

S. 1185

At the request of Mr. DAINES, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1185, a bill to prohibit the Secretary of the Interior and the Secretary of Agriculture from prohibiting the use of lead ammunition or tackle on certain Federal land or water under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.

S. 1199

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1199, a bill to combat the sexual exploitation of children by supporting victims and promoting accountability and transparency by the tech industry.

S. 1219

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. 1219, a bill to amend the Public Health Service Act to provide health equity for people with disabilities.

S. 1300

At the request of Mr. CRUZ, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1300, a bill to require the Secretary of the Treasury to mint coins in recognition of the late Prime Minister Golda Meir and the 75th anniversary of the United States-Israel relationship.

S. 1304

At the request of Mr. SCOTT of Florida, the name of the Senator from Oklahoma (Mr. MULLIN) was added as a cosponsor of S. 1304, a bill to require the Comptroller General of the United States to conduct a study on the carbon footprint and environmental impacts of electric vehicles, and for other purposes.

S. 1384

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1384, a bill to promote and protect from discrimination living organ donors.

S. 1465

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 1465, a bill to establish the Baltic Security Initiative for the purpose of strengthening the defensive capabilities of the Baltic countries, and for other purposes.

S. 1480

At the request of Mr. CASSIDY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1480, a bill to support the creation and implementation of State policies, as well as the expansion of existing State policies, for improving the quality and affordability of charter school facilities.

S. 1491

At the request of Mr. GRASSLEY, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 1491, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 1501

At the request of Mr. CRAMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1501, a bill to amend the Bank Service Company Act to provide improvements with respect to State banking agencies, and for other purposes.

S. 1507

At the request of Mr. BROWN, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1507, a bill to provide grants to State, local, territorial, and Tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to enhance law enforcement efficiency and protect law enforcement officers.

S. 1521

At the request of Mr. DAINES, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1521, a bill to amend the Federal Power Act to modernize and improve the licensing of non-Federal hydro-power projects, and for other purposes.

S. 1549

At the request of Mr. PETERS, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1549, a bill to provide the Congressional Budget Office with necessary authorities to expedite the sharing of data from executive branch agencies, and for other purposes.

S. 1569

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1569, a bill to protect law enforcement officers, and for other purposes.

S. 1582

At the request of Mr. WELCH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1582, a bill to amend the Farm Security and Rural Investment Act of 2002 to expand the national organic certification cost-share program into a comprehensive organic program, and for other purposes.

S. 1583

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 1583, a bill to require the Secretary of State to submit to Congress classified dissent cables relating to the withdrawal of the United States Armed Forces from Afghanistan.

S. 1585

At the request of Mr. CORNYN, the name of the Senator from West Vir-

ginia (Mr. MANCHIN) was added as a cosponsor of S. 1585, a bill to allow Federal law enforcement officers to purchase retired service weapons, and for other purposes.

S. 1587

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 1587, a bill to provide incentives for States to recover fraudulently paid Federal and State unemployment compensation, and for other purposes.

S. 1589

At the request of Mr. TILLIS, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1589, a bill to provide for transparency of funds appropriated for purposes of implementing part E of title XI of the Social Security Act.

S.J. RES. 26

At the request of Mr. VANCE, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S.J. Res. 26, a joint resolution disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022.

S. RES. 45

At the request of Mrs. BRITT, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. Res. 45, a resolution expressing the sense of the Senate that the current influx of migrants is causing a crisis at the southern border.

S. RES. 188

At the request of Mr. MENENDEZ, the names of the Senator from New Mexico (Mr. LUJÁN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 188, a resolution celebrating the 75th anniversary of the founding of the State of Israel, and for other purposes.

S. RES. 203

At the request of Ms. ROSEN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Washington (Mrs. MURRAY), the Senator from Idaho (Mr. CRAPO), the Senator from Virginia (Mr. KAINE), the Senator from Tennessee (Mr. HAGERTY), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Hawaii (Ms. HIRONO), the Senator from Florida (Mr. RUBIO) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. Res. 203, a resolution recognizing the significance of Jewish American Heritage Month as a time to celebrate the contributions of Jewish Americans to the society and culture of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Ms. BALDWIN, Mr. MENENDEZ, Mrs.

MURRAY, Mr. CARDIN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. MURPHY, Mr. SCHATZ, Ms. CANTWELL, and Ms. CORTEZ MASTO):

S. 1591. A bill to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1591

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Domestic Terrorism Prevention Act of 2023”.

SEC. 2. DEFINITIONS.

In this Act—

- (1) the term “Director” means the Director of the Federal Bureau of Investigation;
- (2) the term “domestic terrorism” has the meaning given the term in section 2331 of title 18, United States Code;
- (3) the term “Domestic Terrorism Executive Committee” means the committee within the Department of Justice tasked with assessing and sharing information about ongoing domestic terrorism threats;
- (4) the term “hate crime incident” means an act described in section 241, 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631);
- (5) the term “Secretary”, except as otherwise provided, means the Secretary of Homeland Security; and
- (6) the term “uniformed services” has the meaning given the term in section 101(a) of title 10, United States Code.

SEC. 3. OFFICES TO COMBAT DOMESTIC TERRORISM.

(a) AUTHORIZATION OF OFFICES TO MONITOR, ANALYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TERRORISM.—

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

(2) DOMESTIC TERRORISM OFFICE.—There is authorized a Domestic Terrorism Office in the Counterterrorism Section of the National Security Division of the Department of Justice—

(A) which shall be responsible for investigating and prosecuting incidents of domestic terrorism;

(B) which shall be headed by the Domestic Terrorism Counsel; and

(C) which shall coordinate with the Civil Rights Division on domestic terrorism matters that may also be hate crime incidents.

(3) DOMESTIC TERRORISM SECTION OF THE FBI.—There is authorized a Domestic Terrorism Section within the Counterterrorism Division of the Federal Bureau of Investigation, which shall be responsible for investigating domestic terrorism activity.

(4) STAFFING.—The Secretary, the Attorney General, and the Director shall each ensure that each office authorized under this section in their respective agencies shall—

(A) have an adequate number of employees to perform the required duties;

(B) have not less than one employee dedicated to ensuring compliance with civil rights and civil liberties laws and regulations; and

(C) require that all employees undergo annual anti-bias training.

(5) SUNSET.—The offices authorized under this subsection shall terminate on the date that is 10 years after the date of enactment of this Act.

(b) JOINT REPORT ON DOMESTIC TERRORISM.—

(1) BIENNIAL REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, and each 6 months thereafter for the 10-year period beginning on the date of enactment of this Act, the Secretary, the Attorney General, and the Director shall submit a joint report authored by the domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) to—

(A) the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on the Judiciary, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the domestic terrorism threat posed by White supremacists and neo-Nazis, including White supremacist and neo-Nazi infiltration of Federal, State, and local law enforcement agencies and the uniformed services;

(B)(i) in the first report, an analysis of incidents or attempted incidents of domestic terrorism that have occurred in the United States since April 19, 1995, including any White-supremacist-related incidents or attempted incidents; and

(ii) in each subsequent report, an analysis of incidents or attempted incidents of domestic terrorism that occurred in the United States during the preceding 6 months, including any White-supremacist-related incidents or attempted incidents;

(C) a quantitative analysis of domestic terrorism for the preceding 6 months, including—

(i) the number of—

(I) domestic terrorism related assessments initiated by the Federal Bureau of Investigation, including the number of assessments from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism;

(II) domestic terrorism-related preliminary investigations initiated by the Federal Bureau of Investigation, including the number of preliminary investigations from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and how many preliminary investigations resulted from assessments;

(III) domestic terrorism-related full investigations initiated by the Federal Bureau of Investigation, including the number of full investigations from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and how many full investigations resulted from preliminary investigations and assessments;

(IV) domestic terrorism-related incidents, including the number of incidents from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, the number of deaths and injuries resulting from each incident, and a detailed explanation of each incident;

(V) Federal domestic terrorism-related arrests, including the number of arrests from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each arrest;

(VI) Federal domestic terrorism-related indictments, including the number of indictments from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each indictment;

(VII) Federal domestic terrorism-related prosecutions, including the number of incidents from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each prosecution;

(VIII) Federal domestic terrorism-related convictions, including the number of convictions from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each conviction; and

(IX) Federal domestic terrorism-related weapons recoveries, including the number of each type of weapon and the number of weapons from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism; and

(i) an explanation of each individual case that progressed through more than 1 of the stages described under clause (i)—

(I) including the specific classification or subcategory for each case; and

(II) not including personally identifiable information not otherwise releasable to the public; and

(D) certification that each of the assessments and investigations described under subparagraph (C) are in compliance with all applicable civil rights and civil liberties laws and regulations.

(3) HATE CRIMES.—In compiling a joint report under this subsection, the domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) shall, in consultation with the Civil Rights Division of the Department of Justice and the Civil Rights Unit of the Federal Bureau of Investigation, review each Federal hate crime charge and conviction during the preceding 6 months to determine whether the incident also constitutes a domestic terrorism-related incident.

(4) CLASSIFICATION AND PUBLIC RELEASE.—Each report submitted under paragraph (1) shall be—

(A) unclassified, to the greatest extent possible, with a classified annex only if necessary; and

(B) in the case of the unclassified portion of the report, posted on the public websites of the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

(5) NONDUPLICATION.—If two or more provisions of this subsection or any other law impose requirements on an agency to report or analyze information on domestic terrorism that are substantially similar, the agency may produce one report that complies with each such requirement as fully as possible.

(c) DOMESTIC TERRORISM EXECUTIVE COMMITTEE.—There is authorized a Domestic Terrorism Executive Committee, which shall meet on a regular basis, and not less regularly than 4 times each year, to coordinate with United States Attorneys and other key public safety officials across the United States to promote information sharing and ensure an effective, responsive, and organized joint effort to combat domestic terrorism.

(d) **FOCUS ON GREATEST THREATS.**—The domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) shall focus their limited resources on the most significant domestic terrorism threats, as determined by the number of domestic terrorism-related incidents from each category and subclassification in the joint report for the preceding 6 months required under subsection (b).

SEC. 4. TRAINING TO COMBAT DOMESTIC TERRORISM.

(a) **REQUIRED TRAINING AND RESOURCES.**—The Secretary, the Attorney General, and the Director shall review the anti-terrorism training and resource programs of their respective agencies that are provided to Federal, State, local, and Tribal law enforcement agencies, including the State and Local Anti-Terrorism Program that is funded by the Bureau of Justice Assistance of the Department of Justice, and ensure that such programs include training and resources to assist State, local, and Tribal law enforcement agencies in understanding, detecting, deterring, and investigating acts of domestic terrorism and White supremacist and neo-Nazi infiltration of law enforcement and corrections agencies. The Attorney General shall make training available to Department prosecutors and to Assistant United States Attorneys on countering and prosecuting domestic terrorism. The domestic-terrorism training shall focus on the most significant domestic terrorism threats, as determined by the quantitative analysis in the joint report required under section 3(b).

(b) **REQUIREMENT.**—Any individual who provides domestic terrorism training required under this section shall have—

(1) expertise in domestic terrorism; and
(2) relevant academic, law enforcement, or other community-based experience in matters related to domestic terrorism.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act and twice each year thereafter, the Secretary, the Attorney General, and the Director shall each submit a biannual report to the committees of Congress described in section 3(b)(1) on the domestic terrorism training implemented by their respective agencies under this section, which shall include copies of all training materials used and the names and qualifications of the individuals who provide the training.

(2) **CLASSIFICATION AND PUBLIC RELEASE.**—Each report submitted under paragraph (1) shall—

(A) be unclassified, to the greatest extent possible, with a classified annex only if necessary;

(B) in the case of the unclassified portion of each report, be posted on the public website of the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation; and

(C) include the number of Federal incidents, investigations, arrests, indictments, prosecutions, and convictions with respect to a false report of domestic terrorism or hate crime incident.

SEC. 5. INTERAGENCY TASK FORCE.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Director, the Secretary, and the Secretary of Defense shall establish an interagency task force to analyze and combat White supremacist and neo-Nazi infiltration of the uniformed services and Federal law enforcement agencies.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the interagency task force is established under subsection (a), the Attorney General, the Secretary, and the Secretary of Defense

shall submit a joint report on the findings of the task force and the response of the Attorney General, the Secretary, and the Secretary of Defense to such findings, to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Armed Services of the House of Representatives.

(2) **CLASSIFICATION AND PUBLIC RELEASE.**—The report submitted under paragraph (1) shall be—

(A) submitted in unclassified form, to the greatest extent possible, with a classified annex only if necessary; and

(B) in the case of the unclassified portion of the report, posted on the public website of the Department of Defense, the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

SEC. 6. FEDERAL SUPPORT FOR ADDRESSING HATE CRIME INCIDENTS WITH A NEXUS TO DOMESTIC TERRORISM.

(a) **COMMUNITY RELATIONS SERVICE.**—The Community Relations Service of the Department of Justice, authorized under section 1001(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000g), may offer the support of the Service to communities where the Department of Justice has brought charges in a hate crime incident that has a nexus to domestic terrorism.

(b) **FEDERAL BUREAU OF INVESTIGATION.**—Section 249 of title 18, United States Code, is amended by adding at the end the following:

“(f) **FEDERAL BUREAU OF INVESTIGATION.**—The Attorney General, acting through the Director of the Federal Bureau of Investigation, shall assign a special agent or hate crimes liaison to each field office of the Federal Bureau of Investigation to investigate hate crimes incidents with a nexus to domestic terrorism (as such term is defined in section 2 of the Domestic Terrorism Prevention Act of 2023).”.

SEC. 7. RULE OF CONSTRUCTION.

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

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense such sums as may be necessary to carry out this Act.

By Mr. DURBIN (for himself, Mr. PETERS, Mr. BROWN, Mr. HEINRICH, Mr. LUJÁN, Mr. PADILLA, Mr. CARPER, Ms. CORTEZ MASTO, Mr. KING, Ms. KLOBUCHAR, Ms. ROSEN, Ms. BALDWIN, and Mr. BENNET):

S. 1600. A bill making further supplemental appropriations for the fiscal year ending September 30, 2023, for border management activities, and for other purposes; to the Committee on Appropriations.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1600

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Border Management, Security, and Assistance Act of 2023”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short Title.
Sec. 2. Table of Contents.
Sec. 3. References.

DIVISION A—BORDER MANAGEMENT SUPPLEMENTAL APPROPRIATIONS ACT, 2023

DIVISION B—BORDER PROCEDURES AND IMPROVEMENTS ACT

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—BORDER MANAGEMENT SUPPLEMENTAL APPROPRIATIONS ACT, 2023

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2023, and for other purposes, namely:

TITLE I DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

For an additional amount for “Executive Office for Immigration Review”, \$95,000,000, to remain available until September 30, 2024: *Provided*, That of the amounts made available under this heading, \$60,000,000 shall be for new Immigration Judge Teams, including travel, salaries, rental space, and support staff; \$10,000,000 shall be for Information Technology improvements and modernization and other efficiencies, including digitizing records and providing remote capabilities for proceedings; \$22,000,000 shall be for covering expenses related to supporting weekend adjudications; and \$3,000,000 shall be for services and activities provided by the Legal Orientation Program.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$21,873,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, \$7,373,000 shall be to support the Criminal Division’s Joint Task Force Alpha; \$1,300,000 shall be for the Civil Division’s Office of Immigration Litigation, District Courts section, to be used for immediate litigation related to Southwest border enforcement; and \$13,200,000 shall be for the Civil Division’s Office of Immigration Litigation, Appellate section, to be used for personnel and additional litigation needs related to Southwest border enforcement.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$47,000,000, to remain available until September 30, 2025, for necessary expenses for increased law enforcement activities related to Southwest border enforcement: *Provided*, That no funds shall be used to prosecute an

alien pursuant to section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 or 8 U.S.C. 1326), if such alien has a pending claim for protection, has received a positive adjudication of such claim, or is subject to an administrative or judicial appeal or process.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$50,100,000, to remain available until September 30, 2024, for necessary expenses for increased law enforcement activities related to Southwest border enforcement.

FEDERAL PRISONER DETENTION

For an additional amount for “Federal Prisoner Detention”, \$150,000,000, to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$160,000,000: *Provided*, That of the amounts made available under this heading, \$2,550,000, to remain available until September 30, 2024, shall be to acquire additional DNA kits related to Southwest border enforcement and \$157,450,000, to remain available until September 30, 2025, shall be for analysis of DNA samples received from the Department of Homeland Security related to Southwest border enforcement.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$68,400,000, to remain available until September 30, 2025, for necessary expenses for increased law enforcement activities related to Southwest border enforcement.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, \$13,000,000, to remain available until September 30, 2024: *Provided*, That of the amounts made available under this heading, \$3,000,000 shall be for small, rural, and Tribal law enforcement agencies in jurisdictions along or near the Southwest border for grants authorized under the Missing Persons and Unidentified Remains Act of 2019 (Public Law 116-277) and \$10,000,000 shall be for a rural violent crime initiative to support the investigation and prosecution of violent crime for state, local, and Tribal governments for jurisdictions located within 100 miles of the Southwest border.

TITLE II

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$135,000,000 for necessary expenses related to Southwest border activities.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$116,000,000 for necessary expenses related to Southwest border activities.

TITLE III

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operations and Support” for necessary expenses to re-

spond to the rise in noncitizen arrivals at the southwest border and related activities, \$2,888,968,000, to remain available until September 30, 2024: *Provided*, That of the amounts made available under this heading, \$1,950,000,000 shall be transferred to “Federal Emergency Management Agency—Federal Assistance” for the Shelter and Services Program to support sheltering and related activities provided by non-Federal entities, including construction and facility improvements: *Provided further*, That of the amounts made available under this heading, \$603,520,000 shall be for establishing and operating temporary processing facilities, including auxiliary facilities to increase processing capacity at ports of entry along the southwest border while supporting trade facilitation and travel; \$67,655,000 shall be for temporary duty, overtime costs, and volunteer force; \$57,025,000 shall be for transportation; \$56,000,000 shall be for mission support data systems and analysis; \$53,150,000 shall be for contract support for intake processing and data entry; \$51,000,000 shall be for additional Customs and Border Protection Officers; \$28,618,000 shall be for caregivers and medical care; \$11,000,000 shall be for employee wellness; and \$11,000,000 shall be for employee retention.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for improving security at and between ports of entry along the southwest border, \$1,130,000,000, to remain available until September 30, 2025: *Provided*, That of the amounts made available under this heading, \$700,000,000 shall be for additional non-intrusive inspection equipment to increase scanning of vehicles and \$430,000,000 shall be for the acquisition and deployment of innovative border security technology, including for surveillance, such as mobile and fixed towers, unmanned aerial technology, subterranean detection capabilities, and other technologies to assist with search and rescue detection.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses to respond to the rise in noncitizen arrivals at the southwest border and related activities, \$960,000,000, to remain available until September 30, 2024: *Provided*, That of the amounts made available under this heading, \$553,420,000 shall be for transportation and removal; \$127,000,000 shall be for alternatives to detention; \$13,000,000 shall be for additional technology and capacity to conduct immigration proceedings while in custody and access counsel; \$36,000,000 shall be for Transportation Processing Coordinator positions; \$52,300,000 shall be for temporary duty, overtime, other on-board personnel costs including reimbursements, and employee wellness; \$117,000,000 shall be to reimburse for noncitizen medical bills accrued by third-parties within seven days of release from custody, including state, local, and emergency and first response; and \$61,280,000 shall be for Homeland Security Investigations trafficking investigations and investigations related to Operation Blue Lotus.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses to respond to the rise in noncitizen arrivals at the southwest border and related activities, \$409,000,000, to remain available until September 30, 2024: *Provided*, That of the amounts made available under this heading,

\$210,000,000 shall be for the efficient processing of asylum claims and related protection screenings; \$100,000,000 shall be for backlogs in the asylum system; and \$99,000,000 shall be for work authorization adjudications associated with processes to adjudicate protection claims in a safe and orderly way.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. (a) Not later than 45 days after the date of enactment of this Act, the Under Secretary for Management of the Department of Homeland Security shall provide an expenditure plan for the use of the funds made available in this title to the Committees on Appropriations of the Senate and the House of Representatives.

(b) Such plan shall be updated to reflect changes and expenditures and submitted to the Committees on Appropriations of the Senate and the House of Representatives every 60 days until all funds are expended or expired.

SEC. 302. (a) Not later than 180 days after the date of enactment of this Act, the Under Secretary for Management of the Department of Homeland Security, in coordination with the Federal Emergency Management Agency and U.S. Customs and Border Protection, shall provide a report to Congress on the Shelter and Services Program funds made available in this title.

(b) Such plan shall include:

- (1) award obligations;
- (2) a description of the outreach to local communities and non-governmental organizations receiving newly arrived noncitizens;
- (3) the program criteria and requirements suggested or adapted in response to such outreach to ensure funding is accessible and meeting the needs of local communities;
- (4) a description of the program goals, policies, and program structure;
- (5) the award allocation methodology used by the Program that depends to the greatest extent possible on available border data; and
- (6) outcome performance measures and results related to achieving program goals.

TITLE IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, \$1,000,000,000, to remain available until September 30, 2024, for carrying out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, including for hiring additional Federal Field Specialists, increasing and improving case management and case coordination services, and increasing post-release services, legal services, and child advocate services to ensure the physical and mental well-being of children in and after release from the Office of Refugee Resettlement's care.

TITLE V

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$100,000,000, to remain available until expended, to respond to humanitarian needs in countries in the Western Hemisphere, including the provision of emergency food and shelter.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$150,000,000, to remain available until September 30, 2024, for assistance

for countries in the Western Hemisphere to address the root causes of migration: *Provided*, That funds appropriated under this heading in this Act may be made available as contributions.

DEPARTMENT OF STATE
MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$500,000,000, to remain available until expended, to address humanitarian needs in, and to assist migrants from, countries in the Western Hemisphere.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2023.

SEC. 604. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and to legislation establishing fiscal year 2024 budget enforcement in the House of Representatives.

This division may be cited as the “Border Management Supplemental Appropriations Act, 2023”.

DIVISION B—BORDER PROCEDURES AND IMPROVEMENTS ACT

SEC. 1001. CONSEQUENCE DELIVERY.

(a) ENHANCED PENALTIES FOR ORGANIZED SMUGGLING SCHEMES.—

(1) IN GENERAL.—Section 274(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)) is amended—

(A) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(B) by inserting after clause (ii) the following:

“(iii) in the case of a violation of subparagraph (A)(i) during and in relation to which the person, while acting for profit or other financial gain, knowingly directs or participates in an effort or scheme to assist or cause 10 or more persons (other than a parent, spouse, or child of the offender) to enter or to attempt to enter the United States at the same time at a place other than a designated port of entry or place other than designated by the Secretary, be fined under title 18, United States Code, imprisoned not more than 15 years, or both;”;

(C) in clause (iv), as redesignated, by inserting “commits or attempts to commit sexual assault of,” after “section 1365 of title 18, United States Code) to,”.

(2) BULK CASH SMUGGLING.—Section 5332(b)(1) of title 31, United States Code, is amended—

(A) in the paragraph heading, by striking “TERM OF IMPRISONMENT” and inserting “IN GENERAL”; and

(B) by inserting “, fined under title 18, or both” after “5 years”.

(b) ENHANCED PENALTIES FOR ILLEGAL SPOTTING AND SURVEILLANCE.—

(1) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 274D the following:

“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

“(a) ILLICIT SPOTTING.—

“(1) IN GENERAL.—It shall be unlawful to knowingly surveil, track, monitor, or transmit the location, movement, or activities of any officer or employee of a Federal, State, or tribal law enforcement agency—

“(A) with the intent to gain financially; and

“(B) in furtherance of any violation of the immigration laws, the customs and trade laws of the United States (as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114-125)), any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States, or any Federal law relating to border controls measures of the United States.

“(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

“(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—

“(1) IN GENERAL.—It shall be unlawful to knowingly and without lawful authorization—

“(A) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or

“(B) otherwise seek to construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States.

“(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 274D the following:

“Sec. 274E. Hindering immigration, border, and customs controls.”.

SEC. 1002. STREAMLINING PROCESSING, ACCESS TO LAWFUL PATHWAYS, AND REMOVALS.

(a) ELECTRONIC NOTICE TO APPEAR AND IMMIGRATION COURT NOTICE.—

(1) IN GENERAL.—Section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(A) in paragraph (1)—

(i) by inserting “or by any other means that the alien consented to in writing, including by email or other electronic means,” after “by mail;”

(ii) by amending subparagraph (F) to read as follows:

“(F)(i) The requirement that the alien must immediately provide (or have provided) the Attorney General with a written record of an address, telephone number (if any), and electronic means (if any) by which the alien may be contacted respecting proceedings under section 1229a of this title.

“(ii) The requirement that the alien must provide the Attorney General immediately with a written record of any change of the alien’s contact information described in clause (i).

“(iii) The consequences under section 1229a(b)(5) of this title of failure to provide contact information pursuant to this subparagraph.”; and

(iii) by amending subsection (c) to read as follows:

“(c) SERVICE.—

“(1) BY MAIL.—Service by mail under this section shall be sufficient if there is proof of attempted delivery of the notice to appear to

the last address provided by the alien in accordance with subsection (a)(1)(F).

“(2) BY ELECTRONIC MEANS.—Service by electronic means under this section shall be sufficient if there is proof that the notice to appear was sent electronically through a system that is accessible to the alien.”.

(b) EMPLOYMENT AUTHORIZATION FOR ALIENS SEEKING A DURABLE SOLUTION.—Section 208(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(2)) is amended to read as follows:

“(2) EMPLOYMENT AUTHORIZATION.—

“(A) ELIGIBILITY.—Notwithstanding the Immigration and Nationality Act (8 U.S.C. 1101, et seq.), the Secretary of Homeland Security shall authorize employment for an alien who is not in the physical custody of the Department of Homeland Security after the procedures required under paragraph (5)(A)(i) have been completed, and the alien has—

“(i) a non-frivolous, properly filed application for asylum, or other immigration benefit request for humanitarian relief; or

“(ii) been processed for release by the Department of Homeland Security pending further processing or proceedings.

“(B) EXCEPTIONS.—Paragraph (2)(A) shall not apply to an alien who—

“(i) after release, comes into the physical custody of any Federal, state, or local entity for purposes of criminal or civil violations;

“(ii) fails to appear for any proceedings described in any section this Act; and

“(iii) fails to comply with terms and conditions of release, as determined by the Secretary.

“(C) TERMS.—At no time shall employment authorization under this paragraph shall be issued later than 30 days of release from custody or after a properly filed application occurs, whichever is sooner, and shall be—

“(i) for a period of 2 years;

“(ii) renewable for additional 2-year periods while the applicant’s asylum claim is being adjudicated, pending, or administratively closed, including administrative or judicial review; and

“(iii) any other terms or conditions as determined by the Secretary.

“(D) CLARIFICATIONS.—Paragraph (2)(A)(ii) shall apply to aliens irrespective of whether any form of removal proceedings have commenced or whether the alien has a pending request for immigration benefits.”.

(c) STREAMLINING VOLUNTARY DEPARTURE.—Section 240B(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(1)) is amended by striking “at the alien’s own expense”.

(d) DIRECT ACCESS PATHWAYS FOR REFUGEES IN THE WESTERN HEMISPHERE.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall—

(1) monitor Latin America and the Caribbean for regional instability and migration resulting from large scale persecution on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(2) designate members of the group experiencing such persecution as Priority 2 refugees of special humanitarian concern.

SEC. 1003. STAFFING FOR BORDER MANAGEMENT.

(a) STAFFING ALLOCATION MODELS.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of the Department of Homeland Security shall develop and implement staffing allocation models for U.S. Border Patrol and Air and Marine Operations of U.S. Customs and Border Protection and for U.S. Citizenship and Immigration Services, by not later than six months after the date of enactment of this Act.

(2) EXECUTIVE OFFICE OF IMMIGRATION REVIEW.—The Attorney General shall develop

and implement staffing allocation models for the Executive Office of Immigration Review, by not later than six months after the date of enactment of this Act.

(b) REQUIREMENTS.—Each staffing model shall—

(1) take into account variations in operating environments, technology, and the required operational support levels to carry out their respective duties;

(2) include a plan for periodically updating and improving the model, including incorporating operational, technological, and personnel changes; and

(3) receive independent verification and validation by an entity that is technically, managerially, and financially independent from the office or Department.

(c) REPORTING.—The Secretary and Attorney General shall report to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives detailing the finalized models, including a description of—

(1) the data sources and methodology used to general the models;

(2) actions taken to independently verify the model; and

(3) the plan for updating and maturing the model.

SEC. 1004. SHELTER AND SERVICES PROGRAM GAO REPORT.

Not later than 1 year than the date of enactment of this Act, and every two years thereafter, the Comptroller General of the United States shall submit to the Committees on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives an assessment of the grant criteria for Shelter and Services Program funds, the distribution of those funds, and the impact of program policies and practices on the ability of State and local governments and nongovernmental organizations to issue such funds.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 213—EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 2023 AS “RENEWABLE FUELS MONTH” TO RECOGNIZE THE IMPORTANT ROLE THAT RENEWABLE FUELS PLAY IN REDUCING CARBON IMPACTS, LOWERING FUEL PRICES FOR CONSUMERS, SUPPORTING RURAL COMMUNITIES, AND LESSENING RELIANCE ON FOREIGN ADVERSARIES

Mr. RICKETTS submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

Mr. RICKETTS submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 213

Whereas the United States is the largest producer of biofuels in the world, which contributes to the domestic economy, creates jobs, and reduces greenhouse gas emissions;

Whereas ethanol is a renewable fuel made of biomass from plant materials;

Whereas, in 2022, more than 78,800 jobs in the United States were directly associated with the ethanol industry, with an additional 342,800 indirect and induced jobs supported across all sectors of the economy;

Whereas the ethanol industry created \$34,800,000,000 in household income and contributed more than \$57,000,000,000 to the gross domestic product of the United States;

Whereas ethanol and feed co-product production provide a valuable market for United States corn, as a typical dry mill ethanol plant adds nearly \$2 of additional value to every bushel of corn processed;

Whereas ethanol use reduces greenhouse gas emissions by between 44 and 52 percent compared to gasoline, and, by displacing hydrocarbon substances like aromatics in gasoline, ethanol also helps reduce emissions of air toxins, particulate matter, carbon monoxide, nitrous oxides, and exhaust hydrocarbons;

Whereas, in 2022, ethanol helped protect the energy independence of the United States by displacing more than 600,000,000 barrels of crude oil;

Whereas $\frac{1}{3}$ of every bushel processed by an ethanol plant is used to make distillers grains, one of the most efficient animal feeds available;

Whereas biodiesel is a drop-in replacement for petroleum-based diesel fuel that is produced from renewable resources such as recycled cooking oil, soybean oil, distillers corn oil, canola oil, and animal fats;

Whereas renewable diesel is an advanced biofuel, made from the same feedstocks as biodiesel, that reduces greenhouse gas emissions, while meeting the same standard specification for diesel fuels as petroleum diesel;

Whereas producing a total of 6,000,000,000 gallons of biodiesel and renewable diesel would support 187,000 full-time equivalent jobs, with more than \$8,800,000,000 in wages and \$61,600,000,000 in total economic impact;

Whereas biodiesel and renewable diesel can be used in existing diesel engines without modification and are available now throughout the United States;

Whereas, while advanced biofuels like biodiesel and renewable diesel must reduce greenhouse gas emissions by at least 50 percent compared to petroleum diesel, depending on the feedstock used, biodiesel and renewable diesel provide average reductions in greenhouse gas emissions of 74 percent and can reduce greenhouse gas emissions by more than 80 percent;

Whereas biodiesel emits 80 percent less particulate matter than petroleum-based diesel, improving air quality and health outcomes;

Whereas the production of biodiesel and renewable diesel adds to the total domestic fuel supply, reducing the price of all diesel fuel at the pump;

Whereas, without the Renewable Fuel Standard helping to drive production of biodiesel and renewable diesel, the value of soybeans grown by farmers in the United States would decrease by 13 percent;

Whereas sustainable aviation fuel is made from renewable biomass and waste resources and can deliver the performance of petroleum-based jet fuel; and

Whereas sustainable aviation fuel can be blended with conventional jet fuel and the use of sustainable or blended aviation fuel requires no infrastructure or equipment changes: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of May 2023 as “Renewable Fuels Month”; and

(2) recognizes—

(A) the important role renewable fuels play in reducing the carbon impact of the United States;

(B) the ability renewable fuels have to lower fuel prices for consumers;

(C) the support to rural communities that renewable fuel industries provide; and

(D) the opportunity that the production of renewable fuels provides to lessen the reliance of the United States on foreign adversaries.

APPOINTMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Republican Leader, pursuant to the provisions of Public Law 117–140, appoints the following individuals to serve as a member of the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture: Chiling Tong of Maryland and Tina Wei Smith of Kentucky.

MEASURE READ THE FIRST TIME—H.R. 2

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2) to secure the borders of the United States, and for other purposes.

Mr. SCHUMER. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, MAY 16, 2023

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, May 16; 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 following the conclusion of morning business, the Senate proceed to the consideration of H.J. Res. 42, which was received from the House; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; further, that at 2:30 p.m., the joint resolution be considered read a third time and that the Senate vote on the passage of the joint resolution.

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