

Whereas thalidomide survivors are often unable to maintain full-time employment due to their impairments;

Whereas the experience of thalidomide victims has greatly influenced the passage of modern drug safety laws; and

Whereas thalidomide survivors have not received recognition or support from the Federal Government: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and supports individuals born with congenital disabilities or malformations due to thalidomide exposure; and

(2) urges the recognition of such exposure in United States history and the long-term hardships affecting survivors of thalidomide exposure to this day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2068. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4361, making emergency supplemental appropriations for border security and combatting fentanyl for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table.

SA 2069. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4361, supra; which was ordered to lie on the table.

SA 2070. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2068. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4361, making emergency supplemental appropriations for border security and combatting fentanyl for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, after line 24, add the following:

SEC. 406. EXCLUDING RETURNING H-2B WORKERS FROM ANNUAL CAP.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended to read as follows:

“(A)(i) Except as provided in clause (ii), and subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(B) during 1 of the 3 preceding fiscal years shall not be counted again toward such limitation during the current fiscal year and shall be considered a returning worker.

“(ii) An alien who has already been counted toward the numerical limitation under paragraph (1)(B) shall be counted again toward such limitation if such alien—

“(I) departs the United States for a period longer than 1 year;

“(II) was not counted toward such limitation in any of the 3 most recent fiscal years; or

“(III) violated his or her status during the authorized period of stay.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2024.

SA 2069. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4361, making emergency supplemental appropriations for border security and combatting

fentanyl for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 143, strike line 14 and all that follows through page 145, line 6, and insert the following:

SEC. 202. CLARIFICATION OF ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “or who arrives in the United States (whether or not at a designated port of arrival and including” and inserting “and has arrived in the United States at a port of entry (including”;

(B) in paragraph (2), by amending subparagraph (A) to read as follows:

“(A) SAFE THIRD COUNTRY.—Paragraph (1) shall not apply to an alien if the Attorney General or the Secretary of Homeland Security determines that—

“(i) the alien may be removed to a country (other than the country of the alien’s nationality or, in the case of an alien having no nationality, the country of the alien’s last habitual residence) in which the alien’s life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General or the Secretary, on a case-by-case basis, finds that it is in the public interest for the alien to receive asylum in the United States; or

“(ii) 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.”; and

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting “(in accordance with the rules set forth in this section), and is eligible to apply for asylum under subsection (a)” before the semicolon at the end; and

(B) by amending paragraph (2) 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 such terms 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 cohabiting with, or who has cohabited 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) cohabits or has cohabited 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.—In 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. 203. 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.”.

SA 2070. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4361, making emergency supplemental appropriations for border security and combatting fentanyl for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 145, strike line 21 and all that follows through the undesignated matter following line 5 on page 165, and insert the following:

Subtitle A—Border Emergency Authority

SEC. 1301. BORDER EMERGENCY AUTHORITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 1146(a), is further amended by adding at the end the following:

“SEC. 244B. BORDER EMERGENCY AUTHORITY.

“(a) USE OF AUTHORITY.—

“(1) IN GENERAL.—In order to respond to extraordinary migration circumstances, there shall be available to the Secretary, notwithstanding any other provision of law, a border emergency authority.

“(2) EXCEPTIONS.—The border emergency authority shall not be activated with respect to any of the following:

“(A) A citizen or national of the United States.

“(B) An alien who is lawfully admitted for permanent residence.

“(C) An unaccompanied alien child.

“(D) An alien who an immigration officer determines, with the approval of a supervisory immigration officer, should be excepted from the border emergency authority based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests, or an alien who an immigration officer determines, in consultation with U.S. Immigration and Customs Enforcement, should be excepted from the border emergency authority due to operational considerations.

“(E) An alien who is determined to be a victim of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

“(F) An alien who has a valid visa or other lawful permission to enter the United States, including—

“(i) a member of the Armed Forces of the United States and associated personnel,

United States Government employees or contractors on orders abroad, or United States Government employees or contractors, and an accompanying family member who is on orders or is a member of the alien’s household, subject to required assurances;

“(ii) an alien who holds a valid travel document upon arrival at a port of entry;

“(iii) an alien from a visa waiver program country under section 217 who is not otherwise subject to travel restrictions and who arrives at a port of entry; or

“(iv) an alien who presents at a port of entry pursuant to a process approved by the Secretary to allow for safe and orderly entry into the United States.

“(3) APPLICABILITY.—The border emergency authority shall only be activated as to aliens who are not subject to an exception under paragraph (2), and who are, after the authority is activated, within 100 miles of the United States southwest land border and within the 14-day period after entry.

“(b) BORDER EMERGENCY AUTHORITY DESCRIBED.—

“(1) IN GENERAL.—Whenever the border emergency authority is activated, the Secretary shall have the authority, in the Secretary’s sole and unreviewable discretion, to summarily remove from and prohibit, in whole or in part, entry into the United States of any alien identified in subsection (a)(3) who is subject to such authority in accordance with this subsection.

“(2) TERMS AND CONDITIONS.—

“(A) SUMMARY REMOVAL.—Notwithstanding any other provision of this Act, subject to subparagraph (B), the Secretary shall issue a summary removal order and summarily remove an alien to the country of which the alien is a subject, national, or citizen (or, in the case of an alien having no nationality, the country of the alien’s last habitual residence), or in accordance with the processes established under section 241, unless the summary removal of the alien to such country would be prejudicial to the interests of the United States.

“(B) WITHHOLDING AND CONVENTION AGAINST TORTURE INTERVIEWS.—

“(i) IN GENERAL.—In the case of an alien subject to the border emergency authority who manifests a fear of persecution or torture with respect to a proposed country of summary removal, an asylum officer (as defined in section 235(b)(1)(E)) shall conduct an interview, during which the asylum officer shall determine that, if such alien demonstrates during the interview that the alien has a reasonable possibility of persecution or torture, such alien shall be referred to or placed in proceedings under section 240 or 240D, as appropriate.

“(ii) SOLE MECHANISM TO REQUEST PROTECTION.—An interview under this subparagraph conducted by an asylum officer shall be the sole mechanism by which an alien described in clause (i) may make a claim for protection under—

“(I) section 241(b)(3); and

“(II) the Convention Against Torture.

“(iii) ALIEN REFERRED FOR ADDITIONAL PROCEEDINGS.—In the case of an alien interviewed under clause (i) who demonstrates that the alien is eligible to apply for protection under section 241(b)(3) or the Convention Against Torture, the alien—

“(I) shall not be summarily removed; and

“(II) shall instead be processed under section 240 or 240D, as appropriate.

“(iv) ADDITIONAL REVIEW.—

“(I) OPPORTUNITY FOR SECONDARY REVIEW.—A supervisory asylum officer shall review any case in which the asylum officer who interviewed the alien under the procedures in clause (iii) finds that the alien is not eligible for protection under section 241(b)(3) or the Convention Against Torture.

“(II) VACATUR.—If, in conducting such a secondary review, the supervisory asylum officer determines that the alien demonstrates eligibility for such protection—

“(aa) the supervisory asylum officer shall vacate the previous negative determination; and

“(bb) the alien shall instead be processed under section 240 or 240D.

“(III) SUMMARY REMOVAL.—If an alien does not seek such a secondary review, or if the supervisory asylum officer finds that such alien is not eligible for such protection, the supervisory asylum officer shall order the alien summarily removed without further review.

“(3) ACTIVATIONS OF AUTHORITY.—

“(A) MANDATORY ACTIVATION.—The Secretary shall activate the border emergency authority if there is an average of 1,000 or more aliens encountered per day during a period of 7 consecutive days.

“(B) CALCULATION OF ACTIVATION.—For purposes of subparagraph (A), the average for the applicable 7-day period shall be calculated using—

“(i) the sum of—

“(I) the number of encounters that occur between the southwest land border ports of entry of the United States;

“(II) the number of encounters that occur between the ports of entry along the southern coastal borders; and

“(III) the number of inadmissible aliens encountered at a southwest land border port of entry as described in subsection (a)(2)(F)(iv); divided by

“(ii) 7.

“(4) IMPLEMENTATION.—The Secretary shall implement the border emergency authority not later than 24 hours after it is activated.

“(C) CONTINUED ACCESS TO SOUTHWEST LAND BORDER PORTS OF ENTRY.—

“(1) IN GENERAL.—During any activation of the border emergency authority under subsection (b), the Secretary shall maintain the capacity to process, and continue processing, under section 235 or 235B a minimum of 1,400 inadmissible aliens each calendar day cumulatively across all southwest land border ports of entry in a safe and orderly process developed by the Secretary.

“(2) SPECIAL RULES.—

“(A) UNACCOMPANIED ALIEN CHILDREN EXCEPTION.—For the purpose of calculating the number under paragraph (1), the Secretary shall count all unaccompanied alien children.

“(B) TRANSITION RULES.—The provisions of section 244A(c) shall apply to this section.

“(d) BAR TO ADMISSION.—Any alien who, during a period of 365 days, has 2 or more summary removals pursuant to the border emergency authority, shall be inadmissible for a period of 1 year beginning on the date of the alien’s most recent summary removal.

“(e) SAVINGS PROVISIONS.—

“(1) UNACCOMPANIED ALIEN CHILDREN.—Nothing in this section may be construed to interfere with the processing of unaccompanied alien children and such children are not subject to this section.

“(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed to interfere with any rights or responsibilities established through a settlement agreement in effect before the date of the enactment of this section.

“(3) RULE OF CONSTRUCTION.—For purposes of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the 1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)), the Convention Against Torture, and any other applicable treaty, as applied to this section, the interview under this section shall occur

only in the context of the border emergency authority.

“(f) JUDICIAL REVIEW.—Judicial review of any decision or action applying the border emergency authority shall be governed only by this subsection as follows:

“(1) Notwithstanding any other provision of law, except as provided in paragraph (2), no court or judge shall have jurisdiction to review any cause or claim by an individual alien arising from the decision to enter a summary removal order against such alien under this section, or removing such alien pursuant to such summary removal order.

“(2) The United States District Court for the District of Columbia shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

“(g) EFFECTIVE DATE.—

“(1) IN GENERAL.—This section shall take effect on the day after the date of the enactment of this section.

“(2) 7-DAY PERIOD.—The initial activation of the authority under subparagraph (A) or (B)(i) of subsection (b)(3) shall take into account the average number of encounters during the preceding 7 consecutive calendar days, as described in such subparagraphs, which may include the 6 consecutive calendar days immediately preceding the date of the enactment of this section.

“(h) RULEMAKING.—

“(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

“(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

“(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

“(i) DEFINITIONS.—In this section:

“(1) BORDER EMERGENCY AUTHORITY.—The term ‘border emergency authority’ means all authorities and procedures under this section.

“(2) CONVENTION AGAINST TORTURE.—The term ‘Convention Against Torture’ means the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and includes the regulations implementing any law enacted pursuant to Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(3) ENCOUNTER.—With respect to an alien, the term ‘encounter’ means an alien who—

“(A) is physically apprehended by U.S. Customs and Border Protection personnel—

“(i) within 100 miles of the southwest land border of the United States during the 14-day period immediately after entry between ports of entry; or

“(ii) at the southern coastal borders during the 14-day period immediately after entry between ports of entry; or

“(B) is seeking admission at a southwest land border port of entry and is determined to be inadmissible, including an alien who utilizes a process approved by the Secretary to allow for safe and orderly entry into the United States.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(5) SOUTHERN COASTAL BORDERS.—The term ‘southern coastal borders’ means all maritime borders in California, Texas, Louisiana, Mississippi, Alabama, and Florida.

“(6) UNACCOMPANIED ALIEN CHILD.—The term ‘unaccompanied alien child’ has the meaning given such term in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)).

“(j) SUNSET.—This section—

“(1) shall take effect on the date of the enactment of this section; and

“(2) shall cease to be effective on the day after the first date on which the average daily southwest border encounters has been fewer than 1,000 for 7 consecutive days.”

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 1146(b), is further amended by inserting after the item relating to section 244A the following:

“Sec. 244B Border emergency authority.”

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. 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 FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, May 23, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet in executive session during the session of the Senate on Thursday, May 23, 2024, at 10 a.m.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, May 23, 2024, at 9:30 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. TUBERVILLE. Madam President, I ask unanimous consent that Abigail Clark, Addison Cole, Emma Blackmon, Jack Allison, Jaxon Dyer, John Gaston, Mary Douglass Evans, Owen Beaverstock, Preston McGee, and Virginia Anderson be granted floor privileges until August 2, 2024.

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

DR. EMMANUEL BILIRAKIS AND HONORABLE JENNIFER WEXTON NATIONAL PLAN TO END PARKINSON’S ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 2365 and the 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 (H.R. 2365) to direct the Secretary of Health and Human Services to carry out a national project to prevent, diagnose, treat, and cure Parkinson’s, to be known as the National Parkinson’s Project, and for other purposes.

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.

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

The bill was ordered to a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate on the bill, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2365) was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

Mr. SCHUMER. Madam President, a few moments ago, the Senate unanimously passed the National Plan to End Parkinson’s Act, a bill that for the first time marshals Agencies across the government to tackle this disease—this awful disease—in a comprehensive way.

I thank Senators MURPHY and CAPITO and everyone who championed this bill. Parkinson’s is truly a terrible illness. It has taken an awful toll on my own family. My mom suffers from this disease. It is very hard on us. I know Parkinson’s has affected the families of others in this Chamber as well as over a million Americans in this country.

This bill, for the first time, will unite the government in an effort to find a cure for this disease once and for all by promoting better Parkinson’s research, encourage more effective treatments and other measures. With this bill, we are taking one step closer to bringing this awful disease to an end, and I thank everyone who made it possible.

I also, in particular, wish to thank Representative JENNIFER WEXTON, of Virginia, who spent months championing this bill even after being diagnosed with a particularly rare form of Parkinson’s. She is an inspiration. While many would have been discouraged and lost hope with a disease like this, she has endured. She has used her