Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3998) to provide for the permanent appointment of certain temporary district judgeships.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed; the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3998

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 ''Federal Judiciary Stabilization Act of 2024''.

SEC. 2. TEMPORARY JUDGESHIPS IN THE DISTRICT COURTS.

(a) EXISTING JUDGESHIPS.—The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note) and the existing judgeships for the northern district of Alabama, the district of Arizona, the central district of California, the southern district of Florida, the district of New Mexico, the western district of North Carolina, and the eastern district of Texas authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note) shall, as of the effective date of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(b) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section, such table is amended—

(1) by striking the items relating to Alabama and inserting the following:

''Alabama:	
Northern	8
Middle	3
Southern	3'';

(2) by striking the item relating to Arizona and inserting the following:

''Arizona	13'';

(3) by striking the items relating to California and inserting the following:

''California:	
Northern	14
Eastern	6
Central	28
Southern	13'';

(4) by striking the items relating to Florida and inserting the following:

''Florida:	
Northern	4
Middle	15
Southern	18'';

(5) by striking the item relating to Hawaii and inserting the following:

''Hawaii	4'';

(6) by striking the item relating to Kansas and inserting the following:

''Kansas	6'';

(7) by striking the items relating to Missouri and inserting the following:

''Missouri:	
Eastern	7
Western	5
Eastern and Western	2'';

(8) by striking the item relating to New Mexico and inserting the following:

''New Mexico	7'';

(9) by striking the items relating to North Carolina and inserting the following:

''North Carolina:	
Eastern	4
Middle	4
Western	5''; and

(10) by striking the items relating to Texas and inserting the following:

''Texas:	
Northern	12
Southern	19
Eastern	8
Western	13''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate Resolutions: S. Res. 657, S. Res. 658, S. Res. 659.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to. (The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to the provisions of Public Law 114–196, the appointment of the following individual to serve as a member of the United States Semiquincentennial Commission. Member of the Senate: The Honorable Lisa Murkowski of Alaska.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

FISA

Mr. VAN HOLLEN. Mr. President, our intelligence community relies on a range of tools to protect Americans from threats originating from abroad. One of them is section 702 of the Foreign Intelligence Surveillance Act—FISA—which is used to gather information related to foreign individuals located outside of the United States and has produced valuable information to help uncover terrorist plots and thwart attacks. I strongly support maintaining that important capability. At the same time, I have long been concerned that, without adequate safeguards, section 702 can be abused in a way that violates Americans' Fourth Amendment rights and unnecessarily intrudes on their privacy, including for ''backdoor'' searches. That is why I have long pushed for guardrails to prevent governmental overreach and abuse.

Despite the fact that surveillance under this section is supposed to be limited to certain foreign nationals abroad, a FISA Court opinion released in July 2023 stated that the FBI conducted approximately 40,000–50,000 warrantless ''backdoor'' search queries of section 702 communications data targeting U.S. persons per quarter in 2022. Moreover, over the course of 2022, government data shows that the FBI's rate of compliance with the FISA Court-approved querying standard has risen to approximately 98 percent, which means the rate of violations is 2 percent. While that may sound like an impressive compliance rate, it still amounts to 4,000 violations each year.

I acknowledge and appreciate that the bill before us includes some reforms to strengthen privacy protections for Americans. It codifies newly implemented internal practices that the FBI has adopted to address many of the abuses that have arisen. However, I believe that those protections can and should be further strengthened. The major issue involves those occasions in which the FBI or other U.S. Government Agencies determine that a foreign target is communicating with an American citizen. The Privacy and Civil Liberties Oversight Board—PCLOB—found that the majority of the FBI's U.S. person queries of section 702 information that are conducted yield little or no results. In 2022, the PCLOB found that the FBI accessed content following U.S. person queries only 1.58 percent of the time. In these few cases, the question arises as to whether and under what circumstances the U.S. Government should be able to review the contents of the communication of an American citizen. Senator DURBIN offered an amendment, which I supported, to require the FBI to obtain a warrant prior to viewing the content of

Americans' communications, subject to very important exceptions when exigent circumstances exist, when the U.S. person consents, and for certain cybersecurity imperatives. I am disappointed that this amendment was not adopted.

Another way to obtain the benefits of section 702 foreign intelligence collection without weakening the Fourth Amendment and privacy protections of Americans is to ensure that those interests are adequately represented and heard before the FISA Court. In 2015, Congress established amici who can advise the court, if requested, on new and significant issues. The involvement of amici has improved the FISA Court process, but their role could be strengthened. That is why I supported the Lee-Welch amendment, which requires amici participation in additional cases that have the potential to create precedent and allows amici to raise novel or significant privacy or civil liberties issue, rather than waiting to be requested by the FISC Court. The failure to adopt this amendment misses an opportunity to strengthen advocacy for privacy and civil liberties in FISA Court proceedings.

I am also deeply concerned by a provision, added at the eleventh hour in the House to greatly expand the type of providers that the U.S. Government could compel to produce information under section 702. I understand that this provision was added after the Foreign Intelligence Surveillance Court—FISC—ruled that the government could not use section 702 to compel a data center's compliance with an order to produce communications. The decision was predicated on whether a data center qualified as an ''electronic communications service provider'' under the law. This new definition, while intended to clarify the term to account for changing technology, broadly includes ''any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic communications.'' While I accept the representations from the Attorney General and others that this language is not intended to open the door to requiring a slew of service providers to comply with government demands to intercept communications, its plain language is very broad. It would, for example, require a company that installs, maintains, or repairs Wi-Fi or other communications systems to provide communications under section 702 to the government, all while being barred from telling anyone about the surveillance they helped conduct. While I appreciate the administration's commitment to apply this new definition exclusively to cover the type of service provider at issue in the litigation before the FISC, I believe there are ways to more narrowly achieve the administration's goal without providing the open-ended authority that is currently included in the bill. That is why I support Senator WYDEN's amendment to remove the new definition to give us time to tailor the language to meet the administration's purposes. I am disappointed that the Wyden amendment did not pass. The Senate should not be stampeded into passing sweeping new authorities with the assurance that it will be ''fixed'' later. We should fix it now.

Another troubling new provision added in the House that should be remedied here in the Senate is the expansion of searches of the section 702 database for individuals traveling to the United States. Under current practice, in addition to standard vetting to determine national security threats, individuals seeking visas to work or travel in the U.S. for the first time can be subject to terrorism-related queries of the database. The House bill allows for searches of a potentially far broader group of travelers—including existing visa holders returning to the U.S. from abroad—and a broader variety of searches. Again, with sufficient time, I believe we could meet the goal of effectively vetting visitors to the United States without authorizing powers that could easily be abused.

Section 702, while critical to our intelligence capabilities, must be reformed to protect constitutional and privacy rights. We have time to resolve these issues. The administration contends that without the immediate reauthorization of section 702 by midnight on April 19, 2024, the authority will lapse. However, we know that the Department of Justice obtained a renewed certification from the FISC, extending the authorization of active section 702 surveillance orders until April 2025. Section 404 of the FISA Amendments Act of 2008 makes clear that such certifications remain valid until their expiration.

While I agree that we need to congressionally reauthorize this authority, I am concerned that we are short-circuiting robust, bipartisan discussions in Congress on needed reforms and to correct problems in the House-passed bill. When dealing with matters of such import, we should not be pressured by an artificial deadline into passing a flawed law. Therefore, while I support the underlying authority in section 702, I voted against this legislation tonight because more must be done to protect Americans from its possible misuse.

FEDERAL AVIATION ADMINISTRATION

Mr. CARDIN. Mr. President, every 5 years, Congress comes together to reauthorize the Federal Aviation Administration—FAA. This reauthorization includes legislative changes related to aviation safety, new technology, support for the aviation industry and its workforce and more.

In July 2023, the House defeated an amendment to the bill proposing the addition of 14 flights to Ronald Reagan Washington National Airport—DCA.

However, the Senate Commerce-approved bill includes an amendment to introduce 10 additional flights to the airport. This proposal to add flights at an already strained DCA would adversely affect service quality, increase delays, and lead to more cancellations for all passengers.

Yesterday, DCA experienced a close call as two planes narrowly avoided a collision. This incident echoes a similar incident in March 2023 where two planes almost collided on DCA's runway. These near-misses underscore the critical need to safeguard the airport from additional flight operations.

DCA was originally designed to accommodate 15 million passengers. The airport is now projected to handle 25 million passengers this year.

In 2022, DCA ranked third in the Nation for its high cancellation rate among the busiest airports. Today, approximately 20–22 percent of flights departing and arriving at the airport are affected, leading to an average delay of 67 minutes.

The DCA slot-perimeter rule serves as a crucial mechanism for managing congestion and restricting nonstop flights at DCA. Its primary objective is to maintain a delicate operational and economic equilibrium among DCA, Dulles International Airport—IAD—and Baltimore/Washington International Thurgood Marshall Airport—BWI.

DCA and Washington Dulles International Airports—IAD—were federally designed and operate as a unified system on behalf of the government. Recognizing the constraints imposed by aircraft noise and community impact at DCA, Congress implemented the slot and perimeter rules. Dulles International was strategically positioned to serve as both the primary airport for regional growth and as an international gateway.

Ensuring operational stability has also facilitated a harmonious relationship with Thurgood Marshall Baltimore Washington International—BWI—ensuring that the broader interests of the region are effectively addressed. Our airports play a pivotal role in granting Maryland, the District of Columbia, and Virginia access to the global economy, thereby generating employment opportunities and fostering regional growth.

The connectivity offered by our regional aviation network has been a driving force behind the relocation of major corporate headquarters such as SAIC, Hilton Hotels, Nestle USA, and Volkswagen of America to the area.

Changes to the slot perimeter rule at DCA will have profound impact on the economies of Maryland and Virginia, negatively impact service, and delays and place a strain on an already overburdened DCA.

The safety of the public should be of the utmost concern in the FAA bill. And increasing slots at this airport undermines that safety.

As passenger volumes recover from the pandemic impacts and return to