, obviously, a conflict; it is, obviously, a war; and it is, obviously, a dangerous place to have a few hundred troops with no clear-cut mission.

None of these conflicts were debated or authorized by Congress. Nine American servicemembers have been killed in Syria, and not once has this body debated the merits of our troops being deployed in harm's way there. The only reason the debate occurs today is because I am forcing them to have the debate. They would rather wash their hands of this and say: President—Republican, Democrat, whoever you are—you take care of it. We are washing our hands of this. We have no responsibility.

But, today, the Senate will take responsibility. Those who vote against my motion will be voting to have troops in Syria, and it will be their responsibility if calamity occurs.

There is a bipartisan agreement that the executive branch does not have authorization for military action, or at least there has been in the past. In 2017, the current chairman of the Senate Foreign Relations Committee said in an interview—he's a Democrat—said:

> The President does not have authorization from Congress to use force against the Syrian regime. He should come to Congress and get the authorization for use of military force. He has to come to Congress and the American people and tell them what the game plan is. How do we get a resolution?

This was Democrats in 2017. Fast forward to Democrats today, and they say: No big deal. We have got a Democrat President. We don't want to appear to be critical of him. So even though we used to say there needs to be congressional authority when there was a Republican President, we no longer say that. Now we are just peachy keen with whatever happens.

If it was true in 2017, it is still true in 2023. Congress should either authorize a war or we should come home.

The Biden administration continues to say that we are there to defeat ISIS. Well, the ISIS caliphate was completely eradicated in 2019. Four years later, we still have 900 troops in Syria.

The administration claims it seeks an ''enduring'' defeat of ISIS. Not surprisingly, they don't define what ''enduring'' means. Obviously, it doesn't mean complete destruction of the ISIS caliphate, because the ISIS caliphate no longer exists. They hold no land. Our intelligence folks have said they don't even have the capacity to attack, much less have the desire to attack us now.

The administration's quarterly combined State and Defense Department inspector general reports that ''the majority of ISIS's branches likely lack the intent or capability to have direct attacks on the U.S. homeland.''

The only way they can get at us is if we are there. So, ISIS hasn't controlled territory for 4 years. They lack the capability and intent to attack the U.S., and those remaining members of ISIS—there are, indeed, still radical extremists—they are surrounded by numerous state and non-state actors who also seek to eradicate them. Between the Turks, the Syrian Kurds, the Syrian government, none of them are happy to have ISIS there if it should try to arise again.

It seems to me, though, that our 900 troops have no viable mission in Syria; that they are sitting ducks; they are a trip wire to a larger war; and without a clear-cut mission, I don't think they could adequately defend themselves. Yet they remain in Syria, and they remain vulnerable to attack by other groups.

Our troops in Syria regularly come under attack—not from ISIS, but from Iranian-backed militias. Since Joe Biden took office, Iranian-backed proxies have attacked U.S. forces in Syria

and Iraq more than 160 times. They attack us because we are in close proximity to them; and they couldn't attack us, frankly, if we weren't there.

These attacks have accelerated following Hamas' monstrous October 7 attack on Israel. Since October 17, U.S. troops have been attacked at least 76 times—40 times in Syria and 36 times in Iraq.

According to the Pentagon, a total of 60 U.S. military were injured in these attacks. Of those, at least 32 were at the al-Tanf garrison in southeastern Syria, where our soldiers suffered various injuries including traumatic brain injuries.

The U.S. responded with a series of strikes on facilities used by the Iranian Revolutionary Guard and its proxies in Syria and Iraq.

During his time in office, President Biden has carried out strikes on Iranian proxies on at least eight separate occasions. Each time, the White House claimed that the strikes were necessary to deter further attacks.

How many times do our troops need to be attacked for the administration to realize that we are not deterring anyone?

Does anybody believe the ninth air strike will make a difference or do the trick?

We are actually a target. We are a trip wire. We are a place they can actually reach by being there with no clear-cut mission.

In 2019, Joe Biden, as Presidential candidate, promised to end the forever wars in the Middle East, saying:

> Staying entrenched in unwinnable conflicts only drains our capacity to lead on other issues that require our attention.

I wish he still had the same belief.

But 900 troops sitting in the middle of the Syrian desert does not advance U.S. interests or provide deterrence. In fact, their presence does the exact opposite. Their presence invites the Iranian proxies to be able to reach them with attacks. This is the only way these groups can strike at the United States. It is the only way they can get attention. If they kill each other, no one seems to pay attention; if they kill Americans, they pay attention. So why would we plop Americans down in the desert within a few dozen miles of these folks and allow them to be attacked? We actively are providing Iran leverage to direct proxies to attack U.S. forces. This is the sort of strategic genius—so-called genius that the Washington establishment parades around as prudent foreign policy.

Our troops' presence also risks getting us dragged into a wider regional war. Imagine if these recent attacks resulted in the deaths of 60 of our servicemembers—not injuries but deaths. How would the Biden administration react to that? History is replete with major wars breaking out for less.

President Biden would do well to channel the wisdom of President Ronald Reagan.

In 1984, Ronald Reagan withdrew U.S. troops from Lebanon following the Beirut Marine Corps barracks bombing that killed 241 U.S. military personnel. Remarking on the decision in his autobiography, Reagan wrote:

> In the weeks [immediately] after the bombing, I believed the last thing that we should do was to turn tail and leave. Yet the irrationality of the Middle East politics forced us to rethink our policy there. If there would be some rethinking of policy before our men die, we would be a lot better off. If that policy had changed towards more of neutral position and neutrality, those 241 marines would still be alive today.

President Reagan made the right decision in 1984, and we now have the chance to make the right decision in 2023, without any more American servicemembers being injured or killed.

The American people have had enough of endless wars in the Middle East. The American people have had enough of the uniparty—the ''demopublican'' party directing their sons and daughters to fight and risk their lives in these internecine conflicts when the United States is not directly threatened and no vital U.S. interest is at stake.

My War Powers Resolution that I put forward today offers the American people an opportunity to see how clearly their elected Senators view our unconstitutional, unnecessary, and dangerous presence in Syria.

This vote makes it impossible for Senators to avoid voting or stating their opinion on having troops in Syria. Today's vote essentially puts every Senator on record as being either for or against having U.S. troops in Syria.

I urge all my colleagues to muster the courage to reclaim their constitutional responsibilities by voting to remove U.S. troops in Syria. Let's finally bring our troops home.

With that, I move to discharge S.J. Res. 51 from the Committee on Foreign Relations.

The PRESIDING OFFICER. The motion is pending.

The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 410.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Harry Coker, Jr., of Kansas, to be National Cyber Director.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 410, Harry Coker, Jr., of Kansas, to be National Cyber Director.
>
> Charles E. Schumer, Gary C. Peters, Ben Ray Luján, Tammy Duckworth, Margaret Wood Hassan, Jack Reed, Angus S. King, Jr., Michael F. Bennet, Robert P. Casey, Jr., Tim Kaine, Chris Van Hollen, Mazie K. Hirono, Richard Blumenthal, Benjamin L. Cardin, Richard J. Durbin, Jeanne Shaheen, Sheldon Whitehouse, Mark Kelly.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, December 7, be waived.

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

LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

SYRIA

Mr. RISCH. Mr. President, I rise in opposition to this resolution. First, this resolution obscures the facts and alleges that American troops are involved in hostilities in Syria.

American troops have remained in Syria across multiple administrations to ensure the lasting defeat of the Islamic State. Our presence is authorized under the 2001 Authorization for the Use of Military Force, the legal cornerstone of our counterterrorism operations around the world. The Islamic State remains a threat to Americans and our partners. According to the State Department's latest reports on terrorism, the Islamic State ''remains resilient and determined to attack.''

Senator PAUL no doubt recalls the Islamic State's attacks across the region—the depraved videos of slaves, beheadings, the Yazidi genocide, and the attacks against civilians in France and into the heart of Europe. As recently as last year, we saw the Islamic State conduct a prison break in northern Syria and witnessed an uptick in attacks. Despite the fact that we shattered their caliphate, the group is down, but not out. Our troop presence is a critical element to maintaining pressure on the Islamic State and keeping Americans safe.

Senator PAUL's resolution points to the numerous Iranian-sponsored attacks against our troops in Iraq and Syria. I share these concerns and urge the administration to do more to establish deterrence against Iran.

The House went through this exercise as recently as March and voted down a similar effort to pull our troops by a wide margin.

I urge my colleagues to oppose this resolution.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

VOTE ON MOTION TO DISCHARGE

Mr. PAUL. Mr. President, I ask for the yeas and nays on S.J. Res. 51.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—13

Braun	Murphy	Warren
Durbin	Paul	Welch
Lee	Sanders	Wyden
Markey	Tuberville	
Merkley	Vance	

NAYS—84

Baldwin	Fischer	Ossoff
Barrasso	Gillibrand	Padilla
Bennet	Graham	Peters
Blackburn	Grassley	Reed
Blumenthal	Hagerty	Ricketts
Booker	Hassan	Risch
Boozman	Hawley	Romney
Britt	Heinrich	Rosen
Brown	Hickenlooper	Rubio
Budd	Hirono	Schatz
Butler	Hoeven	Schmitt
Cantwell	Hyde-Smith	Schumer
Capito	Johnson	Scott (FL)
Cardin	Kaine	Scott (SC)
Carper	Kelly	Shaheen
Casey	Kennedy	Sinema
Cassidy	King	Smith
Collins	Klobuchar	Stabenow
Coons	Lankford	Sullivan
Cornyn	Luján	Tester
Cortez Masto	Lummis	Thune
Cotton	Manchin	Tillis
Crapo	Marshall	Van Hollen
Cruz	McConnell	Warner
Daines	Menendez	Warnock
Duckworth	Mullin	Whitehouse
Ernst	Murkowski	Wicker
Fetterman	Murray	Young

NOT VOTING—3

Cramer	Moran	Rounds

The PRESIDING OFFICER (Mr. HEINRICH). The motion is not adopted.

The motion was rejected.

The Senator from Rhode Island.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024—CONFERENCE REPORT—MOTION TO PROCEED

Mr. REED. Mr. President, I rise to express my support for the fiscal year 2024 National Defense Authorization Act. I am glad that we have just brought the NDAA conference report to the floor.

First, I would like to acknowledge Senator ROGER WICKER, Chairman MIKE ROGERS, and Representative ADAM SMITH, whose partnership has been critical for the success of this bill.

The hallmark of the Senate and House Armed Services Committees has long been bipartisanship, and I am glad we have continued that tradition for the 63rd consecutive year.

I would also like to thank my colleagues on the Senate and House Armed Services Committees who helped produce this bill, as well as Leader SCHUMER, Leader MCCONNELL, Speaker JOHNSON, and Leader JEFFRIES, who facilitated a thorough debate and enabled all Members to engage in the process. We were able to negotiate hundreds of provisions between both Chambers over the past few months—the most in many years.

This is a strong, forward-looking bill that I think we can all be proud of. This NDAA is laser-focused on the threats we face. It addresses a broad range of pressing issues, from strategic competition with China and Russia to countering threats from Iran, North Korea, violent extremists, and climate change. The bill authorizes record level investments in key technologies, like hypersonics and artificial intelligence, and makes real progress toward modernizing our ships, aircraft, and combat vehicles.

Most importantly, this NDAA provides a historic level of support for our troops and their families, including the largest pay raise in decades.

I am confident it will provide the Department of Defense and our military men and women with the resources they need to meet and overcome the national security threats we face.

I would like to take this opportunity, also, to recognize the incredible staff who have made this bill possible. Senator WICKER will, I am sure, speak on behalf of the minority staff in just a moment, but I wanted to specifically recognize the director of the Democratic staff, Elizabeth King, and the director of the Republican staff, John Keast. They did a remarkable job, and they have led their staffs with professionalism and skill.

I would also like to thank the members of the Armed Services Committee staff: Jody Bennett, Carolyn Chuhta, Jon Clark, Jenny Davis, Jonathan Epstein, Jorie Feldman, Kevin Gates, Creighton Greene, Gary Leeling, Kirk McConnell, Maggie McNamara Cooper, Bill Monahan, Meredith Werner, Mike Noblet, John Quirk, Andy Scott, Cole Stevens, Isabelle Picciotti, Alison Warner, Leah Brewer, Sean Jones, Joe Gallo, Brittany Amador, Griffin Cannon, Sofia Kamali, Chad Johnson, Julia Coulter, Vannary Kong, Noah Sisk, Zachary Volpe, and, once again, staff director Elizabeth King.

That was a long list, but it is a fraction of what they have put into this, in terms of time and effort, and we could not have accomplished this without them.

I want to thank the floor staff and the leadership for all they have done to make this possible.

Finally, I urge all my colleagues to support this excellent bill.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I am pleased and honored to join my colleague from Rhode Island, the distinguished chairman of the Armed Services Committee, in urging adoption of this important step in getting our National Defense Authorization Act passed and signed into law.

It is routine now and profound at the same time. It is routine because, as the chair said, this is the 63rd time that this House and this Senate will have come together on a bipartisan basis to join hands and try to move our national defense forward.

It is profound because it has become routine, because no matter what other things we are discussing and differing about and expressing our deeply held views, this is something that we feel must be done every year, regardless of the other things that divide us. So the fact that it has become routine does make this a profound step, and I am honored to be part of that great list of persons who have been part of this.

Senator REED is absolutely correct to thank our counterparts in the House, Chairman ROGERS and Ranking Member SMITH, and our staff.

Let me also give a shout-out to the ranking members of the subcommittees, who took this from subcommittee to subcommittee to the full committee and helped us get started in a very meaningful way: Senator COTTON, ranking member of Airland; Senator MIKE ROUNDS, Cybersecurity; Senator JONI ERNST, Emerging Threats and Capabilities; Senator RICK SCOTT, Personnel Subcommittee; Senator DAN SULLIVAN, Readiness and Management Support Subcommittee; Senator KEVIN CRAMER, Seapower, a committee that I served on as ranking member and as chair; and Senator DEB FISCHER, who has worked so diligently in a very technical and important area, Strategic Forces.

And then, as the chair mentioned, I will try not to leave out any of the staff—the experts who took our concepts and who were able to put them into words that became statutory language. Of course, there is John Keast, the staff director on our side, who has been a great partner of Elizabeth King; and then other talented, just absolutely brilliant and diligent and hard-working American public servants who helped get it right: Rick Berger, Brendan Gavin, James Mazol, Greg Lilly, Adam Barker, Zach Barnett, Kristina Belcourt, Jack Beyrer, Travis Brundrett, Isaac Jalkanen, Kevin Kim, Eric Lofgren, Katie Magnus, Jonathan Moore, Sean O'Keefe, Brad Patout, Katie Romaine, Pat Thompson, Eric Trager, Adam Trull, Olivia Trusty, and Phillip Waller.

And I wouldn't be surprised if I have left somebody out, even so, Mr. President.

It does contain some very high hopes and dreams, and I hope this legislation builds on an opportunity for further expansion of our defense industrial base, because so many of the things that we need to do cannot be done unless we have got the resources in place to actually put Americans to work making our country stronger.

It does contain one of the largest pay raises in decades.

There will perhaps be more said on final passage, but I am grateful to my colleague and friend and fellow veteran, Senator REED, and I urge the passage of this vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, first let me thank Chairman REED of the Armed Services Committee for his great leadership, Ranking Member WICKER, and all the members of the committee and the conferees for their good work in the past few weeks.

So, in a few moments, I will lay down the NDAA conference report. There was a lot of hard work on both sides, and we have reached agreement for this year's Defense authorization bill. It is never easy—harder now than ever before.

I will file cloture on the NDAA later today. Members can expect to take votes on this early next week.

At a time of huge trouble for global security, doing the Defense authorization bill is more important than ever. The annual Defense bill is a prime example of both sides cooperating on a strong bipartisan package to strengthen America's national security, to take care of our servicemembers, and to keep the United States the leader in innovation.

When we began the December session, I said the Senate faces three important tasks: ending the hold on military nominees, which we did earlier this week; getting NDAA done, which we are doing today and early next week; and, then, the biggest and hardest of all is passing the supplemental.

We want to get that done as well. It is critical. We are going to keep working.

VOTE ON MOTION TO PROCEED

I move to proceed to the conference report to accompany H.R. 2670, the National Defense Authorization Act.

And now I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to laying down the conference report.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 82, nays 15, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—82

Baldwin	Britt	Cardin
Barrasso	Brown	Carper
Bennet	Budd	Casey
Blackburn	Butler	Cassidy
Blumenthal	Cantwell	Collins
Boozman	Capito	Coons
Cornyn	Kelly	Rubio
Cortez Masto	Kennedy	Schatz
Cotton	King	Schmitt
Crapo	Klobuchar	Schumer
Cruz	Lankford	Scott (FL)
Daines	Lummis	Scott (SC)
Duckworth	Manchin	Shaheen
Durbin	Marshall	Sinema
Ernst	McConnell	Smith
Fetterman	Menendez	Stabenow
Fischer	Mullin	Tester
Gillibrand	Murkowski	Thune
Graham	Murphy	Tillis
Grassley	Murray	Van Hollen
Hagerty	Ossoff	Warner
Hassan	Padilla	Warnock
Heinrich	Peters	Welch
Hickenlooper	Reed	Whitehouse
Hirono	Ricketts	Wicker
Hoeven	Risch	Young
Hyde-Smith	Romney	
Kaine	Rosen	

NAYS—15

Booker	Luján	Sullivan
Braun	Markey	Tuberville
Hawley	Merkley	Vance
Johnson	Paul	Warren
Lee	Sanders	Wyden

NOT VOTING—3

Cramer	Moran	Rounds

The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. PETERS). The Chair lays before the Senate the conference report to accompany H.R. 2670, which will be stated by title.

The legislative clerk read as follows:

The committee on conference 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, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 6, 2023.)

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2670, a bill 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.

Charles E. Schumer, Jack Reed, Tammy Duckworth, Margaret Wood Hassan, Angus S. King, Jr., Robert P. Casey, Jr., Tim Kaine, Chris Van Hollen, Jeanne Shaheen, Mark Kelly, Christopher A. Coons, Mazie K. Hirono, Alex Padilla, Patty Murray, Michael F. Bennet, Catherine Cortez Masto, Raphael G. Warnock.

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. SCHUMER. I move to recommit the conference report to conference with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves that the conference report with respect to H.R. 2670 be recommitted with instructions that the conferees on the part of the Senate be instructed to insert language that makes the effective date of the measure one day after the date of enactment.

Mr. SCHUMER. I ask that further reading be dispensed with.

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

Mr. SCHUMER. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1373

Mr. SCHUMER. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1373 to the instructions of the motion to recommit the conference report to accompany H.R. 2670 to the committee on conference.

Mr. SCHUMER. I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the effective date)

In the motion, strike ''one day'' and insert ''two days''.

Mr. SCHUMER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1374 TO AMENDMENT NO. 1373

Mr. SCHUMER. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1374 to amendment No. 1373.

Mr. SCHUMER. I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 1, strike, ''two days'' and insert ''three days''.

Mr. SCHUMER. I ask that the mandatory quorum call for the cloture motion filed today be waived.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to resume consideration of the Executive Calendar No. 352.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Richard E.N. Federico, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, I ask unanimous consent to be able to speak for up to 15 minutes.

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

Mr. HAWLEY. Mr. President, earlier this summer, millions of Americans learned about the origins of our country's nuclear program.

What, perhaps, more Americans are learning about now are the tens of thousands of brave American citizens who risked their health and, in many instances, gave their lives to make that program a success. And what many are learning now is that those Americans who risked their lives, who gave their health, did it without the knowledge that their government was exposing them to nuclear radiation, without the consent from their government, and for years and years and years without any kind of help or any kind of compensation, so much so that in 1990, this body passed a landmark piece of legislation that compensates the victims of the government's Oppenheimer-era nuclear program—those who were exposed to nuclear tests, those who were exposed to the radiation from nuclear waste without their consent and often, usually, in fact, without their knowledge.

This body passed a landmark piece of legislation that included some findings that I just want to read here. This body said: The health of those individuals who were unwitting participants in these tests and were put at risk to serve the national security interest of the United States deserve compensation.

They went on to say—this body did—that the United States should recognize and assume responsibility for the harm done to these brave Americans.

Finally, Congress actually offered an apology—something you don't see often—an apology to its people whom it had exposed to nuclear radiation. Congress apologized on behalf of the Nation to the individuals and their families for the hardships they have endured. That was exactly the right thing to do.

But today Congress is effectively rescinding that apology because today Congress is moving forward, the Senate is moving forward with the Defense bill that strips this program out of the law, that allows this program to expire, that turns its back on the tens of thousands of good Americans who have sacrificed for their country, who have served their country, who have dutifully given their health and, in many cases, their lives to this country and have gotten nothing. And those who have depended on this compensation provided from 1990 will soon get nothing because today this body decides to allow that program to expire.

How did this happen? Just earlier this year, in July, I stood right there in the well of the Senate as this body passed, on an overwhelming bipartisan basis—61 votes on the floor of the Senate—to reauthorize the nuclear compensation program and to update it to include more Americans who we now know—we have learned since 1990, thousands of more Americans who were exposed to the government's nuclear waste and radiation, including thousands and thousands in my home State in the State of Missouri.

We voted for it. We voted for it on an overwhelming bipartisan basis. I would go so far as to say, it would be pretty hard to get 61 Senators to vote for vanilla as a good ice cream, and yet 61 Senators voted yes to renew this program, to preserve it, to keep our commitment to the good people of this country.

And yet today, the program is gone. Today, the bill before us on the floor of the Senate, it is nowhere to be found.

What happened? What happened is what so often happens in this town and in this body. A backroom deal is what happened. Yes, the leaders of Congress went to a back room, and over the last few weeks, negotiated away this compensation for these thousands and thousands of Americans—negotiated away, voted for by the Senate, relied on for 30-plus years by thousands of Americans, and now it is gone.

Why? Because it is more important to pay the defense contractors than to pay the suits. Oh, the suits will get paid. Mark that down. That is always true in Washington. The defense contractors will get paid, you can bet your bottom dollar. We have more than enough money for them.

But for the people of my State who are sick with cancer because of the government's nuclear waste, they get nothing. For the people of New Mexico or Idaho or Colorado or Arizona or Washington State or Oregon State or anywhere else in this country exposed to the government's nuclear test and radiation, they get nothing.

This is a grave injustice. This isn't an inconvenience. This isn't an oops. I wish it were different. This is an injustice. This is this body turning its back on these good, proud Americans.

This is the Senate prioritizing—I don't know what. It is certainly not the national security of the United States because the greatest strength of the United States is in the people of the United States, and this bill turns its back on the people of the United States in defense of the lobbyists and the suits and the corporate entities who are going to get paid. Hand over fist, they are going to make money while the American people get left out in the cold.

I am not going to vote for this bill, to say the least. And I am going to do everything in my power to slow it and stop it if I can.

I want to introduce my colleagues and the rest of the country to some of the victims, some of the people who are going to get turned out in the cold because of the decision made by the leadership of this Congress.

Let me start with Zoey. You are looking at a picture of her here. This is Zoey from St. Louis. Zoey was born with a mass on her ovary—born with a mass on her ovary. She had surgery to remove it when she was just 3 weeks old. She is 5 now. But just last night, Zoey's parents had to rush her to the hospital for an MRI because she remains in incredible pain.

Why does Zoey have cancer? Why was she born with a mass on her ovaries? Because she grew up in an area that has known nuclear contamination from the Manhattan Project that the government has not cleaned up and has not compensated Zoey or her parents for.

Take a good look. This is whom the Senate is leaving out in the cold. This is who congressional leadership has decided is not important. It is girls like Zoey, 5 years old.

Meet Zack. This is baby Zack. He was born with a rare brain tumor, one that is known to be caused by nuclear radiation. Zack had his first surgery when he was 1 week old—1 week. He started chemo when he was 3 months old—3 months. I bet there are many people within the sound of my voice who have been on chemo and know what it is like. Can you imagine a 3-month-old baby on chemo to start his life? Zack died when he was 6.

Why was Zack sick? Zack grew up in an area of St. Louis, was born in an area of St. Louis that is known to have nuclear contamination. His mother Kim grew up along a place called Cold War Creek, which is, even as I stand here and speak, still contaminated—still contaminated—with nuclear radiation.

Why don't we meet Mary. Mary lived her entire life in St. Louis. She went to high school there. She met her husband there, got married, and raised a family there. When she decided to go to nursing school to try to give something back to her community that had done so much for her, she was diagnosed with stage IV lung cancer.

She died last year, leaving her husband and two children. Mary grew up in an area of St. Louis known to have nuclear contamination. This is yet another person whom this body, today, chooses to leave behind.

Then there is Chantelle. Chantelle has been diagnosed with two different kinds of breast cancer. She has had 13 surgeries—13—including a double mastectomy, gallbladder removal, and a full hysterectomy. Chantelle's mother died of breast cancer. Her aunt died of breast cancer. Her grandfather died of pancreatic cancer. Her two cousins have breast cancer. And a nephew now has a cancerous brain tumor. Chantelle is from a region in St. Louis that—I think you guessed it—is known to have nuclear contamination. Chantelle is yet another good American whom this body now chooses to leave behind.

This next photo is of Kirbi. Kirbi is from Missouri also. She is holding a picture of her daughter Kirstee. Her daughter Kirstee, who is here in this photo, was diagnosed with a rare childhood form of brain cancer and died when she was 13. Kirstee was born in an area that studies have identified as having dramatically higher instances of childhood cancers. Kirstee and her family will get nothing now because of the actions of this body.

The radiation hasn't been cleaned up. The contamination has not been dealt with. Her family has not been given a dime of help—a dime—not only for her death but for the who-knows-how-many hundreds of thousands of dollars in medical bills they have had to pay.

Finally, we have the students at Jana Elementary School. Take a good look at these students. Here, they are sitting in their lunchroom at school. But the problem is, they can't go to school anymore—nope. Not a one of these students can go to school at this elementary school. Why, you may ask? Because it is closed. Why is it closed? Because the creek that runs right by their school is full of radioactive waste.

Here today, as we sit here, 2023, years after the Manhattan Project concluded, their school is full of nuclear contamination, and now they are being shipped off to other schools, to other places. They can't do a thing about it. Take a look at them. These are the voiceless Americans whom, today, this body turns its back on. These are the people who deserve the apology that this body first offered in 1990, who deserve the compensation for the sacrifices they have made. Yet they will get none of it.

But who is going to get paid? Oh, well, the defense industry is going to get paid big-time. Oh, yeah. A recent analysis found that this bill contains not only almost $1 trillion in new defense spending; it contains $26 billion—the Defense appropriations bills do—$26 billion for programs that the Pentagon didn't even ask for—$26 billion that they didn't ask for—in 1 year. Yet we are told that those students you just saw and every young person, old person, good person whom I have just shown you—we just don't have enough money for them.

Oh, we just can't do anything for you. We can pay these people until the cows come home, but we can't do anything for you.

We have plenty of money for Raytheon and all the rest. We don't have a dime for the people of Missouri. We don't have a dime for the Navajo Nation. We don't have a dime for the people of New Mexico. We don't have a dime for the working poor who are sick because of their government's radiation. We don't have a dime. But we must hurry on to make sure the corporations get their money. Well, Mr. President, not with my support—not with my support.

I would just say to those congressional leaders who negotiated this package—Speaker JOHNSON, Senator MCCONNELL: Your actions have earned my opposition.

I would say to the good people of the State of Missouri who have endured for decade upon decade: This fight is not over.

To the people of this Nation, tens of thousands who have depended on this compensation, lifesaving help, who now are at risk of losing all of it: This fight is not over.

I understand some high schools in the Missouri area may be watching now. I just want to assure you: I will come to this floor as long as it takes. I will introduce this bill as long as it takes. I will force amendment votes as long as it takes, until we compensate the people of this Nation who have sacrificed for this Nation and do not leave them behind.

The failure to do so now is a scar on the conscience of this body, and I will remind my colleagues of it as long as it takes, until we make it right.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 352, Richard E.N. Federico, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

Charles E. Schumer, Richard J. Durbin, Sheldon Whitehouse, Alex Padilla, Richard Blumenthal, Cory A. Booker, Benjamin L. Cardin, Chris Van Hollen, Tammy Duckworth, Brian Schatz, Tammy Baldwin, Margaret Wood Hassan, Tina Smith, Mazie K. Hirono, Christopher Murphy, Peter Welch, Christopher A. Coons.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard E.N. Federico, of Kansas, to be United States Circuit Judge for the Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. ROUNDS).

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

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 335 Ex.]

YEAS—63

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rubio
Booker	Hirono	Sanders
Brown	Hoeven	Schatz
Butler	Kaine	Schumer
Cantwell	Kelly	Shaheen
Capito	King	Sinema
Cardin	Klobuchar	Smith
Carper	Lankford	Stabenow
Casey	Manchin	Tester
Cassidy	Markey	Thune
Collins	Marshall	Tillis
Coons	Menendez	Van Hollen
Cornyn	Merkley	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wicker
Graham	Peters	Wyden

NAYS—32

Barrasso	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Crapo	Lee	Sullivan
Cruz	Lummis	Tuberville
Daines	McConnell	Vance
Ernst	Mullin	Young
Fischer	Paul	

NOT VOTING—5

Blackburn	Luján	Rounds
Cramer	Moran	

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 63, the nays are 32.

The motion is agreed to.

The Senator from Hawaii.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024

Ms. HIRONO. Madam President, we now have one week left until the Senate is scheduled to recess for the end of the year. While this year is quickly coming to an end, our work in this body is far from over, especially as it relates to our national security.

Yesterday, the Armed Services Committee, on which I sit, released a text of fiscal year 2024 National Defense Authorization Act conference report. This year's NDAA contains critical investments in our servicemembers, our military infrastructure, and our national security at large. Importantly, this year's NDAA contains a 5.2-percent pay raise for our troops—the most significant raise in more than 20 years—and

prevents large cuts to servicemembers' overseas cost-of-living adjustment accounts.

The bill also includes several provisions I fought to secure to improve servicemembers' quality of life, including a pilot program to give military secretaries greater authority to replace substandard barracks.

As we work to defend our allies and prevent conflict in the Pacific, this year's NDAA contains a number of provisions to strengthen our posture throughout the Indo-Pacific, including establishing a strategy for missile defense of Hawaii and the Indo-Pacific region, providing greater flexibility to bolster military infrastructure in the region and authorizing funding for multilateral training campaigns with our allies and partners in the Indo-Pacific.

As home to Indo-Pacific Command and the tip of the spear of any conflict in the Pacific, Hawaii plays an especially important role in our common defense, a role that is even more meaningful today on the 82nd anniversary of the attack on Pearl Harbor.

But as is the case across our country, much of the Defense Department's post-World War II infrastructure in Hawaii is in desperate need of repair or replacement. That is why I secured language in the bill directing INDOPACOM to provide a report to Congress on the state of all DOD infrastructure in Hawaii so that we can get serious about modernization.

At a time of global instability, it is essential that we pass this conference report as we have every year for the last 62 years to protect our Nation and reaffirm our global leadership.

The United States plays a key role and a vital role in supporting our allies across the globe. That is why the Senate is also working on a supplemental funding package to provide much needed assistance to our international partners, including two nations defending their rights to exist.

For nearly 2 years, Ukrainians have bravely fought off Putin's unjust and brutal invasion with the support of the United States, support President Zelenskyy himself has said is essential to his country's success. But now, at a critical moment in this war, Republicans are holding up essential aid for Ukraine in exchange for unrelated permanent immigration policy changes. The Biden administration and the Ukrainians have been clear: Time is of the essence. And without United States' aid, Putin will likely be able to gain ground.

Meanwhile, Israel is working to defend itself and its fundamental right to exist in the wake of Hamas's brutal October 7 terror attack. In the days following the attack, there seemed to be bipartisan consensus about the need to get additional aid to Israel as quickly as possible. But just days later, House Republicans opted to tie this much needed assistance to an unrelated partisan domestic policy demand—gutting IRS tax enforcement. Republicans claim this proposal would offset the cost of aid to Israel, when, in fact, it would cost our government money in terms of lost tax revenues.

The House Republican bill also neglected to include any of the White House's request for funding to address the humanitarian crisis in Gaza.

In addition to funding for Ukraine and Israel, the Senate package also includes language to renew the Compacts of Free Association, or COFA. These compacts—with Palau, the Marshall Islands, and Micronesia—provide the United States exclusive military jurisdiction in these strategic Pacific nations, critical to our national security, in exchange for defense and other benefits for COFA citizens.

It is hard to overstate the importance of these compacts to our operations in the Pacific and to our national security. For the first time in nearly 30 years, these agreements also reinstate access to Federal benefits for COFA citizens, thousands of whom legally live, work, and pay taxes in the United States.

The American people are counting on us. And, perhaps, more importantly, they are looking to us, watching, to see whether we can set aside partisan politics and do our jobs. If we fail to pass this supplemental national security funding package, it will send a message to our allies and adversaries alike that when it matters most, the United States cannot be counted on and this Congress cannot do its job.

This is not a game. There is no backstop here. If we fail to do our jobs, people will die, our allies will suffer losses, our national security will be degraded, and our leadership role as a great nation that defends democratic values will be significantly undermined.

I thank Leader SCHUMER, Chairman REED, and those of our Republican colleagues who are working diligently in good faith to find a path forward on all of these priorities because failure is not an option here. With stakes this high, we have to get this done. I implore my colleagues to come to the table so we can do so. The world is watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

MEDICARE PART D

Mr. GRASSLEY. Madam President, I come to the floor to celebrate 20 years since the passage of the Part D Medicare prescription drug benefit. Tomorrow, December 8, is that day.

There was a time when the seniors of America on Medicare didn't have access to nationwide prescription drug benefits, so, as I indicated, 20 years ago tomorrow, President George W. Bush signed into law a nationwide prescription drug benefit for our Nation's seniors.

At that time, I was chairman of the Finance Committee, and I was proud to be the lead author on Medicare Part D. It wasn't easy. It took several years to bring Members of both political parties in the Senate and the House, along with a President—in this case, President Bush—to accomplish this monumental task.

As I remember, both political parties were blaming each other over a period of maybe 5 or 6 years for why we didn't have a prescription drug bill and probably blaming each other. Throughout 2001, 2002, and 2003, I led bipartisan negotiations that eventually produced the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which is the official title of that legislation.

In 2003, I said this, a quote from that period of time:

> Medicare is part of our country's social fabric. We're not only saving it, but we're also improving it.

Of course, that still rings true today.

Today, 52 million seniors are voluntarily enrolled in a Medicare Part D plan, because it is not a requirement of Medicare. In 2023, 804 stand-alone prescription drug plans were offered across the Nation, with the average Iowan having over 20 plans to choose from to meet whatever their special needs are. Over the lifetime of the program, the average annual Medicare Part D base beneficiary monthly premium has been between $27 to $36 a month.

I remember some of the discussions that we were having back then as we tried to develop this legislation. We thought to ourselves that we had to be very careful that the initial premiums were not over $40 a month because we figured that was just too high for anybody to participate in this new program. We knew or at least thought at that time that they would continue to go up according to inflation, but, as you can see, after 27 years, the base beneficiary monthly premium is still well below $40 a month, which obviously is quite a surprise to those of us who were involved at that time in writing this legislation but a very positive surprise.

Access and affordability have been a key hallmark of the Medicare Part D Program, but so has good stewardship of the taxpayers' dollars. In the first decade of the program, the nonpartisan Congressional Budget Office projected that Medicare Part D would cost taxpayers roughly $550 billion for that decade. It ended up costing $353 billion, which was 36 percent less than the nonpartisan Congressional Budget Office projected in 2003.

Most Federal projections of cost of almost any government program always tend to be much greater than CBO estimated. So this is another one of those pleasant surprises that have come out of what we thought would actually materialize as we were writing this legislation.

I know that seniors have appreciated this nationwide prescription drug benefit and its use of a market-based approach. A market-based approach is pretty important because a lot of people like to have one single government

program that dictates to each participant only that one choice, and that is the choice the government offers. In this particular case, we know we have had plenty of choices to meet the needs of Americans in different ways according to their likes.

Recently, I have been told by my constituents how Medicare Part D has helped make their lives easier.

There is a lady by the name of Kay from Mount Vernon, IA, who wrote this:

I am 100 percent satisfied with Medicare Part D. It's given me peace of mind and cost savings that make room in my budget for other living expenses.

Julie from Dubuque, IA, said this:

I wouldn't possibly be able to afford oncological care without this insurance. My advice for Iowans becoming eligible for Medicare: Sign up for Medicare Part D. Use a trusted source to navigate all the plans. I'm glad to have choices, not one-size-fits-all.

An Iowan who volunteers with the Senior Health Insurance Information Program said this:

As a SHIIP volunteer—

SHIIP is the Senior Health Insurance Information Program—

I like to help people find the best plan to fit their needs and their finances. One individual was taking 35 daily prescription medications that would have cost $10,000 per month without Part D. For this Iowan, Medicare Part D was by definition, lifesaving.

I am glad Medicare Part D has benefited these seniors.

Medicare Part D has shown that empowering patients with health plan transparency and choice can bring about significant savings for patients and taxpayers.

Even though Medicare Part D has been around for at least 20 years, I have consistently conducted oversight and worked to make it better for seniors and taxpayers. During Medicare Part D's implementation, I held the Center for Medicare and Medicaid Services accountable and consistently conducted oversight that ranged from making sure seniors could access their prescription drugs all the way to ensuring that taxpayer dollars were wisely spent.

I have also worked to advance commonsense reforms for seniors, for providers, and for taxpayers. Twenty years ago, we modernized Medicare to improve access for seniors while ensuring fiscal sustainability for taxpayers.

I don't know why for sure, in 1966 when Medicare was set up, why it didn't include prescription drugs, but I assumed at that particular time that prescription drugs were about 1 or 2 percent of the cost of medicine in the United States or the delivery of medicine in the United States. Today, I think it is somewhere between 15 and 20 percent.

These patient-centered principles that I have talked about can be applied to the latest front in the fight to lower prescription drugs by shining sunlight on powerful drug middlemen called pharmacy benefit managers. By bringing transparency to the PBM industry, we will empower patients, employers, providers, and insurers to make informed decisions based on the true value, if any, that PBMs provide.

When consumers are empowered, they can demand change or pursue better alternatives. Unleashing market forces that foster innovation and apply downward pressure on prices is the way to get there.

The Senate has an opportunity to take action to reduce costs for patients and taxpayers alike. We should let the successes of Medicare Part D's patient-centered approach guide us.

Now, my colleagues are going to say that I took advantage of commemorating 20 years of Part D being a successful program for seniors and keeping drug costs down for seniors to take a whack at PBMs. But I think we all ought to think in terms of these powerful middlemen between the companies and you as the consumer or the local pharmacy, and we don't have any idea what they are doing. We know they have something to do with setting prices, setting rebates, determining what drugs are in what formularies, but beyond that, we don't know whether the rebates they give benefit the insurance companies, the pharmaceutical companies, the PBMs themselves, the pharmacies, or you as a consumer, and we ought to know that.

Senator WYDEN, my Democratic friend—he and I traded off sharing the Finance Committee from time to time. He and I started working on PBMs probably about 5 years ago. We were the only two who were interested in it, but it has reached a stage where at least four committees of the U.S. Senate and one committee of the House of Representatives have put out bills to make the opaque environment in which PBMs operate more transparent.

Now, we aren't saying that what they are doing is wrong; we are only saying we ought to know what they are doing for the benefit of the consumer but also for the benefit of the American taxpayer because, through Medicare and Medicaid, government is the biggest purchaser of drugs in the United States, and maybe we can save the taxpayers some money.

So besides being here on the floor of the U.S. Senate to praise the Congress in 2003 for passing the prescription drug Part D program for Medicare, I didn't want to lose the opportunity to urge action on PBM legislation so that we can know what is going on with the pricing of drugs, the formularies, and who benefits from it because, with transparency, there brings accountability. Maybe transparency won't be enough when we are all done, but I wouldn't know where to tell you to go if you wanted to change some law right now to transform this system, but I think transparency will do a great deal of good.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The Democratic whip.

Mr. DURBIN. Mr. President, I want to first rise to congratulate my colleague from Iowa. I am glad that he has told the story for all to hear about Medicare Part D and the benefits that he has brought to his State and mine and to the Nation. It was a remarkable achievement, and I congratulate him on the anniversary of enacting that legislation.

I say, even though we are of different political parties, we are friends, and we find common ground, and we have repeatedly. One of the issues we are both fighting for now is that of a simple disclosure on the television ads for prescription drugs to tell consumers across America what they cost. What a radical idea—the cost of the drug. We think—and we share the belief—that disclosure to the consumer is important, and an understanding of how some of these drugs—which, I guess, have become so common in our daily lives that we can actually not only print out but spell Xarelto—that we ought to know what it costs so that those who think it might be the right drug for them will at least have an idea of the thousands of dollars a month they have to pay for these drugs.

It is not a radical idea. We passed it before in the Senate, and it was signed by the President. Questions were raised, so we are at it again. Like your prescription drug Part D, this is something that helps basic consumers in Iowa and Illinois, and I am proud to be a part of that effort with the Senator. I congratulate him again on that achievement.

ISRAEL

Mr. DURBIN. Mr. President, it is pretty well-known by Members of Congress—but it bears repeating—that on October 7, an atrocity occurred. The innocent people living in Israel were attacked by Hamas terrorists. What happened during the course of that attack is not a subject of just speculation; it is a fact.

Those of us who serve in the Senate had an opportunity 2 weeks ago, at the invitation of Senator ROSEN, to see the actual videotapes of the horrible scenes that occurred when Hamas terrorists attacked innocent people in Israel, and 1,200 individuals were harmed. They were the victims of systemic rape, violence, murder, mayhem. Every single list of war crimes was checked off that day when the Hamas terrorists attacked. For those of us who are committed to the survival and future of Israel, it was a horrible occurrence. More Jews died on October 7 of this year than at any time since the Holocaust during World War II—a terrible tragedy.

Does Israel have the right to exist? The answer is, clearly, yes. Does Israel have the right to defend itself? The answer is yes. Should Israel make sure that they are safe in light of all of the Hamas terrorists in Gaza? Certainly.

Having said that, there is another part to this story. The reaction of

Israel to what happened on October 7 has been measured by many different people in many different ways.

This is what we know: There are 80 percent of the people who live in Gaza who have been displaced and moved to locations that are supposedly safe, which sometimes are and sometimes are not; 60 percent of the dwelling places in Gaza have been destroyed so that families can no longer live in the areas they once lived in.

The third point I want to make is, the number of people who have died as a result of this conflagration between Hamas terrorists and Israelis—which is now in the range of 13,000 to 17,000 people—70 percent of those who have died—innocent people who have died—have been women and children. It is the largest loss of life of children in a wartime setting in modern times, and it gets worse every single day. We see the pictures. We see the videos. We see the news reports. It is a humanitarian crisis of epic proportion.

Once President Biden made it clear that, on behalf of the United States, we stand behind Israel, he has spent every moment since urging the Israelis to show caution in their activities and military campaigns because too many innocent people are being victimized.

Yesterday, the Secretary General of the United Nations, Mr. Guterres, said that we have to return to a situation where there is at least an opportunity for peace and to stop the fighting. A ceasefire, he called for. Some have criticized him for it. I applaud him. I think it is the only thing that we can do to stop the wanton killing of innocent people in Gaza.

There are solutions to the problem in that area that are not military entirely, only partially. Primarily, they are political. There has to be an understanding between the Palestinian people and those living in Israel that there is an opportunity for peace, and they have to trust one another to enact that. You can't do that with the end of the barrel of a gun.

I believe this idea of having an end to hostilities so that we can complete the exchange of hostages is critical. The longer we wait, the less likely these hostages can survive. They are calling on the Israeli Government and I am joining them in saying that we need another period of peace to try to negotiate more releases before these hostages die—and the military operations that are taking place.

So I urge the leaders in our government and those involved to think of the innocent people who are dying—the children, the women, elderly folks—as a result of this campaign and to find a peaceful solution, which starts, as far as I am concerned, with the decision not to move forward with the military operations.

CREDIT CARD COMPETITION ACT OF 2023

Mr. DURBIN. Mr. President, on a different subject matter completely, I want to explain a bill that I have introduced that is so controversial that when you go to the airport here in Washington, DC, they have billboards flashing about how dangerous this bill is. Let me tell you about the bill.

Most Americans pay for their purchases with credit and debit cards. I know I do. However, most Americans don't know that, when they go to the register to pay or to enter their card information online, there are fees that are being charged when they use their credit cards that are known as swipe fees, or interchange fees. Each time a credit card is used to make a donation to the Red Cross, to purchase groceries, fuel, Christmas gifts, or something else, Visa and MasterCard charge a fee you never see. Some of that fee they keep for themselves; most is given to the bank that issues the credit card.

Today, Visa and MasterCard control around 80 percent of the credit card market in the United States of America—two companies, a duopoly—wielding enormous power over the American economy. Visa and MasterCard set these interchange fees, or swipe fees, on behalf of thousands of banks, leaving merchants, retailers—many of them just small businesses and restaurants—without a choice but to accept the outrageous fees. There is no negotiation on this fee. There is no competition. Small business owners and consumers face a ''take it or leave it'' choice. In 2022 alone, U.S. merchants and consumers paid $93.2 billion in credit card interchange fees to line the pockets of the biggest banks on Wall Street. That is absolutely unacceptable and unfair, and we can and must do something about it.

That is why I made it a priority to pass my bipartisan Credit Card Competition Act. The legislation, which I introduced with Senators MARSHALL, WELCH, and VANCE, would finally bring competition and choice to the credit card market and bring down the excessive credit card fees by requiring only the largest 30 banks in this country to enable at least two credit card networks to be used on the credit cards they issue. It would be provided with at least one network outside the Visa-MasterCard duopoly. My bill is estimated to save merchants, retailers, businesses, and consumers $15 billion every year.

Given this threat to their ability to exorbitantly profit off of consumers and small businesses, it is no surprise that the credit card industry is paying a pretty penny to convince consumers that my bill will take away the credit card rewards programs, like frequent flier miles. In fact, a new report found that Visa, MasterCard, Wall Street, and the industry trade groups they fund, such as the Electronic Payments Coalition, have spent a combined $51 million in lobbying against my bill since 2022.

They also have recruited allies, including some in the airline industry, to breathlessly claim that my bill would make frequent flier rewards programs disappear. United Airlines' CEO Scott Kirby recently said that my bill would ''kill the rewards program.''

Let me be very clear: That is a patently false statement. A recent study found that if my bill were enacted, it would have a negligible impact, at most, on rewards and noted that banks' swipe fees profits provide a more than sufficient margin to maintain a current reward level.

What I have come to find out and what most people would be surprised to hear—and United Airlines is a good example—is that we think of it as an airline that also has credit cards, but when you look at the profit statement for United Airlines, it turns out it is a credit card company that happens to own some airplanes. That is a fact. More profits are made by United Airlines off their credit card than their flight operations. Think about that for a second. All the planes and all the schedules and all the people who work don't generate the same level of profit as their credit cards from these interchange fees.

So you say to yourself: Well, the credit card companies that are offering all of these special programs, if they make less money, they will provide fewer programs.

Well, let's take a look across the pond at Europe for comparison.

In 2015, the European Union capped credit interchange fees at 0.3 percent compared to the U.S.'s rates for United Airlines and others—a U.S. rate between 2 to 3 percent. Compare that 2 to 3 percent to 0.3 percent, and you say to yourself: Well, surely, they don't offer the frequent flier programs in Europe if they have so dramatically cut this interchange fee. But major European airlines still offer co-branded credit cards and frequent flier programs that are comparable to, if not better than, anything offered in the United States.

Moreover, this past July, Forbes magazine published an article saying that compared to other nations, the airline rewards program in the United States has made it more challenging to earn and redeem miles. I am going to be taking a look at these frequent flier programs now that United Airlines wants to make such a to-do about it. I think we have got to make sure that the American consumers are getting what they think they are getting.

So let me repeat: My bill is not coming after your airline rewards programs or any other program, and any effort by the airline industry or big banks to convince you otherwise is just a scare tactic. They are feigning concern for hard-working Americans to protect their bottom line.

Since I introduced the bill, those who oppose it have falsely claimed the legislation would hurt unions and benefit billionaires. What a claim. Just a few weeks ago, multiple unions, including the International Brotherhood of Teamsters and the Service Employees International Union, endorsed my Credit Card Competition bill.

The Teamsters' general president, Sean O'Brien, said:

Union members and American families cannot afford to sacrifice so much of their hard-earned wages to predatory and consolidated credit card corporations trying to skim every last dollar they can from vulnerable consumers.

That is exactly the problem this legislation was introduced to fix.

And just before Thanksgiving, a diverse group of organizations representing workers, small businesses, and competition advocates launched the Lower Credit Card Fees Coalition, urging Congress to pass my Credit Card Competition Act.

Few things could unite unions, businesses, consumer groups, and a bipartisan group of Senators. This bill does just that because it will benefit hard-working Americans.

Far from threatening rewards programs or hurting workers, the bill will benefit Americans who currently are paying the price for the credit card industry's price-gouging schemes. It will give a fighting chance to small businesses and restaurants that we want to see stay open; support the mom-and-pop shops that make our communities feel whole; and, ultimately, keep money in the pockets of hard-working Americans. It is time we bring this commonsense, consumer-protecting bipartisan legislation to the floor for a vote.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 415, Martin O'Malley, of Maryland, to be Commissioner of Social Security; that there be 1 hour for debate, equally divided in the usual form, on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO DEBORA G. JUAREZ

Mrs. MURRAY. Mr. President, I rise today to honor and congratulate Ms. Debora Juarez on her retirement following nearly 35 years of public service and 8 years in elected office. Debora retires from the Seattle City Council. where she was the first representative of Seattle's District 5 (D5) and was elected by her peers to be council president. She also served as a King County Superior Court judge. A proud member of the Blackfoot Nation, she was the first Native American to serve in any of these roles.

In her many years of service to the Tribes, the State, and to Seattle, she has been guided by a simple mantra shared with her by her Uncle Billy Frank Jr.: ''lead to leave''—a mantra that has brought clarity of purpose to her work and she expanded upon by saying ''leave a legacy.'' Whether it was her legal work to save the historical village of Tse-whit-zen, doubling Seattle's 2016 housing levy to build more affordable housing, or her forceful advocacy for the 130th Street light rail station for the people of District 5 as a Sound Transit board member, Debora leaves behind a worthy legacy.

As the chair of the civic development, public assets, and Native communities committee, she oversaw the exciting reimagining of major projects in Seattle: saving the aging Seattle Coliseum from the 1962 World's Fair and turning it into a state-of-art arena without taxpayer dollars, revitalizing the Seattle Waterfront with a new park and boulevard, and dramatically expanding the Seattle Aquarium. Known to many as a bridge builder—both literally and figuratively—she shepherded the effort to add a bridge to reconnect the waterfront to Pike Place Market and helped build the John Lewis Memorial Bridge that connects light rail to North Seattle College and the University of Washington's Northwest Hospital. She also led the effort to revitalize Northgate Mall, considered to be the first indoor shopping mall in America, which is transforming around the new Kraken Community Iceplex to create a vibrant place for the community. In addition to three sheets of ice and light rail, Northgate will soon have hundreds of units of affordable housing and opportunity for more jobs and economic development, thanks to her strong vision.

As the council's first and only Native American councilmember in its 154-year history, Debora leaves an important Indigenous legacy. She worked with myself and my office to address the crisis of Missing and Murdered Indigenous Women and Girls—MMIWG—with the passage of Savanna's Act and on the Violence Against Women Act Reauthorization of 2022 to increase protections for women on Tribal lands. Knowing that Seattle has one of the highest numbers of MMIWG cases among U.S. cities, she passed first-of-its-kind local legislation to respond to the crisis and funded a data specialist position within the Seattle Police Department to review these cases. To improve access to healthcare and culturally appropriate medical services. Debora initiated a partnership between Seattle Indian Health Board and North Helpline to open a medical clinic in 2022 in Lake City. She created an Indigenous advisory council for the city and organized the first ever Tribal Nations summit to further the government-to-government relationship between Seattle and Tribes. One hundred and sixty-eight years after the signing of the Treaty of Point Elliot, Debora brought 11 Tribal Nations and six urban Indian organizations to meet directly with the mayor, city departments, and other city officials in a historic gathering.

While we have different taste in shoes, with Debora often rocking the highest heels imaginable, she has also been known to pull on her signature red tennis shoes when it is time to get to work, and like me, Debora has spent much of her life fighting for equal rights and greater opportunities for women. A champion for women's sports, Debora facilitated bringing the Seattle Storm Center for Basketball Performance to Interbay and successfully advocated for the NHL to include space for girl's hockey. Earlier in her career, as a mother to two young daughters, she breastfed and traveled between Olympia and Seattle every day to care for her family and serve as an adviser to two Governors.

Working with Debora over the years has been an immense privilege, and it is my honor to thank her for her lifetime of dedicated service. I wish her the very best during her well-earned retirement and know that she is looking forward to spending more time with her daughters, Raven and Memphis, and her grandbabies, Yvie and Cyrus.

ARMS SALES NOTIFICATION

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23–0U. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 14–12 of May 13, 2014.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosure.

TRANSMITTAL NO. 23–0U

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(B)(5)(C), AECA)

(i) Purchaser: Government of Australia.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 14–12, Date: May 13, 2014; Military Department: Navy.

(iii) Description: On May 13, 2014, Congress was notified by Congressional certification transmittal number 14–12, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act of up to 350 AIM–9X–2 Sidewinder Tactical Missiles; 35 AIM–9X Special Air Training Missiles (NATM); 95 AIM–9X–2 Captive Air Training Missiles (CATM); 22 AIM–9X–2 Tactical Guidance Units; 19 CATM–9X–2 Guidance Units; and 3 DATM–9X. Also included were containers, test sets and support equipment, spare and repair parts, publications and technical documents, personnel training and training equipment, U.S. Government and contractor technical assistance, and other related elements of logistics and program support. The estimated total cost was $534 million. Major Defense Equipment (MDE) constituted $476 million of this total.

On January 9, 2018, Congress was notified by Congressional certification transmittal number 0W–17 of the change from 350 AIM–9X–2 Sidewinder Tactical Missiles to reflect 300 AIM–9X Sidewinder Block II+ Tactical Missiles and 50 AIM–9X–2 Sidewinder Tactical Missiles. Additionally, this transmittal reported the inclusion of 11 CATM–9X–2 Missile Guidance Units. The total notified cost of MDE remained $476 million. The total notified case value remained $534 million.

On December 4, 2020, Congress was notified by Congressional certification transmittal number 0A–21 of the addition of four (4) AIM–9X Block II+ Tactical Missile Guidance Units. The total MDE value increase by $1 million to $477 million. The estimated total case value remained $534 million.

This transmittal notifies inclusion of the following MDE: an additional ten (10) AIM–9X Block II Sidewinder Tactical Guidance Units; thirty-two (32) AIM–9X Block II+ Sidewinder Tactical Guidance Units; and ninety (90) AIM–9X Block II Sidewinder CATM Guidance Units. The estimated total value of the new items is $28 million. The net cost of MDE will increase by $28 million, resulting in a revised MDE value of $505 million. The estimated total case value will remain $534 million.

(iv) Significance: The proposed sale will improve Australia's capability to effectively maintain its current force projection and enhance interoperability with U.S. forces.

(v) Justification: This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

(vi) Sensitivity of Technology:

The AIM–9X Block II and Block II+ (Plus) SIDEWINDER Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replaces the AIM–9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe, and the ability to integrate the Helmet Mounted Cueing System. The most current AIM–9X Block II/II+ Operational Flight Software developed for all international partner countries, which is authorized by U.S. Government export policy, provides fifth-generation infrared missile capabilities such as lock-on-after-launch, weapons data link, surface attack, and surface launch. No software source code or algorithms will be released.

The Sensitivity of Technology Statement contained in the original notification applies to additional items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) Date Report Delivered to Congress: December 5, 2023.

ARMS SALES NOTIFICATION

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23–15, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $582 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 23–15

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:

Major Defense Equipment * $60 million.

Other $522 million.

Total $582 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase: The Government of Saudi Arabia has requested to buy aircraft hardware and software modifications and support to replenish and modernize its RE–3A Tactical Airborne Surveillance System (TASS) aircraft, including:

Major Defense Equipment (MDE):

Seven (7) Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI) Security Devices, Airborne, with Selective Availability Anti-Spoofing Module (SAASM) or M–Code Capability.

Five (5) L3Harris BlackRock Communications Intelligence Sensor Suites.

Non-MDE: Also included are KY–100M narrowband/wideband secure communications terminals; KIV–77 MODE 4/5 Identification Friend or Foe (IFF) cryptographic appliques; AN/PYQ–10 Simple Key Loaders; integrated electronic intelligence (ELINT)/signals intelligence (SIGINT) systems; L–3 Communication Systems-West (CSW) multiband receivers/transmitters; ARC–210 radios; high frequency (HF) radios; secure communications equipment; precision navigation and cryptographic devices; aircraft support and support equipment; test and integration support; equipment; spare and repair parts; consumables and accessories; repair and return support; U.S. Government and contractor engineering, technical, and logistics support services; studies and surveys; and other related elements of logistics and program support.

(iv) Military Department: Air Force (SR–D–QDO).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: December 4, 2023.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—RE–3A Tactical Airborne Surveillance System Aircraft Modernization

The Kingdom of Saudi Arabia has requested to buy aircraft hardware and software modifications and support to replenish and modernize its RE–3A Tactical Airborne Surveillance System (TASS) aircraft, including: seven (7) Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI) security devices, Airborne, with Selective Availability Anti-Spoofing Module (SAASM) or M–Code capability, and five (5) L3Harris BlackRock Communications Intelligence Sensor Suites. Also included are KY–100M narrowband/wideband secure communications terminals; KIV–77 MODE 4/5 Identification Friend or Foe (IFF) cryptographic appliques; AN/PYQ–10 Simple Key Loaders; integrated electronic intelligence (ELINT)/signals intelligence (SIGINT) systems; L–3 Communication Systems-West (CSW) multiband receivers/transmitters; ARC–210 radios; high frequency (HF) radios; secure communications equipment; precision navigation and cryptographic devices; aircraft support

and support equipment; test and integration support; equipment; spare and repair parts; consumables and accessories; repair and return support; U.S. Government and contractor engineering, technical, and logistics support services; studies and surveys; and other related elements of logistics and program support. The estimated total cost is $582 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in the Gulf Region.

The proposed sale will improve Saudi Arabia's surveillance capability to counter current and future regional threats, strengthen its homeland defense, and improve interoperability with systems operated by U.S. forces and other Gulf Region partners. Saudi Arabia will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be L3 Technologies, Greenville, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 23–15

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM)—or M–Code receiver when available—and Precise Positioning Service (PPS) is a self-contained navigation system that provides the following: acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. SAASM or M–Code enables the GPS receiver access to the encrypted P(Y or M) signal, providing protection against active spoofing attacks.

2. The L3Harris BlackRock is a communications intelligence (COMINT) system comprised of multiple Direction Finding (DF) antenna arrays, a Radio Frequency (RF) distribution system, software defined tuners, and a reconfigurable processing solution hosting the applications. The BlackRock provides COMINT processing of over 100 simultaneous signals for complete situational awareness of modern communications environments.

3. The KY–100M is a lightweight terminal for secure voice and data communications. The KYI–100M provides wideband/narrowband half-duplex communication. Operating in tactical ground, marine, and airborne applications, the KY–100M enables secure communication with a broad range of radio and satellite equipment.

4. The Electronic Intelligence (ELINT) system is composed of Automatic (L3H Corvus) and Manual (SNC Small SwaP Digital SIGINT system) ELINT systems utilizing Left Hand Side LHS) and Right Hand Side (RHS) Interferometer arrays, signal tuners, processing/high speed data storage components, Radio Frequency (RF) distribution system, LHS and RHS steerable beam antennas and a 360 degree spin Direction Finding (DF) antennas.

5. The AN/ APQ–10C Simple Key Loader is a handheld fill device for securely receiving, storing, and transferring data between cryptographic and communications equipment.

6. The L–3 Communication Systems-West (CSW) Multiband Receiver/Transmitter is a lightweight, handheld military radio that provides an integrated capability to receive and view battlefield video with advanced tactical voice and data communications.

7. The ARC–210 UHF/VHF secure radio with HAVE QUICK II/SATURN is a voice communications radio system that can operate in either normal, secure, and/or jam-resistant modes.

8. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

9. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

10. A determination has been made that the Government of Saudi Arabia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

11. All defense articles and services listed in this transmittal are authorized for release and export to Saudi Arabia.

ARMS SALES NOTIFICATION

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23–0X. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 20–57 of September 2, 2020.

Sincerely

JAMES A. HURSCH,
Director.

Enclosure.

TRANSMITTAL NO. 23–0X

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Purchaser: Government of Spain.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 20–57; Date: September 2, 2020; Implementing Agency: Air Force.

(iii) Description: On September 2, 2020, Congress was notified by Congressional certification transmittal number 20–57, of the possible sale under Section 36(b)(1) of the Arms Export Control Act, of one hundred (100) AIM–120C–7/8 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and one (1) AMRAAM Guidance Section (spare). Also included were KGV–135A encryption devices; containers; weapon support and support equipment; spare and repair parts; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The estimated total cost was $248.5 million. Major Defense Equipment (MOE) constituted $237.0 million of this total.

This transmittal notifies the addition of the following MOE items: six hundred fifty-five (655) AIM–120 C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM) or AIM–120 C–8 AMRAAM Extended Range Missiles (AMRAAM–ER); four (4) AIM–120C–8 AMRAAM Instrumented Test Vehicles (ITV); and thirteen (13) AIM–120 C–8 AMRAAM Guidance Sections (AMRAAM GS). Also included are AIM–120 Captive Air Training Missiles (CATM) and spare control sections; Common Munitions Built-in-Test (BIT)/Reprogramming Equipment (CMBRE); classified software delivery and support; transportation support; and studies and surveys. The estimated total value of the new items is $1.6835 billion. The estimated MOE value will increase by $1.5485 billion to a revised $1.7855 billion. The estimated non-MOE value will increase by $0.135 billion to a revised $0.1465 billion. The estimated total case value will increase to $1.932 billion.

(iv) Significance: This notification is being provided as the additional MOE items were not enumerated in the original notification. The inclusion of this MOE represents an increase in capability over what was previously notified. The proposed sale will improve Spain's capability to meet current and future threats by increasing its stocks of AMRAAMs for its fighter aircraft fleets and air defense in support of its national defense, and will further strengthen interoperability with the United States.

(v) Justification: This proposed sale will support the foreign policy and national security objectives of the United States by supporting the security and defense needs of a NATO Ally which is an important force for political stability and economic progress in Europe.

(vi) Sensitivity of Technology:

The Advanced Medium Range Air-to-Air Missile-Extended Range (AMRAAM–ER) variant utilizes an AIM–120C–7 or C–8 seeker and warhead joined with a new control section and rocket rotor (for surface launch mode applications). This provides extended range and altitude as well as higher speed and maneuverability. Common Munitions Built-in-Test (BIT)/Reprogramming Equipment (CMBRE) is support equipment.

The Instrumented Test Vehicle (ITV) is a captive carry test vehicle used primarily for flight test integration. The ITV verifies and assesses the aircraft's ability to safely support an AMRAAM launch through the aircraft interface mechanism and the aircraft datalink antenna.

The Sensitivity of Technology Statement contained in the original notification applies to additional items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) Date Report Delivered to Congress: December 5, 2023.

ARMS SALES NOTIFICATION

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23–52, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the United Arab Emirates for defense articles and services estimated to cost $85 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 23–52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the United Arab Emirates.

(ii) Total Estimated Value:

Major Defense Equipment* $45 million.

Other $40 million.

Total $85 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Eighteen (18) AN/TPQ–50 Radar Systems—Man Portable Version

Non-MDE: Also included are 107mm High Explosive (HE) rockets (for CONUS testing only); Computer Digital Military Laptop Radar Control Display units; 5kW Advanced Medium Mobile Power Source (AMMPS) Trailer-Mounted, Diesel Engine Driven Power Unit PU–2001; spares; mission equipment; communication and navigation equipment; support equipment; repair parts; special tools and test equipment; technical data and publications; site survey; U.S. Government and contractor technical and logistics personnel services; and other related elements of logistics and program support.

(iv) Military Department: Army (AE–B–ZVL).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: December 4, 2023.

*As defined in Section 47(6) of the Arms Export Control Act.

United Arab Emirates—AN/TPQ–50 Radar

The Government of the United Arab Emirates (UAE) has requested to buy eighteen (18) AN/TPQ–50 Radar Systems—man portable version. Also included are 107mm High Explosive (HE) rockets (for CONUS testing only); Computer Digital Military Laptop Radar Control Display units; 5kW Advanced Medium Mobile Power Source (AMMPS) Trailer-Mounted, Diesel Engine Driven Power Unit PU–2001; spares; mission equipment; communication and navigation equipment; support equipment; repair parts; special tools and test equipment; technical data and publications; site survey; U.S. Government and contractor technical and logistics personnel services; and other related elements of logistics and program support. The estimated total cost is $85 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of an important regional partner. The UAE is a vital U.S. partner for political stability and economic progress in the Middle East.

The proposed sale will support efforts to protect critical infrastructure and high value civilian assets, as well as military installations and forces from rocket, artillery, and mortar (RAM) and unmanned aerial system threats. It will also further enhance the United States—UAE relationship, both politically and militarily, while also increasing the UAE's effectiveness in executing military and civil defense operations that promote U.S. national interests. The UAE will use the TPQ–50 radars to recognize incoming threats from hostile nations or agents of adversary nations. The United Arab Emirates will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be SRC Inc, Syracuse, NY. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the permanent assignment of any additional U.S. Government or contractor representatives to the UAE. Temporary periods of travel for two-week durations for both U.S. Government and contractor personnel will be necessary to conduct Operator/Maintainer training, as well as System Integration & Check Out (SICO)/Quality Assurance and Testing (QUAT) activities.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 23–52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AN/TPQ–50 Radar System—man portable version—provides continuous 360-degree surveillance and 3–9D rocket, artillery, and mortar (RAM) locations using a L band non-rotating antenna with fixed elevation beams and which is electronically steered in azimuth only. Its full azimuth coverage allows it to simultaneously detect and track multiple rounds fired from separate locations within a 700 square kilometer surveillance area. The AN/TPQ 50 radar provides Point of Origin (POO) and Point of Impact (POI) locations for hostile RAM fire and tracking of air breathing targets (ABTs) in air surveillance (AS) and multi-mission radar (MMR) modes.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the United Arab Emirates can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the United Arab Emirates.

WORLD AIDS DAY 2023

Mr. CARDIN. Mr. President, this past Friday, December 1, we marked the 35th anniversary of World AIDS Day. World AIDS Day serves as a reminder of the global struggle to end AIDS, an opportunity to honor those we have lost while supporting those who are living with or at risk of the HIV virus, and as a unifying call to continue working toward a day when HIV is no longer stigmatized or a public health threat.

Thirty-five years ago this year, World AIDS Day was established, marking the first international day for global health. Since then, World AIDS Day has adopted targeted themes to raise awareness and encourage international cooperation. This year's theme in the United States, ''Remember and Commit,'' focuses on paying tribute to those we have lost to HIV/AIDS, emphasizing our collective responsibility to act. Through remembrance, we draw strength and determination to redouble our efforts in fighting this global crisis and support those living with HIV both here and abroad. The 2023 campaign reminds us that each one of us can make a difference while promoting the importance of compassion, empathy, and solidarity in the face of adversity. And it reminds us that as citizens of the world, the United States must continue to provide a helping hand to countries less fortunate than ours in bringing an end to the AIDS pandemic.

Since the first cases of AIDS were reported in the U.S. in June 1981, more than 700,000 people in the U.S. have died from HIV-related illnesses. In 2021, over 36,000 people were diagnosed with HIV in the U.S., and more than 1.1 million people in our country are currently living with this virus, with

many more at risk of HIV infection. In 2021, there were 32,100 estimated new HIV infections in the U.S. My home State of Maryland is not immune; during 2022, 751 Marylanders over 13 years old were newly diagnosed with HIV, and over 31,000 Marylanders were living with the disease.

Recent data show that minority populations continue to remain disproportionately affected by HIV/AIDS. In 2021, Black Americans accounted for 40 percent of HIV diagnoses, while Hispanic/Latino Americans accounted for 29 percent of HIV diagnoses. We must work harder to address persistent health inequities and end the disparities in access to prevention, care, and treatment.

World AIDS Day reminds us that HIV is not just a medical issue. It is a human rights issue. Criminalization, discrimination, and social stigmas continue to impact the most vulnerable populations across the globe. In sub-Saharan Africa, where the United States proudly invests the majority of our global HIV spending, violence and discrimination against women and girls continues to fuel the epidemic. Children who are orphaned or otherwise affected by HIV face a range of challenges from child labor, to the worst forms of exploitation.

Fortunately, thanks to scientific advances, the U.S. Food and Drug Administration—FDA—has now approved more than 30 medicines to treat HIV infection, including the new class of antiretroviral drugs, which have transformed HIV from a death sentence to a chronic but manageable disease. They help extend and stabilize the lives of those living with HIV while also dramatically reducing the risk of HIV transmission. This makes it all the more imperative that all people who need HIV treatment have access to it.

We are fortunate to have premier scientific research institutes within my home State of Maryland working together to combat this deadly virus, including the National Institutes of Health—NIH—the Walter Reed Army Institute of Infectious Disease Research, the Institute of Human Virology at the University of Maryland, and Johns Hopkins University. Not only have these organizations substantially led scientific advancements with respect to HIV/AIDS, they have also played an important role in reducing the number of new cases among Marylanders and affording those living with HIV the opportunity to continue living full lives.

As a result, Maryland has reached significant milestones in reducing HIV case numbers; my State went from ranking seventh among all the U.S. States and territories to 12th in 2 years. Baltimore City, Montgomery County, and Prince George's County have been participants in the Department of Health and Human Services—HHS—Ending the HIV Epidemic in the U.S. Program, which is working to reduce new HIV transmissions by 75 percent by 2025 and by 90 percent by 2030. This multi-year program will infuse 48 counties; Washington, DC; San Juan, PR; and seven States that have a substantial rural HIV burden with the additional expertise, technology, and resources they need to reduce transmission. Public health initiatives the Maryland Department of Health has implemented—including safer-sex education programs, free HIV self-tests, condom distribution, and access to prophylactic medication—have been instrumental in reducing new infections. Additionally, city and county needle exchange programs have broadened efforts to reduce the circulation of used syringes, provide testing for infectious diseases such as HIV, and extend resources for the treatment of substance use disorders.

Thanks to the Affordable Care Act—ACA—Americans diagnosed with HIV or at risk of transmission have more meaningful access to healthcare coverage and health insurance. Today, Americans cannot be dropped or denied coverage because of preexisting health conditions such as asthma, cancer, HIV, or COVID–19. The ACA also gives States the option to expand Medicaid, the largest payer for those who need HIV treatment in the country, and so far, 41 States have expanded Medicaid coverage. I look forward to seeing the remaining States join this list.

The ACA has also established new standards and essential benefits that certain health plans must cover. Benefits such as prescription drug services, hospital inpatient care, lab tests, HIV screening, preexposure prophylaxis or PrEP, and other preventive services aim to preserve the health of those with HIV while mitigating further transmission. Under the ACA, most health insurance plans must provide preventive services, including HIV testing for those aged 15 to 65, as well as PrEP for HIV-negative adults at high risk of HIV infection. I am proud to have served as a cosponsor of the PrEP Access and Coverage Act, which would expand access to PrEP and work to reduce the existing disparities in access. Legislation like this is especially important in light of recent threats to PrEP access, such as a Texas judge's ruling in Braidwood Management v. Becerra, a decision which has the potential to result in thousands of unnecessary HIV infections.

I commend the Biden-Harris administration for publishing the National HIV/AIDS Strategy for the United States (2022–2025) to provide a roadmap to accelerate efforts to end the HIV epidemic in our country by 2030. These are bold targets facilitated by the White House's Office of National AIDS Policy, ONAP. The Strategy builds on our country's progress and lessons learned from the prior national strategies and seeks to leverage new tools and opportunities to address the challenges that remain. I share President Biden's determination to address the disproportionate impact of the epidemic on marginalized populations like the LGBTQI+ community and racial and ethnic minorities.

We must remember, however, that HIV remains a grave public health challenge around the world. In 2022, 39 million people lived with HIV globally. Last year, roughly 630,000 people died from AIDS-related illnesses. Only 57 percent of children aged 14 and younger had access to treatment in 2022, compared to 77 percent of those aged 15 and over. We must redouble our efforts to close this gap and guarantee lifesaving HIV treatment to all who need it and to prevent more HIV infections. And it can be done.

This year, President Biden commemorated the 20th anniversary of the U.S. President's Emergency Plan for AIDS Relief—PEPFAR—honoring the 25 million lives that have been saved worldwide in the fight to end HIV/AIDS as a public health crisis. Since its inception in 2003, the PEPFAR program has changed the trajectory of the HIV epidemic around the globe, representing an extraordinary commitment to global health, aiming to prevent, diagnose, and treat HIV infections. Over nearly 20 years, five mission babies have been born AIDS free, 7 million orphans have been supported, and 20 million people are on lifesaving treatment medications. PEPFAR has also demonstrated the value of strong health systems in managing and anticipating other pandemics. Much of the staff, infrastructure, and technology that was developed through PEPFAR proved instrumental in the COVID–19 response in countries that would otherwise not have the capacity to deliver treatment and vaccines. But we have not crossed the finish line yet. The next 5 years are critical to meet the goal of ending the global HIV/AIDS epidemic by 2030. The U.S. must continue to show global health leadership and facilitate cooperation with our foreign partners and allies.

We must continue to invest in the communities and local leaders that know their own health needs best. All people, regardless of age, sex, gender identity, sexual orientation, race, ethnicity, religion, disability, geographic location, or socioeconomic circumstance, should have access to prevention, treatment, and care. International partners, academic partners, faith-based organizations, and civil society are counting on us to continue our support for their long-held efforts to ending AIDS. This is why I call on my colleagues on both sides of the aisle to once again step forward in faith and courage and join together to secure PEPFAR's reauthorization.

Most importantly, I want to recognize those living with HIV/AIDS across the globe. Your demand for dignity and access to healthcare has shown us what is possible when the world works together to fight a public health scourge, and in accordance with that spirit, we will prevail in doing so. We must recommit ourselves to continuing this

fight because success is within our reach.

TRIBUTE TO SUE ELLEN BALL

Mr. SCHMITT. Mr. President, I rise today to honor Mrs. Sue Ellen Ball of Houston, MO, for her retirement from the Senate after 20 years of dedicated service.

Sue Ellen is best known for her tireless advocacy for the veterans in Missouri needing assistance to access their hard-earned benefits. She championed their needs and put in the extra effort to offer any assistance, dedicating her own time on evenings and weekends to the brave soldiers who served our country, tracking down the correct Embassy or Agency staff to fix passport or visa issues.

Sue Ellen has been dedicated to the constituents of Missouri. She served in former Senator Roy Blunt's office from 2003 to 2015 in a variety of roles, including constituent services representative, constituent advocate, and as the southwest Missouri district director from 2011 to 2015. Since then, she has specialized as a veterans constituent advocate with my office since January. Throughout her time in the Senate, Sue Ellen has ensured that the citizens of Missouri have an advocate in Congress.

She is married to Ed Ball, has one son Charlie, and enjoys her two grandchildren Logan and Eleanor. I wish Sue Ellen the best in her well-earned retirement, during which she plans on spending as much time with her family and grandchildren as possible. She truly is an example of a public servant, and our Nation and our government is better off because of her tireless efforts.

ADDITIONAL STATEMENTS

TRIBUTE TO GARY E. HICKS

● Mrs. SHAHEEN. Mr. President, I rise today to salute Justice Gary E. Hicks for his many years of dedicated service in the New Hampshire judicial branch. Justice Hicks recently retired from his role as senior associate justice of the New Hampshire Supreme Court, a culmination of a long legal career that also included 23 years as a commercial litigator and 5 years as a Superior Court judge. He leaves a legacy worthy of our praise and our gratitude.

Justice Hicks has firm roots in New Hampshire. He was born in West Stewartstown and raised in nearby Colebrook, two close-knit communities in northern New Hampshire near the U.S.-Canada border. His father ran the local hardware store on Main Street in Colebrook, Hicks Hardware. Justice Hicks started working in the store at age 12, and he often observes that the service-oriented and problem-solving aspects of that job proved useful in his later career as a judge. Even when his duties as a justice of the New Hampshire Supreme Court kept him close to the State capital, Justice Hicks still found time to visit family and friends in his hometown and mentor students at his alma mater, Colebrook Academy.

He left Colebrook after high school to attend Bucknell University. At the encouragement of his wife Patricia, Justice Hicks then enrolled in law school and received his J.D. from Boston University School of Law in 1978. He worked as a commercial litigator for 23 years at a prestigious New Hampshire law firm. In a short time, Justice Hicks developed a reputation for his compassion, his kindness, his intellect, and his thorough understanding of the law.

As Governor of New Hampshire, I had the honor of nominating Gary Hicks to fill a vacancy on the New Hampshire Superior Court in 2001. He brought the same integrity and work ethic to the bench, and he later wrote that his experience as a Superior Court judge was both fascinating because of the breadth of issues he encountered and rewarding because of the many people who obtained justice through the legal system. When there was a vacancy on the New Hampshire Supreme Court in 2006, Governor John Lynch nominated Gary Hicks for a position on New Hampshire's highest court. An elated Justice Hicks referred to the appointment as his ''life's ambition.''

Friends, colleagues and fellow jurists are quick to point to one character trait in particular when describing Justice Hicks. He is an incredibly thoughtful person who is generous with his time and takes great care to use his legal talents to get it right. His thoughtfulness emerges not only in the many cases to which he applied an even temperament and careful deliberation, but also in his treatment and mentorship of law clerks and new attorneys. Many of his former law clerks, including my daughter Stacey, remember his patience and guidance as they navigated complicated legal questions, and they continue to draw on their formative experience with Justice Hicks when resolving difficult issues later in their careers. They benefited tremendously from his goodwill. In many respects, Justice Hicks is a living testament to one of his literary heroes, the dignified, reasoned, genuine, and inspiring character of Atticus Finch from ''To Kill A Mockingbird.''

On behalf of the people of New Hampshire, I ask my colleagues and all Americans to join me in thanking Justice Gary Hicks for his many years of service to New Hampshire and his fellow Granite Staters. In retirement, he plans to spend more time with his grandchildren and expand his involvement with the advanced studies program at St. Paul's School in Concord, NH. We wish him all the best in this new chapter of his life.●

TRIBUTE TO SPECIALIST MATT BRANNON

● Mr. TUBERVILLE. Mr. President, many of our veterans carry both visible and invisible scars from their time in the military. This is true for U.S. Army SPC Matt Brannon of Boaz. Matt vividly remembers, as a young man, watching the events of 9/11 unfold. This inspired him to join the military in 2007 after graduating from Boaz High School. Matt was wounded in action by an RPG explosion, receiving wounds to his face, arms, and hands. He continued to fight even after sustaining injuries, saving the lives of many of his fellow soldiers. Matt was awarded a Purple Heart for his heroic actions.

In 2012, he returned home to Boaz, where he began working with the local police department. As Matt adjusted to living with his battle scars, he found healing through the outdoors. He decided to use his experience to help veterans like him who were struggling with the after-effects of war. This led him to bring Wounded Warriors in Action to the region. Each year, he helps veterans from Alabama—and across the Nation—who served in combat, find healing through hunting and fishing.

Matt also serves as a narcotics agent with the Bureau of Special Investigations arm of the Alabama Law Enforcement Agency. He is on the frontlines keeping our communities safe from deadly drugs like fentanyl.

Alabama is grateful for Matt's service. It is my honor to recognize Matt Brannon as the December Veteran of the Month.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Kelly, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4468. An act to prohibit the Administrator of the Environmental Protection Agency from finalizing, implementing, or enforcing a proposed rule with respect to emissions from vehicles, and for other purposes.

H.R. 5933. An act to amend the Higher Education Act of 1965 to require additional information in disclosures of foreign gifts and contracts from foreign sources, restrict contracts with certain foreign entities and foreign countries of concern, require certain staff and faculty to report foreign gifts and contracts, and require disclosure of certain foreign investments within endowments.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4468. An act to prohibit the Administrator of the Environmental Protection Agency from finalizing, implementing, or enforcing a proposed rule with respect to emissions from vehicles, and for other purposes; to the Committee on Environment and Public Works.

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–3029. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that involved fiscal years 2011 through 2018 Military Personnel, Marine Corps; Operation and Maintenance, Marine Corps; and Reserve Personnel, Marine Corps funds; to the Committee on Appropriations.

EC–3030. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Inapplicability of Certain Laws and Regulations to Commercial Items'' (RIN0750–AJ21) received in the Office of the President of the Senate on November 29, 2023; to the Committee on Armed Services.

EC–3031. A communication from the Executive Vice President and Chief Financial Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2023; to the Committee on Energy and Natural Resources.

EC–3032. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2022 Data Update Supplement to the 2021 Report to Congress for the Comprehensive Opioid Recovery Centers Grant Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–3033. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the National Institutes of Health, Department of Health and Human Services, received in the Office of the President of the Senate on November 27, 2023; to the Committee on Health, Education, Labor, and Pensions.

EC–3034. A communication from the Supervisory Workforce Analyst, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Wagner-Peyser Act Staffing'' (RIN1205–AC02) received in the Office of the President of the Senate on November 29, 2023; to the Committee on Health, Education, Labor, and Pensions.

EC–3035. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to the Representation of Others in Design Patent Matters Before the United States Patent and Trademark Office'' (RIN0651–AD67) received in the Office of the President of the Senate on November 27, 2023; to the Committee on the Judiciary.

EC–3036. A communication from the Assistant General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Federal Tort Claims Act—Technical Changes'' (RIN1120–AB80) received in the Office of the President of the Senate on November 27, 2023; to the Committee on the Judiciary.

EC–3037. A communication from the Chief of the Regulatory Coordination Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Exercise of Time-Limited Authority to Increase the Numerical Limitation for FY 2024 for the H–2B Temporary Nonagricultural Worker Program and Portability Flexibility for H–2B Workers Seeking to Change Employers'' ((RIN1615–AC89) (RIN1205–AC18)) received in the Office of the President of the Senate on November 27, 2023; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–86. A resolution adopted by the Senate of the Commonwealth of Pennsylvania urging the Federal Housing Finance Agency to rescind all fee increases that negatively impact Pennsylvania homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION No. 134

Whereas, The Federal Housing Finance Agency (FHFA) implemented a change to Fannie Mae's and Freddie Mac's single-family pricing framework by introducing redesigned fee matrices for home purchases, rate-term refinance and cash-out refinance loans; and

Whereas, Under the newly effective change, fees assessed on borrowers with lower credit scores were reduced while fees were increased for borrowers with higher credit scores and moderate down payments; and

Whereas, The majority of mortgages that exist today are known as ''conforming mortgages'' because they adhere to the underwriting guidelines of Fannie Mae or Freddie Mac and are subject to loan-level price adjustments established by the FHFA; and

Whereas, Housing affordability has reached its lowest level in over a decade due to the significant surge in mortgage rates and record home price appreciation; and

Whereas, Imposing higher fees on borrowers further exacerbates the challenge of affording a home within an already constrained housing market; and

Whereas, The increased fees on borrowers with higher credit scores is contrary to the congressionally chartered duty of the government-sponsored enterprises, which is to promote access to mortgage credit throughout the nation, and is unnecessary for the safety and soundness of the enterprises; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the Federal Housing Finance Agency to rescind all fee increases that negatively impact Pennsylvania homebuyers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, each member of Congress from Pennsylvania and the Federal Housing Finance Agency.

POM–87. A resolution adopted by the Senate of the Commonwealth of Massachusetts calling on the United States Government to continue to stand with the people of Israel in their time of need, support the victims of the recent terrorist attack against the state of Israel and work towards the safe return of those who are being held hostage; to the Committee on Foreign Relations.

SENATE RESOLUTION No. 2462

Whereas, on October 7, 2023, the Terrorist Organization known as Hamas launched a brutal barbaric assault and attack on the State of Israel and brought immense suffering to the innocent civilians of Israel and the region; and

Whereas, the Israeli people have an inadienable right to defend themselves against acts of terrorism; and

Whereas, The Commonwealth mourns the thousands of innocent victims of Hamas's terrorist attack against Israel, including women, children and babies, and is gravely concerned for the many innocent civilians who have been kidnapped and are being held hostage; and

Whereas, The Commonwealth has continuously demonstrated an unwavering commitment to supporting innocent victims of violence and calls for a safe return of the Israelis, Americans and other nationals who have recently been kidnapped and are being held hostage; and

Whereas, The Commonwealth must strongly condemn these heinous terrorist actions by Hamas in Israel; and

Whereas, The Commonwealth stands in solidarity with the Jewish community in Israel, the Commonwealth and around the world; and

Whereas, the recent, sharp rise in antisemitism, expressed openly and violently, reinforces the need for our collective, continued efforts to stand against hatred and bigotry in the Commonwealth and abroad; now therefore be it

Resolved, That the Massachusetts Senate hereby calls on the United States Government to continue to stand with the people of Israel in their time of need, support the victims of the recent terrorist attack against the State of Israel and work towards the safe return of those who are being held hostage; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the Congress of the United States and the President of the United States, Joseph R. Biden, Jr.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WYDEN, from the Committee on Finance, without amendment:

S. 3430. An original bill to amend titles XVIII and XIX of the Social Security Act to expand the mental health care workforce and services, reduce prescription drug costs, and extend certain expiring provisions under Medicare and Medicaid, and for other purposes (Rept. No. 118–121).

By Mr. WYDEN, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 2973. A bill to amend titles XVIII and XIX of the Social Security Act to establish requirements relating to pharmacy benefit managers under the Medicare and Medicaid programs, and for other purposes (Rept. No. 118–122).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. CANTWELL for the Committee on Commerce, Science, and Transportation.

*Coast Guard nominations beginning with Capt. Jason P. Tama and ending with Capt. Zeita Merchant, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2023.

*J. Todd Inman, of Kentucky, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2027.

Ms. CANTWELL. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nominations beginning with Mark R. Allen and ending with James B. Zorn, which nominations were received by the Senate and appeared in the Congressional Record on October 24, 2023.

*Coast Guard nominations beginning with Lori A. Archer and ending with Sharon E. Russell, which nominations were received by the Senate and appeared in the Congressional Record on October 26, 2023.

By Mr. DURBIN for the Committee on the Judiciary.

Sara E. Hill, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

John David Russell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Ramona Villagomez Manglona, of the Northern Mariana Islands, to be Judge for the District Court for the Northern Mariana Islands for a term of ten years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. WYDEN:

S. 3430. An original bill to amend titles XVIII and XIX of the Social Security Act to expand the mental health care workforce and services, reduce prescription drug costs, and extend certain expiring provisions under Medicare and Medicaid, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. CASSIDY (for himself and Mr. WHITEHOUSE):

S. 3431. A bill to amend the Tariff Act of 1930 to strengthen the authorities of U.S. Customs and Border Protection to enforce the customs and trade laws of the United States, and for other purposes; to the Committee on Finance.

By Mr. LEE:

S. 3432. A bill to permit the use of NATO and major non-NATO ally dredge ships in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 3433. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to propose a new nationwide permit under the Federal Water Pollution Control Act for dredging projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEE:

S. 3434. A bill to eliminate certain requirements with respect to dredging and dredged material, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 3435. A bill to repeal the requirements of the Foreign Dredge Act of 1906 with respect to dredging and dredged material; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SULLIVAN):

S. 3436. A bill to amend the Internal Revenue Code of 1986 to provide a credit for middle-income housing, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. MURPHY):

S. 3437. A bill to amend the Social Security Act to authorize grants and training to support area agencies on aging and other community-based organizations in addressing social isolation among older individuals and adults with disabilities; to the Committee on Finance.

By Mr. COTTON:

S. 3438. A bill to prohibit entities receiving Federal assistance that are involved in adoption or foster care placements from delaying or denying placements under certain conditions; to the Committee on Finance.

By Mr. COONS (for himself and Mr. TILLIS):

S. 3439. A bill to strengthen and enhance the competitiveness of cement, concrete, asphalt binder, and asphalt mixture production in the United States through the research, development, demonstration, and commercial application of technologies to reduce emissions from cement, concrete, asphalt binder, and asphalt mixture production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VAN HOLLEN (for himself, Mr. KING, Mr. WELCH, Mr. WYDEN, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. SANDERS, Ms. WARREN, and Mr. MARKEY):

S. 3440. A bill to prohibit the sale and distribution of expanded polystyrene food service ware, expanded polystyrene loose fill, and expanded polystyrene coolers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself, Mr. ROUNDS, Mr. REED, and Mr. ROMNEY):

S. 3441. A bill to prevent Foreign Terrorist Organizations and their financial enablers, whether in currency or digital assets, from accessing financial and other institutions of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOOKER (for himself and Mr. PADILLA):

S. 3442. A bill to amend the Food and Nutrition Act of 2008 to require the Secretary of Agriculture to make timely decisions on applications of retail food stores to accept benefits from recipients of supplemental nutrition assistance through on-line transactions, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RUBIO (for himself and Mr. SCOTT of Florida):

S. 3443. A bill to prohibit institutions of higher education, elementary schools, and secondary schools from receiving Federal funds if those schools or institutions have covered relationships with covered persons, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PADILLA (for himself, Mr. TILLIS, and Ms. KLOBUCHAR):

S. 3444. A bill to amend the Communications Act of 1934 to improve the accessibility of 9–8–8, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. CASSIDY, Mr. RISCH, Mr. HOEVEN, Ms. LUMMIS, Mr. LEE, and Mr. MARSHALL):

S. 3445. A bill to promote domestic energy production, to require onshore and offshore oil and natural gas lease sales, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRAUN (for himself, Mr. HAGERTY, and Mr. MARSHALL):

S. 3446. A bill to require Federal banking agencies to report on interactions with nongovernmental international organizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LUJÁN (for himself, Mr. SCOTT of South Carolina, Mrs. CAPITO, Ms. KLOBUCHAR, and Mr. TILLIS):

S. 3447. A bill to reauthorize the program to support residential treatment programs for pregnant and postpartum women, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ROSEN (for herself, Mr. CRAMER, Mr. BLUMENTHAL, Mr. RUBIO, and Mr. CARDIN):

S. 3448. A bill to reauthorize the Director of the United States Holocaust Memorial Museum to support Holocaust education programs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINRICH (for himself, Mr. WYDEN, Ms. KLOBUCHAR, Mr. MURPHY, Mr. LUJÁN, Mr. BLUMENTHAL, and Ms. CORTEZ MASTO):

S. 3449. A bill to provide low-income individuals with opportunities to enter and follow a career pathway in the health professions, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 3450. A bill to amend title XVIII of the Social Security Act to establish a demonstration program to promote collaborative treatment of mental and physical health comorbidities under the Medicare program; to the Committee on Finance.

By Mr. BOOKER:

S. 3451. A bill to amend titles XIX and XXI of the Social Security Act to provide mental health and substance use services to incarcerated individuals, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 3452. A bill to authorize the Secretary of Veterans Affairs to determine the eligibility or entitlement of a member or former member of the Armed Forces described in subsection (a) to a benefit under a law administered by the Secretary solely based on alternative sources of evidence when the military service records or medical treatment records of the member or former member are incomplete because of damage or loss of records after being in the possession of the Federal Government, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HICKENLOOPER (for himself and Ms. MURKOWSKI):

S. 3453. A bill to establish a grant program to facilitate peer-to-peer mental health support programs for secondary school students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of Florida (for himself, Mr. MARSHALL, Mr. BRAUN, and Mr. HAWLEY):

S. 3454. A bill to prohibit the use of Federal funds to purchase at-home tests for SARS–CoV–2 from certain foreign entities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY:

S. 3455. A bill to require the use of the voice and vote of the United States in international financial institutions to advance the cause of transitioning the global economy to a clean energy economy and to prohibit United States Government assistance to countries or entities to support fossil fuel activity, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for Mr.ROUNDS (for himself, Mr. MANCHIN, Mr. KING, Ms. ERNST, Mr. TUBERVILLE, Mrs. GILLIBRAND, and Mr. BLUMENTHAL)):

S. 3456. A bill to provide a retroactive effective date for the promotions of senior officers of the Armed Forces whose military promotions were delayed as a result of the suspension of Senate confirmation of such promotions; to the Committee on Armed Services.

By Mr. CORNYN (for himself, Ms. KLOBUCHAR, Mrs. BLACKBURN, Mr. WELCH, Mr. WICKER, and Mr. LUJÁN):

S. 3457. A bill to promote fairness in the sale of event tickets; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. VAN HOLLEN, Mr. COONS, Mr. KING, Mr. MERKLEY, Mr. ROUNDS, Ms. ROSEN, Mr. BARRASSO, Mr. RICKETTS, and Mr. BOOKER):

S. Res. 491. A resolution commending the North Atlantic Treaty Organization's adoption of regional plans and encouraging allies to align resources; to the Committee on Foreign Relations.

By Mr. WARNOCK (for himself, Mr. OSSOFF, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. BRITT, Mr. BROWN, Mr. BUDD, Ms. BUTLER, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Mr. MULLIN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. REED, Mr. RICKETTS, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. VANCE, Mr. WARNER, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG):

S. Res. 492. A resolution honoring the life of the First Lady Rosalynn Carter; considered and agreed to.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. HAGERTY, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 91, a bill to award a Congressional Gold Medal to 60 diplomats, in recognition of their bravery and heroism during the Holocaust.

S. 161

At the request of Mr. KAINE, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 161, a bill to extend the Federal Pell Grant eligibility of certain short-term programs.

S. 173

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 173, a bill to amend chapter 44 of title 18, United States Code, to require the safe storage of firearms, and for other purposes.

S. 318

At the request of Mr. SULLIVAN, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from California (Mr. PADILLA) were added as cosponsors of S. 318, a bill to amend the Save Our Seas 2.0 Act to improve the administration of the Marine Debris Foundation, to amend to Marine Debris Act to improve the administration of the Marine Debris Program of the National Oceanic and Atmospheric Administration, and for other purposes.

S. 1034

At the request of Ms. LUMMIS, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1034, a bill to amend title 23, United States Code, to establish a competitive grant program for projects for commercial motor vehicle parking, and for other purposes.

S. 1294

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1294, a bill to provide for payment rates for durable medical equipment under the Medicare program.

S. 1529

At the request of Mr. BOOKER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1529, a bill to amend the Animal Welfare Act to provide for greater protection of roosters, and for other purposes.

S. 1898

At the request of Mr. LUJÁN, the name of the Senator from Utah (Mr. ROMNEY) was added as a cosponsor of S. 1898, a bill to amend the Northwestern New Mexico Rural Water Projects Act to make improvements to that Act, and for other purposes.

S. 1906

At the request of Mr. BRAUN, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 1906, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a time-limited provisional approval pathway, subject to specific obligations, for certain drugs and biological products, and for other purposes.

S. 2459

At the request of Mr. CARPER, the names of the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Ohio (Mr. VANCE) were added as cosponsors of S. 2459, a bill to amend title XVIII of the Social Security Act to ensure appropriate supervision requirements for outpatient physical therapy and outpatient occupational therapy, and for other purposes.

S. 2641

At the request of Mr. COONS, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of S. 2641, a bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

S. 2700

At the request of Mr. SULLIVAN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2700, a bill to amend the Investment Advisers Act of 1940 to require investment advisers for passively managed funds to arrange for pass-through voting of proxies for certain securities, and for other purposes.

S. 3193

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 3193, a bill to amend the Controlled Substances Act to allow for the use of telehealth in substance use disorder treatment, and for other purposes.

S. 3234

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3234, a bill to implement reforms relating to foreign intelligence surveillance authorities, and for other purposes.

S. 3297

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3297, a bill to amend title XVIII of the Social Security Act to expand the availability of medical nutrition therapy services under the Medicare program.

S. 3303

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 3303, a bill to amend title 18, United States Code, to protect more

victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

S. 3348

At the request of Ms. BALDWIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3348, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes.

S. 3358

At the request of Mr. MULLIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 3358, a bill to authorize livestock producers and their employees to take black vultures to prevent death, injury, or destruction to livestock, and for other purposes.

S. 3391

At the request of Ms. SMITH, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3391, a bill to require the Postal Service to implement recommendations from the Inspector General of the United States Postal Service for improving identification and notification of undelivered and partially delivered routes, and for other purposes.

S. 3410

At the request of Mrs. FISCHER, the names of the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 3410, a bill to prohibit the Secretary of Health and Human Services from finalizing a proposed rule regarding minimum staffing for nursing facilities, and to establish an advisory panel on the nursing home workforce.

S.J. RES. 49

At the request of Mr. CASSIDY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S.J. Res. 49, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to a ''Standard for Determining Joint Employer Status'' .

S.J. RES. 50

At the request of Mr. TILLIS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.J. Res. 50, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to ''Cybersecurity Risk Management, Strategy, Governance, and Incident Disclosure.

S.J. RES. 51

At the request of Mr. PAUL, the name of the Senator from Ohio (Mr. VANCE) was added as a cosponsor of S.J. Res. 51, a joint resolution directing the removal of United States Armed Forces from hostilities in Syria that have not been authorized by Congress.

S. RES. 113

At the request of Mrs. HYDE-SMITH, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. Res. 113, a resolution recognizing the need for greater access to rural and agricultural media programming.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PADILLA (for himself, Mr. TILLIS, and Ms. KLOBUCHAR):

S. 3444. A bill to amend the Communications Act of 1934 to improve the accessibility of 9–8-8, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. PADILLA. Madam President, I rise to introduce the bipartisan Local 9–8–8 Response Act. This legislation would boost our continued efforts to improve access to and accuracy of mental health crisis response through the 9–8–8 Suicide Crisis Lifeline.

In an effort to ensure a quick response by a mental health professional for those in crisis, this legislation requires calls and messages to the lifeline to be routed by the call center geographically nearest to the caller rather than by area code. This eliminates an unnecessary handoff, while still protecting user privacy, so users can receive the care they need as quickly and safely as possible.

This bill also requires carriers to allow calls and texts to the 9–8–8 Suicide and Crisis Lifeline even if the plan is inactive or the carrier is experiencing service interruptions or failures, just as is done currently with 9–1–1 calls. Further, this bill requires multiline systems like hotel and office phones to support the direct dialing of 9–8–8 rather than requiring a caller to dial 9 or another number before dialing 9–8–8.

Significant progress has been made in increasing access to quality mental health care in America. The 9–8–8 Suicide & Crisis Lifeline has been critical for supporting Americans in crisis. However, the current system routes you to a call center based on your area code rather than where you are actually calling from. This is a huge problem if a call center needs to send a mental health response team to help a caller that might be thousands of miles away in another city.

I would like to thank Senator TILLIS for introducing this important legislation with me. I would also like to thank Congressman CÁRDENAS for leading this legislation in the House of Representatives, and I look forward to working with my colleagues to enact the Local 9–8–8 Response Act as soon as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 491—COMMENDING THE NORTH ATLANTIC TREATY ORGANIZATION'S ADOPTION OF REGIONAL PLANS AND ENCOURAGING ALLIES TO ALIGN RESOURCES

Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. VAN HOLLEN, Mr. COONS, Mr. KING, Mr. MERKLEY, Mr. ROUNDS, Ms. ROSEN, Mr. BARRASSO, Mr. RICKETTS, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 491

Whereas the 31-member North Atlantic Treaty Organization (NATO) is the world's preeminent military alliance, accounting for more than half of global defense expenditure and deploying the world's most advanced military capabilities;

Whereas, at the 2014 NATO Summit in Wales, NATO allies adopted the Wales Defense Investment Pledge, agreeing to halt any decline in defense expenditure and move toward committing a minimum of 2 percent of their GDP on annual defense spending and allocating at least 20 percent of defense budgets on major equipment, including related research and development, within a decade;

Whereas, following the 2014 NATO Summit in Wales, defense spending within the North Atlantic Treaty Organization has increased for nine consecutive years, resulting in additional defense expenditures of approximately $450,000,000,000 in real terms since 2014;

Whereas, while three members of NATO met the 2 percent of GDP defense spending target in 2014, NATO reports that as of July 2023, 11 allies met the 2 percent target, and all 31 allies met the goal to allocate at least 20 percent of defense expenditure to major new equipment;

Whereas 19 NATO allies have a plan to meet or exceed NATO's 2 percent of GDP defense spending target by 2024, and an additional seven members reportedly have plans in place to meet the target between 2025 and 2030;

Whereas, at the 2023 NATO Summit in Vilnius, allies unanimously adopted new regional defense plans and force structure requirements, which NATO military authorities characterize as the Alliance's most comprehensive since the end of the Cold War;

Whereas NATO allies, in order to resource those plans and requirements, reaffirmed the commitment to invest at least 2 percent of GDP annually on defense, affirming that in many cases, expenditure beyond 2 percent of GDP will be needed in order to remedy existing shortfalls and meet requirements across all domains;

Whereas allies have committed to further enhance NATO's defense and deterrence posture by aligning defense spending increases with NATO's new defense plans and force structure requirements;

Whereas NATO allies have made these additional contributions to collective security despite sharp inflation and record-high energy costs;

Whereas European countries have taken in over 4,000,000 Ukrainian refugees as a direct result of the Russian Federation's unprovoked full-scale invasion of Ukraine, the European Union has designated $18,000,000,000 in support for refugees, and European NATO members collectively have additionally allocated $4,600,000,000 to support refugees;

Whereas NATO's defense posture and military capabilities were enhanced with the April 2023 accession of Finland, which exceeds 2 percent of GDP defense spending and possesses one of Europe's largest and most capable armed forces; and

Whereas the ratification of Sweden as the newest member of the NATO alliance would add critical air and maritime capabilities to the collective security of Europe and North America, bring almost the entire Baltic coastline into the alliance, and expand the alliance's expertise in the Arctic and undersea environments: Now, therefore, be it

Resolved, That the Senate—

(1) supports the implementation of regional defense plans adopted at the 2023 Vilnius Summit to align forces and resources with NATO's Strategic Concept adopted at the 2022 Madrid Summit;

(2) urges swift implementation and resourcing of these plans in support of the collective defense of Europe and encourages NATO allies to align defense spending and resource allocation in accordance with these plans;

(3) supports the commitment of NATO for members to meet or exceed 2 percent gross domestic product defense spending in support of collective defense of Europe and North America;

(4) commends those allies that have reached the 2 percent gross domestic product defense spending and encourages all members of NATO to maintain progress to meet this commitment;

(5) recommends the next Secretary General of NATO be selected from a member country that has met, or has a robust plan to meet, the 2 percent defense spending commitment;

(6) commends NATO allies for harboring and caring for millions of refugees fleeing Russian President Putin's aggression;

(7) welcomes Finland's accession to the NATO alliance; and

(8) urges Turkiye and Hungary to swiftly ratify Sweden as a full member of the North Atlantic Treaty Organization.

SENATE RESOLUTION 492—HONORING THE LIFE OF THE FIRST LADY ROSALYNN CARTER

Mr. WARNOCK (for himself, Mr. OSSOFF, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. BRITT, Mr. BROWN, Mr. BUDD, Ms. BUTLER, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Mr. MULLIN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. REED, Mr. RICKETTS, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. VANCE, Mr. WARNER, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 492

Whereas Rosalynn Carter was born Eleanor Rosalynn Smith on August 18, 1927, in Plains, Georgia;

Whereas, as a student, Rosalynn Carter excelled in her academic studies, graduating as valedictorian of her class at Plains High School and from Georgia Southwestern College in 1946;

Whereas Rosalynn Carter married James Earl ''Jimmy'' Carter Jr. on July 7, 1946;

Whereas Rosalynn Carter was married to President Jimmy Carter for 77 years, and together they had 3 sons, 1 daughter, 12 grandchildren, and 14 great-grandchildren;

Whereas Rosalynn Carter served as First Lady of the State of Georgia from 1971 to 1975 and First Lady of the United States from 1977 to 1981;

Whereas, as First Lady of the United States, Rosalynn Carter served as a committed partner to President Carter throughout his presidency, expanding the role of First Lady, sitting in on cabinet meetings, and representing the Carter administration on foreign trips;

Whereas, as First Lady of the United States, Rosalynn Carter advanced mental health care and services for aging individuals, pushing for the establishment of community mental health centers and becoming the second First Lady to testify before Congress when she advocated for the passage of the Mental Health Systems Act of 1980 (Public Law 96-398);

Whereas Rosalynn Carter and President Carter, after leaving the White House, founded The Carter Center with the mission of resolving conflict, eradicating disease, and promoting democracy worldwide;

Whereas Rosalynn Carter remained devoted to her mental health work, establishing The Carter Center's Mental Health Program to reduce the stigma around mental illness and to improve insurance coverage of mental health care;

Whereas, in 1987, Rosalynn Carter founded the Rosalynn Carter Institute for Caregivers, in Americus, Georgia, with the mission of providing training and support for family caregivers, recognizing that everyone will be a caregiver or need a caregiver at some point in their lives;

Whereas Rosalynn Carter and President Carter were enthusiastic volunteers for Habitat for Humanity, working on over 4,000 homes in 14 countries during their 35 years of volunteering;

Whereas Rosalynn Carter and President Carter jointly received the Presidential Medal of Freedom in 1999, making them one of few married couples to receive the highest civilian honor in the United States; and

Whereas Rosalynn Carter leaves behind an honorable legacy of humanitarian work and wholehearted commitment to her husband, children, grandchildren, and great-grandchildren; Now, therefore, be it

Resolved, That the Senate—

(1) mourns the passing of First Lady Rosalynn Carter and extends its sympathies to her husband, President Carter, and her family; and

(2) honors the life of First Lady Rosalynn Carter and her contributions to the United States of America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1373. Mr. SCHUMER proposed an amendment 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.

SA 1374. Mr. SCHUMER proposed an amendment to amendment SA 1373 proposed by Mr. SCHUMER to the bill H.R. 2670, supra.

SA 1375. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1371 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1373. Mr. SCHUMER proposed an amendment 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; as follows:

In the motion, strike ''one day'' and insert ''two days''.

SA 1374. Mr. SCHUMER proposed an amendment to amendment SA 1373 proposed by Mr. SCHUMER 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; as follows:

On page 1, line 1, strike ''two days'' and insert ''three days''.

SA 1375. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1371 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION D—SECURING THE BORDER

SEC. 3001. SHORT TITLE.

This division may be cited as the ''Secure the Border Act of 2023''.

TITLE I—BORDER SECURITY

SEC. 3101. DEFINITIONS.

In this title:

(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. 3102. 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. 3103. 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. 3104. 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. 3105. 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. 3106. 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. 3107. 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. 3108. 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 3107 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 the Secure the Border Act of 2023, 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. 3109. 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. 3110. 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. 3111. 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 3111 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. 3112. 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 3103, 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. 3113. 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. 3114. 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. 3115. 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. 3116. 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. 3117. 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. 3118. 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. 3119. 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. 3120. 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. 3121. 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. 3122. 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. 3123. 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. 3124. 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. 3125. 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. 3126. 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. 3127. 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. 3128. 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.

TITLE II—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS

Subtitle A—Asylum Reform and Border Protection

SEC. 3201. 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. 3202. 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. 3203. 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. 3204. 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. 3205. 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. 3206. 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. 3207. 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. 3208. FIRM RESETTLEMENT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by this subtitle, 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. 3209. 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. 3210. 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. 3211. 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.

Subtitle B—Border Safety and Migrant Protection

SEC. 3221. 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. 3222. 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.

Subtitle C—Preventing Uncontrolled Migration Flows in the Western Hemisphere

SEC. 3231. 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. 3232. 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. 3233. 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 3232 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.

Subtitle D—Ensuring United Families at the Border

SEC. 3241. 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.

Subtitle E—Protection of Children

SEC. 3251. 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 subtitle 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. 3252. 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. 3253. 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. 3254. RULE OF CONSTRUCTION.

Nothing in this subtitle 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.

Subtitle F—Visa Overstays Penalties

SEC. 3261. 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).''.

Subtitle G—Immigration Parole Reform

SEC. 3271. 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. 3272. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle 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 3271, 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. 3273. 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 subtitle or the amendments made by this subtitle 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. 3274. SEVERABILITY.

If any provision of this subtitle or any amendment by this subtitle, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle and the application of such provision or amendment to any other person or circumstance shall not be affected.

Subtitle H—Legal Workforce

SEC. 3281. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended to read as follows:

''(b) EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.—

''(1) NEW HIRES, RECRUITMENT, AND REFERRAL.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the following:

''(A) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

''(i) ATTESTATION.—During the verification period (as defined in subparagraph (E)), the person or entity shall attest, under penalty of perjury and on a form, including electronic format, designated or established by the Secretary by regulation not later than 6 months after the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, that it has verified that the individual is not an unauthorized alien by—

''(I) obtaining from the individual the individual's social security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

''(II) examining—

''(aa) a document relating to the individual presenting it described in clause (ii); or

''(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv).

''(ii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION AND ESTABLISHING IDENTITY.—A document described in this subparagraph is an individual's—

''(I) unexpired United States passport or passport card;

''(II) unexpired permanent resident card that contains a photograph;

''(III) unexpired employment authorization card that contains a photograph;

''(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I–94 or Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as the period of status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

''(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I–94 or Form I–94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI; or

''(VI) other document designated by the Secretary of Homeland Security, if the document—

''(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary of Homeland Security finds, by regulation, sufficient for purposes of this clause;

''(bb) is evidence of authorization of employment in the United States; and

''(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(iii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

''(iv) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is—

''(I) an individual's unexpired State issued driver's license or identification card if it contains a photograph and information such as name, date of birth, gender, height, eye color, and address;

''(II) an individual's unexpired United States military identification card;

''(III) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

''(IV) in the case of an individual under 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual.

''(v) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary of Homeland Security finds, by regulation, that any document described in clause (i), (ii), or (iii) as

establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this paragraph.

''(vi) SIGNATURE.—Such attestation may be manifested by either a handwritten or electronic signature.

''(B) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the verification period (as defined in subparagraph (E)), the individual shall attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or electronic signature. The individual shall also provide that individual's social security account number or United States passport number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(C) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

''(i) IN GENERAL.—After completion of such form in accordance with subparagraphs (A) and (B), the person or entity shall—

''(I) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period beginning on the date of the recruiting or referral of the individual, or, in the case of the hiring of an individual, the date on which the verification is completed, and ending—

''(aa) in the case of the recruiting or referral of an individual, 3 years after the date of the recruiting or referral; and

''(bb) in the case of the hiring of an individual, the later of 3 years after the date the verification is completed or one year after the date the individual's employment is terminated; and

''(II) during the verification period (as defined in subparagraph (E)), make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of an individual.

''(ii) CONFIRMATION.—

''(I) CONFIRMATION RECEIVED.—If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final confirmation of such identity and work eligibility of the individual.

''(II) TENTATIVE NONCONFIRMATION RECEIVED.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonconfirmation within the time period specified, the nonconfirmation shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a final nonconfirmation. If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under subsection (d). The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure. In no case shall an employer rescind the offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a recission of the offer of employment for any reason other than because of such a failure.

''(III) FINAL CONFIRMATION OR NONCONFIRMATION RECEIVED.—If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

''(IV) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(V) CONSEQUENCES OF NONCONFIRMATION.—

''(aa) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(bb) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

''(VI) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).

''(D) EFFECTIVE DATES OF NEW PROCEDURES.—

''(i) HIRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity hiring an individual for employment in the United States as follows:

''(I) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, on the date that is 6 months after such date of enactment.

''(II) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, on the date that is 12 months after such date of enactment.

''(III) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, on the date that is 18 months after such date of enactment.

''(IV) With respect to employers having one or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, on the date that is 24 months after such date of enactment.

''(ii) RECRUITING AND REFERRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity recruiting or referring an individual for employment in the United States on the date that is 12 months after the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023.

''(iii) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, this paragraph shall not apply with respect to the verification of the employee until the date that is 36 months after the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023. For purposes of the preceding sentence, the term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this clause shall not be counted for purposes of clause (i).

''(iv) EXTENSIONS.—

''(I) ON REQUEST.—Upon request by an employer having 50 or fewer employees, the Secretary shall allow a one-time 6-month extension of the effective date set out in this subparagraph applicable to such employer. Such request shall be made to the Secretary and shall be made prior to such effective date.

''(II) FOLLOWING REPORT.—If the study under section 3284 of the Secure the Border Act of 2023 has been submitted in accordance with such section, the Secretary of Homeland Security may extend the effective date set out in clause (iii) on a one-time basis for 12 months.

''(v) TRANSITION RULE.—Subject to paragraph (4), the following shall apply to a person or other entity hiring, recruiting, or referring an individual for employment in the United States until the effective date or dates applicable under clauses (i) through (iii):

''(I) This subsection, as in effect before the enactment of subtitle H of title II of the Secure the Border Act of 2023.

''(II) Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 3287(c) of subtitle H of title II of the Secure the Border Act of 2023.

''(III) Any other provision of Federal law requiring the person or entity to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 3287(c) of the Secure the Border Act of 2023, including Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement).

''(E) VERIFICATION PERIOD DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph:

''(I) In the case of recruitment or referral, the term 'verification period' means the period ending on the date recruiting or referring commences.

''(II) In the case of hiring, the term 'verification period' means the period beginning on the date on which an offer of employment is extended and ending on the date that is three business days after the date of hire, except as provided in clause (iii). The offer of employment may be conditioned in accordance with clause (ii).

''(ii) JOB OFFER MAY BE CONDITIONAL.—A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph.

''(iii) SPECIAL RULE.—Notwithstanding clause (i)(II), in the case of an alien who is authorized for employment and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period ends three business days after the alien receives the social security account number.

''(2) REVERIFICATION FOR INDIVIDUALS WITH LIMITED WORK AUTHORIZATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a person or entity shall make an inquiry, as provided in subsection (d), using the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the three business days after the date on which the employee's work authorization expires as follows:

''(i) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, beginning on the date that is 6 months after such date of enactment.

''(ii) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, beginning on the date that is 12 months after such date of enactment.

''(iii) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, beginning on the date that is 18 months after such date of enactment.

''(iv) With respect to employers having one or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, beginning on the date that is 24 months after such date of enactment.

''(B) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, or an employee recruited or referred by a farm labor contractor (as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801)), subparagraph (A) shall not apply with respect to the reverification of the employee until the date that is 36 months after the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023. For purposes of the preceding sentence, the term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing, or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this subparagraph shall not be counted for purposes of subparagraph (A).

''(C) REVERIFICATION.—Paragraph (1)(C)(ii) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

''(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the date that is the later of 3 years after the date of such reverification or 1 year after the date the individual's employment is terminated.

''(3) PREVIOUSLY HIRED INDIVIDUALS.—

''(A) ON A MANDATORY BASIS FOR CERTAIN EMPLOYEES.—

''(i) IN GENERAL.—Not later than the date that is 6 months after the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

''(ii) INDIVIDUALS DESCRIBED.—An individual described in this clause is any of the following:

''(I) An employee of any unit of a Federal, State, or local government.

''(II) An employee who requires a Federal security clearance working in a Federal, State, or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential (TWIC).

''(III) An employee assigned to perform work in the United States under a Federal contract, except that this subclause—

''(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12 (HSPD 12 clearance), are administrative or overhead personnel, or are working solely on contracts that provide Commercial Off The Shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and

''(bb) only applies to contracts over the simple acquisition threshold as defined in section 2.101 of title 48, Code of Federal Regulations.

''(B) ON A MANDATORY BASIS FOR MULTIPLE USERS OF SAME SOCIAL SECURITY ACCOUNT NUMBER.—In the case of an employer who is required by this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, the employer shall make inquiries to the system in accordance with the following:

''(i) The Commissioner of Social Security shall notify annually employees (at the employee address listed on the Wage and Tax Statement) who submit a social security account number to which more than one employer reports income and for which there is a pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported as well as sufficient information notifying the employee of the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

''(ii) If the person to whom the social security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the social security account number was used without their knowledge, the Secretary and the Commissioner shall lock the social security account number for employment eligibility verification purposes and shall notify the employers of the individuals who wrongfully submitted the social security account number that the employee may not be work eligible.

''(iii) Each employer receiving such notification of an incorrect social security account number under clause (ii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee within 10 business days of receipt of the notification.

''(C) ON A VOLUNTARY BASIS.—Subject to paragraph (2), and subparagraphs (A) through (C) of this paragraph, beginning on the date that is 30 days after the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, an employer may make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the employer. If an employer chooses voluntarily to seek verification of any individual employed by the employer, the employer shall seek verification of all individuals employed at the same geographic location or, at the option of the employer, all individuals employed within the same job category, as the employee with respect to whom the employer seeks voluntarily to use the verification system. An employer's decision about whether or not voluntarily to seek verification of its current workforce under this subparagraph may not be considered by any government agency in any proceeding, investigation, or review provided for in this Act.

''(D) VERIFICATION.—Paragraph (1)(C)(ii) shall apply to verifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

''(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period

beginning on the date the verification commences and ending on the date that is the later of 3 years after the date of such verification or 1 year after the date the individual's employment is terminated.

''(4) EARLY COMPLIANCE.—

''(A) FORMER E-VERIFY REQUIRED USERS, INCLUDING FEDERAL CONTRACTORS.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, the Secretary is authorized to commence requiring employers required to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to commence compliance with the requirements of this subsection (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

''(B) FORMER E-VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, the Secretary shall provide for the voluntary compliance with the requirements of this subsection by employers voluntarily electing to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date, as well as by other employers seeking voluntary early compliance.

''(5) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

''(6) LIMITATION ON USE OF FORMS.—A form designated or established by the Secretary of Homeland Security under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law.

''(7) GOOD FAITH COMPLIANCE.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity is considered to have complied with a requirement of this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

''(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

''(i) the failure is not de minimus;

''(ii) the Secretary of Homeland Security has explained to the person or entity the basis for the failure and why it is not de minimus;

''(iii) the person or entity has been provided a period of not less than 30 calendar days (beginning after the date of the explanation) within which to correct the failure; and

''(iv) the person or entity has not corrected the failure voluntarily within such period.

''(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

''(8) SINGLE EXTENSION OF DEADLINES UPON CERTIFICATION.—In a case in which the Secretary of Homeland Security has certified to the Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by the date that is 6 months after the date of the enactment of subtitle H of title II of the Secure the Border Act of 2023, each deadline established under this section for an employer to make an inquiry using such system shall be extended by 6 months. No other extension of such a deadline shall be made except as authorized under paragraph (1)(D)(iv).''.

(b) DATE OF HIRE.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)) is amended by adding at the end the following:

''(4) DEFINITION OF DATE OF HIRE.—As used in this section, the term 'date of hire' means the date of actual commencement of employment for wages or other remuneration, unless otherwise specified.''.

SEC. 3282. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) is amended to read as follows:

''(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Secretary of Homeland Security shall establish and administer a verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

''(A) responds to inquiries made by persons at any time through a toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

''(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

''(2) INITIAL RESPONSE.—The verification system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the verification system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

''(3) SECONDARY CONFIRMATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation not later than 10 working days after the date on which the notice of the tentative nonconfirmation is received by the employee. The Secretary, in consultation with the Commissioner, may extend this deadline once on a case-by-case basis for a period of 10 working days, and if the time is extended, shall document such extension within the verification system. The Secretary, in consultation with the Commissioner, shall notify the employee and employer of such extension. The Secretary, in consultation with the Commissioner, shall create a standard process of such extension and notification and shall make a description of such process available to the public. When final confirmation or nonconfirmation is provided, the verification system shall provide an appropriate code indicating such confirmation or nonconfirmation.

''(4) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

''(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(B) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(i) the selective or unauthorized use of the system to verify eligibility; or

''(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

''(E) to maximize the prevention of identity theft use in the system; and

''(F) to limit the subjects of verification to the following individuals:

''(i) Individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b).

''(ii) Employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b).

''(iii) Individuals seeking to confirm their own employment eligibility on a voluntary basis.

''(5) RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the verification system except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

''(6) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States, or to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

''(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

''(8) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—

''(A) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

''(B) CRITICAL INFRASTRUCTURE.—The Secretary may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to use the verification system to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

''(9) REMEDIES.—If an individual alleges that the individual would not have been dismissed from a job or would have been hired for a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this paragraph.''.

SEC. 3283. RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.

(a) ADDITIONAL CHANGES TO RULES FOR RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.—Section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) is amended—

(1) in paragraph (1)(A), by striking ''for a fee'';

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).''; and

(3) in paragraph (2), by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''.

(b) DEFINITION.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)), as amended by section 3281(b), is further amended by adding at the end the following:

''(5) DEFINITION OF RECRUIT OR REFER.—As used in this section, the term 'refer' means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party. As used in this section, the term 'recruit' means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act, except that the amendments made by subsection (a) shall take effect 6 months after the date of the enactment of this Act insofar as such amendments relate to continuation of employment.

SEC. 3284. GOOD FAITH DEFENSE.

Section 274A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) GOOD FAITH DEFENSE.—

''(A) DEFENSE.—An employer (or person or entity that hires, employs, recruits, or refers (as defined in subsection (h)(5)), or is otherwise obligated to comply with this section) who establishes that it has complied in good faith with the requirements of subsection (b)—

''(i) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good-faith reliance on information provided through the system established under subsection (d); and

''(ii) has established compliance with its obligations under subparagraphs (A) and (B) of paragraph (1) and subsection (b) absent a showing by the Secretary of Homeland Security, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(B) MITIGATION ELEMENT.—For purposes of subparagraph (A)(i), if an employer proves by a preponderance of the evidence that the employer uses a reasonable, secure, and established technology to authenticate the identity of the new employee, that fact shall be taken into account for purposes of determining good faith use of the system established under subsection (d).

''(C) FAILURE TO SEEK AND OBTAIN VERIFICATION.—Subject to the effective dates and other deadlines applicable under subsection (b), in the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

''(i) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (d) and in accordance with the timeframes established under subsection (b), seeking verification of the identity and work eligibility of the individual, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (d)(2) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.''.

SEC. 3285. PREEMPTION AND STATES' RIGHTS.

Section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended to read as follows:

''(2) PREEMPTION.—

''(A) SINGLE, NATIONAL POLICY.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, insofar as they may now or hereafter relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

''(B) STATE ENFORCEMENT OF FEDERAL LAW.—

''(i) BUSINESS LICENSING.—A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility when and as required under subsection (b).

''(ii) GENERAL RULES.—A State, at its own cost, may enforce the provisions of this section, but only insofar as such State follows the Federal regulations implementing this section, applies the Federal penalty structure set out in this section, and complies with all Federal rules and guidance concerning implementation of this section. Such State may collect any fines assessed under this section. An employer may not be subject to enforcement, including audit and investigation, by both a Federal agency and a State for the same violation under this section. Whichever entity, the Federal agency or the State, is first to initiate the enforcement action, has the right of first refusal to proceed with the enforcement action. The Secretary must provide copies of all guidance, training, and field instructions provided to Federal officials implementing the provisions of this section to each State.''.

SEC. 3286. REPEAL.

(a) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(b) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is deemed to refer to the employment eligibility confirmation system established under section 274A(d) of the Immigration and Nationality Act, as amended by section 3282.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 30 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The table of sections in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

SEC. 3287. PENALTIES.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(1)—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in subparagraph (D), by striking ''Service'' and inserting ''Department of Homeland Security'';

(2) in subsection (e)(4)—

(A) in subparagraph (A), in the matter before clause (i), by inserting '', subject to paragraph (10),'' after ''in an amount'';

(B) in subparagraph (A)(i), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $2,500 and not more than $5,000'';

(C) in subparagraph (A)(ii), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $5,000 and not more than $10,000'';

(D) in subparagraph (A)(iii), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $10,000 and not more than $25,000''; and

(E) by moving the margin of the continuation text following subparagraph (B) two ems to the left and by amending subparagraph (B) to read as follows:

''(B) may require the person or entity to take such other remedial action as is appropriate.'';

(3) in subsection (e)(5)—

(A) in the paragraph heading, strike ''PAPERWORK'';

(B) by inserting '', subject to paragraphs (10) through (12),'' after ''in an amount'';

(C) by striking ''$100'' and inserting ''$1,000'';

(D) by striking ''$1,000'' and inserting ''$25,000''; and

(E) by adding at the end the following: ''Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).'';

(4) by adding at the end of subsection (e) the following:

''(10) EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

''(11) MITIGATION ELEMENT.—For purposes of paragraph (4), the size of the business shall be taken into account when assessing the level of civil money penalty.

''(12) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

''(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such a person or entity does not hold a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may refer the matter to any appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

''(13) OFFICE FOR STATE AND LOCAL GOVERNMENT COMPLAINTS.—The Secretary of Homeland Security shall establish an office—

''(A) to which State and local government agencies may submit information indicating potential violations of subsection (a), (b), or (g)(1) that were generated in the normal course of law enforcement or the normal course of other official activities in the State or locality;

''(B) that is required to indicate to the complaining State or local agency within five business days of the filing of such a complaint by identifying whether the Secretary will further investigate the information provided;

''(C) that is required to investigate those complaints filed by State or local government agencies that, on their face, have a substantial probability of validity;

''(D) that is required to notify the complaining State or local agency of the results of any such investigation conducted; and

''(E) that is required to report to the Congress annually the number of complaints received under this paragraph, the States and localities that filed such complaints, and the resolution of the complaints investigated by the Secretary.''; and

(5) by amending paragraph (1) of subsection (f) to read as follows:

''(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a) (1) or (2) shall be fined not more than $5,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not more than 18 months, or both, notwithstanding the provisions of any other Federal law relating to fine levels.''.

SEC. 3288. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''identification document,'' and inserting ''identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''; and

(2) in paragraph (2), by striking ''identification document'' and inserting ''identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''.

SEC. 3289. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2023, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 3282, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provide such funds annually in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2023, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 3290. FRAUD PREVENTION.

(a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which social security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)),

as amended by section 3282, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number.

(b) ALLOWING SUSPENSION OF USE OF CERTAIN SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their social security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 3282. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

(c) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD'S IDENTITY.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 3282. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 3291. USE OF EMPLOYMENT ELIGIBILITY VERIFICATION PHOTO TOOL.

An employer who uses the photo matching tool used as part of the E-Verify System shall match the photo tool photograph to both the photograph on the identity or employment eligibility document provided by the employee and to the face of the employee submitting the document for employment verification purposes.

SEC. 3292. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAMS.

Not later than 24 months after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish by regulation not less than 2 Identity Authentication Employment Eligibility Verification pilot programs, each using a separate and distinct technology (the ''Authentication Pilots''). The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees which shall be available to any employer that elects to participate in either of the Authentication Pilots. Any participating employer may cancel the employer's participation in the Authentication Pilot after one year after electing to participate without prejudice to future participation. The Secretary shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the Secretary's findings on the Authentication Pilots, including the authentication technologies chosen, not later than 12 months after commencement of the Authentication Pilots.

SEC. 3293. INSPECTOR GENERAL AUDITS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall complete audits of the following categories in order to uncover evidence of individuals who are not authorized to work in the United States:

(1) Workers who dispute wages reported on their social security account number when they believe someone else has used such number and name to report wages.

(2) Children's social security account numbers used for work purposes.

(3) Employers whose workers present significant numbers of mismatched social security account numbers or names for wage reporting.

(b) SUBMISSION.—The Inspector General of the Social Security Administration shall submit the audits completed under subsection (a) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate for review of the evidence of individuals who are not authorized to work in the United States. The Chairmen of those Committees shall then determine information to be shared with the Secretary of Homeland Security so that such Secretary can investigate the unauthorized employment demonstrated by such evidence.

SEC. 3294. AGRICULTURE WORKFORCE STUDY.

Not later than 36 months after the date of the enactment of this Act, the Secretary of the Department of Homeland Security, in consultation with the Secretary of the Department of Agriculture, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, a report that includes the following:

(1) The number of individuals in the agricultural workforce.

(2) The number of United States citizens in the agricultural workforce.

(3) The number of aliens in the agricultural workforce who are authorized to work in the United States.

(4) The number of aliens in the agricultural workforce who are not authorized to work in the United States.

(5) Wage growth in each of the previous ten years, disaggregated by agricultural sector.

(6) The percentage of total agricultural industry costs represented by agricultural labor during each of the last ten years.

(7) The percentage of agricultural costs invested in mechanization during each of the last ten years.

(8) Recommendations, other than a path to legal status for aliens not authorized to work in the United States, for ensuring United States agricultural employers have a workforce sufficient to cover industry needs, including recommendations to—

(A) increase investments in mechanization;

(B) increase the domestic workforce; and

(C) reform the H–2A program.

SEC. 3295. SENSE OF CONGRESS ON FURTHER IMPLEMENTATION.

It is the sense of Congress that in implementing the E-Verify Program, the Secretary of Homeland Security shall ensure any adverse impact on the Nation's agricultural workforce, operations, and food security are considered and addressed.

SEC. 3296. REPEALING REGULATIONS.

The rules relating to ''Temporary Agricultural Employment of H–2A Nonimmigrants in the United States'' (87 Fed. Reg. 61660 (Oct. 12, 2022)) and to ''Adverse Effect Wage Rate Methodology for the Temporary Employment of H–2A Nonimmigrants in Non-Range Occupations in the United States'' (88 Fed. Reg. 12760 (Feb. 28, 2023)) shall have no force or effect, may not be reissued in substantially the same form, and any new rules that are substantially the same as such rules may not be issued.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Madam President, I have three requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet in executive session during the session of the Senate on Thursday, December 7, 2023, at 10 a.m.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, December 7, 2023, at 11 a.m., to conduct a hearing on nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, December 7, 2023, at 10 a.m., to conduct an executive business meeting.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Madam President, I ask unanimous consent that Eleanor Skelly, a detailee to the Senate Judiciary Committee, be granted floor privileges until December 16, 2023.

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

HONORING THE LIFE OF FIRST LADY ROSALYNN CARTER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 492, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 492) honoring the life of First Lady Rosalynn Carter.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 492) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to the provisions of

Public Law 117–263, on behalf of the ranking member of the Senate Committee on Foreign Relations, appoints the following individual to serve as member of the Commission on Reform and Modernization of the Department of State: the Honorable Stephen Biegun of Michigan.

ADJOURNMENT UNTIL MONDAY, DECEMBER 11, 2023 AT 3 P.M.

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m. on Monday, December 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, 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 proceed to executive session to resume consideration of the Federico nomination postcloture; further, that all postcloture debate time on the Federico nomination be considered expired at 5:30 p.m. and that upon disposition of the nomination, the Senate resume consideration of the Coker nomination; finally, that if any nominations are confirmed during Monday's session, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

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

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of Senators LEE, SULLIVAN, and GILLIBRAND.

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

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah.

DEFUND ACT

Mr. LEE. Mr. President, in the words of a Simon and Garfunkel song, they sing of a dream in which ''the world had all agreed to put an end to war.'' And they reached this agreement, apparently, just by signing a single piece of paper.

This dream is just a dream, of course. That is not how things are brought about. That is not how lasting peace occurs. But the dream echoes the stated aspirations that led to the creation and, eventually, the perpetuation of the United Nations. But as history unfolded, the stark reality has not lived up to those lofty aspirations.

We have witnessed failure upon failure, and yet the 20th-century notion of a collective world peace still lingers in the minds of the American foreign policy establishment. It is a notion that believes that, somehow, U.S. participation and leadership within the United Nations is a foundational pillar of our security and our strength.

A glance at the world today, however, reveals the harsh truth: Enduring global peace remains just a dream. While the corridors of the United Nations were designed for diplomacy, it now serves as a place where America's adversaries—people who trample on diplomatic principles and even human dignity itself, to say nothing of national sovereignty—sponsor initiatives that fly in the face of our foundational principles and values.

Just last November, we saw Iran, known for its support of terrorist groups and its systemic targeting of Jewish people, chairing a U.N. human rights event—actually chairing it. Russia and China, nations that challenge our interests and undermine our values at every turn, hold permanent seats on the U.N. Security Council. China, for its part, also continues to enjoy the benefits of developing nation status, exploiting U.N. programs and other monetary benefits for questionable gain.

Now, the United States, as the U.N.'s largest funder, ends up tacitly supporting these things through its funding. The largest contributor to the U.N.'s budget is the United States. The Biden administration continues to fund, indirectly, groups like Hamas through the United Nations Relief and Works Agency, known for its anti-Semitic indoctrination.

Similarly, the previous administration halted funding for the United Nations Population Fund due to its support for coercive abortion practices in China.

The bloated bureaucracy of the U.N. epitomizes the very foreign entanglements that our Founding Fathers warned against. The global security environment of today underscores the urgency of reasserting American sovereignty.

The DEFUND Act, which I have introduced this week in the Senate, seeks to end U.S. participation in the United Nations system, ensuring that any future attempts to rejoin would require Senate approval.

Now, detractors argue that U.S. involvement is essential for our security and that absence from the U.N. would somehow diminish our soft power, forcing us to rely solely on military might.

These are misleading distractions. The current U.N. system itself erodes American soft power and compels us to conform our national interest to the whims of the so-called rules-based international order. This fearmongering overlooks the proven value of bilateral relationships, which are the true bedrock of international diplomacy.

At the U.N.'s inception in 1945, President Truman presented a choice between ''international chaos'' and the ''establishment of a world organization for . . . peace.'' Yet, despite the U.N.'s existence, chaos abounds, adversaries leverage their U.N. positions, and the goal of peace is overshadowed by the ambition for supranational governance.

The true hope for a peaceful world lies not in such global institutions but in the strength of our national sovereignty and the use of that strength to forge and continue to foster bilateral relationships around the world.

As William Shakespeare said, ''What win I, if I gain the thing I seek?'' One must truly ask: What does the United Nations seek? Is it truly peace? I think not. Its actions speak for themselves.

Since 1945, the United States has slowly surrendered national sovereignty to the U.N. under the guise of customary international law and under this broad aspirational goal of somehow bringing peace and harmony through this international organization, an international organization that is, itself, utterly untethered from the electoral politics of any country. They very much operate as an island unto themselves once they enter the halls of the U.N.

Now, we in the United States finance a very significant portion of the U.N., much of it voluntarily, with no obligation to do so. Our generosity has been misused to empower terrorists; foment hate; facilitate coercive practices abroad; and in many, many ways, undermine our values.

The DEFUND Act aims to restore American independence from the U.N.'s bureaucracy. It will repeal the foundational Participation Act within the U.N., the U.N. Participation Act of 1945; terminate our contributions and participation in peacekeeping operations; and strip U.N. personnel of diplomatic immunity within the United States. It will also remove the United States from the World Health Organization and prohibit reentry into the U.N. system without the Senate's advice and consent.

It is time that we face reality. The U.N. has long since ceased to be an effective or responsible steward of our resources. It is time for America to lead through strength and sovereignty, not through subservience to an organization that no longer serves our interests—much less the interests of a realizable, lasting peace.

The PRESIDING OFFICER. The Senator from Alaska.

CHINA

Mr. SULLIVAN. Mr. President, I am going to pose a simple question here related to this guy. That is the dictator of China, Xi Jinping. Imagine if a Chinese financial institution, one of their banks, one of their private equity funds—they have a lot of them. Imagine if a Chinese financial institution started to invest in the United States in big technologies that would make the U.S. military much stronger. What do you think would happen to those executives in China? They are taking

Chinese money, and they are pouring it into companies that work directly with the Pentagon, making the U.S. Army, Navy, Marine Corps, and Air Force stronger and more lethal. What would this dictator do to those Chinese executives?

I will tell you what he would do. A, he would never let them do it. But if they did do it, he would arrest them, put them in jail, and shoot them at sunup. That is what he would do.

There is not one person in this body, not one person in America—heck, not one person in China—who would disagree with that.

That is what he would do.

So what happens when American investment companies—financial institutions, private equity firms, hedge funds, venture capital firms, investment banks—what happens when they invest in Chinese companies that make the Chinese military more lethal and stronger? What happens?

The answer: pretty much nothing. Worse, we have a hard time knowing which American firms are even doing this.

This is a huge knowledge gap in an asymmetrical advantage that our biggest adversary—right here, Xi Jinping and the Chinese Communist Party—has over us.

They can't invest. They won't invest. They will get the death penalty if they invest in an American company that will help our military become stronger.

We have, who knows, a lot of financial institutions investing in Chinese companies to make their military stronger. We have financial companies that are investing in the Chinese Communist Party, companies that are producing things like advanced semiconductors, artificial intelligence, quantum computing, hypersonics—all technologies that are critical to dominating the 21st century battlefield. This is a giant American national security issue.

I don't normally come down to the Senate floor and quote Lenin. I am not a big fan of Lenin. But he purportedly said that ''capitalists will sell us the rope with which we will hang them.''

There is a little bit of that going on right now here in the United States of America. We have executives in this country and certain financial institutions—by the way, these American financial institutions and executives owe everything to their success by being American, being in the greatest country in the world, with the rule of law and our capital markets and our dynamic economy. Their success is because of the great Nation we live in, and yet some, kind of addicted to making more money—listen to Lenin. They are like, you know, maybe I will do that advanced chip manufacturing investment in the Chinese economy; maybe I will help them a little bit with artificial intelligence or quantum computing.

By the way, quantum computing, if you get really good at that, you can break any code that our military uses. You are toast if you can't communicate in a covered fashion—encrypted.

This is really dangerous stuff. I was first, actually, made aware of this many years ago by, in my view, one of the best Chairmen of the Joint Chiefs of Staff for our military that we have had in decades, Marine Corps Gen. Joe Dunford. He is just a fantastic Marine officer, just a fantastic Chairman. He is very measured, very smart, very strategic.

He raised this issue with me many years ago: Senator, we, America, have financial institutions—American financial institutions using American investment money—you know, the Iowa teachers' retirement plan, the laborers' retirement plan. They are taking that money, and they are investing it in China in some really advanced technologies.

There is a problem. The Chinese don't have that kind of investment capital and professionalism to grow these companies, but we do.

So this was first brought up to me by a great Marine general. So I started digging into it over the years and years, and it is a giant problem. Senior administration officials in the Biden administration agree. A whole host of top national security officials in the Trump administration agree. This is a bipartisan issue in terms of the concern. It is a blinking red light for our national security.

So some might ask: Well, wait a minute. What is wrong with an American financial company making an investment in the Chinese private economy?

Well, look, it depends on what part of the Chinese private economy. If you want to go make more hamburgers over there and sell—I don't know—refrigerators, that is fine. But these are investments in some of the critical technological needs of the military that will enable whichever military dominates these sectors to dominate the 21st century battlefield.

And, by the way, there is no such thing as a private company in China. If you are a private equity firm in America, you are saying: Well, I am just investing in this private company in China to help them with their quantum computing capability.

We all know that this guy and the Chinese military—the PLA and the Chinese Communist Party—they own that. They own that. They will take it, use it, dominate it.

So what can we do about this problem? Well, look, there are a lot of ideas on what we can do about this problem. I am working on legislation that would actually have the U.S. Government, believe it or not—and I am not a big government guy—look into the investments being made by American financial institutions into some of the most high-tech areas of China, what we would call outbound CFIUS. CFIUS is this process for inbound investment.

Let's look at what is happening outbound. It is a little more controversial. I think we need it, unfortunately, because we have a lot of—not a ton but, certainly, a number of—American financial executives who are like: Look, man, whatever—patriotism, I will leave that at the door. I am not really worried about that. I am not worried about that guy. I just want to make a big buck. It is too bad, but we got them. So we need this.

Here is an easier starting point. Let's have a transparency provision that enables us, the U.S. Government, to say: All right, big financial American firms or private equity firms or hedge funds, the American investment dollars that you are getting from the Illinois teachers' retirement fund, we want to know if you are putting that into quantum computing that can help this guy dominate Taiwan.

We want to know that. We want transparency. It is pretty good idea.

Now, Senator CORNYN offered a bill—I was a cosponsor of it—that we attached to the NDAA, saying we want outbound investment transparency. We want to know: What are American financial firms doing helping this guy become stronger?

It is pretty easy. Guess what, Mr. President. It is super bipartisan. That bill is brought to the floor as part of the National Defense Authorization Act and passed 91 to 6—91 to 6. Very few things pass 91 to 6 here. That did because it made sense. It is very bipartisan and relatively simple. It is just transparency.

Hey, Sequoia Capital—I am going to talk about them in minute—a big private equity firm, are they investing in quantum computing that can help this guy dominate the world? We should know, especially if it is American investment dollars, right?

So that is a good start. There is a lot of agreement.

Here is a letter from Dr. Kevin Roberts, the head of the Heritage Foundation.

Mr. President, I ask unanimous consent that a letter dated November 29, 2023, be printed in the RECORD.

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

CONGRESS: TIME TO WALK THE WALK ON CHINA

WASHINGTON—Heritage Action President Dr. Kevin Roberts released the following statement Wednesday as Congress finalizes its annual defense bill.

''Congress must seize opportunities in this year's National Defense Authorization Act (NDAA) to counter threats from Communist China and deliver for the American people. Reports that the House of Representatives may abandon efforts to track the billions of dollars of U.S. capital flowing into China, including into sanctioned Chinese military and technology companies, are extremely concerning. Doing so would all but ensure that the House will close out its first year of Republican leadership without notching any meaningful legislative accomplishments to address the most critical national security threats from China.

Multiple efforts to address threats from China are in danger of being omitted from the NDAA, including provisions to sanction

fentanyl traffickers, protect U.S. agricultural land, and end the funneling of taxpayer dollars to Chinese drone and biotech companies. However, the most important effort would begin to tackle a massive problem: today, U.S. capital freely flows into China with few restrictions, little oversight, and minimal prohibitions. The pensions and savings of millions of Americans are literally financing China's military buildup. Nevertheless, reports indicate that efforts by House Financial Services Chairman Patrick McHenry may succeed in blocking the Senate's bipartisan Outbound Investment Transparency Act, which would begin scrutinizing these problematic investments in China.

''Failing to advance outbound investment reform would be a gift to Xi Jinping and the Chinese Communist Party. Congress works for the American people, not Wall Street. It is long past time to stop funding our own destruction and end business as usual with Beijing. Politicians like talking the talk about being tough on China—it's time to walk the walk.''

Mr. SULLIVAN. He was talking about how we need to be able to track U.S. capital flowing into China, and it would be extremely concerning if that Cornyn amendment didn't make it into the final NDAA.

So he is saying: Hey, Senators, House Members, make sure that stays in.

Thank you, President Roberts of Heritage.

He also wrote the leadership of the House and Senate: Senator MCCONNELL, Senator SCHUMER, Speaker JOHNSON, and Congressman JEFFRIES.

Mr. President, I ask unanimous consent that a letter dated November 16, 2023, be printed in the RECORD.

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

NOVEMBER 16, 2023.

Hon. MIKE JOHNSON,
Speaker of the House, House of Representatives, Washington, DC.
Hon. CHARLES E. SCHUMER,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HAKEEM JEFFRIES,
Minority Leader, House of Representatives, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER JOHNSON, LEADER JEFFRIES, LEADER SCHUMER, AND LEADER MCCONNELL: As the FY2024 National Defense Authorization Act (NDAA) moves through conference committee, we write to urge Congress's support for security-related restrictions on outbound investment of American capital to the People's Republic of China (PRC). Many outbound investments into China are jeopardizing our national security by accelerating sensitive dual civilian and military technology development for the PRC, thereby strengthening its military, intelligence, surveillance, and security capabilities.

Some in Congress incorrectly argue that restricting such investments will impede the economic growth produced by adhering to free market principles. House Financial Services Chairman Patrick McHenry, for example, has argued that ''If we oppose China's state-run economy, we want more private investment—not less. Of those private investors, we want more of them to be Americans—not fewer. And if we are truly concerned by China's technology companies, we want as many Americans as possible steering them, spreading Western standards, and complying with U.S. laws.''

This argument does not apply to a state-controlled economy like China's, where businesses succeed only at the pleasure of the Chinese Communist Party (CCP). We regularly observe how the PRC cajoles American businesses into advancing CCP interests and values, from Hollywood studios and professional sports leagues preserving their market access by self-censoring, to major American companies promising to uphold ''core socialist values.'' It is both unwise and unconscionable to finance the capabilities of an adversary hostile to American interests and values.

Recognition of the risks associated with U.S. investment flowing to the PRC is growing. In his letter of August 3, 2023, Chairman Mike Gallagher of the Select Committee on the Strategic Competition between the United States and the Chinese Communist Party warned that much of the more than $1 trillion that the U.S. invests in the PRC through public markets ''directly finances PRC technology companies with documented connections to the Chinese military and the Chinese Community Party's (CCP) abhorrent human rights abuses.'' President Biden's recent Executive Order 14105 of August 9, 2023 purports to speak to this concern, as do numerous legislative proposals. On July 25, 2023,the Senate voted 91–6 to include in the FY24 NDAA the Outbound Investment Transparency Act, which would require notification of U.S. investments in key industries in foreign countries of concern.

Congress must establish sensible restrictions on U.S. capital flowing to sensitive industries and technologies in China. As a starting point, the FY24 NDAA must maintain the Senate's approach of establishing a disclosure and transparency regime for high-tech investments. Building on that foundation with meaningful restrictions in further critical technology sectors would be an even better outcome for American national security.

Nor should Congress accept attempts to substitute sanctions for outbound investment screening. Opponents of meaningful restrictions on outbound investment into China have argued that additional sanctions authorities are an acceptable alternative, despite the continuing lax enforcement of even mandatory sanctions towards China. While we strongly support enhancing and more sensibly harmonizing the U.S. sanctions regime, sanctions alone are piecemeal and backwards looking, rather than comprehensive and preventative. Predictability, efficiency, and efficacy all favor broad, robust prohibitions as default. Specifically, the Committee passed Chinese Military and Surveillance Company Sanctions Act should not replace the Outbound Investment Transparency Act.

Congress cannot allow American investment—including the investment of millions of average Americans' retirement funds—to bankroll threats to America's national security, the erosion of America's technological edge, and the violation of our nation's essential commitments to freedom and human dignity. Congress works for the American people, not Wall Street. As the FY24 NDAA is finalized, it must retain the Outbound Investment Transparency Act.

Sincerely,

CHRIS GRISWOLD,
Policy Director, American Compass.
VICTORIA COATES,
Vice President, Davis Institute for National Security and Foreign Policy, The Heritage Foundation.
THOMAS J. DUESTERBERG,
Senior Fellow Hudson Institute.
MICHAEL A. NEEDHAM,
Executive Director, America2100.
HON. STEVE YATES,
China Policy Initiative, America First Policy Institute.
JOSEPH MILLER,
Executive Director, Citizens for Renewing America.
JON TOOMEY,
Senior VP of Government Relations, Coalition for a Prosperous America.

Mr. SULLIVAN. The letter says this is really important—this Outbound Investment Transparency Act, 91 to 6. Let's get it in the final NDAA.

It is pretty simple, pretty noncontroversial.

But, Mr. President, as you know, nothing here is ever simple. Evidently, the chairman of the House Financial Services Committee, PATRICK MCHENRY—I don't know him. He seems like a nice guy, from what I hear. But, boy, is this guy misguided because it is all over the press that he fought like crazy to strip this provision out of the NDAA.

Why would he do that? By the way, he is retiring. So I am not sure why we give him a lot of say anymore. But somehow, some way, one Congressman—Republican, by the way—over in the House convinced the House to strip this transparency provision that is meant to undermine this bad guy. They stripped it out of the NDAA. So it is not in the National Defense Authorization Act because one Congressman said: I don't want it in. Ninety-one Senators said: We need it in. And, by the way, the vast majority of the House wants it in.

You have a really strong House Member, Congressman GALLAGHER, who is leading this bipartisan China commission. He says it is really important.

The Biden administration wants it in. I have talked to Secretary of Commerce Raimondo and the Secretary of Defense. They all want it in. But one Congressman, who is not even going to be around anymore, gets to strip it out so we don't know what American investments are going to make this guy stronger? He gets the final say?

This is an outrage. And this is enough of an outrage that Senator CORNYN and I, 2 weeks ago, in a lunch, when the Speaker of the House came to visit us, we said: Hey, Mr. Speaker, we are hearing some things about this really important, simple transparency investment provision, that you guys might strip it out. Why?

Come on. Some of us have been focused on the China threat for years, and now, we have one Congressman, who is leaving, and he says we strip it out, when 91 Senators say we need it.

So the Speaker said to me and Senator CORNYN—we were pretty forceful in the meeting. I am a big fan of the new Speaker, Speaker JOHNSON. But he said: Well, it might not make it in the NDAA, but we will bring to the floor of the House a vote on the McCaul bill.

This is the chairman of the House Foreign Affairs Committee, Chairman MCCAUL, who has an amendment that is very similar to the Cornyn amendment. Actually, it is a little bit tougher. So he doesn't like it. Xi Jinping doesn't like it. So we said: All right, Mr. Speaker. It sounds like a good compromise. Let's do it. Thank you, Mr. Speaker.

Since that meeting, I think I have gotten a commitment, and I think Senator CORNYN thinks he has gotten a commitment from the Speaker of the House to a bunch of U.S. Senators, saying: Don't worry, we got this.

Since that time, I have been reading press reports. Now, look, the press can get a lot of things wrong. The press is saying: No, actually, the Speaker is not going to bring up a vote on the McCaul bill—which, by the way, in the House, will get 340 votes easy, and if that came back here, it would get 91, maybe more. So it would be super bipartisan, and this guy, this dictator, would hate it. Let's do it. Let's do it.

But just lately, the press is reporting that the Speaker is now saying: Maybe I won't do what I told the Senators. Maybe I am going to put some kind of Commission together, and we will study it.

Well, as you know, when you start studying things here, that is a way to kick the can down the road.

So my first priority here is to call out the Speaker of the House and say: Mr. Speaker, I am pretty sure you said you were going to bring the McCaul bill to the House floor soon—maybe before Christmas but certainly January. Let's get it voted on. We will pass it here in the Senate, I guarantee you. The majority leader will bring it up. Let's do that.

So I hope you continue to make that commitment, Mr. Speaker. It would be really disappointing if somehow a Congressman who is leaving—leaving—teams up with the people who don't want us to know how Americans are investing in this guy's military industrial complex. That wouldn't be good.

So I call on the Speaker to keep that commitment that he made to a bunch of U.S. Senators recently and not put forward some kind of baloney Commission that is just kicking the can down the road. That wouldn't be good.

But let me end with just a reason—like, why does transparency matter? Why does it matter? Well, I am going to give one small example, but it is a pretty good one.

This is a venture capital firm called Sequoia. Very successful. Americans. They benefited from being an American company working in the American economy. Really, really smart guys and women. Highly successful. Their executives are very wealthy, and that is great. This is a capitalist country; I love that.

But they were also known as one of these firms that were doing what I said: making big investments over many, many years in very high-tech components of the Chinese economy—advanced computer chip manufacturing, quantum computing, things like that. I think that is wrong, that Americans and American executives and American investment dollars are going to China to help develop weapon systems that will be used to kill U.S. marines and U.S. sailors if we ever get in a fight in the Taiwan Strait.

So Sequoia Capital came to meet with me a couple years ago, and I essentially told them that. Hey, look, you are very successful. That is great. You live in the greatest country in the world. You have done a lot to help our economy. But why are you helping the Chinese economy? Why are you investing in things that are going to give them a military advantage over our soldiers, sailors, airmen, and marines? Why are you doing that?

They didn't have a good answer.

It wasn't a very cordial meeting, to be honest, because we didn't see it the same way. But at the very end of the meeting, actually, one of them got up and said: Well, you know, Senator, if we don't do these kinds of investments in China, the Saudis and Emirates will.

I was like: Wait. What? That is your drop-the-mic argument at the end? You requested the meeting with me. That is a pathetic argument. What about patriotism? What about American interests?

So I started kind of blowing the whistle a little bit on this company in hearings and stuff. We did a lot of research. They were doing a lot of big-time investments in some of the highest tech elements of the Chinese economy that will help their military kill American sailors and soldiers if we ever get in a fight. That is wrong.

So we started—some of us—putting a little pressure on these guys. Transparency. Calling them out—Americans doing this kind of thing. Well, some of that worked. They announced a big separation agreement. They are not going to do it anymore. They are getting pressure from the Congress—by the way, legitimate pressure.

Here is a headline from the Wall Street Journal: ''Sequoia Made a Fortune Investing in the U.S. and China''—China high technology that will help their military—''Then It Had to Pick One.'' It had to pick one because Members of Congress were saying: Enough. That is transparency.

So we want to know how many more Sequoias are out there. It is a pretty legitimate ask. It is actually a very legitimate ask. It is so legitimate that 91 U.S. Senators voted for this. And we have one Congressman over there who is leaving—not sure where he is going; maybe he is going to Sequoia Capital—and he is blocking it.

So we need to fix this. We need to make sure the vast majority of U.S. Senators and U.S. House Members who want transparency on this really important national security issue—that this gets fixed.

So once again I am calling on the Speaker to keep his commitment, bring the McCaul bill to the floor soon—next week, 2 weeks, January. But don't let one Congressman who is walking out the door thwart the vast, vast majority of the U.S. Senate and the U.S. House on a very important national security issue.

You know, a lot of us talk a lot about China and the threats. I have been coming out here since I got elected in 2015 to talk about the challenges of this dictator. He is a menace, dangerous, and they are growing their power. But do you know what? A lot of it is talk. A lot of it is talk. This was something that was action. It wasn't a huge deal—transparency, action.

Right now, we have Republican House Members—hopefully not the Speaker, but certainly the chairman of the Financial Committee, the Banking Committee—who are saying: No, I want to keep it in the dark, what Americans are doing to invest in making this guy stronger.

That is wrong. Mr. President, 99.9 percent of Americans would think that is wrong. So we need to fix it. The House needs to take leadership on this issue. And my Republican colleagues keep talking tough on China. It is time to act. It is time to act.

I yield the floor.

The PRESIDING OFFICER (Mr. FETTERMAN). The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to show framed photos of two individuals I would like to speak about today.

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

ISRAEL

Mrs. GILLIBRAND. Mr. President, as fighting has resumed in Israel and in Gaza, I met with three families whose loved ones became victims of Hamas. One was the sister of Tamar Gutman, a beautiful 27-year-old Israeli woman who disappeared on October 7. Tamar had been attending the Supernova music festival when the terrorists attacked.

Tamar's sister was in touch with her during the morning of the attack as Tamar and her friends tried desperately to hide from the attackers. But Tamar suddenly stopped responding to texts.

Her family presumed she had been abducted and held out hope that she might still be alive. But 27 days after the attack, they finally got footage that indicated that she had been killed.

Tamar's sister told me that as horrible as it was to see the image of her sister's dead body, it was a relief to see that her jeans were still on her body.

But later, when the family recovered or tried to recover Tamar's body to give her a proper burial, they only found a few bones from her thigh and her chest. Her body had been horrifically dismembered, mutilated, and burned.

I also met with friends of Ofir Tzarfati's, who was attending the

Supernova music festival as well. He, his girlfriend Shoval, and his friends were there to celebrate his 27th birthday. When rockets began to fall, the friends all got in their cars and began driving toward the exit, but there was a huge traffic jam. Suddenly, hundreds of people started running to the other side of the cars, yelling: ''Terrorists! There are terrorists here! They shot a woman in the head!''

Ofir grabbed his girlfriend Shoval's hand, and they started running. People were freezing in fear and falling from gunfire around them. The couple and a friend hid for 4 hours behind a tree trunk. Shoval and others who had escaped say that Ofir was a hero, that he managed the whole situation to protect them, telling them when to run, when to crouch, when to hide. They saw his bravery, and they followed him.

When an Israeli driver came to offer help, Ofir helped his girlfriend and her friend into the car. But there were already eight people inside that car, and there was no room for him, so Ofir told them to go without him, and he got into another car. Shoval wanted to get in Ofir's car, but the driver already hit the gas and drove off. She called him on the way to tell him where to meet her, but he never made it.

Later, Ofir's loved ones learned that his car was attacked and that he was badly injured, but they held out hope that he was still alive and were told he had been taken captive. Sadly, on November 29, Ofir's family learned that his body had been found in Gaza.

These are just two among the hundreds of innocent people who fell victim to Hamas. But despite the profound grief and despair their families are experiencing, they are dedicating themselves to advocating for the innocent hostages still in captivity.

Last week, I also met with Merav Raviv, whose uncle, Avraham, and aunt, Ruti Munder, were kidnapped together with their daughter, Keren Munder, and her son, Ohad. Ruti, Keren, and Ohad were released, but Avraham is still being held by Hamas. He will turn 79 tomorrow. He is in very poor health, and he needs medication and care. His family said that a kind Israeli woman who was trained to be a nurse was trying to care for him in captivity, but since she has been released, they are very, very worried that he will not survive.

We know what Hamas thinks about the sanctity of human life by what they did to Tamar and Ofir. Every day that the hostages remain in captivity is another day that their lives are at risk.

It is time to bring every hostage home and reunite them with their families. It is the least that we can do to honor the memories of those who have been lost, those who have been killed, those whose bodies have been desecrated, and those who are in deep, deep sorrow.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 435, COL Andres O. Saslav, with the exception of COL John W. Sannes; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The senior assistant legislative clerk read the nomination of the following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624: to be Brigadier General, COL Andres O. Saslav.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Saslav nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate consider the following nomination: Executive Calendar No. 443 and all nominations placed on the Secretary's Desk in the Coast Guard; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14 U.S.C., section 2121 (e):

To be rear admiral (Lower Half)

Capt Jason P. Tama
Capt. Arex B. Avanni
Capt. Gregory C. Rothrock
Capt. Jefnrey W. Novak
Capt. Adam A. Chamie
Capt. Zeita Merchant

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

*PN1108 COAST GUARD nominations (212) beginning MARK R. ALLEN, and ending JAMES B. ZORN, which nominations were received by the Senate and appeared in the Congressional Record of October 24, 2023.

*PN1111 COAST GUARD nominations (11) beginning LORI A. ARCHER, and ending SHARON E. RUSSELL, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2023.

LEGISLATIVE SESSION

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

ADJOURNMENT UNTIL MONDAY, DECEMBER 11, 2023, AT 3 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 3 p.m. on Monday, December 11, 2023.

Thereupon, the Senate, at 4:50 p.m., adjourned until Monday, December 11, 2023, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JACOB B. SAUNDERS

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK C. MULLINAX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

COLBY S. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SETH M. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

AARON R. MONKMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LASAUNDRA C. ESTELLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL B. FOWLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PACE E. BROWN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SARAH A. SHERWOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILFREDO MORALES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DARY R. SAMPY, JR.

IN THE SPACE FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES SPACE FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANGELA C. ANGELINI

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7, 2023:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. ANDREW O. SASLAV

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14 U.S.C., SECTION 2121(E):

To be rear admiral (lower half)

CAPT. JASON P. TAMA
CAPT. AREX B. AVANNI
CAPT. GREGORY C. ROTHROCK
CAPT. JEFFREY W. NOVAK
CAPT. ADAM A. CHAMIE
CAPT. ZEITA MERCHANT

COAST GUARD NOMINATIONS BEGINNING WITH MARK R. ALLEN AND ENDING WITH JAMES B. ZORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 24, 2023.

COAST GUARD NOMINATIONS BEGINNING WITH LORI A. ARCHER AND ENDING WITH SHARON E. RUSSELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2023.